



190694

Ordinance

Approve amendments to Settlement Agreement between the United States Department of Justice and the City of Portland

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. The Settlement Agreement between the United States Department of Justice (DOJ) and the City of Portland requires sustained reforms to policies, programs and procedures in, and oversight of, the Portland Police Bureau (PPB).
2. On April 2, 2021, the DOJ initiated the process to find the City in breach of the Settlement Agreement, which included a requirement that the Parties meet and confer, followed by mediation.
3. The City and DOJ met to discuss remedies to resolve the DOJ's concerns, and also met with the Intervenor, Portland Police Association (PPA), and the two amicus groups, the Alberta Ministerial Alliance Coalition for Justice and Police Reform (AMAC) and the Mental Health Alliance (MHA). On July 15, 2021, the City and DOJ discussed with the public nine additional remedies, listed below, at a meeting hosted by the Portland Committee on Community-Engaged Policing (PCCEP). On July 27, 2021, after public comment and deliberation, the PCCEP voted to approve a recommendation supporting the slate of remedies proposed by the DOJ. On August 24, 2021, the Court held a Status Conference and received written and oral submissions from the DOJ, the City, PPA, amicus groups and numerous members of the public, before and during the hearing, including in relation to the additional remedies.
4. The City, DOJ, PPA, and amicus groups participated in multiple mediation sessions with United States Magistrate Judge Stacie Beckerman in September and October, 2021. Thereafter, the DOJ and the City agreed to add a new Section XI, titled Addendum of Additional Remedies, subject to City Council and formal DOJ approval.

Introduced by

[Mayor Ted Wheeler](#)

Bureau

[City Attorney](#)

Prepared by

Robert Taylor

Date Prepared

January 6, 2022

Requested Agenda Type

Time Certain

Date and Time Information

Requested Council Date

February 9, 2022

Requested Start Time

10:05 am

Time Requested

30 minutes

Confirmed Time Certain

5. On November 9, 2021, the Court held a further Status Conference, and suggested further mediation might resolve concerns raised by amicus groups. DOJ participated in mediation with representatives of the AMAC and MHA to discuss their concerns and developed additional language for one of the proposed remedies.
6. The nine proposed remedies are detailed in Exhibit 1 and are summarized as follows:
 - A. The City will revise Force Data Collection Report (FDCR) and After-Action Review (AAR) forms to capture information to show required timeliness of completion and review.
 - B. The City will contract with a qualified outside entity to critically assess the City's response to crowd control events in 2020 in a public facing report that includes recommendations to which the City will publicly respond.
 - C. The City will create a "needs assessment" for crowd control training that adequately addresses issues with PPB's response to the 2020 protests. The needs assessment may be part of the crowd control assessment discussed above.
 - D. The City will separately budget overtime expenses for PPB's annual required training.
 - E. The City will appoint a qualified civilian to direct all educational aspects of PPB's Training Division to ensure consistent and appropriate training based on generally accepted adult-learning techniques.
 - F. The City will initiate Independent Police Review (IPR) investigations and hold accountable Portland Police Bureau personnel found to have violated polices related to crowd control in 2020, as detailed in the agreed remedy.
 - G. The PPB will issue its annual report and hold the required meetings before September 20 of each year during which the Settlement Agreement is in effect.
 - H. The City will implement body-worn cameras (BWCs).
 - I. The City will take steps to ensure the continued operation of IPR during the transition to the new voter-approved Community Police Oversight Board, and will propose amendments to the Agreement, subject to DOJ and the Court's approval, to implement the new Board after recommendations from the Police Accountability Commission.
7. In addition to the public hearing on this ordinance, the remedies detailed in Exhibit 1 will also be subject to public comment at a fairness hearing before the Court, where the Court will determine whether the remedies are fair, adequate, and reasonable.

NOW, THEREFORE, the Council directs:

- A. The amendments to the Settlement Agreement reflected in the Proposed Amended Settlement Agreement attached as Exhibit 1 are approved. The City Attorney is authorized to sign a Joint Motion to

Amend Settlement Agreement with the United States reflecting amendments substantially in the form of Exhibit 1.

Documents and Exhibits

 [Exhibit 1](#) (203.46 Kb)

An ordinance when passed by the Council shall be signed by the Auditor. It shall be carefully filed and preserved in the custody of the Auditor (City Charter Chapter 2 Article 1 Section 2-122)

Passed by Council
February 9, 2022

Auditor of the City of Portland
Mary Hull Caballero

Impact Statement

 [Impact Statement](#) (171.82 Kb)

Budget Office Financial Impact Analysis

This action would approve amendments to the Settlement between the United States and the City of Portland in the United States District Court case number 3:12-cv-02265-SI. Council approved Ordinance 190606 on November 17, 2021, which adopted the FY 2021-22 Fall Supplement Budget that provided funding during the current Fiscal Year for the proposed remedies included in this amendment. As outlined in the prior Ordinance, several of the remedies include on-going reforms that will affect the Current Appropriation Level and future budgets, including for such items as the implementation of body worn cameras and the new civilian leader of all educational aspects of the Portland Police Bureau's Training Division.

Agenda Items

58 Time Certain in [January 26, 2022 Council Agenda](#)

Continued

Continued to February 9, 2022 at 9:30 a.m. The oral record is closed, the written record will remain open until February 9, 2022 at 9:30 a.m.

79 Time Certain in [February 9, 2022 Council Agenda](#)

Passed

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea