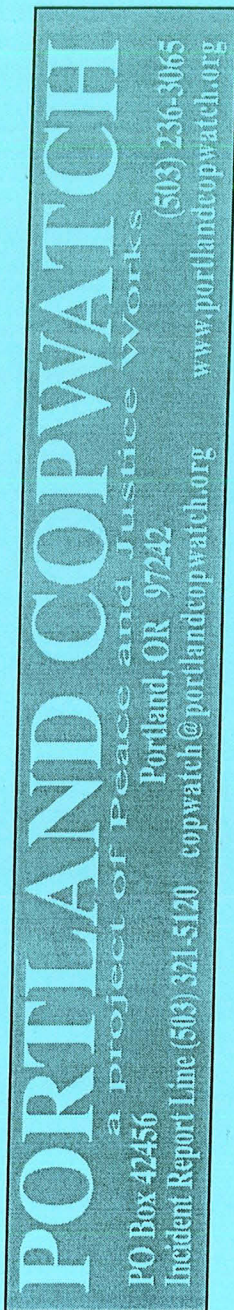


PORTLAND POLICE ASSOC. CONTRACT

IF YOU WISH TO SPEAK TO CITY COUNCIL, PRINT YOUR NAME, ADDRESS, AND EMAIL.

NAME (print)	ADDRESS AND ZIP CODE	Email
✓ DR T ALLEN BESTIEL	AMA COALITION FOR JUSTICE & POLICE REFORM	
✓ SHAUNNA CURPHY	NATIONAL LAWYERS GUILD	
✓ DAN HANDFELMAN	PORTLAND COPWATCH	
✓ KAYSE JAMA	CENTER FOR INTERCULTURAL ORGANIZING	
<del>BECKY STRAUS</del>	<del>ACLU OF OREGON</del>	
✓ JO ANN HARPESTY	AMA COALITION	
✓ JOE WASC	IFJ	
Kathy Bushman	Progressive Party	
<del>Tom DECHENNE</del>	<del>PEC - NBS - Portland</del>	
✓ Mark Hoffheins Jr	UCARE	
✓ Daryl Turner	PPA	





## Police Association Contract Too Weak; Memorandum to DOJ Has Loopholes

Testimony by Dan Handelman, Portland Copwatch

December 18, 2013

186391

To: Mayor Hales and Commissioners Fritz, Fish, Novick and Saltzman

Even though we are concerned about the broad potential challenges to policy it allows, we would understand if the City signed the Portland Police Association's Memorandum of Understanding regarding the Department of Justice Agreement. This will allow the federal judge to enter the DOJ Agreement into the record this Thursday and set a Fairness Hearing to decide whether the Agreement resolves the problems identified by the DOJ's investigation into Portland Police use of force.

However, community testimony at that Fairness Hearing, expected to be held sometime in February, could prompt the judge to order changes to the DOJ Agreement that better fix Portland's troubled oversight system and clarify issues around use of force. Because the CBA could be affected by those decisions, and because the judge should not be influenced in his decision by "facts on the ground" created by the signing of a new contract ahead of the Agreement's ratification—the city should delay voting on the CBA until after the Fairness Hearing.

We want to be clear that our organization works regularly with and supports labor unions and their right to bargain for fair working conditions, wages and benefits. The PPA, however, is an Association of police officers who sometimes are called out to squash the demonstrations of other workers. They use their considerable power to prevent accountability for use of excessive and deadly force, and to avoid being investigated by anyone from outside of law enforcement. We would be equally as alarmed if the Portland Teachers Association were going beyond asking for reasonable classroom sizes—which directly affects their workload—and asking for the right to institute corporal punishment against students with little to no review of their violent actions.

The PPA contract was negotiated mostly behind closed doors. There were three public meetings, all of which I attended, and only two of which the PPA attended. The Council is our elected leadership and we expected more from the City in clearing the way for timely and independent investigations. However, the City chose to leave in the so-called "48-hour rule" and the parts of the contract which could be interpreted to limit IPR from investigating misconduct including deadly force cases.

It is also of great concern that the newly re-instituted performance reviews will not include all complaints against officers—only ones that were sustained—and will not be used for transfer, discipline, or promotion (unless there is a tie between two officers). If an officer has a pattern of receiving certain kinds of complaints, don't you think their supervisor should mention that in the annual review?

We also had hoped the City would expand the drug testing introduced in 2011 to include mandatory tests after deadly/excessive force incidents, but that did not happen.

Portland Copwatch signed onto a letter from the National Lawyers Guild that went to the City earlier this month pointing out that there is nothing mandating that the City has to bargain about the 48 hour rule OR the IPR's ability to compel officers to testify. The City could have struck those parts of the Agreement and just said "sorry, it's not a mandatory subject of bargaining" but did not.

Getting back to the DOJ Agreement, we earlier raised concerns that administrative investigations are mandated only when an officer is found to have violated someone's rights at a civil trial, rather than also when a judgment or settlement are entered. The fact that the PPA is asserting its due process rights over this piece, which affects very few officers since few lawsuits result in jury verdicts, underscores this as one of the reasons we are hoping the DOJ Agreement gets modified after the Fairness Hearing.

For these reasons among others, we urge you to delay voting on the PPA contract today.

Thank you for your time  
dan handelman  
Portland Copwatch