

From: [Johanna Brenner](#)
To: [Council Clerk – Testimony](#)
Subject: Contract Between PPA and City of Portland
Date: Thursday, February 17, 2022 1:53:12 PM
Attachments: [PMPC Testimony to Council 2.17.2002.docx](#)

Dear City Clerk,

Please find attached testimony for today, February 17, with regard to the ordinance under consideration concerning the contract with the PPA.

Thank you

Johanna Brenner for

Portland Metro Peoples Coalition, Coordinating Committee

February 17, 2022

Dear Mayor Wheeler and Commissioners Hardesty, Mapps, Rubio and Ryan,

The Portland Metro People's Coalition (PMPC) writes today to thank the Council and the City offices who contributed to the long effort to negotiate a new contract with the PPA, and we want to single out Commissioner Hardesty for special thanks. Since her first year in office in 2019, Commissioner Hardesty has shown leadership in bringing a community and accountability perspective to the process through which the City and the PPA have bargained the tentative agreement before you today. We also appreciate the City Council's decision to hire an expert negotiator, and to do as much as possible to keep the community informed.

The history of this negotiation is important. Though we are here in 2022, it was in late 2019 that Commissioner Hardesty spearheaded community listening sessions leading into bargaining. It was early 2020 when a previous council voted to hire an outside attorney. When ground rules for collective bargaining were being hashed out between the city and PPA, there was no Portland Street Response pilot proposal, there was no nationwide explosion over the police murder of George Floyd, and there was no Police Oversight Board voted in to Portland's charter by city voters. Thanks to community organizing, and Commissioner Hardesty in office, and to the advocacy of the Portland Committee on Community-Engaged Policing, we had the pieces in place to defend Portland Street Response and the Oversight Board and make some significant improvements to the contract that we discuss in this testimony.

Given the injustice that the Portland Police Association continues to use collective bargaining laws to secure special rights for themselves to evade accountability for acts of violence and other misdeeds that this council acknowledges do harm the community, it is difficult to imagine how we would have secured these significant contract changes if not for determined organizing in the community and a determined community champion in office in Commissioner Hardesty.

PMPC was one of over 70 organizations who signed a letter calling for key changes in both the process and the content of the new contract between the PPA and the City. We asked for bargaining sessions to be open to the public, so we, the community, could have a presence as the talks proceeded. The City pushed for and won that opening which, unfortunately, was short-circuited by the PPA demand to enter mediation at the end of 150 days. Nonetheless, this open process was an important step toward changing the culture of secrecy and community suspicion that has hung over previous bargaining between the City and the PPA.

The community identified key areas where we wanted to see changes in the PPA contract. Our first concern was and remains the necessity for community oversight of and investigation into the excessive use of deadly force. We will continue to look for this change when the new Community Oversight Board is established and regret that it was not already included in this new contract which continues the old rules excluding IPR from investigation of police use of deadly force.

Another key concern was greater accountability for bias-based policing. We consider the new discipline guide included in this contract a good step forward in identifying, calling out, and penalizing such behavior by officers.

Another very significant change that we appreciate is the agreement that Portland Street Response will operate city-wide as a respected partner in Portland's public safety structure. We will be closely tracking the process through which, over the next six months or so, the major players in the city's public safety system develop protocols through which Portland Street Response is deployed. We hope and

expect that, as proposed already by PSR, the new protocols will greatly expand the types of incidents that PSR responds to while decreasing the encounters through which people in mental health crisis or other distress are exposed to the risks of arrest, maiming, and death that come along with police responders.

Although we understand that developing protocols to govern how different public safety entities work together requires professional expertise, the community's clear call for rethinking public safety also requires our involvement. We suggest that as you develop this system, the Portland Committee on Community-Engaged Policing be present at the table and also be tasked with engaging the community for feedback as the protocols are developed.

We understand that the City negotiators felt they had to focus efforts on key provisions and were limited by various legal and political constraints in how they could respond to our proposals. Nonetheless, we disagree that legal constraints prevented the City from a more vigorous stance in making public the names of officers who are found to have violated policies meant to protect community members from racial bias and from excessive force in general and especially when exercising our democratic rights. Although state law now requires the publication of the names of officers who receive suspension, discipline of a lesser level remains hidden from public view, including from those who have lodged complaints.

We continue to be concerned that at the same time that the Police Bureau is spending uncontrolled amounts on officer overtime, the City has not changed the terms of the contract which allow officers to work up to 20 hours/week in secondary employment. We are told that the PPB intends to limit secondary employment contracts with private entities to only large civic events. We hope that policy is implemented.

We are disappointed that the contract does not put in place mandatory drug testing after use of deadly force—a proposal that community members have long advocated for.

We will continue to advocate for a policy on body-worn cameras that does not permit officers to review video footage before writing their reports. We expect the City to hold strong on this point.

In closing, we want to both thank the Council for the work you have done so far and let you know that we will continue to push you forward toward rethinking public safety, investing funds in communities and people rather than police and punishment.

Sincerely

Johanna Brenner, Hyung Nam, Emory Mort, John Murphy for the Portland Metro People's Coalition
Coordinating Committee

From: [Deborah Wallace](#)
To: [Council Clerk – Testimony](#)
Subject: Writing in oppositon to the PPA Contract
Date: Saturday, February 19, 2022 3:19:23 PM

Mayor and City Council:

I urge you to vote against the PPA contract. There are numerous failures by the City to secure a reasonable contract, as public testimony has already enumerated.

It's a betrayal on so many levels to see this proposed contract portrayed as a win for Portland citizens. There's no rational argument for voting in favor of this contract, especially without including a police body camera policy.

Listen to the overwhelming testimony of your citizens and vote against this biased contract. None of you should be proud to vote in favor of a police union that has failed to hold its officers accountable, opposes body cameras unless they can cheat by reviewing footage before being interviewed, and has training material that defines Portland citizens as its enemies. The excuses need to stop.

This contract needs to go back to negotiation to be balanced in favor of police accountability and public safety.

Sincerely,

Deborah Wallace

From: [Sandy Chung](#)
To: [Council Clerk – Testimony](#)
Subject: FW: please resubmit the following testimony through the proper channels
Date: Wednesday, February 23, 2022 5:29:58 PM
Attachments: [Public Testimony Submission Form Confirmation \(2.17.22\).pdf](#)
[ACLU of Oregon - City of Portland - Testimony in Opposition to PPA-City Collective Bargaining Agreement \(2.17.22\).pdf](#)

Hello, it appears that I submitted this testimony regarding the City-PPA's Collective Bargaining Agreement in the incorrect place. Please see the attached testimony which I submitted on February 17, 2022, related to the City Council meeting on that date.

Thank you

From: Miller, Derek <Derek.Miller@portlandoregon.gov>
Sent: Wednesday, February 23, 2022 3:07 PM
To: Sandy Chung <SChung@aclu-or.org>
Subject: please resubmit the following testimony through the proper channels

Hello Ms. Chung,

It has been brought to my attention that a piece of testimony was submitted on your behalf in relation to the Environmental Overlay Zone Map Correction Project (link to record - <https://www.portlandmaps.com/bps/testimony/item.cfm#itemID=331464>). It appears that this testimony is unrelated to the aforementioned project.

Please resubmit this testimony directly to the City Council Clerk's office by email to the following email address - cctestimony@portlandoregon.gov

Regards,

Derek Miller | he/him/his
Bureau of Planning and Sustainability | OMF - BTS Corporate GIS
503.823.7982 | www.portlandoregon.gov/bps/

The City of Portland is committed to providing meaningful access. For accommodations, modifications, translation, interpretation or other services, please contact 503-823-7700 or use City TTY 503-823-6868.



February 17, 2022

City Council Members
City of Portland
1221 SW 4th Ave.
Portland, OR 97204

RE: Testimony in Opposition to Council Approval of Proposed Collective Bargaining Agreement

Dear Mayor Wheeler and Commissioners Hardesty, Mapps, Rubio, and Ryan,

Thank you for the opportunity to provide testimony on behalf of the American Civil Liberties Union of Oregon (ACLU of Oregon). The ACLU of Oregon is a nonpartisan, nonprofit organization dedicated to preserving and enhancing civil liberties and civil rights, with more than 28,000 members across the state, with many of these members in the City of Portland.

In a report titled, "An Independent Review of the Portland Police Bureau: Agency Culture, Community Perception, and Public Safety in a Time of Change,"¹ the OIR Group made the following observations:

- The process for implementing a community oversight board – which was mandated by City of Portland voters – has been slow “because of PPB challenges.”
- Many points and types of data, including internal PPB data, show that the Portland Police Bureau (“PPB”) disproportionately harms Black individuals through stops, arrests, and violence.
- The Portland Police Bureau is often tone deaf and defensive when “controversies” occur, controversies which often involve Portland police misconduct or violence towards community members.
- The Portland Police Bureau should take a more proactive role in identifying and addressing extremism and racism among its members.

¹ The OIR Group was engaged by the City of Portland to engage in an information gathering process and the development of this report.

- Setbacks in the federal Department of Justice (“DOJ”) compliance process were driven in part by the Portland Police Bureau’s “recalcitrance” with regard to DOJ’s concerns.
- The Portland Police Bureau can be “intransigent” to change; that even when recommendations for change are made, they are often not addressed and “mistakes continue year after year, despite the PPB’s agreement with repeated recommendations and its recurring pledges to implement reforms. In other words, there is “little effort undertaken to follow through in meaningful, accountable ways.”
- The Portland Police Association (“PPA”) is pressing to allow officers to view body worn camera footage prior to being interviewed about force or misconduct allegations and that this is contrary to investigative best practices and would undermine community support for cameras as an accountability measure.
- The Portland Police Association has been “reactionary,” “severe,” and “aggressive” – in ways that have not served the community, City of Portland, and Portland police officers too.

Many of the words and phrases in the observations above were taken directly from the OIR report.

Especially with OIR’s observations in mind, the following are some specific concerns the ACLU of Oregon has about the proposed Collective Bargaining Agreement (“CBA”):

- Although PPA agreed to expansion of Portland Street Response in principle, PPA still has the ability to thwart this program via the CBA because the allowable scope of Portland Street Response is still subject to determination, with PPA being a significant part of the body making that determination.
- There are restrictions in the CBA on the ability of the Community Oversight Board to make changes to the disciplinary guide, even though it is likely that the Community Oversight Board will need this ability, in conjunction with City support of such efforts, to create real accountability for officer misconduct and violence.
- Some of the increased money in the CBA is to recruit new police officers. However, bringing new employees into a dysfunctional and harmful work culture will simply result in more employees who are acculturated into that dysfunctional and harmful work culture. Research shows that when a work culture has permissiveness with unethical conduct, that results in unethical conduct by other employees who may not have acted that way in another work culture.²

²

[https://www.washington.edu/news/2007/02/12/rotten-to-the-core-how-workplace-bad-apples-spoil-barrrels-of-good-employees/;](https://www.washington.edu/news/2007/02/12/rotten-to-the-core-how-workplace-bad-apples-spoil-barrrels-of-good-employees/)

[https://s3-us-west-2.amazonaws.com/oww-files-public/a/a5/Final_BA_ROB.pdf;](https://s3-us-west-2.amazonaws.com/oww-files-public/a/a5/Final_BA_ROB.pdf)

- Although the public needs transparency about officer misconduct and violence, the CBA limits the disciplinary information that can be shared.
- Under the CBA, officers under investigation are still able to get the names of complainants and witnesses, even though this increases the possibility of retaliation and will likely prevent people from stepping forward as complainants or witnesses, which will impede the ability to do the types of effective investigations needed to appropriately address officer misconduct and violence.

It is important that in every contractual and budget decision involving the Portland Police Bureau, the City Council makes decisions that will create accountability for police officer misconduct and violence. The collective bargaining agreement as proposed, especially with a long four-year term, does not do this.

Moreover, the minimal concessions made by the Portland Police Association is not worth the over \$56 million dollars in additional monies that the City's impact analysis projects this CBA will cost Portland taxpayers over four years.

For the above reasons, the ACLU of Oregon opposes the City Council's approval of this collective bargaining agreement as it is without changes to it.

Thank you,

Sandy Chung
Executive Director
ACLU of Oregon
Pronouns: she, her

From: [Laura L. Gamari](#)
To: [Council Clerk – Testimony](#)
Subject: Written Testimony [Ratify a Successor Collective Bargaining Agreement between the City on behalf of Portland Police Bureau and the Portland Police Association relating to the terms and conditions of employment of represented employees in the Portland P...
Date: Thursday, February 24, 2022 12:00:04 PM

Dear Portland City Council,

I'm sorry I'm writing this at the last minute - I just don't know exactly what to say.

I have lived in Portland for almost ten years.

I have lived downtown for seven.

I have had the privilege of never being terrified of the police before now.

However, things have changed.

I know I need to provide a possible solution - it's not right to just complain - but I'm not sure what can be done without creating more problems.

I just know that I'm scared now in a way I never was before. I'm scared there are people in positions of authority - not just police, but in many areas - who either outrightly subscribe to white supremacist ideology or else at least think it's funny. I'm scared the people who should be there to protect everyone might be largely out for their own interests, agendas, and philosophies. I feel I have experienced a lot of trauma in the last two years that might have been prevented - there is a small police bureau outlet a block down the street from me - but largely the area has been harassed by all manner of violence, excessive noise, and symbols of hate.

What if - instead of demonizing protesters - the city employed them to patrol? Empowered them with some basic - weaponless - training and let them engage as citizens instead of being at odds with authority and the narrative of this city? Portland Street Response could easily expand to include them if a conscious effort was made to do so.

It would also help if there was a way for the general public to know the officers who work their neighborhoods. To hear and see them denounce supremacy and to get a genuine glimpse of what they really care about and who they really are.

I'm the first one not to trust everything these days, but I think this could still help. Better than nothing and living in fear.

I just know I'm scared and I don't feel like anyone should be. Especially not of the people who are supposed to help.

Thank you for listening,
L.

City Council Meeting - Thursday, February 17, 2022 2:00 p.m.

Agenda No.	First Name	Last Name
115.1	Michelle	Stevenson
115.2	Dan	Handelman
115.3	Sandy	
115.4	Johanna	Brenner
115.5	James	Ofsink
115.6	Ashanti	Hall
115.7	Beverley	Barnum
115.8	Diane	Meisenhelter
115.9	Marc	Poris
115.10	John	H