

From: [Debbie Aiona](#)
To: [Council Clerk – Testimony](#)
Cc: [Debbie Kaye](#)
Subject: City Council testimony for items #54 and #58
Date: Monday, January 24, 2022 9:57:10 PM
Attachments: [LWV Jan 2022 Amendments to the Settlement Agreement.pdf](#)
[LWV JTTF 2022 Annual Report.pdf](#)

Thank you for sharing these letters with the Mayor and City Council.

Debbie Aiona
League of Women Voters of Portland



League of Women Voters of Portland

PO Box 3491, Portland, Oregon 97208-3491

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

Board of Directors

Debbie Kaye
President

Marion McNamara
1st VP

Chris Cobey
2nd VP

Nancy Donovan
3rd VP

Adrienne Aiona
Treasurer

Anne Davidson
Secretary

Debbie Aiona

Carolyn Buppert

Judy Froemke

Linda Mantel

Amber Nobe

Margaret Noel

Audrey Zunkel-
deCoursey

Off Board Leaders

Jen Jacobs
Budget

Ann Dudley
Nominating

Mary McWilliams
Membership

Philip Thor
Endowment Fund

Date: January 26, 2022

To: Mayor Ted Wheeler, Commissioners Hardesty, Mapps, Rubio, and Ryan

From: Debbie Kaye, president
Debbie Aiona, Action Committee chair

Re: **Joint Terrorism Task Force Annual Report (item #54)**

The League of Women Voters first commented on the city's involvement with the Joint Terrorism Task Force in 2001 and has shared our views on the issue with you throughout the years. We appreciate the opportunity to provide oral testimony on the report once again.

We believe that our democracy is strengthened and sustained by active and informed participation in government. Participation can take many forms from voting, to testifying before a decision-making body, or joining in a demonstration. The freedom to express one's political views is threatened when people feel they have to look over their shoulders because they fear they may be targets for government surveillance and FBI files.

In Oregon, we are fortunate that state law (ORS 181A.250) prohibits the collection and maintenance of information related to First Amendment activities, unless there are reasonable grounds to suspect that an individual is or may be involved in criminal conduct. On the other hand, FBI actions in Oregon and around the country raise concerns those protections may be ignored when Portland police work with federal agents. Specific instances in recent years of FBI tracking and surveillance of Muslims and climate change, Palestinian solidarity and Black activists underscore the reason for community concern. Furthermore, these revelations can and do have a chilling effect on public involvement, activism, and lawful dissent.

In the interest of making Portland a city where community members are free to act without fear, the League encourages the city to end its case-by-case participation with the FBI and in the future work with the FBI only when necessary to pursue legitimate criminal actions. If council determines the city should maintain the status quo, then please consider incorporating more detail in the annual reports.

Again, we truly appreciate the opportunity to provide oral testimony this year.

League of Women Voters of Portland:

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

News articles

Revealed: FBI and police monitoring Oregon anti-pipeline activists

<https://www.theguardian.com/us-news/2019/aug/08/fbi-oregon-anti-pipeline-jordan-cove-activists>

The FBI Spends a Lot of Time Spying on Black Americans

<https://theintercept.com/2019/10/29/fbi-surveillance-black-activists/>

FBI Opened Terrorism Investigations Into Nonviolent Palestinian Solidarity Group, Documents Reveal

<https://theintercept.com/2020/04/05/israel-palestine-fbi-terrorism-investigation/>

US citizens v FBI: Will the government face charges for illegal surveillance?

Muslim citizens are suing the FBI for subjecting them to undercover surveillance after 9/11 in violation of rights

<https://www.theguardian.com/law/2021/nov/07/us-citizens-fbi-government-surveillance-guilty-9-11-muslims>

From: [Portland Copwatch](#)
To: [Commissioner Hardesty](#); [Wheeler, Mayor](#); [Commissioner Ryan Office](#); [Commissioner Rubio](#); [Commissioner Mapps](#)
Cc: [Council Clerk – Testimony](#)
Subject: (3 of 3) TESTIMONY on item 58, US Dept of Justice Agreement
Date: Tuesday, January 25, 2022 3:19:43 PM

Mayor Wheeler and members of Council:

I am writing today representing the views of Portland Copwatch, even though I am also a member of the AMA Coalition for Justice and Police Reform and the Police Accountability Commission.

Our group does not have major concerns about most of the issues being presented to you as amendments to the DOJ Agreement today. However, as noted in testimony on Body Worn Cameras, we feel strongly that the policies for the use of body cameras must be decided upon before the City implements the plan.

We share the Mental Health Alliance and AMAC's concern that if officers get to review footage before testifying or writing reports about force incidents, the City should not get the cameras at all.

The Supreme Court case guiding the use of force says the force has to be reasonable based on what the officer knew at the time, not 20/20 hindsight. The video is exactly that, 20/20 hindsight that allows officers to change their story.

We are glad that the Amendments now make clear that officers who engaged in misconduct during the 2020 protests might be held accountable if their actions are discovered during the investigations of higher ranking police.

We're also glad that the Independent Police Review is envisioned as being operational until up to a year after the City creates the structure for the new Oversight Board. While the IPR has its serious flaws, failing to keep that agency staffed and active leaves only Portland Police Internal Affairs in charge of investigating police misconduct. This City has had some form of civilian oversight for 40 years as of this year. There is no reason to take a step backward before moving forward.

Again, speaking for Portland Copwatch and not the Commission, we urge the Council, once the Amendments are adopted and accepted by the Judge, to revisit the Resolution that created the Commission. That document, which is binding City policy, sets the timeline for coming up with a structure for the new board beginning on July 28, 2021 when Council voted on the Resolution. That would give the Commission only a year from today to finish the plans, rather than the 18 months promised in the amendments and in the Resolution itself.

Copwatch has also urged the Council to consider ramping up IPR and its Citizen Review Committee to look more like the new oversight system to help make the transition smoother. One way to do that would be to remove the impediment to the community members on CRC which requires them to defer to police decisions if a "reasonable person" could come to the

same conclusion. The new board will be deciding the findings and, according to the Charter, the discipline for officers. It seems a first step for CRC would be to let them make decisions based on a preponderance of the evidence.

These last two items are things you don't need to do today when adopting these amendments, but we urge Council to take action on them right away to further the spirit of increased accountability.

Thank you

dan handelman
portland copwatch

From: [Rose Lewis](#)
To: [Council Clerk – Testimony](#)
Subject: Agenda item 58, January 26 2:00 PM
Date: Tuesday, January 25, 2022 11:02:00 PM

Members of City Council,

I am writing to express skepticism about the usefulness of implementing bodyworn cameras without robust, transparent policies regarding their use and strict consequences for misuse or tampering. Abundant data from other cities provides inconclusive evidence of their effectiveness in reducing police misconduct, and there are many troubling precedents for their misuse, both by individual officers who tamper or turn them off prior to killing or brutalizing innocent people and by city officials and attorneys concealing footage that might expose police misconduct from public scrutiny.

I have no confidence that our police bureau will provide adequate training for their proper use, given what we have recently learned about crowd control training protocols. I have no confidence that our current police bureau has the structures in place to effectively discipline officers found to be tampering with or obscuring their cameras. I have no confidence that our civilian city officials will be transparent with footage that shows officer misconduct, in light of other instances in which city officials deliberately concealed information with direct bearing on the safety of ordinary Portlanders.

It is distressing in the extreme to see the amount of taxpayer funding devoted to a bodyworn camera program, money that could meaningfully house and feed our most vulnerable neighbors and make a robust and real difference in ordinary people's lives, simply because the officers who have sworn to protect public safety are so derelict in their job duties that they need additional, expanded oversight to prevent them from committing acts of brutality that in a just city would end their careers.

I hope that city leadership will work with the Department of Justice to create meaningful reforms that allow Portland to thrive.

Rosalind Lewis

From: [Zeenab Fowlk](#)
To: [Council Clerk – Testimony](#)
Cc: jared.hager@gmail.com; [Fowlk, Zeenab](#)
Subject: [User Approved] February 9, 2022, City of Portland Council Meeting - Agenda Item #79
Date: Wednesday, February 9, 2022 7:57:39 AM

The public may provide written testimony to Council by emailing the Council Clerk at cctestimony@portlandoregon.gov.

Previous agenda item 58.

Oral record is closed, written record will remain open until February 9, 2022 at 9:30 a.m.

Dear Mayor and City Council,

It's unfortunate that the PCCEP members and staff, along with PCCEP advisors, are not able to be actively involved in monitoring and addressing any critical issues with the City Council, especially related to PCCEP and the City of Portland's Settlement Agreement. Instead, we are spending our time determining if a trained facilitator is necessary and how to get a skilled facilitator to support PCCEP meetings to ensure progress, recruiting the required members, and rehiring of PCCEP Director and soon to be other staff.

As a volunteer and a concerned PCCEP member, related to the Settlement Agreement and Policy, I want to provide written record of the following comments/questions related to Agenda Item #79:

[Approve amendments to Settlement Agreement between the United States Department of Justice and the City of Portland](#) (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

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. ("Before November 25, 2021," **COMMUNITY STATEMENT/QUESTION:** Who is the agency that the City contracted with? It has been 60 days, if not contracted already, why not and by when? In the February 8, 2022, PCCEP Steering

Committee, and according to Sam Adams, the City of Portland's Mayor's representative and other City staff, the City of Portland is struggling with procurement including hiring new PCCEP Project Director and Meeting Facilitators, and other City staff positions. Will the City of Portland also have problems fulfilling this remedy based on insufficient staff capacity to meet reasonable timeframe for the contract with the outside entity? Will the entity selected be able to critically assess with an Equity Lens about the City's response to the crowd control events in 2020?

- 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 policies 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). ("**Within 60 days of the date this paragraph is entered as an order of the Court (Court Date: August 24, 2021), the Compliance Officer shall gather public input on the use of BWCs and provide this information and any technical assistance to the public and the Parties to inform the drafting of a policy. The United States reserves its policy review rights related to the BWC program under the terms of this Agreement.**" **COMMUNITY STATEMENT/QUESTION:** The Compliance Officer/Community Liaison held a Community Forum on Body Worn Cameras on January 23, 2022, (Nearly 100 days past the deadline) with PCCEP members present, and was attended by less than 100 people, and recorded. The Compliance Officer/Community Liaison (COCL), Dennis Rosenbaum as the firm lead shared at the PCCEP Steering Committee on February 8, 2022, that the BWC report will be completed by February 18, 2022. This does not help with the city making informed decisions today, if truly interested in receiving community comments. *Did the Mayor and/or City Council request the meeting transcript to prepare for the meeting to make any informed decisions based on community input?*
- 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. **COMMUNITY STATEMENT/QUESTION:** The Police Accountability Commission (PAC) the new police oversight board "is comprised of 20 Council-appointed community members who are serving Portland to provide a framework for what is required of a new police oversight

system," and held its first convening meeting on December 9, 2021. *How can the City of Portland Council members approve without any proposed amendments to the Agreement, subject to DOJ and the Court's approval, to implement the new Board after recommendations from the PAC that could take up to 5-years or more to be implemented according to the City Auditor and "behind-the-scenes negotiations and court documents." What actions will the City Council take in July 1, 2022, to continue the operation of the IPR during the transition?*

The City Auditor released on January 31, 2022:

[In negotiations over proposed amendments to the agreement, the Justice Department requested transition plans for IPR from City Council and the Auditor, who could not come to terms in the last year on how best to retain IPR employees until the new board is operational. Council submitted its final plan Jan. 28, which in the Auditor's view would not keep IPR functioning. "I honor the will of the voters to replace IPR's investigative duties with a community oversight board," Hull Caballero said. "I was prepared to shepherd IPR for the 18 months Council said it needed to implement the board but cannot agree to a multi-year commitment by the Auditor's Office under a plan I do not believe will work. Council's unwillingness to effectively address the uncertainty over IPR's future has been an unnecessary and burdensome distraction for my entire office, and more delay serves no one." Hull Caballero notified Justice Department officials their determination of the viability of the Auditor's Office plan, which she submitted Jan. 11, was unnecessary as it no longer was an option. In a [Jan. 26 budget submission](#), the Auditor included a provision to transfer IPR in the event Council would not support the terms of her transition plan. It is up to Council to designate an entity to receive IPR next fiscal year, which begins July 1, Hull Caballero said. The implementation phase for the new board ballooned from 18 months to what likely will be five years or more, a timeline estimated from behind-the-scenes negotiations and court documents. City Council promised voters the board would be created in 18 months to give the volunteer commission time to draft its configuration and scope. Council said volunteers would be seated in January 2021, but the commission held its first meeting almost a year later. The City Attorney advised during a Jan. 26 Council meeting that the 18-month clock would not start until U.S. District Judge Michael Simon issues an order adopting the settlement amendments, which likely won't occur until the spring. At the same meeting, Council postponed voting on the amendments for two weeks, adding further delay. There are several decision points in the future that require the approval of Council, the Justice Department, and the courts, any one of which could interrupt or delay implementation of the board.]

Thanks,

Zeenab A. Fowlk

City Council Meeting - Wednesday, January 26, 2021 2:00 p.m.

Agenda No.	First Name	Last Name	Zip Code
58.1	Dan Handelman	Portland Copwatch	97242
58.2	Debbie	Aiona	97214
58.3	Edith	Gillis	97206
58.4	Rev. Dr. Mark	Knutson	97211