

From: [Mary Ann Schwab](#)
To: [Moore-Love, Karla](#)
Cc: [City Auditor, Mary Hull Caballero](#); [Wheeler, Mayor](#); [Commissioner Fritz](#); [Commissioner Hardesty](#); [Commissioner Eudaly](#); [Parker Terry](#); [Bottomly Therese](#); [McDowell Kris](#); [Zuhl Joanne](#); [Norberg Nick](#); [Caluson Allan](#)
Subject: Agenda item 633: Charter Amendment to voters for a new police oversight system
Date: Wednesday, July 29, 2020 7:54:29 AM

Good Morning Mayor and City Commissioners:

Today's The Oregonian front page: **City may let voters decide police oversight**, Everton Baily Jr.

The City will address the latest round of police reforms today, deciding whether to refer a proposal to Voters in November that would add a *new police oversight system into the city charter...*?

Whoops, once again the City is attempting to put the cart before the jackass a.k.a. the Voter. Who really benefits? When voters decide before the City Council processes applications initing citizens at large to spent four months working on the City Charter Advisory Committee as of January, 2021?

I agree with Terry Parker comments:

The City will follow the rules. Any new or revised police oversight system needs to be part of the upcoming Charger Review Process, and **NOT BE SEPARATED** or **BE SENT TO THEVOTERS BEFORE THE ENTIRE CHARTER REVIEW PROCESS IS COMPLETED.**

Respectfully,

Mary Ann Schwab, Community Advocate
Sunnyside Neighborhood Resident since 1971

PS I'm just off the telephone with Terry Parker, Rose City Park. With consent to share his testimony with the League of Women Voters re: 633 Charter Amendment for the new police oversight committee.

The City Council needs to follow the rules. Any new or revised police oversight system needs to be part of the upcoming charter review process, and not be separated or be sent to voters before the entire charter review process is completed.

From: [Pacific Northwest Family Circle](#)
To: [Council Clerk – Testimony](#)
Subject: 7/29/2020 Item 633 Charter Amendment Testimony
Date: Wednesday, July 29, 2020 1:43:00 PM

Hello. My name is Maria Cahill. I testify today on behalf of Pacific Northwest Family Circle, a group of Families whose Loved Ones were killed by police.

We are cautiously enthusiastic about creating a board that is truly independent of the police, with the power to investigate and punish officers for misconduct and murder.

Under the current police oversight system, the independent police review board cannot review deadly force incidents. Officers must investigate other officers who they know personally or who they closely identify with. This is a conflict of interest. Implicit bias is just one of the many factors that ensure that officers will never be found guilty of murder as long as police investigate themselves.

Currently, meetings where these decisions are made are not public. We want a transparent system with meetings open to the public.

Currently, only police can punish police. This would be another conflict of interest – IF they find their fellow officers guilty of misconduct. I offer two examples from the City's own reports from consultants at the OIR Group.

On Feb 9, 2017, officers who'd cornered 17 year-old Quanice Hayes were found to violate PPB policies, which led to his murder. Their supervisor, Officer Andrew Hearst, was acting in the capacity of an unsupervised police officer. This led to four officers yelling conflicting commands at Quanice.

Three months later, almost to the day, Officer Ajir responded to a disturbance at a Trimet MAX station in SE Portland. He ran after 24 year-old Terrell Johnson.

With no way to look through the sight of his gun, Officer Ajir pulled the trigger. The OIR Group found that Officer Ajir violated the PPB foot chase policy.

Officers were never punished for murdering these Loved Ones. And, when the OIR Group published their findings -- two years later – officers weren't punished for violating Police Bureau policy, either. In fact, In ALL of the cases of police murder in Portland, not one officer has been punished or stay punished.

We know that police will continue to kill Loved Ones if there are no serious consequences for them when they do. We demand that this new police oversight system be created with the lived experience and expertise of Family Members in Pacific Northwest Family Circle and others most impacted by the current policing system.

This email address is shared by:

Irene Kalonji & Shiloh Wilson-Phelps & Maria Cahill
Co-Founder Co-Founder Volunteer Organizer
Pacific Northwest Family Circle

[facebook group](#)

Twitter: [@PNWFamilyCircle](#)

www.pnwfamilycircle.org

From: [Carole Most](#)
To: [Council Clerk – Testimony](#)
Subject: City Council consideration of oversight Charter change - 7/29
Date: Sunday, July 26, 2020 8:15:59 AM

I fully support City Council passing a resolution to put a strong civilian oversight system on the ballot in November. We, the people, need strong police accountability and reform.

Carole Most
SE Portland

From: Myersmail76
To: [Council Clerk – Testimony](#)
Cc: [Wheeler, Mayor](#); [Commissioner Hardesty](#); [Commissioner Eudaly](#); [Commissioner Fritz](#); [Mingus For Portland](#); info@danryanforportland.com; info@votelorettsmith.com; [City Auditor, Mary Hull Caballero](#)
Subject: Testimony for Resolution 633
Date: Sunday, July 26, 2020 12:58:15 PM

Name: Jeff Myers
Email: myersmail76
Zipcode: 97209
Regarding: Resolution 633: Charter Amendment to Voters to Authorize a New Police Oversight System

I am a health care provider and unable to attend the meeting in person, but wish to submit the below testimony.
Thank you.

Dear Portland Commissioners and City Leaders,

I am writing to voice that I believe there needs to be systemic reform in Portland to address racism and bias, and this should include reform in the oversight of the Portland Police Bureau. However, I am NOT in support of Commissioner Hardesty's Resolution 633 for a ballot measure to implement her vision of oversight at this time.

The current oversight system we have is not working for the community—both at large and for communities of color—and it is also not working for the Portland Police Bureau. There does need to be a system of greater accountability, transparency, and independence. The community needs to be able to trust the police, and the police need a system that doesn't put them in the middle of a failed structure of laws and prosecution that doesn't represent what the community needs, and that treats police and community both with respect.

Unfortunately, Resolution 633 as written does not provide the right balance, nor does it seem to be based on evidence and facts. In the early 2000s, the City of Portland embarked on a similar journey to provide a response to the use of force, officer-involved shootings, internal investigations, and a number of oversight needs. The Police Assessment Resource Center, a non-profit for providing evidence-based solutions to reform policing supported this effort and over years of reforms results did evolve, despite the narrative, some city leaders and the public try and write: 88% decrease in officer-involved shootings and 51% decrease in community complaints (1). This is evidence that reform based on data, planning, and structure can and does provide results.

Resolution 633 fails to address the evidence and support of different types of policing oversight: review and appellate models; investigative and quality assurance models; and evaluative and performance-based models (2). While no one model is perfect, it is clear from other police oversight groups and practices around the country that a completely independent model as proposed by Commissioner Hardesty has clear flaws:

- <!--[if !supportLists]-->• <!--[endif]-->Focus on individual investigations yields far less in making systemic changes than having oversight with evaluative and performance-based models that utilize auditors and independent monitors embedded within the bureau who, with unrestricted access to data, records and full cooperation with police can identify system changes versus individual ones
- <!--[if !supportLists]-->• <!--[endif]-->Oversight groups with access to experts in the field can help work with community members to identify real-world solutions and clarification to policing actions, training, and Portland-specific situations
- <!--[if !supportLists]-->• <!--[endif]-->Leadership within the bureau, if involved creates both buy-in and accountability which has shown to create greater systemic change in the culture of policing
- <!--[if !supportLists]-->• <!--[endif]-->Because a monitor(s) and auditor model alone cannot bring broad community input, members of the community that represent the make-up of the areas being policed need to be part of a transparent process, and not just as an afterthought or after-action committee
- <!--[if !supportLists]-->• <!--[endif]-->Police need to not be made to be guilty until proven innocent. Their needs to be a fair and expedited process which also protects their rights while ensuring that they are cooperating fully in investigations that are timely, fair, balanced, and driven on facts.
- <!--[if !supportLists]-->• <!--[endif]-->Oversight requires adequate long-term funding and staffing and hands-on data management to address real numbers and not "assumptions"

The NAACP's "Pathway to Policing Reform Community Mobilization Toolkit" highlights a number of priorities for oversight and reform (4). Many of these are already in place here in Portland, but City leaders seem to be unaware and the community seems to have little knowledge of these. For instance, The PPB and Union support officer body cams—officers actually welcome this! Unfortunately, the City has failed to fund this, determine how to carry out without violating the public's own civil rights, and implement this. The City has cut a number of programs and reducing funding and policing so much that programs such as the very successful community foot patrol program (recognized as a nationally leading program) were cut despite strong support from the residents, homeless advocates, and business leaders. Portland has had social workers paired with officers to provide more appropriate responses to community needs for years, but the City fails to acknowledge the successes and funding needs of this program and therefore they have not been able to grow. Portland officers already receive over 18 months of training before exiting their probation period as an officer and have annual training in community policing, social justice, bias training taught by community leaders and advocates (social work, mental health, and medical practitioners).

More needs to be done to analyze what we are doing and what more we need to do to match Portland's needs. Portland is not Minneapolis. Portland is not New York. Portland is not Louisville. Portland is so much more progressive than other parts of this county and it's educated officers, who at times in recent weeks have demonstrated more diversity than the white crowds that protest them. It is a misrepresentation for city and state leaders to "ban" chokeholds when the Portland Police removed them from use and any training back in the 1980s. Commissioner Hardesty and others need to lead with facts and evidence, not emotion. Auditor City Auditor Mary Hall Caballero has appropriately pointed out that without state reform, many actions Resolution 633 proposes would be impossible in terms of access to timely data, interviews, subpoena power, etc. Even 30+ years of advocacy for policy reform is no substitute for facts, relevant Portland information, and honest dialogue that does attempt reform on false accusations and emotional responses. Unfortunately, I feel the push for the Resolution is more political than substantive.

Therefore, while I support further police reform, I do not support Resolution 633. The Council should not make further cuts to policing. Actually the opposite. Many of the successful programs have been eliminated due to the City's shortsightedness and lack of understanding of what is actually going on in the Bureau. One might argue that lack of leadership on the City's part has led to the current situation we are in. How many commissioners have gone more than one ride-along with a regular patrol officer? How many have never? Besides gathering what doesn't work, have you gathered the information on what does here in Portland? Let us not continue to react to a nationwide injustice by reforming our community with nationwide solutions. We need Portland solutions and in order to do that, we need a better understanding of actually what is going on in Portland which I fear neither the City Council nor some in the public what to pursue.

Thank you for your time and consideration.

Respectfully,
Jeff Myers
Portland Resident 97209

References:

1. <http://www.parc.info/portland>
2. <https://www.prearesourcecenter.org/sites/default/files/library/internalandexternalpoliceoversightintheunitedstates.pdf>
3. <https://www.naacp.org/wp-content/uploads/2018/07/Toolkit.pdf>

From: [Nicki Dardinger](#)
To: [Council Clerk – Testimony](#)
Cc: [Wheeler, Mayor](#); [Commissioner Fritz](#); [Commissioner Eudaly](#); [Commissioner Hardesty](#); [Nicki Dardinger](#)
Subject: Police Oversight Ballot Measure - Testimony: Agenda Item 633 - 7/29/2020
Date: Sunday, July 26, 2020 2:22:17 PM

Dear Mayor Wheeler, Commissioner Hardesty, Commissioner Fritz, and Commissioner Eudaly,

My name is Nicki Dardinger, and I use she/her pronouns. I live in the Concordia Neighborhood, and I work at a health and social service nonprofit in downtown Portland that centers our work on our houseless community, those who use drugs, the LGBTQIA+ community, and those living in poverty.

I am writing in support of Commissioner Hardesty's request to refer a ballot measure to voters for the November 2020 election that would create an independent and empowered civilian police oversight board with the power to review police misconduct complaints, compel evidence and witness testimony, discipline officers, and impact bureau directives and policies.

We as a city can do better when it comes to policing. It is clear that our current system of policing isn't working. We need to re-imagine what policing looks like and be clear about what the role of police officers is - and also what it is not. Small reforms are not enough. We need systemic changes - new policies, new procedures, new models - and an entire reallocation of funding that shifts funding from policing to the supportive systems that are critically needed.

And I believe that as a community, we should have a say in this systemic change, including how our police force should be operating and what their core mission should be.

I care deeply for my city and the people who live here, and it is time for us to learn from the past, make changes, and grow into a community that is for ALL people. Because Black lives matter. Drug users' lives matter. LGBTQIA+ lives matter. Poor people's lives matter

The people of Portland deserve to have the opportunity to vote on this ballot measure and to create a police oversight board that will hold our police force - and each individual officer - accountable to serving our community in a way that is equitable and just and centered on caring for those who are often the most marginalized.

Thank you,
Nicki Dardinger
607.342.3640

Portland Police Association



Officer Daryl Turner, PRESIDENT
Sergeant Tom Perkins, SECRETARY TREASURER

VIA EMAIL

July 27, 2020

Mayor Ted Wheeler
Auditor Mary Hull Caballero
Commissioner Chloe Eudaly
Commissioner Amanda Fritz
Commissioner Jo Ann Hardesty
Portland City Hall
1221 SW 4th Ave.
Portland, OR 97204

RE: Council Agenda Item 633

Council Members and Madam Auditor:

I write on behalf of the Portland Police Association (PPA) regarding Agenda Item 633 which, if passed by Council, would refer a Charter Amendment to voters at the November 3, 2020 General Election to authorize a new police oversight system. In summary, the proposed ballot measure:

- (1) Would violate the law in at least four separate ways;
- (2) Would establish an "Oversight Board" that would exist outside of the budgetary rules and other supervision of the City Council, the Auditor, or any of the City's Bureaus;
- (3) Is a carelessly-drafted proposal that raises many more questions than it answers; and
- (4) Was hastily crafted without the input of any of the meaningful stakeholders concerned about police oversight.

The proposed resolution is neither good public policy nor in the best interests of the citizens of Portland.

(1) THE PROPOSED CHARTER AMENDMENT VIOLATES THE LAW

The proposed charter amendment, if enacted, would violate the law in at least four separate ways. First, the proposed charter amendment would result in the dissolution of the Office of Independent Police Review (IPR). The Settlement Agreement in *United States of America v. City of Portland* requires the City to "retain and enhance" IPR, not dissolve it:

MAINTAINING THE VIGIL SINCE 1942

1868 N Lombard, Portland, OR 97217
503.225.9760 phone • 503.225.1158 fax
On the web at www.ppavigil.org

“PPB and the City shall ensure that all complaints regarding officer conduct are fairly addressed; that all investigative findings are supported by a preponderance of the evidence and documented in writing; that officers and complainants receive a fair and expeditious resolution of complaints; and that all officers who commit misconduct are held accountable pursuant to a disciplinary system that is fair and consistent. The City and PPB seek to retain and strengthen the citizen and civilian employee input mechanisms that already exist in the PPB’s misconduct investigations by retaining and enhancing IPR and CRC as provided in this Agreement.” Settlement Agreement, at 43.

Second, on many occasions, several of which have involved the City, the Employment Relations Board has ruled that disciplinary procedures and standards are mandatory subjects for bargaining. As set forth in the attached correspondence from the PPA’s legal counsel to the City Attorney’s Office, State collective bargaining law and the PPA’s collective bargaining agreement require the City to first negotiate with the PPA before presenting to voters any change to the Police Bureau’s disciplinary procedures and standards. Put simply, the law is that City Charter changes cannot overrule the City’s bargaining obligations with any of its labor organizations, including the PPA.

Third, individual provisions in the proposed charter amendment would run afoul of the law in various ways. For example, Sections 2-1002 and 2-1003 would cause the City to violate the Fourteenth Amendment’s requirements of equal protection of the laws. The complete absence of due process requirements in the way the Oversight Board handles disciplinary investigations would violate the due process requirements of the Fourteenth Amendment. The ballot measure contains no provisions requiring the confidential treatment of medical information and material in personnel files that is exempt from disclosure, leading the City to violate laws as varied as the Americans With Disabilities Act and Oregon’s Public Records Act. Section 2-1008’s grant to the Oversight Board of the authority to conduct criminal investigations would run afoul of various provisions in Oregon’s criminal statutes.

Fourth, Section 2-1004 of the charter amendment calls for the administrative decision to fund the Board in an amount equal to no less than 5% of PPB’s annual operational budget. Article IV, Section 1(5) of the Oregon Constitution allows voters to make “legislative decisions” about laws of general applicability that are permanent nature. But voters cannot make “administrative decisions” involving the details of implementing established policy, such as the amount of Board funding.

(2) THE DANGEROUS STRUCTURE OF THE PROPOSED CHARTER AMENDMENT

The proposed charter amendment simply does not fit with a whole host of provisions in Portland’s City Charter, setting up conflicts that would have to be resolved through a series of subsequent charter amendments. For example, the proposed charter amendment would set up the Oversight Board as a kind of “super bureau” of the City. The Oversight Board would not be

subject to the budgeting process, would not be subject to the rules of the Bureau of Human Resources, would do its own hiring and firing without regard to the City's merit system, and would not be subject to scrutiny by the Auditor.

Under Section 2-1002 of the proposed charter amendment, the grant of authority to the Oversight Board is truly breathtaking: "The Mayor, City Council, Auditor, and City departments, bureaus and other administrative agencies shall not interfere in the exercise of the Board's independent judgment." In sum, the proposed charter amendment would set up the Oversight Board as its own fiefdom within City government, subject to no authority other than its own judgment. It is hard to imagine worse public policy.

(3) THE PROPOSED CHARTER AMENDMENT IS IRREDEEMABLY VAGUE

The obvious haste with which the proposed charter amendment was written is apparent by the number of questions the text immediately raises. Apparently, the charter amendment is proposed on a "we'll fill in the blanks later" basis, with a promise that once it is adopted, the Oversight Board will answer all the questions the charter amendment raises. Once again, this is not good governance. In addition, if voters are to weigh in on a topic as important as police oversight, they should be provided with a complete document, one that spells out all of the particulars of how the police oversight system will operate.

What follows are only examples of the questions the proposed charter amendment raises. The PPA is confident that even a casual reader of the text will come up with additional questions about how the proposed civilian oversight system will operate.

- Section 2-1002, which concerns the makeup of the Board, leaves far too many unanswered questions. How many members will be on the Board? Who nominates them? What are their terms? Will their terms stagger? If a Board member acts inappropriately, who has the authority to remove them? What would be "cause" for removal? If the Council has the initial right to appoint Board members, how can the "Board make provisions" for what its membership looks like? How will the City defend itself from a race discrimination lawsuit if the Board must be comprised of "those who have experienced systemic racism and historic disproportionate policing"?
- Section 2-1003, which bans anyone with a law enforcement background from serving on the Board, raises questions about exactly who serves on the Board. What are the qualifications for Board members? Are convicted felons or those under indictment allowed to serve? Is an individual who is suing the City over a police matter disqualified as a Board member? Must a Board member be a resident of the City of Portland or, for that matter, the State of Oregon? Are minors eligible to serve?
- Section 2-1004 calls for Board funding equal to no less than 5% of PPB's annual operational budget. Where does 5% come from? What percentage of the Police Bureau's budget is currently spent on internal investigations? What percentage of the Auditor's budget is currently spent on independent investigations? Why does it make sense to tie

the Board's budget to the operational costs of the Police Bureau? Who supervises how the Board spends its 5% automatic allotment?

- Section 2-1005 calls for professional staff to serve the Board, but completely cuts the City's Bureau of Human Resources out of the hiring process and from setting salaries and benefits for such staff. Further, the provision leaves unanswered whether the Board will have its own lawyers, risk management staff, auditing staff, and the like. Nor does this provision account for the City's merit and classified service system. Shockingly, the Board would have its own Bureau Director who would not be responsible to elected officials or any other City Bureau, effectively establishing a super-governmental agency that is accountable to no one but itself.
- Section 2-1007, which further defines the Board's powers, grants sweeping authority to the Board to discipline public employees without due process, in violation of decades of Supreme Court precedent. This provision would further neuter the Police Bureau's ability to set standards and policies for its employees after public input, in violation of the USD0J Settlement Agreement.
- Section 2-1008, which defines the duties of the Board, appears to empower the Board to conduct criminal investigations, although it has no such authority under State law. The Board would also have unfettered authority to investigate what it wants, when it wants, and how it wants without any accountability to the public.

(4) THE TROUBLED DEVELOPMENT AND TIMING OF THE PROPOSED CHARTER AMENDMENT

There is a Portland way to develop public policy. We are thoughtful, we look for input from all stakeholders, and we make policy decisions only after careful deliberations. The proposed charter amendment abandons all those principles.

The proposed charter amendment was apparently developed by Commissioner Hardesty behind closed doors without any meaningful input from the public, IPR, the City Auditor, the Portland Police Bureau, its Chief of Police, or the labor organizations that would be impacted by it. No stakeholder group has met. There has been no debate about alternative approaches. There has been no examination of whether police oversight boards along the lines of that proposed by Commissioner Hardesty actually work in other cities. And no formalized public input has been sought. This lack of transparency is striking, made even more so by the "we'll fill in the blanks later" character of the proposed charter amendment.

The timing of the proposed charter amendment is also troubling. Something as serious as a proposed charter amendment that makes radical changes in Portland's system of government should not be advanced with such haste, particularly when the more obvious approach would be to begin due diligence on the issue and leave to the next Council the ultimate decision of shaping any charter amendment.

July 27, 2020

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We find ourselves at a crossroads where the public demands thoughtful public policy that will improve policing practices, accountability, and public safety. The proposed charter amendment does none of these things. We urge you to reject it and to begin cooperative, not unilateral, discussions with all stakeholders on the important issue of public safety and accountability.

Sincerely,

A handwritten signature in blue ink, appearing to read "Daryl Turner", with a stylized flourish extending to the right.

Daryl Turner
President

Encl.

Copy: Council Clerk Karla Moore-Love
Chief Chuck Lovell
IPR Director Ross Caldwell
Portland City Attorney's Office

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VIA EMAIL

July 2, 2020

Heidi Brown
Portland City Attorney's Office
1221 SW 4th Ave., Ste 430
Portland, OR 97204
heidi.brown@portlandoregon.gov

RE: Bargaining Obligations Surrounding Civilian Oversight Ballot Measure

Dear Heidi:

I am writing on behalf of the Portland Police Association to remind the City that evading its collective bargaining obligations through a voter-enacted City Charter change violates the PPA collective bargaining agreement and the Public Employee Collective Bargaining Act.

The impetus for this letter is OPB's June 30, 2020 article, *Portland City Leader, Activists Pushing New Police Oversight Board For November Ballot* (available at: <https://www.opb.org/news/article/new-police-oversight-board-november-ballot-portland-oregon/>). As I understand it, the City is considering a ballot measure that would amend the City Charter to allow for a new civilian police oversight system that would ostensibly replace our current civilian oversight bodies—Independent Police Review and the Citizen Review Committee. According to the news article, the newly formed civilian oversight system would, among other things, have the ability to subpoena PPA members and evidence, have final say on disciplinary actions against PPA members through changed disciplinary procedures, and have the ability to change disciplinary standards through revised police directives and policies.

As you know, disciplinary standards and procedures are mandatory for bargaining under the PECBA. *Portland Fire Fighters Ass'n, Local 43, IAFF v. City of Portland*, 16 PECBR 245, 251-52 (1995). Further, the City cannot escape its bargaining obligations by sending mandatorily negotiable subjects, such as a new disciplinary system for PPA members, to voters for a Charter change without first reaching agreement with the PPA over those changes.

This should not be news to the City. While the Employment Relations Board and numerous arbitrators have repeated that admonishment to the City over the years, two cases involving the PPA bear repeating.

In 2010, the ERB rejected the City's attempt to evade its bargaining obligations by sending mandatorily negotiable collective bargaining matters to

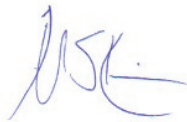
voters. *PPA v. City of Portland*, ERB Case No. UP-05-08, 23 PECBR 856, 870 n9 (2010). The analogy used by the ERB in that case related to pension benefits applies with equal force in this case related to discipline: Could the City send to the voters a City Charter amendment that established a new disciplinary body and system for PPA members, and thereby eliminate the City's obligation to negotiate over discipline standards and procedures with the PPA? "The concept is so antithetical to long-standing law under the PECBA as to border on the absurd; yet, the City's argument in this case is precisely to this effect." The City cannot avoid its PECBA responsibilities by vesting voters with decision-making over mandatory bargaining subjects. *Id.*

Again in 2016, the City needed reminding of that basic labor law principle. A labor arbitrator that was mutually selected by the City and the PPA overturned a voter-enacted Charter change to the City's pension system. In that case, the arbitrator (herself a former elected official) ruled that the City violated the PPA collective bargaining agreement by sending a Charter change to the voters related to mandatorily negotiable subjects without first reaching agreement with the PPA. The arbitrator wrote, "To put an issue as important as pension benefits before the voters without a full and honest explanation of the effect of the change is unconscionable. And to put an issue that is a mandatory subject of bargaining before the voters without first reaching agreement with the unions constitutes bad faith." *PPA and City of Portland (27th Pay Period Grievance)* at 17-18 (Skratek 2016). That sentiment rings equally true with Commissioner Hardesty's secretive drafting of a comprehensive change to the Police Bureau's disciplinary system, which must first be bargained to agreement with the PPA before being sent to voters for approval.

For a period of time, the City appeared to take those repeated admonishments to heart. For instance, City Council has approved numerous City Code changes to the Police Bureau's disciplinary system through changes to IPR, CRC, and PRB, but only after the City first negotiated those changes to agreement with the PPA.

The City should not return to its prior bad habit of violating collective bargaining agreements and the PECBA. The City should heed the unwavering and repeated instructions from the ERB and labor arbitrators. Article 3 of the PPA collective bargaining agreement and the PECBA require the City to first negotiate to agreement with the PPA before presenting to voters any change to the Police Bureau's disciplinary procedures and standards.

Sincerely,



Anil S. Karia

Copy: Client

From: [Anil Karia](#)
To: [Wheeler, Ted](#); [City Auditor, Mary Hull Caballero](#); [Commissioner Eudaly](#); [Commissioner Fritz](#); [Commissioner Hardesty](#)
Cc: [Moore-Love, Karla](#); [Lovell, Charles](#); [Caldwell, Ross](#); [Reeve, Tracy](#); [Brown, Heidi](#); [Council Clerk – Testimony](#); [Daryl Turner](#)
Subject: PPA Letter RE Council Agenda Item 633 (police oversight system charter amendment)
Date: Monday, July 27, 2020 8:02:06 AM
Attachments: [13 PPA Letter to Council Item 633 7.27.20.pdf](#)

Please see the attached letter from PPA President Daryl Turner.

President Turner further submits the attached letter as his written testimony for Agenda Item 633 (police oversight system charter amendment).

Regards,

Anil S. Karia
Public Safety Labor Group
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Portland, OR 97232
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F: 866.401.2201
anil@pslglawyers.com
www.pslglawyers.com

From: [City Auditor, Mary Hull Caballero](#)
To: [Council Clerk – Testimony](#)
Subject: FW: I support you
Date: Monday, July 27, 2020 9:43:55 AM

FYI

From: Marcus <marcusbraun@gmail.com>
Sent: Saturday, July 25, 2020 10:02 AM
To: City Auditor, Mary Hull Caballero <AuditorHullCaballero@portlandoregon.gov>
Subject: I support you

Dear Auditor Hull Caballero, I support your recommendation that the proposed police oversight system not be put on the November ballot.

I am in favor of improving police oversight but the current proposal is not ready. There has been insufficient input from all parties involved and the current political environment is too inflamed with rhetoric to arrive at a good long term solution.

Please take the time to do this right. Our city deserves a good plan.

Thank you,

Marcus Braun MD

Dear Commissioners and Mayor:

My name is Mark Chasse. I am here today to speak in support of this resolution, with a couple items that I think might be considered to improve and/or strengthen it.

Let me start with a little background on why I feel passionately about this resolution. On September 17, 2006, my brother, James Chasse, Jr. was walking a few blocks from his apartment. Three Portland-affiliated police officers decided to follow him—as one put it-- because he looked “strange” for the Pearl District. One of the officers would later claim that Jim was urinating, despite the fact no one else remembered seeing or hearing that and that the officers literally never even discussed charging him with that. That same officer also picked up a sandwich bag containing breadcrumbs on the scene and announced for the many civilian witnesses to hear that he’d found crack cocaine. Tellingly, that sandwich bag was not to be found at the Portland Police’s evidence locker. Another officer who later appeared on scene told civilian witnesses that my brother had 14 crack cocaine convictions. Jim had a clean record. The entire scene was a spontaneous theater of lies intended to distract from police misconduct and corrupt the civilian witnesses.

Within minutes, the 800 lbs of officers had beaten my 140 lb. brother so severely that the State Medical Examiner would compare his injuries to those of someone who’d fallen off a skyscraper directly onto their chest. They’d also tased him numerous times, including in stun-drive mode, with the implicit goal they had to make sure he could no longer move or scream in his effort to breathe. Total submission was clearly their goal. Still, when medical assistance showed up, the officers “forgot” to mention anything about the severe beating or the several uses of the taser. Instead, the officers said he’d had an illegal drug reaction and they needed to take him to the station for serious charges. The officers were also later caught on tape bragging about tackling him, which they later lied about to your investigators (and likely, to the grand jury). They had a hard time figuring out what they would charge him with when they finally discussed it.

Soon after my brother died, near NE 33rd and Clackamas, 50 members of local law enforcement appeared at the scene. The next morning, 15 members of local law enforcement showed up to Jim’s autopsy. No one even bothered to tell us they’d killed him for several hours after the autopsy. If anyone ever wondered what the priorities of the Portland Police have been, refer to this. This is your police oversight system at work.

What should frighten all of us from my brother’s death is our police’s serial and spontaneous theatre of lies and misdirections intended to corrupt witnesses and distract from misconduct, the self-serving staffing choices to frame the investigation, and the leading-question civilian witness interviews that would soon follow demonstrate an ingrained culture of corruption and self-protection. Think about how thoroughly corrupt the police oversight system is that, without any pre-planning, so many are able to quickly assume roles to cover-up and misdirect witnesses.

Despite the fact that the officers’ cover-up story to the paramedics should have been treated as a homicide investigation, that wasn’t addressed at all by the District Attorney (they only investigated the “reasonableness” of the use of force). The internal oversight system—the one that still exists—took nearly four years to determine that the most severe discipline was for not “disclosing” to medical personnel that Jim had gone unconscious and they had beaten and tased him. This was not addressed as the obvious self-serving lie it was, nor that it was an obvious cover-up of their own actions. It was just a

simple procedural error, as it was processed by the police's disciplinary review. And, for that oh-so-technical-sounding oversight, my brother died.

Even at this, the arbitrator overturned this pathetically insufficient discipline. The problem, however, did not start with the arbitrator. It started with a system where the police alone investigate themselves, in secrecy, and determine themselves which violations to pursue and even how to phrase them. As former Mayor Sam Adams recently said about Portland's Police oversight system, "the civilians who run the city of Portland do not have control over their Police Bureau."

I know that many of you would agree that nothing has changed since my brother was killed. This is exactly why something that happened many years ago still matters so much. It's not that what happened to my brother is dated and irrelevant. It's more relevant now than ever. Because you still haven't fixed it.

There are provisions in this proposal I didn't expect I would ever see. This proposal, along with the possibility of the state taking over police-related death investigations, is amazing. You need to seize this moment. That said, I did have a couple of recommended changes or items to look at further. I want to make sure this will remain valid and be about as good of an effort as people can put into it at this historic moment. We may not ever get another chance.

- 1) The preamble section (where there is a list of clauses beginning with "Whereas"), another clause should be added to make clear, for example, that there is an historic lack of independent police oversight in Portland, that has failed to protect the citizens, a lack of police accountability, and a resulting lack of trust between the community and its police. The fact remains that, the police are supposed to work for the citizens and it is not just the citizens' right, but their responsibility, to make sure that people we've entrusted with deadly force are representing us in the way we wish. I know that, at least as of a few years ago, Portland Police literally didn't even have regular employment reviews. How is this complete lack of oversight possible? I feel this measure needs to state clearly that the citizens demand stronger, direct oversight of their police. It seems to me the only reference to in the proposal is stating the solution, rather than the cause.
- 2) A couple parts of the resolution refer to historically underrepresented groups. For example, Section 2-1002 states that, "The Board shall make provisions to ensure its membership includes representation from diverse communities including those who have experienced systemic racism and historic disproportionate policing." I'm not sure if that provision covers citizens who have a mental illness, but it most definitely should. Not only are members of this community disproportionately affected by police activity, but there is a federal settlement regarding Portland's police that agrees.
- 3) I was concerned with Section 2-1009. First, this could be read as allowing the law to be saved only if it is found unenforceable because of a constitutional violation. There would seem to be other reasons why something might not be enforceable in this proposal—e.g., a violation of a contract, a conflict with another law on the books, etc. Perhaps "enforceability" or another term might better encompass this than "constitutionality?" Also, I'd think there is a narrower way to cut out whatever is unenforceable than requiring "sections, subsections and subdivisions" to be severed. For example, I'd think a phrase, a term, or similar is the more narrowly tailored to remove the offensive provision. I just wonder whether it might be necessary to strike a whole

paragraph, as it is drafted, when just a word is not enforceable? There might be a way this section is written the way it is, but I'm not familiar with that.

- 4) What happens to the CRC and IPR? Does that need to be addressed?
- 5) I am concerned how much has been done to ensure that this will remain truly independent of the police. I think the proposal's limitations on having law enforcement on the Board point to this, but the police's influence on current and past "citizen" oversight structures in Portland would indicate that the efforts won't stop there. Past experience shows that the efforts to influence these organizations goes far beyond the obvious. They will seek (and have sought) to "train" citizens. They will propose and have proposed their own candidates. In my case, someone referred me to serve on one of the many police-related boards. It felt as though, through delays and arguments about succession of members, they were hoping my application would go away. When they finally got around to talking to me, off the record, they tried to get me to establish that I wouldn't be too "anti-police" for them. I withdrew my name from consideration. This pro-police "vetting" is the kind of thing citizens who wish to participate in Portland's many police "oversight" and advisory boards have experienced, and one of the many other ways the police will try to take away the true independence of the board. Your proposal intends to create a citizens' independent police review board. You can be assured that there are some who are already planning for ways to undermine this. How will you prevent it? You will not always be on City Council to pick and vote on members. One idea I have not seen is having the Board positions as elected positions. The Board would clearly be more directly representative of citizens (which would seem important) and it would seem to be extremely hard for the police to overtake the Board. Has this been considered?

I strongly support this measure, and now is an historic opportunity to repair Portland's police oversight system. I would just like to see a couple of changes considered to ensure that we may have a real and independent citizens' oversight board that will survive for years to come.

Thank you.

From: [Mark Chasse](#)
To: [Council Clerk – Testimony](#)
Subject: Written testimony for Item 633 July 29
Date: Monday, July 27, 2020 11:57:46 AM
Attachments: [city of portland testimony.pdf](#)

Hello

I am submitting herewith a pdf of written testimony for Item 633 scheduled for the afternoon session on July 29.

Thank you,
Mark Chasse



The League of Women Voters of Portland

618 NW Glisan Street, Suite 303, Portland, OR 97209

503-228-1675 • info@lwvpdx.org • www.lwvpdx.org

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To: Mayor Ted Wheeler
Commissioners Chloe Eudaly, Amanda Fritz, and
Jo Ann Hardesty

From: League of Women Voters of Portland
Debbie Kaye, president
Debbie Aiona, Action Committee chair

Re: Proposed Charter Amendment: Police Accountability System

Mayor Wheeler and members of the Council:

The League of Women Voters of Portland has been involved in police oversight since the early 1980s when one of our past presidents served on the commission that proposed the city's first oversight system. To this day, League members regularly attend Citizen Review Committee (CRC) meetings and monitor the Independent Police Review (IPR).

The League supports the basic elements of a redesigned oversight system outlined in Commissioner Hardesty's proposed charter amendment. Although we recognize that it will take more than a charter change, this proposal has the potential to bring us much closer to the type of system envisioned by the majority of Mayor Katz's workgroup in 2000. That workgroup called for an independent civilian agency guided by a community board with the power to investigate complaints of police misconduct, compel officer testimony, and make policy recommendations to the police bureau and city council.

As long time observers of the CRC, a volunteer committee appointed by city council, we want to retain the strongest elements of our existing system. For example, the CRC hears appeals from civilians and police officers who disagree with command staff findings in misconduct cases. These hearings are open to the public and accept public comment before the CRC votes. We have observed that even when the CRC does not decide in the appellant's favor, appellants often express their appreciation for the opportunity to have their fellow community members consider their case. Furthermore, these hearings give the public a window into the inner workings of the police bureau and the city's accountability system.

To promote political responsibility through informed and active participation in government.

If voters adopt this amendment, the League strongly recommends that the commission responsible for working out the details be encouraged to incorporate and build upon the positive aspects of our current system. IPR's effectiveness has been hamstrung by limitations built into city code, the union contract, and state law. In spite of those limitations it carries out independent investigations in certain misconduct cases, recommends findings, and engages in policy reviews.

The commission also should be asked to consider whether the transition to our next oversight system would be smoother if current staff and the CRC volunteers were able to transition into the new system. The city of Oakland adopted an entirely new oversight system that has been plagued by the growing pains sometimes associated with a new way of doing things. (www.oaklandauditor.com/wp-content/uploads/2020/06/20200601_Performance-Audit_Police-Commission-CPRA_FINAL-REPORT.pdf) Portland may be able to avoid some of those pitfalls by tapping into the successful elements of our current system, moving us closer to the empowered and independent system the community has been seeking for years. Finally, we encourage city council and the commission to engage the community in designing the implementation plan as there are many important specifics not explicitly addressed in the charter language that will be crucial to the success of the proposed oversight board.

The League thanks Commissioner Hardesty for her leadership and urges city council to support the proposal.

From: [Debbie Aiona](#)
To: [Wheeler, Mayor](#); [Commissioner Eudaly](#); [Commissioner Fritz](#); [Commissioner Hardesty](#)
Cc: [Hull Caballero, Mary](#); [Council Clerk – Testimony](#); [Debbie Kaye](#); [Bradley, Derek](#); [McNally, Matt](#)
Subject: LWV comments on police oversight charter amendment
Date: Monday, July 27, 2020 9:55:32 PM
Attachments: [LWV police oversight charter amendment 7-20.pdf](#)
[ATT00001.txt](#)

Dear Mayor Wheeler and Commissioners,

Please find attached the League of Women Voters' letter on the police oversight charter amendment. Thank you for your consideration of our views.

Sincerely,

Debbie Aiona
LWV Portland Action Committee chair

From: [Tom Mattox](#)
To: [Council Clerk – Testimony](#)
Subject: Agenda 633 on 7/29/20
Date: Tuesday, July 28, 2020 10:28:17 AM

I strongly support Commissioner Hardesty's ballot referral on police oversight. It's time for Portland to have a truly independent and meaningful oversight group. Please allow us, the voters, the chance to decide this. Thank you!

Tom Mattox
Portland
503-975-3252

From: [Dave Johnson](#)
To: [Council Clerk – Testimony](#)
Subject: Community Police Oversight Board
Date: Tuesday, July 28, 2020 10:43:01 AM

I am writing to voice my strong support for Joanne Hardesty's measure to create a Community Police Oversight Board. This would be an excellent first step toward reforming policing here in Portland to better serve the community.

It is crystal clear that the vast majority of Portlanders support police reform, to better serve the community and to hold officers publicly accountable for their behavior. Please approve this measure so that voters - who are the very people the police serve - can have a say in the matter.

Thank you,

Dave Johnson
Portland OR 97232
dogrocket@gmail.com
415-794-1797

Testimony for City Council re Police Oversight Committee

I am in favor of the independent police oversight committee proposed by Commissioner Hardesty. I will vote for this on the November ballot. However, I would prefer that you as our city council adopt this resolution now rather than have the expense to taxpayers and delay that a vote in November would be. I have read that it would only take 3 votes on the council and the resolution would be passed. If this is so, please vote "YES" on July 29th and get this commission established ASAP.

Submitted by,

Alice Shapiro
2545 SW Terwilliger Bl #320
Portland, OR 97201
541-999-7278

From: [A Shapiro](#)
To: [Council Clerk – Testimony](#)
Subject: testimony for July 29th council meeting re Police Oversight Commission
Date: Tuesday, July 28, 2020 12:10:42 PM
Attachments: [Testimony for City Council re Police Oversight Committee.docx](#)

Attached is my testimony
Alice Shapiro
2545 SW Terwilliger Bl #320
Portland, OR 97201
541-999-7278

From: [Portland Copwatch](#)
To: [Commissioner Hardesty](#); [Commissioner Fritz](#); [Commissioner Eudaly](#); [Wheeler, Mayor](#); [Hull Caballero, Mary](#); [Council Clerk – Testimony](#)
Cc: [News Media](#)
Subject: Testimony on item 633, police oversight charter change
Date: Tuesday, July 28, 2020 12:29:27 PM

Mayor Wheeler, Commissioner Hardesty, Commissioner Fritz and Commissioner Eudaly:

When Portland Copwatch was founded in 1992 we set three major goals, one of which is to promote and monitor an effective system for civilian oversight of police. There is no question that if fully implemented, the Charter amendment before you today would create a strong oversight system. It would, unlike the "Independent" Police Review (IPR), have the power to compel officers to answer questions, to investigate deadly force cases, and to decide whether misconduct occurs and to discipline officers.

It is likely not all of this will be able to go into effect without changes to state law, the collective bargaining contract, and possibly federal labor law. These hurdles are acknowledged in the severability language in the first and last sections of the Amendment.

We hope that the Portland Police Association will not expend energy and resources to oppose this effort, especially since PPA President Daryl Turner said that he is willing to have conversations about transforming the Bureau in light of the ongoing protests for justice. If they believe in change, the PPA should support stronger oversight and not make their public image worse by obstructing progress.

On that note, this is a good time to remind the Council that the PPA contract needs to be changed. Among other things it must allow independent investigations of deadly force, let someone other than the police require an officer to answer questions in administrative investigations, allow those sessions to take place outside of the Police Bureau, and make it easier for disciplinary decisions to stick.

The amendment recognizes the importance of a civilian oversight board holding public hearing. We hope this leads to implementation our long-time proposal of moving the closed-door Police Review Board out in the open while retaining public hearings on appeals as currently held by the Citizen Review Committee and City Council.

Other strong elements of the Amendment include highlighting the importance of affected communities being involved, the restriction against current and former police being able to sit on the Board, and a guaranteed funding level. One particular step up from how the current system works is that if the Board makes a policy recommendation that is not adopted, City Council can vote to implement such a policy.

We realize that this Charter amendment is just the bare bones onto which more details will be hung in the future. We're not asking for the Council to make changes that would slow down this process. We do want to suggest to you that when the implementing ordinance is designed, Council should consider what to do if any of the Board's powers, including their

ability to decide on findings of misconduct and to impose discipline, get severed for legal reasons. If that happens, the implementing ordinance should give Council the final say, just as the IPR/CRC ordinance does now for appeals hearings. In New York City and Minneapolis, their boards have made findings many times that get ignored.

This next bit is as much for the community to hear as it is for members of Council. Because it will take some time to establish the ordinance guiding the Board, select its members, have them hire a Director, and have that Director hire staff, it will likely be a year or more from now that this new Board could go into effect. We are encouraged that the Resolution talks about how the current oversight system is "impacted by an inadequate ability to collect evidence, interview witnesses, effect police policies and directives, and include sufficient transparency." This language acknowledges that the staff at the IPR and the community volunteers on the Citizen Review Committee aren't deliberately responsible for the low number of sustained findings and limitations on complainants to see the investigative files, but that it's an institutional issue. Therefore we would like to see a commitment by Council and the Auditor to keep IPR and CRC in place and give them as much support as possible up until the new system is ready to roll. We think most people affected by police misconduct would agree we don't want to revert to a system where complaints are investigated by Internal Affairs. That system of police investigating themselves is one reason we find ourselves with demands for change, and for Commissioner Hardesty's proposal before you.

We also recognize that even if this is fully implemented, there's no guarantee the system will work 100% the way people in the community want it to, nor will it necessarily end police brutality, racism and corruption. But it could be a piece of that transformational change.

PCW is hopeful that our years of experience in attending every single CRC meeting and our broader knowledge base will allow us to be part of the design team to help implement the system if it is adopted.

We understand that a lot of the calls for change are to defund and dismantle the police. Our position at Copwatch has always been that so long as there are police, we have to find ways to minimize the harm they are doing to the community and hold them accountable when they do that harm.

Thank you
dan handelman and other members of
portland copwatch

From: [Howard Shapiro](#)
To: [Council Clerk – Testimony](#)
Subject: Police oversight resolution
Date: Tuesday, July 28, 2020 1:29:18 PM

I am in favor of the independent police oversight committee proposed by Commissioner Hardesty. I will vote for this on the November ballot. However, I would prefer that you, as our city council, adopt this resolution now rather than incur the election expense to taxpayers and the delay that a vote in November would be. I have read that it would only take 3 votes on the council and the resolution would be passed. If this is so, please vote "YES" on July 29th and get this commission established ASAP.

--

Howard Shapiro
2545 SW Terwilliger Blvd. Apt.320, PDX 97201

From: [Terry Parker](#)
To: [Council Clerk – Testimony](#); [Wheeler, Mayor](#); [Commissioner Hardesty](#); [Commissioner Eudaly](#); [Commissioner Fritz](#); auditor@portlandoregon.gov
Cc: [Mary Ann Schwab](#)
Subject: Agenda item 633: Charter Amendment to voters for a new police oversight system
Date: Tuesday, July 28, 2020 1:42:45 PM

To the members of the Portland City Council,

With all the vandalism and destruction being done by the mob rule taking over the streets in downtown Portland, and with the Portland Police Bureau being handcuffed by the City Council; Portland is being converted into a West Coast Detroit (a City that has been in ruins for years) coupled with the violence of Chicago. To control the rioting by anti-government protesters, PPB needs more teeth, not less!

After weeks of rioters vandalizing the federal courthouse and covering it with graffiti, many thanks must be given to U. S. District Attorney for Oregon Bill Williams and federal law enforcement for protecting the courthouse from being totally ransacked and/or fire bombed by the rioters. Among other things, this is a place where immigrants receive their citizenship. Commissioner Hardesty calling for the federal authorities to go home using the term "goons" - a racist slur for dark faced people that come out at night - was totally unwarranted. Furthermore, calling for the removal of federal officers from Portland is only fueling the fires and fanning the flames of those protesters intent on targeting destroying the courthouse and other properties downtown.

I am totally opposed to placing a measure on the November ballot that would establish a police oversight committee with more power that includes the ability of the committee to fire officers. This is the responsibility of the City Council and the court system. With all the unrest in the city and social distancing due to the Coronavirus pandemic, the timing doesn't allow for community meetings and conversations along with face to face public hearings. Voices will be left out because a large part of the public process is missing that truly needs to take place before any such measure is even considered or written. Placing this measure on the ballot without a rigorous public process is dictating to rather than listening to the people as a whole. Even filtering emails through staff and only responding with form letters is not truly representing the public as a whole.

Additionally, any ballot measure to reform police accountability must also include City Council accountability, and not come before the City Council members individually accept some of the responsibility for the destruction done to property in our city. The first orders of business must be to restore law and order and totally repair the damage, including reinstalling the historical and forefather statues.

The City Council needs to follow the rules. Any new or revised police oversight system needs to be part of the upcoming charter review process, and not be separated or be sent to voters before the entire charter review process is completed.

Respectively submitted,

Terry Parker
Northeast Portland

From: [Mary Presnell](#)
To: [Council Clerk – Testimony](#)
Subject: Written Testimony: Agenda Item 633 for 07/29/2020
Date: Tuesday, July 28, 2020 1:59:28 PM

This email contains written testimony for item 633 of Portland City Council's agenda on 07/29/2020.

The Portland Police Bureau, in cooperation with the Portland Police Association and Daryl Turner, have had too much control over policies, discipline, and even creating and supporting biased narratives to the media. The Independent Police Review (IPR) has stated numerous times that their ability to investigate and recommend disciplinary actions has been limited by rules that have been established by the PPA. The city council has also expressed similar limitations when they attempt to do their job and even when they attempt to support the work of the Citizen Review Committee (CRC). The committees the city currently has in place are restricted from fulfilling their missions.

I fully support this charter amendment to be presented to voters on the November ballot. Our city, especially those from marginalized communities, such as the houseless, LGBTQ+, and BIPOC, deserve a truly independent oversight committee that can have a real impact on the behaviors of individual officers, and the bureau as a whole.

Portland has been under the thumb of a mysterious person ruling the PPB for too long. The city council, and the mayor/police commissioner, has criticized the use of tear gas, but the PPB continues to use it against protestors. The city council has voted that PPB shall not cooperate with the federal law enforcement that continues to occupy downtown, but the PPB continues its collusion. Chuck Lovell, Daryl Turner, and Ted Wheeler (until recently) have all attempted to direct the narrative of the protests to reflect their beliefs. Portland citizens have made it abundantly clear that we want transparency from the police, and real accountability for any nefarious actions on their part. I don't believe there will be any real and meaningful change until the city is able to gain control over the PPA. This should be something the city council focuses on immediately.

Thank you for your time.

Mary Presnell

Resident of SW Portland for 20+ years

Email: MaryFPresnell@gmail.com

From: [Brieanna Lang](#)
To: [Council Clerk – Testimony](#)
Subject: Agenda Item 633: Please support an Independent Police Oversight ballot measure
Date: Tuesday, July 28, 2020 3:01:42 PM

Dear Council:

Portland has a long history of ineffective police oversight systems (including the CRC, COAB, and PCCEP). And so I asked myself: why should we establish yet another new system? And how can this effort end any differently?

City Auditor Mary Hull Caballero and others argue that we should shore up and improve our existing oversight systems rather than start over once again. It's a reasonable suggestion undermined by the fact that our elected officials have repeatedly demonstrated a lack of commitment to reforming or empowering those existing systems. For example, despite serving as liaison to the CRC, Auditor Hull Caballero has chosen not to participate in CRC meetings for the last four years. How can we expect to "fix" these boards when those who appoint and empower them have repeatedly refused to listen to or support them?

In contrast, I believe that establishing a new independent oversight system via referred ballot measure will automatically engender a base level of public support and power. And rather than being reduced to only making "recommendations" (which are more often than not ignored), it's imperative that our new oversight system is further empowered with **direct** enforcement authority. A true system of final appeal cannot be overruled by the same police it seeks to oversee.

I ask that you please take this next step to repair public trust in local law enforcement by referring this measure to Portland voters.

Thank you,
Brieanna Lang

From: [Jennings, Gayla](#)
To: [Council Clerk – Testimony](#)
Subject: FW: Agenda item 633: Charter Amendment to voters for a new police oversight system
Date: Tuesday, July 28, 2020 3:41:58 PM

From: Mary Ann Schwab <e33maschwab@gmail.com>
Date: Tuesday, July 28, 2020 at 3:40 PM
To: Aiona Debbie <debbieaiona@fastmail.com>, McWilliams Mary <marymcwilliams61@gmail.com>, Rosin Nadyne <nadgerro@gmail.com>
Cc: Parker Terry <parkert2012@gmail.com>
Subject: Fwd: Agenda item 633: Charter Amendment to voters for a new police oversight system

Hi Debbie, Mary, Nadyne:

I'm just off the telephone with Terry Parker, Rose City Park. With consent to share his testimony with the League of Women Voter re: 633 Charter Amendment for the new police oversight committee.

The City Council needs to follow the rules. Any new or revised police oversight system needs to be part of the upcoming charter review process, and not be separated or be sent to voters before the entire charter review process is completed.

Stay Cool.

Mary Ann Schwab, LWV Unit 2
(503) 236-3522

Begin forwarded message:

From: Terry Parker <parkert2012@gmail.com>
Subject: Agenda item 633: Charter Amendment to voters for a new police oversight system
Date: July 28, 2020 at 1:44:06 PM PDT
To: Moore-Love Karla <cctestimony@portlandoregon.gov>, mayorwheeler@portlandoregon.gov, Commissioner Hardesty <joann@portlandoregon.gov>, Eudaly Commissioner Chole <Chloe@portlandoregon.gov>, amanda <amanda@portlandoregon.gov>, auditor@portlandoregon.gov
Cc: Mary Ann Schwab <e33maschwab@gmail.com>

To the members of the Portland City Council,

With all the vandalism and destruction being done by the mob rule taking over the streets in downtown Portland, and with the Portland Police Bureau being handcuffed by the City Council; Portland is being converted into a West Coast Detroit (a City that has been in ruins for years) coupled with the violence of Chicago. To control the rioting by anti-government protesters, PPB needs more teeth, not less!

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The City Council needs to follow the rules. Any new or revised police oversight system needs to be part of the upcoming charter review process, and not be separated or be sent to voters before the entire charter review process is completed.

Respectively submitted,

Terry Parker
Northeast Portland

7/28/20

To: Mayor Wheeler and Portland City Council

FR: Merry Ann Moore

RE: Agenda item 633 - Comments on ballot measure for new police oversight system

Please support the proposed ballot measure which will redress systemic racism in Portland policing and make our city a national model for police oversight.

For decades, the Portland Police Bureau has had a record of disproportionate violence and discrimination against Black people and others in the BIPOC community.

The current systems are not working to hold police accountable for such injustices.

A ballot measure is the best way to assure to reform the police oversight board. It assures this body

- will finally address bias in Portland policing,
- will represent the people most affected by police misconduct,
- has transparent processes so the public can have confidence in its actions,
- will always have adequate funding,
- is insulated from political pressure,
- will not be hijacked by members of the police force or their families,
- will have the power to collect evidence, interview witnesses, and enforce discipline when there are complaints of misconduct, deaths in custody and use of deadly force.

Please support this resolution and refer the ballot measure to the people.

Merry Ann Moore
6319 SE 45th Ave.
Portland, OR 97206

From: [Merry Ann Moore](#)
To: [Council Clerk – Testimony](#)
Subject: Please add to the public record on agenda item 633 for tomorrow"s city council meeting
Date: Tuesday, July 28, 2020 4:02:57 PM
Attachments: [Comments on agenda item 633 - July 29 2020.docx](#)

Thank you, Merry Ann Moore

--

Merry Ann Moore
Moore Creative Strategies
she/her/hers
www.merryannmoore.com
541.749.8030
merryannmoore@gmail.com
Twitter @MerryAnnMoore
[LinkedIn](#)
[Portfolio](#)

From: [Daniel Hill](#)
To: [Council Clerk – Testimony](#)
Subject: Item 633
Date: Tuesday, July 28, 2020 4:51:37 PM

I support referring the PPB oversight question to voters.

From: [Lisa Caine](#)
To: [Council Clerk – Testimony](#)
Subject: Agenda #633
Date: Tuesday, July 28, 2020 5:06:21 PM

Dear Commissioners,

I completely support and encourage you to vote for this police accountability referral. Our current system is not able to effectively investigate and discipline police misconduct. We have to change. This is NOT radical. This is necessary justice way overdue.

I support making the budget for this new system proportional to the police budget. This new entity has to be independent to be effective.

I am a sixty-four year old woman steeped in white privilege. I am endeavoring to break through my racist naiveté. I ask you to be our voice to break through our systemic racism.

Thank you for your courage,

Lisa Caine
NE Portland

From: [Marisa Morby](#)
To: [Council Clerk – Testimony](#)
Subject: Written Testimony for item number 633: Refer Charter Amendment to voters at the November 3 General Election to authorize a new police oversight system
Date: Tuesday, July 28, 2020 8:52:06 PM

Hello,

I'd like to provide written testimony in support of item number 633 to refer a charter amendment to voters during the Nov. 3 general election. The amendment would authorize a Community Police Oversight Board.

The historic over-policing, violent, and deadly treatment of our Black community members in Portland must stop. The police brutality against protestors must stop. The fact that police, after committing a crime or murdering someone, can be transferred to a new precinct in a new city is abhorrent.

Creating a Community Police Oversight Board will help keep police accountable and ensure that citizens are safer, and this amendment should be referred to voters in the General Election on Nov 3.

I specifically support the Board powers, allowing the board to investigate complaints, subpoena documents, access police records, compel witness statements (including from police officers), and impose discipline (including termination).

Just as citizens are held accountable and punished for crimes that they commit, police must be held accountable and punished for the crimes *they* commit. We have already proven that bias training doesn't work. The system is actively hurting people.

For over 50 days there have been protests against police brutality, where the police are brutalizing people each night. Police are actively tear gassing and shooting non-lethal munitions at the people they are meant to protect. This cannot be allowed to continue. We all deserve better and should demand better. We deserve a vote and a voice.

Thank you,

Marisa Morby

From: [Anna Tennis](#)
To: [Council Clerk – Testimony](#)
Subject: Item #633
Date: Wednesday, July 29, 2020 1:00:18 PM

Hello,

I strongly support a ballot measure to create a Community Police Oversight Board.

Thank you,
Anna Tennis
2934 SE 115th Ave
Portland, OR 97266

From: [District 1](#)
To: [Wheeler, Mayor](#); [Commissioner Fritz](#); [Commissioner Hardesty](#); [Commissioner Eudaly](#); [Council Clerk – Testimony](#)
Cc: [Multnomah County Chair](#); [Commissioner Susheela Jayapal District 2](#); [District 3](#); [District 4](#)
Subject: Letter of support for referral of Charter amendment to authorize a new police oversight system
Date: Wednesday, July 29, 2020 1:11:22 PM
Attachments: [Board letter of support for Portland referral for police accountability measure.pdf](#)

Hello,

The Multnomah County Board of Commissioners is pleased to submit the attached testimony in support of the Charter amendment referral to authorize a new police oversight system.

Thank you.

--

Office of Commissioner Sharon Meieran

Multnomah County District 1
501 SE Hawthorne Blvd. Ste 600
Portland, OR 97214
503-988-5220
district1@multco.us

Keep up with Commissioner Meieran on [Facebook](#), [Twitter](#), or her [MultCo webpage](#)



This email was encrypted for your privacy and security



Board of County Commissioners
Multnomah County Chair
501 SE Hawthorne Blvd., Suite 600
Portland, Oregon 97214

Dear Mayor Wheeler and Commissioners Eudaly, Fritz, and Hardesty,

We write to express our strong support for your resolution to refer to the November ballot a Charter amendment authorizing a new police oversight system.

For years we have heard calls from community members to change our system of police accountability. Since George Floyd's murder at the hands of a police officer two months ago, these calls have become a resounding demand for change. The proposed referral before you today answers that demand with a fair, independent, accountable City of Portland Community Police Oversight Board.

Aspects of the proposed measure which we particularly appreciate include: (1) centering the role of community in matters of accountability and oversight, rather than relying on law enforcement to police itself; (2) giving the Board the broad authority to investigate a range of complaints; and (3) empowering the Board to compel testimony and impose discipline. We also believe a critical element of the proposed Oversight Board is that it is separate from other City Bureaus, as well as offices of elected officials, ensuring that its governance and operations are as fair and objective as possible.

At Multnomah County, we are deeply committed to the work of reenvisioning our community safety system, and are engaging with the broader community to guide this work. This effort to devise a new approach to police oversight and accountability would be complementary to this larger community-based effort. We have an important moment to repudiate violence and discrimination in policing, and we support the crucial aspect of this work that focuses on accountability. Thank you for your efforts to develop the proposed Charter amendment so that voters can weigh in on this important issue in November.

Sincerely,

Deborah Kafoury
Multnomah County Chair

Sharon Meieran
District 1 Commissioner

Susheela Jayapal
District 2 Commissioner

Jessica Vega Pederson
District 3 Commissioner

Lori Stegmann
District 4 Commissioner

From: [Ethan](#)
To: [Council Clerk – Testimony](#)
Cc: [Ethan](#)
Subject: Item #633 and the Future of Portland
Date: Wednesday, July 29, 2020 1:50:05 AM

*Dr. Ethan A. Scarl
2380 SE 58th Avenue
Portland, OR 97215-4012
July 29, 2020*

Dear Portland City Council,

The new police oversight system (agenda item # 633) is necessary, but nowhere near sufficient.

November is over three months away. Assuming approval, it will take the new board months to assemble, take testimony, and determine new policy. It will likely be six months before there will be a chance of its making any significant difference. After this critical six months, Portland and the world may be hard to recognize.

In the meantime, the city is in crisis.

Unfortunately, agenda item #633 does nothing to address the most critical and deadly threats, those from federal invasion by undisciplined, inappropriately trained and armed forces, who feel free to commit criminal acts with no accountability to anyone in the state of Oregon. Their mission is clearly to "suppress and dominate" with no pretense of serving or protecting. Their incompetence (they seem to have managed to render uninhabitable half the building they supposedly came to protect) is matched only by their viciousness. I hope that at least one of our protective services (PPB, sheriff state police, national guard?) can be trusted to obey civilian orders and protect our citizens. Dealing with these federal personnel should be simpler than PPB problems, since we have no contractual obligations to them. There are no clauses limiting their liability nor protecting their identities.

Their criminal behaviors must be prosecuted quickly and definitively, since it is virtually certain that as their attempts to dominate and suppress Portland protests fail, they will become more viciously violent and even less concerned with the health or even the lives of their perceived enemies, and more reinforcements will be sent. As Trump attempts to make Portland an example for the country of authoritarian suppression, it has to be dealt with quickly or it will become much, much worse.

Minimally, these federal persons need to be confined to their Courthouse, though the real need is to arraign and charge them for their criminal behaviors as individuals.

Agenda item #633 deals with PPB problems however, which now look mild only by comparison with the feds. They also have committed crimes against protesters without accountability, and we cannot postpone dealing with the havoc they caused (and can be expected to cause again, exit the feds).

The PPB have not been executing in good faith their side of the implicit or explicit

terms of their contract, providing neither safety, protection, nor accountability. Thereby the limited liability and secrecy provisions of their contract should be considered null and void. It is time to charge individual officers and their union for criminal behavior and the financial burdens they are imposing on the city. It is crucial that the city proceed in this, even if our attorneys should advise against it.

Portland must not be exposed to another six months of lawless police behaviors, especially against people of color. When those behaviors stop, the provocative protests will disappear as well.

Please do vote to approve agenda item #633, but with full understanding that it is scarcely relevant for our most urgent needs.

Sincerely,

Ethan A. Scarl

Ethan A. Scarl
(503) 442-8343
eas99@hevanet.com

From: [Jaydra Perfetti](#)
To: [Council Clerk – Testimony](#)
Subject: Testimony for Item 633
Date: Wednesday, July 29, 2020 2:56:04 AM

Hello,

My name is Jaydra Perfetti. I grew up in Portland and I currently live and own a business in SE.

The way policing is currently structured in our city (and state) needs to change. We need to take the very important job of holding police accountable for their conduct out of the hands of the police department and put it into the hands of a truly independent body.

I work in the anti-fraud field. When we talk about why fraud occurs, we do so in the context of the Fraud Triangle. One side of the triangle is *opportunity*, one side is *financial pressure*, and one side is *rationalization*. When there is opportunity to steal cash or misuse company assets, and someone feels financial pressure, if they can rationalize taking the money that is when fraud is most likely to occur.

I see the issue of police misconduct and accountability in a similar way:

- The current policies provide the *opportunity* for police officers to take inappropriate actions.
- The training we provide to police, that teaches them to see all citizens as inherently dangerous and the officer's life as constantly under threat, provides the *pressure* to take actions disproportionate to the actual threat level.
- Qualified immunity and other legal precedent provides the *rationalization* for police officers to continue to abuse members of the public.

The way the current system is structured creates the environment where police officers are not held accountable for their misconduct. We need new policies redefining what appropriate conduct is, we need better and different training for police, and we need a citizen review board with actual power to review, investigate, and enforce accountability for officers misconduct.

Thank you.

--

- Jaydra

From: [Sarah Clark](#)
To: [Council Clerk – Testimony](#)
Subject: Commissioner Hardesty's Resolution
Date: Wednesday, July 29, 2020 7:01:22 AM

I think everyone agrees we need truly independent, effective civilian oversight of Portland police. Commissioner Hardesty's Resolution clearly lays out what has to be included. I want to see it on the November ballot so I can vote for it.

Sincerely,
Sarah Clark
Portland Resident

From: [Jeffrey Stump](#)
To: [Council Clerk – Testimony](#)
Subject: Support for item #633, police oversight
Date: Wednesday, July 29, 2020 9:02:49 AM

Hello Portland City Council,

My name is Jeffrey Stump, I am a resident of Portland, OR and I have many friends here as well. I support Commissioner Hardesty's proposal to refer a charter amendment at the November 3rd, 2020 General Election to authorize a new police oversight system.

I've read the proposal and agree that a separate board of non-police associated citizens would markedly improve my confidence in police accountability. Please consider that the need for positive change is urgent and important.

Thank you for your service to the city,
-Jeff

From: [Piper Wyrick](#)
To: [Council Clerk – Testimony](#)
Cc: [Wheeler, Mayor](#); [Commissioner Hardesty](#); [Commissioner Eudaly](#); [Commissioner Fritz](#)
Subject: City Council Agenda Item 633 testimony - community police oversight
Date: Wednesday, July 29, 2020 9:16:36 AM

Today I am testifying in support of Agenda Item 633, but only seeing it as a means to an end, not an end in of itself. In other words, a community oversight board on police is a step in the right direction, but we cannot stop there. I believe that it is good to have community control over police, as well as other first responders that can take their place. This community oversight board should be understood as a method to reduce harm until we can fully abolish the police, replacing them with people, positions, and programs that are more helpful, constructive, and simply not as dangerous or violent to our communities. The City of Portland also needs to include policy for the replacement of police, **re-investing** those funds to social services and a community-centered health and safety model, and interim better training in de-escalation and anti-racism, and requirement that police use it. Reform can be ignored, and does not get to the root of the issue. Do not just stop with community oversight!

Thank you for your consideration,

Piper Wyrick

From: [Erin Leonard](#)
To: [Council Clerk – Testimony](#)
Subject: Today's afternoon council meeting
Date: Wednesday, July 29, 2020 9:23:21 AM
Attachments: [PDX council.docx](#)

Greetings!

Attached is a testimony, if acceptable, is for this afternoon's council meeting at 2 pm for agenda no 633.

Thank you.

-Erin Leonard

Erin Leonard
erin@springbox.us
Agenda no: 633
Zip: 97231
Phone: 971-275-6659

Mayor Wheeler and Commissioners, Amanda Fritz, Chloe Eudaly, and Jo Ann Hardesty:

My name is Erin Leonard and I have been a Portland resident for the last forty years. I am in favor of having voters decide this November, an amendment to authorize a new Police Oversight Board that would have the authority as outlined in the proposed charter changes.

Now is the time to allow voters to decide if an independent community board should be created, outside the police bureau and city offices, for oversight of our Portland police. The BLM protests have made clear that thousands of people in Portland do not trust how oversight and disciplinary measures have happened in the past and present. Transparency from a trusted, credible source would be greatly appreciated because the police department and mayor's office have lost public trust. I believe a board including citizens, independent from city government and the police department, would become that credible source.

I appreciate those men and woman who take the oath to "serve and protect" with the sincere desire of public service in their hearts. Plenty of good people have served in the Portland Police department and I thank them for their service. My inclination to respect those who serve comes from being raised in a military family, where oaths are a binding promise. Although I did learn at an early age from hearing stories about my great-grandfather, who was a St. Louis cop, that not all people were treated fairly or protected equally under the law. These stories of policing happened in the early in the 20th century, where the department at that time did hire black people, but it was to patrol "their" side of town. Racism was protected by law.

The Attorney General, William Barr, just told the House judiciary committee that he does not agree that there is systemic racism in police departments in this country. Just keeping it to Portland, do you Mayor or Commissioners believe that is true here in Portland? The year after I moved here, two Portland policemen put dead opossums on the doorstep of a black-owned business. The police were fired but got their jobs back again, when the Mayor fired the black police commissioner and replaced him with a former Special Investigation guy who oversaw investigating the Black Panthers. A public police review board was established, which must be the now, Independent Police Review out of the City Auditor's office.

As independent and autonomous that IPR may be, it remains shrouded from public view and scrutiny of findings for the most part. Almost forty years have passed since the public outcry for transparent police oversight, and here we are still in redux wanting. Considering the nature of politics and labor unions, that nature being one of self-preservation, is it wise that current findings go to the police chief for disciplinary recommendations, then to the mayor for disciplinary action? Would not a better checks and balance system of have an independent board outside of city government and bureaus, lend not only to transparency, accountability, but also, confidence that city government, the police department, and community, work in partnership to serve and protect every city resident?

Allow the voters to decide this November.

Thank you all for your time.

From: [Amy Hartman](#)
To: [Council Clerk – Testimony](#)
Subject: New PPB Oversight Proposal
Date: Wednesday, July 29, 2020 10:35:12 AM

Dear Mayor and Commissioners:

I'm unable to testify on Commissioner Hardesty's proposal for a new police oversight board, but wanted to register my support. It's clear that current oversight has not been a sufficient check on PPB, and I trust Commissioner Hardesty's expertise to lead on this issue. Please support her proposal.

Thank you,

Amy Hartman
Buckman

From: [Terry Parker](#)
To: [Council Clerk – Testimony](#); [Wheeler, Mayor](#); [Commissioner Hardesty](#); [Commissioner Eudaly](#); [Commissioner Fritz](#); [City Auditor, Mary Hull Caballero](#)
Subject: Agenda item 633: Charter Amendment to voters for a new police oversight system
Date: Wednesday, July 29, 2020 10:35:31 AM

To the members of the Portland City Council,

Any proposed police oversight process with member priority given to residents from city communities that have experienced systemic racism will be bias from the start and is inequitable and possibly discriminatory to the community as a whole. This is yet another reason any revision of police oversight needs to be vetted by the entire community through a completed charter change process as opposed to just selected special interest groups and then rushed through to voters.

Respectfully submitted,

Terry Parker
Northeast Portland

To the members of the Portland City Council, (July 28, 2020),

With all the vandalism and destruction being done by the mob rule taking over the streets in downtown Portland, and with the Portland Police Bureau being handcuffed by the City Council; Portland is being converted into a West Coast Detroit (a City that has been in ruins for years) coupled with the violence of Chicago. To control the rioting by anti-government protesters, PPB needs more teeth, not less!

After weeks of rioters vandalizing the federal courthouse and covering it with graffiti, many thanks must be given to U. S. District Attorney for Oregon Bill Williams and federal law enforcement for protecting the courthouse from being totally ransacked and/or fire bombed by the rioters. Among other things, this is a place where immigrants receive their citizenship. Commissioner Hardesty calling for the federal authorities to go home using the term "goons" - a racist slur for dark faced people that come out at night - was totally unwarranted. Furthermore, calling for the removal of federal officers from Portland is only fueling the fires and fanning the flames of those protesters intent on targeting destroying the courthouse and other properties downtown.

I am totally opposed to placing a measure on the November ballot that would establish a police oversight committee with more power that includes the ability of the committee to fire officers. This is the responsibility of the City Council and the court system. With all the unrest in the city and social distancing due to the Coronavirus pandemic, the timing doesn't allow for community meetings and conversations along with face to face public hearings. Voices will be left out because a large part of the public process is missing that truly needs to take place before any such measure is even considered or written. Placing this measure on the ballot without a rigorous public process is dictating to rather than listening to the people as a whole. Even filtering emails through staff and only responding with form letters is not truly representing the public as a whole.

Additionally, any ballot measure to reform police accountability must also include City

Council accountability, and not come before the City Council members individually accept some of the responsibility for the destruction done to property in our city. The first orders of business must be to restore law and order and totally repair the damage, including reinstalling the historical and forefather statues.

The City Council needs to follow the rules. Any new or revised police oversight system needs to be part of the upcoming charter review process, and not be separated or be sent to voters before the entire charter review process is completed.

Respectively submitted,

Terry Parker
Northeast Portland

From: [Jennings, Gayla](#)
To: [Council Clerk – Testimony](#)
Subject: FW: City may let voters decide police oversight:
Date: Wednesday, July 29, 2020 11:21:56 AM

From: Maxine Leagjeld <mleagj@gmail.com>
Date: Wednesday, July 29, 2020 at 10:48 AM
To: "Bailey, Everton" <ebailey@oregonian.com>, "City Auditor, Mary Hull Caballero" <AuditorHullCaballero@portlandoregon.gov>
Subject: City may let voters decide police oversight:

I'm against this. I don't think we need "another" police review board. Just adjustments to the current "oversight Committee".

Hardesty's proposal gives "priority" to members being from communities of "supposed systemic racism". NO. "Equality for ALL" is the goal. ANY oversight committee "MUST" be made up of individuals located throughout the "entire city" in "equal numbers". This allows for equal analysis and input from the "entire city's residents". These "committee members" would be "chosen by their community", NOT by politicians. It is the "Portland Police", it belongs to ALL citizens of Portland. Portland Police currently have 3 precincts, divided into 20 districts, usually based on neighborhood associations. Possible committee members could be from each "neighborhood association" chosen by the "citizens in that neighborhood association".

So,....members of the new oversight committee are elected by neighborhood associations by the "citizens in that neighborhood association". Equal numbers from each. These neighborhood association oversight committee members "choose a volunteer attorney from their neighborhood" to be a legal counsel to answer legal questions and give legal guidance. With each neighborhood association having an attorney, this would give the "overall oversight committee" many legal individuals to refer to for assistance. Equal voice and equal legal guidance input from the "entire city's residents of Portland".

It also appears there are barriers in the way of getting desired or needed information. THIS "must" be worked out by governments, unions and an individuals constitutional rights. OR, no committee or (unneeded) "Charter" change will be able to function.

Note,.....my emphasis on "EQUAL".

I'm sure there are other issues BUT it is extremely important that the Constitutional Right of "Equality" and "Equal Justice" be given to ALL.

From: [Jennings, Gayla](#)
To: [Council Clerk – Testimony](#)
Subject: FW: Agenda item 633: Charter Amendment to voters for a new police oversight system
Date: Wednesday, July 29, 2020 11:13:54 AM

From: Mary Ann Schwab <e33maschwab@gmail.com>
Date: Wednesday, July 29, 2020 at 7:54 AM
To: "Moore-Love, Karla" <Karla.Moore-Love@portlandoregon.gov>
Cc: "City Auditor, Mary Hull Caballero" <AuditorHullCaballero@portlandoregon.gov>, "Wheeler, Mayor" <MayorWheeler@portlandoregon.gov>, Commissioner Fritz <amanda@portlandoregon.gov>, Commissioner Hardesty <joann@portlandoregon.gov>, Commissioner Eudaly <chloe@portlandoregon.gov>, Parker Terry <parkert2012@gmail.com>, Bottomly Therese <tbottomly@oregonian.com>, McDowell Kris <examiner@seportland.news>, Zuhl Joanne <streetrootsnews@gmail.com>, Norberg Nick <ReadTheBee@myexcel.com>, Caluson Allan <allan@NWExaminer.com>
Subject: Agenda item 633: Charter Amendment to voters for a new police oversight system

Good Morning Mayor and City Commissioners:

Today's The Oregonian front page: **City may let voters decide police oversight**, Everton Baily Jr. The City will address the latest round of police reforms today, deciding whether to refer a proposal to Voters in November that would add a *new police oversight system into the city charter...*?

Whoops, once again the City is attempting to put the cart before the jackass a.k.a. the Voter. Who really benefits? When voters decide before the City Council processes applications initing citizens at large to spent four months working on the City Charter Advisory Committee as of January, 2021?

I agree with Terry Parker comments:

The City will follow the rules. Any new or revised police oversight system needs to be part of the upcoming Charger Review Process, and **NOT BE SEPARATED** or **BE SENT TO THEVOTERS BEFORE THE ENTIRE CHARTER REVIEW PROCESS IS COMPLETED.**

Respectfully,

Mary Ann Schwab, Community Advocate
Sunnyside Neighborhood Resident since 1971

PS I'm just off the telephone with Terry Parker, Rose City Park. With consent to share his testimony with the League of Women Voters re: 633 Charter Amendment for the new police oversight committee.

The City Council needs to follow the rules. Any new or revised police oversight system needs to be part of the upcoming charter review process, and not be separated or be sent to voters before the entire charter review process is completed.

From: [Coua Xiong](#)
To: [Council Clerk – Testimony](#)
Cc: [Wheeler, Mayor](#); [Commissioner Fritz](#); [Commissioner Hardesty](#); [Commissioner Eudaly](#)
Subject: APANO Testimony - Agenda #633
Date: Tuesday, July 28, 2020 11:36:52 PM
Attachments: [20.7.29 Testimony for New Police Oversight Board.pdf](#)

Hello,

Please find APANO's written testimony, in favor of Commissioner Hardesty's charter amendment and proposal for a new police oversight board.

Thank you,
Coua Xiong

--



Coua Xiong | Civic Engagement Manager

My Gender Pronouns Are: She, Her, Hers
APANO and APANO Communities United Fund
8188 SE Division St, Portland, OR 97206
O: 971-340-4861 | M: 503-333-6958





July 29, 2020

RE: Agenda #633 - New Police Oversight Board in Commissioner Hardesty's proposed charter amendment

Dear Mayor Wheeler and members of city council,

I am writing on behalf of the Asian Pacific American Network of Oregon (APANO) to express our support for a redesigned oversight system that Commissioner Hardesty and her office outlined in their city charter amendment and encourage all members of council to vote in favor of this amendment.

We acknowledge and uplift the work of members and leaders of the current structures of police review and strongly believe these structures should be preserved until a redesigned oversight system is implemented. It is also true that these spaces were not set up to adequately hold police officers accountable from inception. The community, especially those of Black community, have been calling for true community oversight of police long before today and the time to listen and act on these calls is now.

This measure is not the end all for police accountability and it alone will not dismantle the Portland Police Bureau and unveil true community safety. However, a redesigned oversight system is key to the long term transformative work that is required. Some key aspects of the measure that we would like to uplift includes the power that is given to a new board to review case information, including cases with use of deadly force, and propose disciplinary action, as well as recommend policy and practice changes. Also, this measure calls for public transparency and accessibility to information and hearings of this board, which is crucial to achieve accountability. These are fundamental shifts from our current system that encourages true oversight.

Including being completely independent of Portland Police Bureau and city council as outlined in the proposal, the budget allocated to this board must also be independent of the Portland Police Bureau budget to ensure efforts to defund the police does not defund this oversight system. Lastly, this new oversight is board will only create real change if it is led by and centered around those most impacted by the police violence, such as families of those Portland police have killed and others who are targeted by Portland police.

Thank you for Commissioner Hardesty's leadership in this proposal and we ask that all Commissioners support and vote YES for this charter amendment.

Sincerely,
Coua Xiong, Civic Engagement Manager

From: [Mike Goren](#)
To: [Council Clerk – Testimony](#)
Subject: Item #633 - create truly independent Police Oversight Board
Date: Wednesday, July 29, 2020 1:19:20 PM

As a Portland resident, I strongly support Commissioner Hardesty's proposal to create a truly independent accountability system for PPB. Our politicians talk a good game of supporting diversity and creating a progressive city. This is a concrete opportunity to step up and put those values into action.

Thank you,
Mike Goren
3525 SE Taylor St, Portland, OR 97214

From: [Kelsey Caudron](#)
To: [Council Clerk – Testimony](#)
Subject: Measure 633
Date: Wednesday, July 29, 2020 1:36:41 PM

I support measure #633.

<https://www.portlandoregon.gov/auditor/article/764163>

From: [Tracy Thomas](#)
To: [Council Clerk – Testimony](#)
Subject: Testimony for item 633
Date: Wednesday, July 29, 2020 1:48:57 PM

Hello,

I would like to submit this written testimony in support of item 633 – Commissioner Hardesty’s proposal to create a new police oversight agency. I support including a measure on the November 2020 ballot to set up the board identified in the proposal.

Thank you,
Tracy Thomas
TracyTThomas@alumni.northwestern.edu
971-255-1380

From: [Bryce Holt](#)
To: [Council Clerk – Testimony](#)
Subject: Item #633
Date: Wednesday, July 29, 2020 1:50:11 PM

Portland City Council,

To my mind it's important that our public safety/ police personnel have independent oversight so that they remain more flexible going forward in that folk who are outside of the normal policing circles likely will have different insights into ways to do things and how the general public really opines. There are many duties that can be deferred to other entities who might be better equipped to model behavior that those needing addressing (so often houseless or mentally challenged folk) so that growth in development can be found rather than going back and forth through the challenging behavior/ punitive actions loop.

Also, the disparities between how different peoples have been treated over time have been growing larger and although there's been much progress more is needed. Item #633 addresses much of this change well.

Best of skill(luck) with this and other matters before you today and thanks for your diligent efforts.

Cordially, Bryce Holt 97220

From: [Noah Grunzweig](#)
To: [Council Clerk – Testimony](#)
Subject: Testimony Submitted for Agenda Item #633
Date: Wednesday, July 29, 2020 1:56:15 PM

Dear Commissioners and Mayor,

Thank you for the opportunity to speak with you. Please vote Yes on measure 633. Commissioner Fritz, I made your day last week by replying with more enthusiasm than some might consider reasonable to your auto-email response. I didn't know you had a blog and was interested in knowing more where you stood in all of this. I am here speaking in part because it was in your written words that echoed what we all know. The solution is not just protesting, and there are complex legal and policy structures in place to keep our systems of policing as it is. This measure is an important step in towards changing that system for the better. I ask that you all vote yes on measure #633.

I have reviewed the proposal and can see the work and thought that has gone into it. As Commissioner Hardesty has said, it isn't perfect but it doesn't need to be right now. That said, I would like to see some amendments and minor additions made to further clarify the desired outcome of independent bureau oversight and change. I would like for you to add public interviews of board candidates, with a public comment period, before council decisions of appointment are made to the Nature of the Board. Add also the exclusion of active or former military, private security agency, or prison or law enforcement lobbying agencies and their families to the section on Restrictions of Membership. Add Board approval to Director appointments of investigators in the section on Professional Staff of the Board. Amend the board budget goal to be funded sufficiently to do the job correctly and no less than that in the Budget of the Board. Also, please add authority to severely discipline retaliation against officers who cooperate with investigations in the section on Powers of the Board. The reasoning for each of these is laid out in my written testimony submitted this afternoon. The short is, if the aim is independence and community representation, these additions will provide greater protection from the infiltration of special interest influences and allow greater voice and participation of Portland communities.

Please make these recommended additions and amendments and vote yes on measure 633.

It is time to infuse “public served” influence into our “public serving” police institution.

Additions and Amendments:

Proposed Amendment: Section 2-1002. Nature of the Board:

Please amend “Board members shall be appointed by approval of Council to a term of years established in City Code”

to “Board members shall be applied for and interviewed publicly by Council. Council will make decisions about appointment approvals after sufficient time is allowed for public testimony on applicants.”

Reasoning: With an interview process and public input, Portland can move towards greater participatory democracy and maintain greater accountability for public officials and the Board. This diminishes the opportunity for corruption and more clearly creates the outcome of the stated intentions in Section 2-1006. Independent Authority. To leave these appointments

solely to the judgement of any City Council offers greater control and influence than is intended and without additional accountability. The Community Police Oversight Board must as independent from the influence of both PPB AND City Council as possible.

Proposed Addition: Section 2-1002. Nature of the Board:

Add, “The Board is to create the infrastructure to actively inform the public, rather than simply make information publicly available, regarding policy practices, policies, and directives under review and directed revision by Portland Police Bureau.”

Reasoning: Part of the current consideration is rebuilding public trust. To ensure this happens, transparency will require actively seeking to inform and engage Portland citizens in the policy changes the Board is proposing. This also ensures Portlanders have greater agency in engaging policy decision at the local and state legislation level. Seeking to inform the public and building the infrastructure and practices to do so, not just making information publicly available, should be a priority, especially in the first few years.

Proposed additions Section 2-1003. Restrictions on Membership:

Add restriction of anyone “formerly employed by law enforcement, military, private security agency, or lobbying agency with interested tied to any of the aforementioned sectors” from service on the Board and thus be not eligible for membership. Same should apply for family as well.

Reasoning: If the aim is to minimize the influence of individuals who would maintain or seek to return Policing to a more militarized force that controls, threatens, or dismantles the civil liberties of citizens and/or creates policies that allow this to happen, then maintaining a separation from those industries and governing bodies is essential. Military service, private security forces, associated lobbying bodies, and their families all have a similar conflict of interest compared to police, former police, and their families and should therefore be excluded. This does limit the candidates who may apply and/or who can be considered more broadly; however, this expanded measure is necessary to create a cleaner separation of influence and limit the Boards exposure to specific interest influences counter to its mission of community centered oversight.

Proposed Amendment: Section 2-1004. Budget of the Board:

Amend to “no less than 10% in the first year with reassessment every year until the board is stable. Board budget goal is to be funded sufficiently to do the job correctly and no less than that.”

Reasoning: Because the problems facing police reform are so varied, this Board will be most effective if there is no opportunity for it to be under funded. There will be more legal battles in the first two years, and PPB’s ballooned budget should rightfully pay any resistance to healthy reforms, not other city programs. Also, to ensure public trust is rebuilt, ensuring adequate funding will mean the new board would be able to correctly inform and engage Portland citizens in the policy changes they are proposing both at the local and state legislation level. Seeking to inform the public and build the infrastructure to do so, not just making information publicly available, should also be a goal, especially in the first few years.

Section 2-1005. Professional Staff of the Board:

Please Clarify and amend “Professional staff of the Board, other than the Director, shall be

appointed by and serve under the direction of the Director as classified employees” to “Professional staff of the Board, other than the Director, shall be appointed, with Board approval, and serve under the direction of the Director as classified employees.

Reasoning: All of us have hired someone, or had a co-worker hired, we thought was perfect for the job only to find out they wanted a title and authority to do things their way more than taking the mission of the organization and their responsibility to that mission seriously. This section is vague about how professional investigators are hired and does not specify if by the board or appointed by Bureau Director, as the first sentence distinguishes between administrative staff and professional investigators, and the last sentence refers only to “Professional staff of the board.” Later, it is stated that the Bureau Director hires all investigators. This change Prevents the opportunity of a Bureau Director from hiring only investigators who will not enforce the oversight of the Board. It’s all about checks and balances. This assumes that the appointed investigators have city union representation and therefore cannot be removed at the whim of the Board, like the Bureau Director. If this is not the case, please clarify the nature of investigators as sub contracts or regular city employs.

Clarify and Amend Section 2-1007. Powers of the Board.

(C) Please clarify “One of the goals of the Board will be to remove barriers for Board members to fully participate in the work of the Board.”

(D) Please Amend “Refusal to truthfully and completely answer all questions **will** result in discipline up to and including termination.” If necessary, include “within the discipline guideline of the union contract” as well as some whatever powers the Board shall have to protect officers who cooperate with investigations from retaliation.

Reasoning:

(C) The other language of Powers of the Board are clear enough for me to consider the outcome. This goal does not seem to be a power of the board but rather a goal of maybe giving power to the Board to participate in the workings of the board - which is unclear whether it is speaking of the Board v Bureau Board’s investigators. If the board has authority of oversight, then that should be stated. So long as the intention is oversight and not micromanagement. It is just not clear enough to know the intent or outcome desired of the goal.

(D) the language of “may” removes any baseline of accountability. The baseline for lying under oath is “you will be punished.” The baseline for refusal to truthfully and completely answer all questions should be “will result in discipline up to and including termination.” Also, retaliation is a consideration in all offices of power, and especially within the police force. For this board to have certain influence in this process, there must clear and absolute protections against retaliation as well as severe punishment for participating in any form of retaliation. It must be without question that retaliation is not an option.

Thank you again for your time, all the labor that has gone into this proposal, and for heeding the voices and council of the people you serve.

Cheers,
Noah Grunzweig
97206

From: [Ryan Ruark](#)
To: [Council Clerk – Testimony](#)
Subject: My STRONG SUPPORT for the Community Police Oversight Board
Date: Wednesday, July 29, 2020 2:08:30 PM

Good afternoon,

My name is Ryan Ruark. I have lived in Portland since 2012, and I work locally for Microsoft representing enterprise Surface computer hardware business to Portland-area enterprises. I am also a part-time graduate student at PSU, with a research focus in online disinformation and radicalization. I am writing to enter into the record my STRONG SUPPORT for the creation of the Community Police Oversight Board.

As I previously shared to Ted Wheeler’s Twitter handle, since the George Floyd protests began and probably before, there has a remarkable amount of overlap in the tone and tactics between the New York Police Department and the Portland Police Department. It is no coincidence that both of these departments are led by city officials who have completely lost all control of their departments, which are really being run by the associated police unions.

The Portland Police Association made it clear in their public statements that they would resist calls for oversight. They are not interested in policing, they are interesting in a paycheck. When the “Proud Boys” and “Patriot Prayer” started using Portland as a punching bag to make hay on right-wing media, Portland Police officials eagerly provided aid and information to those groups. These groups are dangerous, and a key pillar in the architecture of the online disinformation that has completely poisoned the ability for the United States to get work done.

If it were up to me, the Oregon Unemployment Department would give PPD their next paycheck. The leverage and bargaining power of the PPA must be dismantled, and if that means tearing down the whole Police Bureau, I’m for it.

This initiative represents the absolute lowest bar that this city council can achieve. Stop letting PPA call the shots. We ***elected*** YOU to do that. I personally voted for Commissioner Hardesty specifically because of her record with advocacy. My vote should count for more than PPA’s desire to avoid accountability.

Please vote “YES” for the creation of the Community Police Oversight Board

Thank you,

Ryan Ruark
1500 SW 11th Ave 802
Portland OR 97201

From: [Alex P](#)
To: [Council Clerk – Testimony](#)
Subject: GRADY A PRESTON II Testimony-City Council 2020-07-29 PM Session - ITEM 633
Date: Wednesday, July 29, 2020 2:31:43 PM

The current system of civilian oversight is not working. It does not result in officers being held accountable for profiling, maiming, and killing our friends, family, and neighbors. Any new system must lead to different outcomes. While this measure is not the only change we need to hold police accountable and transform how we conceive of community safety in Portland. It could be a key part of that long-term transformative work. And as long as police exist - until we defund and dismantle the Portland Police Bureau - it's critical that we have an oversight system to hold police accountable for misconduct and ensure the public are in charge of their Police Bureau

This measure addresses several key shortcomings of the current system:

It allows the new board to fully and independently review case information and propose discipline, rather than relying on the Police Bureau's Internal Affairs Division. That means the board would not be beholden to PPB's narrative of events, like the Independent Police Review "IPR" and the Citizen Review Committee "CRC" are today.

The board would be fully independent without interference from the City Council

The board will be able to investigate, discipline, and also recommend changes, in police policy and practice, rather than dividing these into separate processes. We cannot divorce the way police operate in practice from the policies and procedures they follow.

The board would have explicit jurisdiction in deadly force cases.

During the transition from "IPR" and the "CRC" to this new body, we must preserve the work of IPR and CRC. It would be wrong to dismantle those systems before a new one is in place because it would leave Portland Police Bureau Internal Affairs as the arbiters of all discipline and misconduct. "IA" is not viewed as objective or neutral by community, and community legitimacy matters

Tying the funding of this board to the Police Bureau's budget could set up a situation where defunding police necessarily means defunding civilian oversight systems, a false dichotomy. We do not want to see this happen, and we encourage Council to ensure that the funding for this new board is indeed a MINIMUM of 5% of the PPB budget, rather than entirely tied to the PPB budget

If and when this advances, we must center the people most impacted by police violence in implementing civilian oversight in Portland, e.g. the families of those lost to police violence and those who have been themselves harmed by police

Important that this new board will hold public hearings - critical for community to be able to understand police policies, decision-making, and misconduct decisions. Cannot achieve real accountability behind closed doors.

I want to thank Joann Hardesty for her continued pressure on PPB to do the right thing.

I want to thank the Governor and the many involved that finally got the feds to begin to withdraw. Thank you.

I want to speak directly to the mayor - Ted Wheeler - First off you need to immediately fire Chief Chuck Lovell if he is not willing to admit that his officers have made mistakes and have been responsible for escalating violence. We cannot have a police chief who says the continued attacks against our community members are acceptable everyday practices.

Last week during your PR stunt when you went out into the protests, you had an important conversation with Mac Smiff. In this conversation he asked you to do the work necessary to stop the PPB from using chemical weapons against their own community. We have been on the streets for two months, two months, for the first 34+ days you allowed your police offices

to gas us every night....every..night. Tomorrow when the feds start to leave and you no longer have a scapegoat to blame these acts of violence on, are you going to fail your community and allow your employees to incite violence, attack, maim, and gas us every night for the rest of the year? Or are you going to the right thing and ban the use of chemical weapons on your community? If you don't ban it now then you will be gassing us every night...You will be gassing us every night. YOU will be gassing mothers every night. YOU will be gassing veterans every night. YOU will be gassing medics every night. YOU will be gassing the most vulnerable every night. YOU will be gassing the most vulnerable every night. YOU will be gassing the most vulnerable every night. You must do what is right or resign.

- GRADY A PRESTON II PDX 97206

From: [Lisa G Wright](#)
To: [Commissioner Fritz](#); [Commissioner Eudaly](#); [Commissioner Hardesty](#); [Moore-Love, Karla](#); [Wheeler, Mayor](#); [Council Clerk – Testimony](#)
Subject: Please vote no on 633, Refer a Charter Amendment to voters at the November 3, 2020 General Election to authorize a new police oversight system
Date: Wednesday, July 29, 2020 2:47:02 PM

Dear Commissioners and Mayor,

How can you oversee a broken system? I didn't start out this period of protest as an abolitionist. I was a reformer. But I've come to see that we cannot hire, train or oversee our way out of the problem with policing. **I urge you to vote no on referring the measure to authorize a new police oversight system to the ballot.** I have deep respect and gratitude for Commissioner Joann Hardesty and the positive work that she has already achieved in her first two years in office. While I do agree that we need a new accountability process, establishing that before overhauling the system itself is going to obscure the work of and divert much needed public energy from divesting from our current policing system.

In addressing questions of accountability for wrongdoing by officers, the police union, mayor, and even oversight bodies focus on individuals. They cite the contract, policy and procedure and claim lawful action, and simultaneously declare their hands tied by the system. But it is the police *system* at work. In the streets, the cops act as a group and obscure their individual identities so that the accountability they say people can get is not possible. Leadership provides direction. Rhetorical games that focus on individual wrongdoing instead of the system itself obfuscate, and they are designed to.

In the past two months, the police have engaged in vicious tactics like bull-rushing, gassing, and shooting "non-lethal" munitions at non-violent protesters. They tackle protesters who are walking away from them, beat protesters with batons, rip off protesters masks to spray pepper spray directly into their faces. Police actions are indiscriminate and disproportionate. Our newest PPB chief cannot even acknowledge that his officers might have done anything wrong. Only this morning, we are learning of the case of Robert Bruders, who viciously assaulted a civilian, resigned, and was rehired immediately as a non-sworn employee. He then sexually harassed a PPB staffer, who was basically told that she had to make changes to accommodate his presence. So we have another person traumatized at the hands of a cop, and another lawsuit that taxpayers will have to pay.

This is a deep, systemic issue.

We need to redefine public safety. I would like to see Commissioners Chloe Eudaly and Hardesty collaborate to create a traffic safety division that can truly help us achieve Vision Zero while removing the ability of the police to use traffic enforcement as an excuse to pull over Black Portlanders for simply existing. We need investment in restorative justice practices that can help reduce the long-term impact of trauma over time, so that hurt people

can resolve their trauma instead of hurt other people. We need to stop displacing houseless people. We need to ensure that people in mental and emotional distress are not subject to violence, and that individuals with disabilities are not treated like criminals.

There is no doubt that an element of our public safety system needs to be able to deal with incredibly violent individuals. But part of reducing the overall violence in our society is eliminating the inherently violent ways we have for dealing with situations where people should be addressed with caring and not criminality.

So again, how can we hire, train, and oversee a system of people that don't yet exist? We cannot build these new systems overnight, but we must begin to reinvest dollars immediately so that in the long run, we have a better society and a public safety system that truly addresses the needs of the people.

Thank you.

Lisa Wright
Portland Resident

From: [Walton-Macaulay, Dana](#)
To: [Council Clerk – Testimony](#)
Subject: Fwd: Urgent Reading: Trying to get this testimony in front of the City Council on IPR Replacement
Date: Wednesday, July 29, 2020 3:07:05 PM
Attachments: [PastorJ.W.MattHennessee.vcf](#)
[Letter to Portland City Commission in non-support of replacement for IPR July 29 2020.pdf](#)

Dana Walton-Macaulay
Deputy Director
Independent Police Review

From: Pastor J W Matt Hennessee <pastor.matth@comcast.net>
Sent: Wednesday, July 29, 2020 2:38:48 PM
To: Blair, Aja <Aja.Blair@portlandoregon.gov>; Fox, Jamal <Jamal.Fox@portlandoregon.gov>; Walton-Macaulay, Dana <Dana.Walton-Macaulay@portlandoregon.gov>; Caldwell, Ross <Ross.Caldwell@portlandoregon.gov>; Devinci Elmore <velmore@comcast.net>; Wheeler, Ted <Ted.Wheeler@portlandoregon.gov>; Eudaly, Chloe <Chloe.Eudaly@portlandoregon.gov>; Fritz, Amanda <Amanda.Fritz@portlandoregon.gov>; Hardesty, Jo Ann <JoAnn.Hardesty@portlandoregon.gov>
Cc: apostlet@oasisofpraiseintl.org <apostlet@oasisofpraiseintl.org>; majpraise@gmail.com <majpraise@gmail.com>; Herman Greene <hermangreene@gmail.com>; Greene, Nike <Nike.Greene@portlandoregon.gov>; J. W. Matt Hennessee <pastor.matth@comcast.net>
Subject: Urgent Reading: Trying to get this testimony in front of the City Council on IPR Replacement

Good afternoon everyone:

I just got back in town early this morning and had a funeral service which I just finished with.

Can one of you make certain this testimony gets to the Clerk of the Council so it can be placed in the record? I would very much appreciate it.

Thank you,

Pastor H.

J.W. Matt Hennessee, M.Div.; D.D.
Senior Servant
Vancouver Avenue First Baptist Church
3138 No. Vancouver Ave.,
Portland, OR 97227

Church Office: 503.282.9496
Mobile Number: 503.351.8356

"But we have this treasure in earthen vessels, that the excellency of the power may be of God, and not of us. We are troubled on every side, yet not distressed; we are perplexed, but not in despair; persecuted, but not forsaken; cast down, but not destroyed... " II
Corinthians 4:7-9 (KJV)

Vancouver Avenue First Baptist Church

3138 No. Vancouver Ave., Portland, OR 97227

Phone: (503) 282-9496 Fax: (503) 284-6073

Pastor J.W. Matt Hennessee, M.Div., D.D.; Senior Servant

www.vafbcpdx.org/www.facebook.com/Vancouver Baptist Church Portland

*Mr. R. Glenn Ward, Chair
Board of Deacons*

*Mrs. Patricia H. Montgomery
Church Clerk*

*Mr. Ethan Lewellen, Vice Chair
Board of Trustees*

July 29, 2020

The Honorable Ted Wheeler
The Honorable Amanda Fritz
The Honorable Chloe Eudaly
The Honorable JoAnn Hardesty

Re: Replacement for IPR

Dear Mr. Mayor and Members of the Portland City Commission:

I apologize for the tardiness of this message to you as I was out of town and just arrived back here early this morning.

It is my understanding that you are reviewing a proposal to place on the ballot for Portlanders this coming November to replace the present Independent Police Review (IPR). When I first heard of this in a different public meeting I was completely surprised. As many of you know, due to my work in public administration, private business, and in the faith community leadership, our decisions must be based on facts and data and guide us to a better situation than the one we have rather than a direction that is not undergirded with data.

I have a great deal of love and respect for all of you and the work that is before you. You are great people and, generally, you make awesome decisions. However, this decision or deliberation is difficult for me. Our IPR is one of very few around the nation and it is the model other locales look to. There are 18,000 police agencies in the country and only 145 IPR's or some semblance of IPR.

I absolutely believe IPR can use some reforms, but I do not believe that taking it out and replacing it with another idea without helping the present system more efficient and effective, is not wise and not good public policy. Some of the work that needs to be done is shrinking the time it takes to investigate an infraction, have police officers give sworn testimony, have them make public reports on their progress, create a dashboard to track success, and to whatever extent further to make our current system work better.

It is my hope that even should you decide in the future to go through the route of a ballot measure, please make that decision based on data that shows you what is not currently working well and work hard to bring together teams to work on how to make it better. We are more than happy to take that conversation up in the Inter-Faith Peace & Action Collaborative (IPAC) we are here to help in anyway.

If you have any questions or need any further information from me, please do not hesitate to reach out to me.

Respectfully submitted,

J.W. Matt Hennessee

J.W. Matt Hennessee, Senior Servant

From: [Kristi Lovato](#)
To: [Council Clerk – Testimony](#)
Subject: agenda item #633
Date: Wednesday, July 29, 2020 3:12:17 PM

RE Agenda Item #633- refer the police oversight board question to voters

I am writing in support of a ballot measure to determine whether to establish an independent PPB oversight board. I have been a Portland resident and property owner for over 20 years. If recent events have told us anything, it is that the PPB has lost the faith of the Portland community. I am the parent of a 10 year old daughter, who up until recently was certain that she wanted to be a police officer. She has watched the last few weeks of news in complete disbelief, as police departments here and across the country have committed horrible injustices, and accidents that have cost dozens of lives. Through it all, police departments have maintained that they are above consequences. Indeed, existing policy allows them to do virtually anything without being held accountable. Even a child can see that this is a recipe for disaster. Absolute power corrupts absolutely, and it shows. From their complete disregard of the directives of City leadership, to their coordination with outside forces from right wing extremists to secret federal agencies, the PPB appears to write their own rules as they go, to the detriment of us all. I also served two terms as President of ILWU Local 5, and am well aware of the representational duties of a union, and the liabilities that come when those duties are not fulfilled. It is for that very reason that the PPB cannot be responsible for their own investigation and discipline. This presents a conflict of interest that is impossible to overcome through policy. Finally, we simply cannot afford to have the PPB violate the Civil Rights of the people of Portland over and over without meaningful disciplinary action. While they can escape consequences, we are liable for the hundreds of millions of dollars in settlements that are paid out every year for their misconduct.

Sincerely,
Kristi Lovato

From: [Shanice Clarke](#)
To: [Council Clerk – Testimony](#)
Subject: Re: Comment: New police oversight system
Date: Wednesday, July 29, 2020 3:15:29 PM

There was a typo in the previous comment, I would like to respond with the an updated copy.

sbc

Mayor Wheeler, City Commissioners,

My name is Shanice Brittany Clarke, and I am an educator, youth organizer, and proud Black resident of north Portland. Policing and public safety issues can be fatal for the communities I support.

The basic rights of Portlanders are under attack, especially Black Portlanders, in large part due to the state of the current policing system. The uprising in our community has brought the undeniable truth that Black people, experience this kind of fear you may experience in the Justice Center, in our day to day lives. I go to work, and go to the protests. The fear I feel there, it is both new, and familiar. It is the “doomsday clock” that is just living as a Black person in Portland. Quanice Hayes was a young man frightened by the police, who happened to just be in the wrong place in the wrong time. It could be any of us.

We deserve an opportunity to build a place where young people, Black, Indigenous, and other people of color, can walk outside of their homes, eat, play, and go through difficult times, without being at the wrong place at the wrong time.

When a system of public safety meant to reinforce conditions that make Portland safe turns abusive at least, and fatal at worst, the system does nothing but threaten the safety of the public. The public has a right to participate in the very policy and structural decisions that inform their day-to-day lives.

It’s time for a new charter for a police oversight system, because the first step of creating the communities that are safe to live in, is for us to have the the decision-making authority to make change.

Shanice B. Clarke

On Wed, Jul 29, 2020 at 2:45 PM Shanice Clarke <shanicebrittany.clarke@gmail.com> wrote:

Mayor Wheeler, City Commissioners,

My name is Shanice Brittany Clarke, and I am an educator, youth organizer, and proud Black resident of north Portland. Policing and public safety issues can be fatal for the communities I support.

The basic rights of Portlanders are under attack, especially Black Portlanders, in large part due to the state of the current policing system. The uprising in our community has brought the undeniable truth that Black people, experience this kind of fear you may experience in the Justice Center, in our day to day lives. I go to work, and go to the protests. The fear I feel

there, it is both new, and familiar. It is the “doomsday clock” that is just living as a Black person in Portland. Quanice Hayes was a young man frightened by the police, who happened to just be in the wrong place in the wrong time. It could be any of us.

We deserve an opportunity to build a place where young people, Black, Indigenous, and other people of color, can walk outside of their homes, eat, play, and go through difficult times, without being at the wrong place at the wrong time.

The first step of addressing a problem so systemic is

When a system of public safety meant to reinforce conditions that make Portland safe turns abusive at least, and fatal at worst, the system does nothing but threaten the safety of the public. The public has a right to participate in the very policy and structural decisions that inform their day-to-day lives.

It’s time for a new charter for a police oversight system, because the first step of creating the communities that are safe to live in, is for us to have the the decision-making authority to make change.

Shanice B. Clarke

From: [Kyle Wolfson](#)
To: [Council Clerk – Testimony](#)
Subject: Yes on 633
Date: Wednesday, July 29, 2020 3:29:17 PM

Please vote yes on Measure 633 to increase police oversight, but know that additional oversight has been tried time and again to reform the police and that it is not sufficient to transform the institution into one that truly serves and protects the people instead of the people's property. That being said, effective oversight will be a vital component to whatever other efforts are undertaken to overhaul the police system.

Sincerely,
-Kyle Wolfson, Portland City resident.

From: [Sam Sterns](#)
To: [Council Clerk – Testimony](#)
Subject: Police Oversight item633
Date: Wednesday, July 29, 2020 3:30:15 PM

Dear Portland City Council,

I urge you to pass 633 so that on the ballot Portlanders can vote on a new police oversight committee. Please pass this measure. Yes, we need better oversight to create better systems of accountability. And, I urge you to **defund the police** and reinvest in communities that have been historically disenfranchised. The people are demanding a defunding of the police. An oversight board does not meet this demand. I understand that defunding is not a light switch. We need to put measures in place that help us in the meantime. Please pass 633.

Critics of the bill say that it has been rushed with little transparency. The current system does not allow for transparency. Our moment to create change has come rushing in; however, the ideas behind this change are not rushed. Independent police oversight with the power to subpoena is not a new idea. Activists in the community have asked for this for decades.

5% of the police budget and more than the auditor's office may seem like a lot of money. But police departments spend money on militarized weapons instead of employing administrative staff like data analysts and implementing proper data reporting, so we need external oversight that is well funded in order to be effective. Proper data collection and external oversight are the foundations of transparency.

Best,
Sam Sterns
(They/Them)
[Linkedin Profile](#)
97213, North Tabor Neighborhood

From: [Kip](#)
To: [Council Clerk – Testimony](#)
Subject: Testimony on item 633 July 29 City Council General Election to authorize a new police oversight system
Date: Wednesday, July 29, 2020 3:50:26 PM

My name is Kip Silverman, I am representing myself and my community which I've lived in for 22 years.

In November 2011 when Occupy Portland, a movement devoted to peaceful protest demanding accountability and equity from government and corporations, was brutally and violently evicted by Portland Police. Dozens were injured including one friend that had their back re-broken by police slamming him into the pavement and the cop keeping his knee on his back while my friend screamed in pain. Those screams still haunt me to this day.

I was injured too- I was hit from behind with a baton without warning and had no idea what hit me or why until friends told me, but immediately afterward I was shoved forward by police and told to keep moving even though I was stunned. When I got home to my children, I had a huge lump on the back of my head and deep bruises on my shoulders.

I met with two senior PPB officers (with their lawyer present) shortly after the eviction as part of a delegation from Occupy. One of which was Bob Day who was then the training officer. We asked what gave them the right to use violence on us. I believe it was Day who illustrated the use of force directives that allowed using violence on peaceful people by hitting them with batons which included breaking bone. I asked where in the directives it told them to stop hitting someone. The lawyer told them they didn't need to answer that. Day replied with a resigned voice: "they don't".

I filed a complaint with the IPR and testified in front of Portland City Council about being injured, the key point being that despite it being a six week long peaceful protest, the only time there was ever violence was when the Portland Police engaged and started it.

That was it. I never heard anything back. I have watched over the years time and again my friends being hurt at protests. I've had a friend shoved down stairs, another maimed by tear gas canisters shot directly at them and on and on. And then George Floyd was murdered. And for 62 days Portland citizens have shown up yet again demanding accountability from the Portland Police Bureau and for 62 days, the Police have responded with tear gas, impact munitions, and batons. Violence. Always violence.

I have seen 10+ of my friends hurt with serious injuries to the face and chest from impact munitions from protesting these past few weeks. Places that the police are supposedly not allowed to aim for. One munition split the front of my friend's face open, another almost lost an eye. None of them were doing anything remotely threatening to the safety of a police officer. To my horror I watched police target and beat down and arrest a friend who is a freelance journalist live on a livestream.

I am terrified for my youngest daughter, also an activist, who wants to demonstrate because she might wind up severely injured or dead while exercising her constitutional right to free speech, assembly, and redress grievances against her government. It is hard for me to comprehend that in my years of activism I never had to outfit myself with a helmet, respirator, body armor, and a shield to just show up to a group demonstration.

It seems all the PPB knows is to use is violence and the PPA and city attorney's office protects them when they do. The IPR and CRC are purposefully nerfed so that they cannot do anything meaningful and no police are ever held accountable for their actions whether it's hitting someone with a baton or crushing a man's chest and laughing while he bleeds out in a jail cell screaming in pain. Kyle Nice, Christopher Humphreys and Bret Barton were disciplined and then rescinded and received backpay. This is nothing short of evil.

The only redress is to sue the city at the taxpayers expense. And in almost every case the officer in question receives no discipline and often even has backpay and a promotion coming. It is unconscionable to me as a Jewish person that a police officer, Mark Kruger who created a shrine to SS officers in a public park, is still allowed to serve much less make it up the ranks.

THIS NEEDS TO CHANGE NOW. I support this new oversight effort which is just the beginning. Holding police accountable for their actions with real consequences is just the first step.

We need to also redefine why the Portland Police exist in the first place and rewrite the directives that let them act with impunity.

For Aaron Campbell, for James Chasse, for Quanice Hayes, and the others murdered- for the dozen or more friends and myself that have been injured by Portland Police, we must hold them accountable. This is a good start. Finally.

Thank you Commissioner Hardesty for your leadership on this.

Any "no" vote will be recognized as an elected official that does not think accountability is important for city employees who have the ability to use lethal force at any time without consequence, and will be duly noted.

From: [Elliott Young](#)
To: [Council Clerk – Testimony](#)
Subject: City Council Testimony
Date: Wednesday, July 29, 2020 4:42:51 PM

Here is my testimony which I would like to submit in writing:

City Council Testimony on Ballot Initiative for Police Oversight Body
Elliott Young, 7/29/20

As a Board member on the Portland Committee on Community Engaged Policing (PCCEP), I have heard from many community members about the limitations of the current system of police oversight that has many branches but too little effect. We have had the leaders of the Independent Police Review, the Citizen Review Committee and the Training Advisory Committee speak at length about the work they do, as well as the city auditor. This is what I took away from those meetings:

The current bodies are not independent because so many police officers sit on the Police Review Board.

They are not transparent because the results of their deliberations are not available to the public. And they are not effective because so few officers seem to get disciplined, and those that are have had the disciplinary decisions overturned.

The new proposed body would be more independent, transparent and have the power to compel officer testimony.

My biggest fear was that the new body would be as weak, ineffective and not independent as the current system, and the jury is still out on that point. The devil really is in the details of who gets chosen to sit on this board and how they are chosen.

Also, while police oversight is important, the most important long-term transformation will come from shrinking the role of the police in our city and creating alternative means of creating community safety.

However, I am convinced that this measure will be effective by the greatest endorsement one can get for a police oversight body, and that is the steadfast opposition to it by the Portland police union.

I encourage council members to refer this measure to the ballot in November and allow Portlanders to decide whether we need better police oversight. I think we all know what the answer will be.

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Elliott Young [He/Him]
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From: [G W](#)
To: [Council Clerk – Testimony](#)
Subject: Testimony for agenda item #633
Date: Wednesday, July 29, 2020 5:00:33 PM

I support the passing of measure 633 on the formation of an independent police oversight board. If done right, this can be the first step in identifying and dismantling the structural failures that exist inside the Portland Police Department (PPD). The expansion of power that the PPD wields can be seen in their brazen abuse of protestors without any repercussions for their actions. Every night these abuses are captured on video and put online for the world to see, but accountability for the officers has been non-existent. This violent abuse of power extends well beyond the protests, but due to the willingness of our citizens to confront the PPD, we can draw attention to the criminal conduct carried out by our law enforcement agencies.

This inappropriate behavior exhibited by the PPD primarily impacts our minority communities. I am ashamed to have people in this position of authority continuing to support a system of racism. If our Police department really wants to earn the respect of its communities it will have to be willing to listen to the communities it represents, own its failures, and accept drastic and lasting changes.

The growth of the Police Department and the influence of the Police Unions in politics have resulted in an unequal distribution of power between the state and the citizenry it governs. Civilian oversight, with the authority to implement new policies and discipline inappropriate behavior will be a good start to instilling a sense of confidence in our law enforcement. This is not the solution to racism and police brutality in our law enforcement, but it is a necessary first step in the right direction.

Greg Watkins
Portland City Resident
97206

From: [Emory Mort](#)
To: [Council Clerk – Testimony](#)
Subject: testimony, oversight ballot measure
Date: Wednesday, July 29, 2020 7:19:45 PM

Good afternoon my name is Emory Mort, here today as a person who has done policy work and organization, on a number of police issues. in other words I've tried my best to understand the ins and outs.

I'm in favor of passing this oversight resolution and referring it onto the ballot for voters to debate and decide.

For the record I have just spent 7 straight days being gassed by forces called in by mayor Daryl Turner and PPB public relations assistant Ted Wheeler. So I support an oversight body that can change such policies that do harm to my vulnerable neighbors.

I'm going to put some of those recent events aside for a moment, and focus my testimony on the question of what kind of change this could be.

Reform has become a dirty word, for mostly very good reasons. So I'm going to switch to using the word *change*. This vote today is a vote for a change.

Now, it's up to us to argue what kind of change it is. Does it move us closer to have some semblance of democratic control over how we are shot at, tased, surveilled etc by the police. Can we get career racist cops out of the force, since our elected officials refuse to do that, or are incompetent and compromised?

Or.. would this resolution be a change which provides police to keep doing what they've been doing, but with added layers of professionalized cover?

I think it's easily arguable that installing a civilian oversight system like this would be an abolitionist change. I will briefly say why.. but first

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I want to point out the absurdity of this moment. I personally just got tear gassed multiple times per night, for hours per night, for seven straight days, ending Monday. Probably well over 10,000 other people got tear gassed in that time. Now we're supposed to take a break from that and help YOU, who CONTROL THE POLICE WHO LED TO THIS, put the onus on stressed civilians to control your police force

During these gassings and all out street assaults, Not only was I not protected or served by the PPB, the PPB actually called these attackers IN to do this, with YOUR help and blessing and ignorance. I heard this call for action against the protesters start on MLK, with the Mayor participating, and never back-tracking. That's a critical mistake that has NOTHING to do with policy limitations.

The feds worked out of a PPB command center for some of this time while attacking people. Instead of meeting protester demands with policy concessions, members of this council helped police call in these mercenaries to do further damage to us, including surveilling and arresting us to limit our ability to come do testimony like this.

The PPB was out in the streets bull rushing me and a bunch of kids on Saturday night, after 2am, AFTER the feds had tear gassed us. Some restrictions on collaboration. More like a tag team. I was running down the street with a piece of pizza in my hand, chased by a line of 30 cops. I needed fuel! The cops on their LRAD closed Downtown all the way to the 405, saying if we didn't leave we would be subject to use of force "including, but not limited to, tear gas and impact munitions".

Now that they are having policies threaten their hegemony, their LRAD commander was implying the possible use of deadly force on us, passively doing nothing 8+ blocks from the federal building.

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Ok, so where was I. Oh yeah, doing oversight on these professionals.

I want to propose a hypothetical. Let's say a miracle happens and PPB is defunded by 50%, an abolitionist reform. Well in that case we'll have many many dangerous cops left on the force, with typical incredible discretion to use state violence as they deem appropriate.

So will an oversight panel like this be something that would be good to have, to investigate the further violent acts the police do? To force policy changes on the police

I think the answer is very likely yes, but I am open to argument.

If you're an abolitionist who wants to argue against that, then address the issue in a real intellectually honest way. It's childish to say every proposed "change" is a "liberal reform".

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I recommend the council elected officials vote this through onto the ballot, and buckle up for years of retaliation and threats from our local police, while society is devastated by revenue shortfalls caused by our austerity neoliberals owned by the wealthy interests, devastated by evictions, covid, climate catastrophe, and more.

We have to be creative, supportive, and aspirational. We all have to use whatever leverage we can gain to protect each other as the working class, Black people probably more than anyone, are set to suffer to an enormous extent.

I think it's possible we pull together and transform our society. But we need to admit the chances are slim, and we need to stick together and commit to making good plans against deadly forces licking their chops over fascistic backlash to the uprising.

From: [Adinah Barlow](#)
To: [Council Clerk – Testimony](#)
Subject: Vote Yes on Measure 633
Date: Wednesday, July 29, 2020 7:55:35 PM

Dear Commissioners and Mayor Wheeler,

My name is Adinah Barlow, and I am a resident of SE Portland. I care very much for my city, my friends, family and colleagues here, so thank you so much for the hard work you are putting into this reform proposal and to getting the Feds out of Portland.

My dear friend Noah Grunzweig made these Additions and Amendments. Please consider them.

Proposed Amendment: Section 2-1002. Nature of the Board:

Please amend "Board members shall be appointed by approval of Council to a term of years established in City Code" to "Board members shall be applied for and interviewed publicly by Council. Council will make decisions about appointment approvals after sufficient time is allowed for public testimony on applicants."

Reasoning: With an interview process and public input, Portland can move towards greater participatory democracy and maintain greater accountability for public officials and the Board. This diminishes the opportunity for corruption and more clearly creates the outcome of the stated intentions in Section 2-1006. Independent Authority. To leave these appointments solely to the judgement of any City Council offers greater control and influence than is intended and without additional accountability. The Community Police Oversight Board must be independent from the influence of both PPB AND City Council as possible.

Proposed Addition: Section 2-1002. Nature of the Board:

Add, "The Board is to create the infrastructure to actively inform the public, rather than simply make information publicly available, regarding policy practices, policies, and directives under review and directed revision by Portland Police Bureau."

Reasoning: Part of the current consideration is rebuilding public trust. To ensure this happens, transparency will require actively seeking to inform and engage Portland citizens in the policy changes the Board is proposing. This also ensures Portlanders have greater agency in engaging policy decision at the local and state legislation level. Seeking to inform the public and building the infrastructure and practices to do so, not just making information publicly available, should be a priority, especially in the first few years.

Proposed additions Section 2-1003. Restrictions on Membership:

Add restriction of anyone "formerly employed by law enforcement, military, private security agency, or lobbying agency with interested tied to any of the aforementioned sectors" from service on the Board and thus be not eligible for membership. Same should apply for family as well.

Reasoning: If the aim is to minimize the influence of individuals who would maintain or seek to return Policing to a more militarized force that controls, threatens, or dismantles the civil liberties of citizens and/or creates policies that allow this to happen, then maintaining a separation from those industries and governing bodies is essential. Military service, private security forces, associated lobbying bodies, and their families all have a similar conflict of interest compared to police, former police, and their families and should therefore be excluded. This does limit the candidates who may apply and/or who can be considered more broadly; however, this expanded measure is necessary to create a cleaner separation of influence and limit the Boards exposure to specific interest influences counter to its mission of community centered oversight.

Proposed Amendment: Section 2-1004. Budget of the Board:

Amend to "no less than 10% in the first year with reassessment every year until the board is stable. Board budget goal is to be funded sufficiently to do the job correctly and no less than that."

Reasoning: Because the problems facing police reform are so varied, this Board will be most effective if there is no opportunity for it to be under funded. There will be more legal battles in the first two years, and PPB's ballooned budget should rightfully pay any resistance to healthy reforms, not other city programs. Also, to ensure public trust is rebuilt, ensuring adequate funding will mean the new board would be able to correctly inform and engage Portland citizens in the policy changes they are proposing both at the local and state legislation level. Seeking to inform the public and build the infrastructure to do so, not just making information publicly available, should also be a goal, especially in the first few years.

Section 2-1005. Professional Staff of the Board:

Please Clarify and amend "Professional staff of the Board, other than the Director, shall be appointed by and serve under the direction of the Director as classified employees" to "Professional staff of the Board, other than the Director, shall be appointed, with Board approval, and serve under the direction of the Director as classified employees."

Reasoning: All of us have hired someone, or had a co-worker hired, we thought was perfect for the job only to find out they wanted a title and authority to do things their way more than taking the mission of the organization and their responsibility to that mission seriously. This section is vague about how professional investigators are hired and does not specify if by the board or appointed by Bureau Director, as the first sentence distinguishes between administrative staff and professional investigators, and the last sentence refers only to "Professional staff of the board." Later, it is stated that the Bureau Director hires all investigators. This change Prevents the opportunity of a Bureau Director from hiring only investigators who will not enforce the oversight of the Board. It's all about checks and balances. This assumes that the appointed investigators have city union representation and therefore cannot be removed at the whim of the Board, like the Bureau Director. If this is not the case, please clarify the nature of investigators as sub contracts or regular city employs.

Clarify and Amend Section 2-1007. Powers of the Board.

(C) Please clarify "One of the goals of the Board will be to remove barriers for Board members to fully participate in the work of the Board."

(D) Please Amend "Refusal to truthfully and completely answer all questions will result in discipline up to and including termination." If necessary, include "within the discipline guideline of the union contract" as well as some whatever powers the Board shall have to protect officers who cooperate with investigations from retaliation.

Reasoning:

(C) The other language of Powers of the Board are clear enough for me to consider the outcome. This goal does not seem to be a power of the board but rather a goal of maybe giving power to the Board to participate in the workings of the board - which is unclear whether it is speaking of the Board v Bureau Board's investigators. If the board has authority of oversight, then that should be stated. So long as the intention is oversight and not micromanagement. It is just not clear enough to know the intent or outcome desired of the goal.

(D) the language of "may" removes any baseline of accountability. The baseline for lying under oath is "you will be punished." The baseline for refusal to truthfully and completely answer all questions should be "will result in discipline up to and including termination." Also, retaliation is a consideration in all offices of power, and especially within the police force. For this board to have certain influence in this process, there must clear and absolute protections against retaliation as well as severe punishment for participating in any form of retaliation. It must be without question that retaliation is not an option.

Thank you again for your time, all the labor that has gone into this proposal, and for heeding the voices and council of the people you serve.

Cheers,
Noah Grunzweig
97206

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"There are two primary choices in life; to accept conditions as they exist, or accept the responsibility for changing them." ~ Denis Waitley

The difference between a request and a demand is what happens when the answer is "no".