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344-2024

[Report](#)

Authorize Contract with MPS & Associates for the services of an Independent Monitor

Accepted

TO THE COUNCIL:

The City of Portland agreed to contract for the services of an Independent Monitor as required under the Settlement Agreement between the City and the U.S. Department of Justice (DOJ) in the matter of The United States of America v. The City of Portland, Case No. 12-cv-02265-SI ("Agreement").

As amended November 30, 2023, the Agreement provides that the City and DOJ will jointly select an Independent Monitor to identify and address any barriers to substantial compliance with the Agreement's requirements, and to report regularly on the City's progress. The City was responsible for administering the solicitation and procurement process, and the DOJ and City are jointly responsible for selecting a candidate for Court appointment as Monitor. (For ease of reference, this Report will refer to the City and DOJ as the "Parties.")

City Council adopted Ordinance No. 191519, on November 8, 2023, directing the City to pursue a Contract-Specific Special Procurement process under City Code 5.68 which meets the alternative selection requirements for the Independent Monitor, as provided for in Paragraphs 203 to 206 of the Agreement.

Request for Applications

The City of Portland, Procurement Services issued a Request for Applications, Bid Solicitation No. 00002255, on December 14, 2023, seeking applications from qualified consultants with "expertise in policing, civil rights, data analysis and auditing, project management, behavioral health, emergency dispatch, and writing about complex matters succinctly in plain language intended for a general audience." (Agreement, Paragraph 201.) The full Solicitation is available online. No protests were received.

The City announced the Solicitation through its website, social media platforms and email distribution lists. The City also arranged for the Solicitation to be sent to more than 300 past attendees of the annual national conference on policing consent decrees, and advertised the Solicitation through the National Association for Community Oversight of Law Enforcement (NACOLE), the International Association of Chiefs of Police (IACP),

Introduced by

[Mayor Ted Wheeler](#)

Bureau

[City Attorney; Management and Finance](#)

Contact

Heidi Brown

Chief Deputy Attorney

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Monday - Friday, 8:00am - 7:00pm

Stephanie Howard

Mayor's Director of Community Safety

✉ stephanie.howard@portlandoregon.gov

Requested Agenda Type

Time Certain

Date and Time Information

Requested Council Date

May 2, 2024

Requested Start Time

2:25 pm

Time Requested

1 hour

the Police Executive Research Forum (PERF), and Partners in Diversity, a Portland-based organization dedicated to helping employers attract, retain and develop professionals of color.

Selection Process

As required by the Agreement, the Monitor selection would be based on criteria including the following: “ethics; subject matter expertise in policing; project management capacity; ability to write about complex matters succinctly in plain language intended for a general audience; commitment to establish a local presence; demonstrated experience, willingness, and ability to solicit and obtain meaningful community participation; ability to seek out varied stakeholder interests and perspectives, including law enforcement, the Black community, communities of color, mental health communities, and LGBTQIA+ communities; demonstrated knowledge about Portland’s history of policing, mental health needs and services, and institutional racism, and willingness to expand upon that knowledge.” (Agreement Paragraph 204). The proposed fees and costs were also considered. (Paragraph 210). Those criteria guided the Parties’ joint selection, from first review of applications through the final selection.

As required by the settlement agreement, the City and DOJ received and reviewed applications from thirteen teams, and invited representatives from the Portland Police Alliance (PPA), Albina Ministerial Alliance Coalition for Justice and Police Reform (AMAC), the Mental Health Alliance (MHA), and the Portland Committee on Community-Engaged Policing (PCCEP) to also review all applications. (Agreement Paragraph 205). The stakeholders provided their feedback to the City and DOJ on January 26, 2024.

The Parties then selected seven candidates for interviews, which took place over Zoom on February 5, 6, and 8, 2024. The PPA, AMAC, MHA and PCCEP representatives observed the interviews and afterward met with the Parties to offer their input on the candidates. After considering the stakeholder input and their own review of the applicant teams, the Parties announced three finalists on February 21, 2024:

- Crime and Justice Institute, Katie Zafft
- DLG Consulting, Darryl Neier
- MPS & Associates, Mark P. Smith

The Parties announced the three finalists publicly, which started a 32-day public comment period, during which the City held a public town hall. The finalists and members of their teams appeared in person at the town hall, which was held in the Portland Building and via Zoom, had been announced February 9, 2024, and was advertised in the Asian Reporter and Portland Observer, in addition to promotion on City email lists and social media. The candidates each provided a 15-minute presentation of their proposal and team, followed by a facilitated Q&A with the community. Community members’ questions that were unanswered due to time constraints during the public town hall were forwarded to the candidates for written response. Those additional responses were shared with the community on March 17, 2024.

Community comments and questions ranged over a number of topics, including supporting appointment of an Independent Monitor, ensuring the monitor's independence from the Police Bureau, and sharing an interest in emphasizing strong engagement with the community. Individuals specifically commented on the need for diverse teams, to include people of color and Portland residents. Commenters mentioned strengths of each of the three finalist teams.

Following the forum, the Parties conducted final interviews with each finalist team and received further input from observing stakeholders.

MPS & Associates

After considering the presentations, interviews, and stakeholder and community input, the Parties jointly selected MPS & Associates, led by Mr. Smith, as the most qualified candidate to propose for Court appointment as the Independent Monitor. As required by the Agreement, the team of MPS & Associates has high ethical standards, an understanding of Portland's specific community, challenges, and progress, and deep expertise and experience in law enforcement oversight, constitutional policing, and community engagement. Mr. Smith, currently Inspector General of the Los Angeles Police Department, has extensive experience in civilian oversight of law enforcement agencies, a core component of the remaining sections of the Agreement that are subject to monitoring. He will be supported by a diverse team with substantial relevant expertise:

- Brian Buchner (Deputy Monitor) – Assistant Inspector General of the Audit Section in the LAPD Office of the Inspector General, former Los Angeles City Homelessness Coordinator and developer of that city's unarmed alternative response program that diverted 911 calls involving people experiencing homelessness to clinicians, outreach workers, and service providers.
- Antoinette Edwards (Associate Monitor) – Portland resident with decades of experience in community leadership and services, former director of the City's Offices of Youth Violence Prevention and Public Safety and Peacekeeping, and former Director of Diversity for the Oregon Trail Chapter of the American Red Cross.
- Chief John Thomas (Associate Monitor) – A 38-year law enforcement professional, now Chief of UCLA's Police Department.
- Cori Lowe (Associate Monitor) – Recently retired Deputy Chief of Albuquerque Police Department (APD), where she successfully led APD's Compliance and Oversight System under their U.S. Department of Justice consent decree.
- Russell Bloom (Associate Monitor) – BART's Independent Police Auditor and former investigator with that agency, consultant for California cities on police oversight, and former volunteer on the Berkeley Police Review Commission.
- Susruta Sudula (Associate Monitor) – A data analysis expert and forensic auditor, with experience as a police special investigator and performance analyst, and investigator for the New York Police Department's Civilian Complaint Review Board.

- Robert Fornango, PhD (Subject Matter Expert) – An independent data analyst with experience evaluating criminal justice and health care systems, now CEO of F1 Analytics, and former assistant professor of criminology and criminal justice at Arizona State University.
- Jose “Che” Ramirez (Subject Matter Expert) – A Senior Advisor of Homelessness Operations to the Mayor of Los Angeles, with nearly 20 years of experience working with individuals experiencing substance abuse, incarceration, and homelessness, and with additional experience providing direct services, leading service organizations and as a mayoral advisor.

Through the interview process, community town hall, and written responses to community questions, Mr. Smith and his team demonstrated a clear understanding of the goals and requirements of the Amended Settlement Agreement, the importance of community engagement and establishing a consistent local presence, and the need for objective and credible oversight of the implementation process. Mr. Smith’s team has also demonstrated professionalism and integrity, and members are free from any actual or apparent conflicts of interest.

The Parties conferred and determined that Mr. Smith’s team was the best-positioned to successfully monitor the remaining provisions of the Amended Settlement Agreement, and to help the City and the Portland Police Bureau achieve substantial compliance in an efficient and sustainable manner.

Court Appointment

The Parties notified Mr. Smith the selection for Monitor of him and his team, subject to Council approval and Court appointment. On April 15, 2024, the Parties filed a joint motion, contingent on Council approval of this report, asking the Court to appoint MPS & Associates as Monitor.

The Chief Procurement Officer requests that the City Council accept this Report, authorizing the Chief Procurement Officer to execute a contract with MPS & Associates for an initial term of two (2) years, with the potential for additional two-year terms at the Parties’ joint request and Court approval.

Recommended by:

Kathleen Brenes-Morua

Interim Chief Procurement Officer

Documents and Exhibits

 [Memo to Council](#)

169.61 KB

(<https://www.portland.gov/sites/default/files/council-documents/2024/cpo-independent-monitor-report.pdf>)

Impact Statement

Purpose of Proposed Legislation and Background Information

Council on November 8, 2023, approved Ordinance 191519 approving amendments to the Settlement Agreement between the United States and City to create the position of Independent Monitor. The ordinance also authorized an alternative selection process for the Monitor and directed the Chief Procurement Officer to report to Council identifying the candidate the U.S. Department of Justice and the City deemed most qualified. This is that report.

Pursuant to Ordinance 191519, upon Council acceptance of the report, Procurement Services shall work with the City Attorney's Office and the Mayor's Office to negotiate a contract with the Monitor, provided that the execution of the contract is approved as to form by the City Attorney's Office, and that the United States District Court appoints the selected Monitor at the hearing set for May 15, 2024.

Financial and Budgetary Impacts

Contingent on the Court's appointment, the City will execute a contract with the Monitor. The contracted amount will be subject to negotiation. The application of the selected candidate, MPS & Associates, initially proposed an \$837,500 first-year budget, inclusive of personnel expenses, reimbursable travel and lodging, and supplies and services, although the actual contract amount will be higher due to the need for additional team members. Also pending negotiation, the first payment of an invoice for services will be due during FY2024-2025.

Community Impacts and Community Involvement

As discussed in the report, the alternative selection process included a 32-day public comment period, during which an advertised public town hall forum was held. The recruitment was heavily promoted through national and local efforts, and community stakeholder representatives offered their input at every stage, commenting on the 13 applications, first-round interviews of seven candidates, and interviews with three finalists.

100% Renewable Goal

Not applicable.

Budget Office Financial Impact Analysis

This report details the authorized selection process for an Independent Monitor as approved in Ordinance 191519 from November 8, 2023. Upon acceptance of this report, Procurement Services will work with the City Attorney's Office and Mayor's Office to negotiate a contract with the Independent Monitor contingent to the United States District Court Appointment. Costs for the Independent Monitor were proposed at \$837,500 for the first year of operation beginning in FY2024-25.

Agenda Items

344 Time Certain in [May 2, 2024 Council Agenda](https://www.portland.gov/council/agenda/2024/5/1)
(<https://www.portland.gov/council/agenda/2024/5/1>)

Accepted

Motion to accept the report: Moved by Mapps and seconded by Ryan.

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Mayor Ted Wheeler Yea