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**UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION**

**UNITED STATES OF AMERICA,**

**Case No. 3:12-cv-02265-SI**

**PLAINTIFF,**

v.

**CITY OF PORTLAND,**

**DEFENDANT.**

**CITY OF PORTLAND'S MEMORANDUM  
UPDATING STATUS OF PORTLAND  
COMMITTEE ON COMMUNITY-  
ENGAGED POLICING IN SUPPORT OF  
FINAL APPROVAL OF SETTLEMENT  
AGREEMENT AMENDMENTS**

**I. INTRODUCTION**

Despite the very dedicated service of the members and chair of the original Community Oversight Advisory Board (COAB), the City has not to this point been able to achieve substantial compliance with Section IX of the Settlement Agreement, relating to Community Engagement. With the benefit of hindsight, the City acknowledges that the desire to get the COAB up and running quickly resulted in seating the body without laying sufficient ground work, and without providing sufficient training and support. These were major contributors to

the fact that the body was not ultimately as successful as all parties and the community had hoped. The City has taken to heart the lessons learned from the COAB and the recommendations of its members, and has approached the formation of the Portland Committee on Community-Engaged Policing (PCCEP) very differently. The City is pleased to report that, with the support of the community, the parties, the amicus and the facilitators, and as the result of a robust process, the PCCEP has now been successfully established, and 13 outstanding members have been appointed and confirmed. The City has taken the necessary steps to be on the path to substantial compliance with the community engagement and oversight requirements of the Agreement (as amended and conditionally approved by the Court).

The Court should now grant final approval to those amendments. The newly seated PCCEP deserves an established and approved framework that sets forth both its authority and its responsibilities as it undertakes its challenging and important work. The PCCEP and the parties also need the clarity of knowing that the terms they must meet to achieve compliance are settled, and that the goal posts will not be moving.

## **II. RELEVANT PROCEDURAL HISTORY**

Section IX of the original Settlement Agreement provided that the COAB would be a community board of 15 voting members (and 5 advisory PPB members) "from a reasonably broad spectrum of the community" which would "leverage the ideas, talent, experience, and expertise of the community." The COAB was authorized to: "(a) independently assess the implementation of the Agreement; (b) make recommendations to the Parties and the COCL on additional actions; (c) advise the Chief and Police Commissioner on strategies to improve community relations; (d) provide the community with information on the Agreement and its implementation; (e) contribute to the development and implementation of a PPB Community Engagement and Outreach Plan; and (f) receive public comments and concerns." ECF 4-1, ¶¶ 141-142.

The COAB was to report to and be chaired by the COCL. All of its meetings were to be open to the public. It was to consult with community members; hold public hearings; conduct surveys; consider input from the Human Rights Commission on its prior work to implement the PPB 2009 Plan to Address Racial Profiling; and contribute to the development of a PPB Community Engagement Plan, which would include strategies for outreach to a broad cross section of the community. The COAB would then be required to present its recommended CEO Plan in writing to the Chief within 90 days of its completion of survey analysis. The COAB was also authorized to provide information to PPB on other areas related to community engagement and outreach to contribute to the development of the CEO Plan including: i) integration of community and problem-oriented policing principles into PPB's management, policies and procedures; ii) recruitment, selection, training, promotion, and personnel evaluations; iii) tactics and deployment of resources; and iv) systems of accountability. It was also authorized to "make recommendations approved by a majority of its membership regarding the implementation of the terms of the Agreement." *Id.*, ¶¶ 144, 146, 151.

For a variety of reasons, including tight deadlines and a lack of experience with the new and unique structure of the COAB (which, unlike other City boards, did not report directly to the City but rather to the COCL), it is clear with the benefit of hindsight that the City did not provide a sufficiently informative vetting process and did not provide sufficient training to the COAB members prior to them being seated or beginning their work. ECF 169-4, p. 7.

In addition to these challenges, it is also clear that the broad charge to the COAB; the disparate views of its members as to what the most important focus of work should be; the lack of trust experienced by many community members with PPB resulting from their own perceptions and experiences; and the lack of a cohesive and agreed-upon framework for its work created very significant (albeit unintended) obstacles to the COAB's success. *Id.*

As a result, by mid-2016, many COAB members (including two COAB chairs) had resigned leading to difficulties obtaining and sustaining a quorum. Online communities existed

with the sole purpose of "disrupting and disbanding COAB." It was unclear how and whether to responsibly replace members given the difficulties. Public unrest and criminal behavior became regular features of meetings, resulting in arrests and many participants (board members, members of the public and City staff) expressing safety concerns.

In addition, amidst mounting tension between the COCL and COAB for various reasons, the COAB requested to be separated from the COCL and the COCL requested to be relieved of its responsibility to chair the COAB.

As a result of the above-described circumstances, several COAB members called for a temporary halt to COAB activity to cope with the increasing difficulties that frustrated the ability to hold functional meetings.

The parties therefore agreed to a COAB hiatus and began a lengthy process of working toward changes to the community engagement structure to achieve a more successful public engagement body. That process eventually encompassed many, many discussions with the community and between the parties, the enhanced amicus AMAC, several Ninth Circuit mediation sessions and three City Council hearings.

As a result of that lengthy process, on August 24, 2018, the Portland City Council unanimously passed Ordinance 188570 As Amended (ECF 169-4) to approve amendments to the Settlement Agreement, including amendments to Section IX. The amended Section IX contemplates a new community engagement body, the PCCEP, governed by a Plan which was appended to (but not included within) the Settlement Agreement. ECF 169-8, pp. 54-69; ECF 169-9. Following Council's passage of Ordinance 188570, the amendments approved by the City Council were formally reviewed and approved by the DOJ. The parties and enhanced amicus AMAC then filed a Joint Stipulated Motion to Enter Amended Settlement Agreement on December 26, 2017. ECF 157.

This Court held a fairness hearing on the proposed amendments on April 19, 2018. Following the Fairness Hearing, the Court issued an order approving all of the amendments

stipulated to by the parties with the exception of the changes to Sections IX and X which were conditionally approved, “pending the Court’s further evaluation at a Status Conference set for October 4, 2018, at 9:00 a.m., and final approval....” ECF 171, p. 2.

Since that time, and as set forth below in detail, the City has undertaken all necessary steps to form the PCCEP, Council has formally established the PCCEP, the Mayor has appointed the members of the PCCEP, Council has approved those appointments and PCCEP training is underway. PCCEP will hold its first public meeting in November 2018.

At this time, the City respectfully requests that the Court grant final approval of the amendments to Sections IX and X regarding community engagement/oversight. This will enable the PCCEP to begin its work with certainty as to the scope of its authority, duties and responsibilities. Final approval of the amendments is also necessary so that the parties have clarity on the terms which must be met for substantial compliance. This will allow the City to take the necessary remaining steps for substantial compliance and will provide certainty as to the standards to be used to guide the work of the COCL and the DOJ in assessing the City’s compliance with the terms of the Agreement.

### **III. DISCUSSION OF PCCEP FORMATION PROCESS**

#### **A. The City Has Established the PCCEP in Accordance with the Terms of the Settlement Agreement and the PCCEP Plan (as Amended)**

As previously noted, City Council approved the amendments to the Settlement Agreement, including the amendments to Sections IX and X and the PCCEP Plan on August 24, 2017. ECF 169-4. Immediately after that Council action, the City began laying the foundation needed to successfully create the PCCEP.

Specifically, upon Council approval of the amendments, the City, staffed by PCCEP Project Manager Mandi Hood and supported by Mayoral and Council staff, began seeking an organizational development consultant in accordance with the terms of the PCCEP Plan to assist in the formation of the PCCEP. In November of 2017, the City posted a Request for Proposals

(RFP) for such a consultant and created an evaluation committee of community stakeholders to evaluate the responsive proposals. The RFP did not generate a robust response, so the evaluation committee recommended that the RFP be canceled, revised and reissued. The committee made recommendations to the PCCEP Project Manager on how to revise the RFP and a new RFP was issued in February 2018. *See* Declaration of Mandi Hood (Hood Decl.), ¶¶ 1, 3.

The new RFP created by the City incorporated the recommendations of the evaluation committee and sought facilitators for the PCCEP with demonstrated experience in: group development and facilitation; transformational conflict resolution; assisting community groups in developing the skills needed to navigate challenging and controversial subject matter; and working actively with the mental health community. *Id.* at ¶ 4. Specifically, the RFP sought facilitators who would:

- Assist the City in identifying areas of risk in the current PCCEP Plan and strategize around those risks;
- Support the committee in creating group cohesion and utilizing members' strengths and skills by establishing group norms and structure, with the goal of setting clear expectations, capacity building of new members and overall relationship building;
- Help set direction and vision for the work;
- Help the group establish ground rules with one another and with the public;
- Create a robust onboarding and training process for PCCEP members, including a retreat;
- Facilitate the development of the PCCEP work plan for the first year (with the possibility of continuing that work for an additional 6 months to a year) with a focus on community outreach, equity and inclusion;
- Facilitate town halls/large public meetings as needed; and
- Transfer knowledge and skills to the City and PCCEP to increase their capacity to meaningfully engage with each other and the communities of Portland around

policing and the Settlement Agreement.

*Id.* at ¶ 7.

The evaluation committee then reviewed the proposals received. The final evaluation committee was largely (but not entirely) the same as the initial evaluation committee, and was comprised of the following members: Freda Ceaser, Director of Equity and Inclusion at Central City Concern; Dana Coffee, Portland Commission on Disability; Jan Friedman, Attorney, Disability Rights Oregon; Janie Gullickson, Executive Director of the Mental Health Association of Oregon; Kalei Luyben, member of the Albina Ministerial Alliance Coalition for Justice and Police Reform (AMAC); and Daniel Portis-Cathers, member of the NAACP. *Id.* at ¶ 6.

Though the City initially sought one facilitator, the evaluation committee felt strongly that the top two candidates working together would best serve the PCCEP and the communities of Portland, and both facilitators were therefore selected. *Id.* at ¶ 7.

One of the two facilitators chosen was Training 4 Transformation, led by Hun Taing and Brandon Lee. Training 4 Transformation is an Oregon State-certified Minority Business Enterprise that specializes in equity-focused community building between law enforcement and the diverse residents they serve. Hun is a peace builder whose background includes art, reconciliation, public involvement and conflict transformation. Brandon brings lived experience as a survivor of racial profiling, served as Legal Redress Committee Chairman for NAACP and worked to fund the Community Police Review Board in Oakland, California. *Id.* at ¶ 8.

The other facilitator selected was the Brad Taylor Group, an Oregon State Certified Emerging Small Business specializing in developing communication strategies through training seminars, conflict resolution and facilitation services. Brad Taylor has worked as a direct line social worker, empowering residents living in supportive housing; as a homeless outreach worker, advocating for some of Portland's most vulnerable residents; and as a mobile mental health crisis response worker within Multnomah County. *Id.* at ¶ 9.

The PCCEP facilitators officially began work on May 10, 2018. They hit the ground

running, with an outreach strategy focused on removing barriers to participation for historically marginalized communities and empowering Portlanders with lived experience to take the lead in City processes. An emphasis was placed on obtaining quality applications for the PCCEP over merely amassing a large number of applications. To date, the facilitators have already put in approximately 500 hours of work. *Id.* at ¶10.

As the facilitators undertook this work and engaged with the community, they recommended that certain limited changes be made to the PCCEP Plan which had been approved by City Council, the DOJ, the AMAC and the PPA, and attached as exhibit to the Amended Settlement Agreement approved/conditionally approved by the Court. *See* ECF 171, pp. 69-75; Hood Decl. at ¶ 11. They, and local community experts, stressed the importance of youth participation on the committee, and of the need to incorporate best-practices for youth-adult interactions. *See* Declaration of Tracy Reeve (Reeve Decl.), Ex. 1 at p. 3. A process for the selection of youth members was developed. *Id.* In order to allow for youth members, without decreasing the size of the PCCEP, and in response to earlier concerns by the AMAC and others that the PCCEP should have a broader membership, it was proposed that the size of the PCCEP be increased from 11 to 13 members. *Id.* at pp. 2-3; Hood Decl., ¶ 11.

The facilitators, with community input, also proposed a community-focused and trauma-informed approach to the organization and work of the PCCEP. *Reeve Dec*, Ex. 1 at p. 3. As part of this approach, it was determined to be appropriate to provide alternatives for PCCEP members who might require an accommodation to participate in PPB training exercises, while still ensuring that PCCEP members received an adequate understanding of the work and role of law enforcement. *Id.*

It was also deemed important that the workload of the PCCEP did not unreasonably discourage PCCEP membership, and this was to be addressed by reducing the required number of meetings from two monthly to one monthly while adding subcommittees to work on specific issues or matters. *Id.*

Another change proposed was to allow for more meaningful community engagement that would build on the foundational PCCEP Plan but place on emphasis community gatherings and other less traditional forms of engagement, while still allowing the PCCEP to determine its own focus and methodology for community engagement. *Id.* Accordingly, it was proposed to eliminate the requirement that the PCCEP’s community engagement occur specifically in the form of town halls and round tables, instead leaving those as an option but not the only option for the PCCEP to engage the community. *Id.*

Finally, the facilitators felt it was important that the structure of PCCEP’s work and meetings provide for public observation and input while also preserving some flexibility for PCCEP to determine its meeting structure, and how to best protect the safety of PCCEP members. Accordingly, amendments were proposed to ensure that these two needs were balanced. *Id.*

The amendments to Section IX stipulated to by all parties and conditionally approved by the Court had provided the mechanism for changes to the PCCEP Plan, at paragraph 142 of the Amended Settlement Agreement. ECF 171, p. 46. The Amended Settlement Agreement provides: “Amicus AMAC and Intervenor PPA shall be consulted regarding and DOJ shall review and approve any amendments to the PCCEP Plan proposed to occur during the effective period of this Agreement.” *Id.* Enhanced amicus AMAC and Intervenor PPA were both consulted regarding the proposed amendments to the PCCEP Plan. Both provided significant input, and changes were made to the proposed amendments as a result of those consultations. Reeve Decl., ¶ 4.

Following this consultation process, a draft of the proposed PCCEP Plan amendments, which reflected the changes made in response to AMAC’s and PPA’s feedback, was provided to the DOJ for its review and approval. *Id.* at ¶ 5. DOJ subsequently notified the City that it had approved and reviewed the proposed changes. *Id.* Thereafter, on September 5, 2018, the Portland City Council passed Resolution 37384, which amended the PCCEP Plan and

established the PCCEP. *Id.*, Ex. 1 at p. 4.

Both prior to and after the selection of the facilitators, and the work described above to amend the PCCEP Plan and formally establish the PCCEP, the work to select the PCCEP members continued. A Selection Advisory Committee (SAC) comprised of one representative selected by each Council office was established to develop the written application and selection criteria for the PCCEP. The SAC members were: Dr. Cynthia Fowler, psychiatrist and Chair of the Health Committee of the NAACP, appointed by Commissioner Saltzman; Julie Ramos, mental health advocate and recent Vice Chair of the Citizen Review Committee, appointed by Commissioner Fritz; Musse Olol, Chairman of the Somali American Council of Oregon, appointed by Commissioner Eudaly; Bobbin Singh, Executive Director of the Oregon Justice Resource Center, appointed by Commissioner Fish; and Derald Walker, psychologist and Executive Director of Cascadia Behavioral Health, appointed by Mayor Wheeler. Hood Decl., ¶ 12.

A Planning Committee comprised of the SAC members and a representative from the Mayor's office and each Council office, supported and staffed by the PCCEP Project Manager, and joined by the facilitators after they came on board in mid-May, engaged in a broad outreach strategy to reach as many Portlanders as possible. This included presenting at community meetings, hosting informational sessions, and having targeted and informal conversations within their respective networks. *Id.* at ¶ 13.

The following steps were undertaken to establish the PCCEP selection process:

- On March 5, 2018, the SAC met for an overview of the PCCEP Selection Process and received initial training from the City Attorney's Office;
- On March 19, 2018, the Planning Committee met to work on developing a one-page job description, application and general criteria;
- On March 29, 2018, the Planning Committee met and continued to develop the job description, application and selection criteria;

- On April 9, 2018, the Planning Committee met to review the final draft of the PCCEP job description, application, to develop an outreach plan (including lists of groups/community partners/organizations for informational forums and visits) and to identify specific individuals for one-one-one outreach efforts; and
- On April 16, 2018, the Planning Committee met to finalize the outreach plan and community presentation materials; finalize the FAQ, prepare SAC members for information sessions and begin scheduling community presentations.

*Id.* at ¶ 14.

Six information sessions were then held in geographically diverse locations around the City:

- Thursday, May 10, 2018, 6:30-7:30pm, Matt Dishman Community Center, 77 NE Knott Street, Portland, OR 97212;
- Saturday, May 12, 2018, 2:00-3:00pm, Midland Library, 805 SE 122nd Avenue, Portland, OR 97223;
- Wednesday, May 16, 2018, 6:30-7:30pm, Belmont Library, 1038 SE Cesar Chavez Blvd, Portland, OR 97214;
- Sunday, May 20, 2018, 1:00-2:00pm, Capitol Hill Library, 10723 SW Capitol Highway, Portland, OR 97219;
- Tuesday, May 22, 2018, 6:30-7:30pm, Kenton Library, 8226 N. Denver Ave., Portland, OR 97217; and
- Thursday, May 24, 2018, 6:30-7:30pm, Friendly House, 1737 NW 26th Ave, Portland, OR 97210.

*Id.* at ¶ 15.

In addition, the facilitators did substantial outreach at community events and with a variety of community organizations and did targeted outreach to particular individuals and communities. Because of all the outreach efforts conducted by the facilitators and the Planning Committee, over 100 applications were received from a broad spectrum of Portlanders to serve

on the PCCEP. *Id.* at ¶ 16.

Outside of the development of the written application, neither the Mayor's Office nor Council offices were involved in any part of the SAC's selection process. Discussion around who to interview and final recommendations to the Mayor were the sole responsibility of the SAC. The process was intentionally structured in this way in order to ensure fairness and preserve the integrity of the process. *Id.* at ¶ 17.

When reviewing written applications and interviewing candidates, the SAC focused on the following areas when assessing applicants: lived experience as a member of a marginalized community; lived experience with mental or physical health issues; interpersonal skills; experience working within/advocating for marginalized communities; and experience utilizing social services and engaging in government processes. *Id.* at ¶ 18.

The SAC met on July 3 and 23, 2018, to receive and review the applications, refine evaluation criteria and to select candidates for interviews. SAC interviews of candidates were conducted on August 16, 17, 18 and 19, 2018. These interviews were attended by the SAC, a representative of the DOJ or COCL (in a monitoring role) and the PCCEP Project Manager. *Id.* at ¶¶ 19-20.

The SAC then provided its recommendations to the Mayor listing the candidates they believed should be on the PCCEP, along with alternates. Mayoral interviews with adult PCCEP candidates were conducted on August 23, 24 and 28, 2018, and were attended by the Mayor, Senior Policy Advisor Nicole Grant, Jared Hager from the United States Attorney's Office for the District of Oregon (as an observer) and by a SAC member. Interviews with youth were conducted on August 29 and 30, 2018. *Id.* at ¶¶ 21-22.

**B. Thirteen Talented and Diverse PCCEP Members Have Been Appointed by the Mayor and Confirmed by the Portland City Council**

The Mayor publicly announced his selection of PCCEP members and alternates on September 11, 2018. The Mayor submitted a letter on September 18, 2018, to the City Council

requesting confirmation of the appointment of the PCCEP members, which included their names, term limits and biographies. The appointment request was placed on the City Council Agenda for September 26, 2018. *Id.* at ¶ 23; *Id.*, Exhibit 1. City Council confirmed all 13 PCCEP members on September 26, 2018. *Id.*, ¶ 24.

The 13 members of the PCCEP are:

**Sebastian Chevalier (youth member)**

Sebastian Chevalier was born in Portland and has lived here all his life. His father is from Haiti and he takes a lot of pride in being Haitian and considers it a big part of who he is. He currently attends Lincoln High School and is co-president of the Brothers Club. He's also had the amazing opportunity to explore the world with his family, traveling to Chile, Argentina, Haiti, the United Kingdom, Germany, Spain, and the Czech Republic. Sebastian temporarily lived in the Netherlands during his freshman year of high school. Because of this global lifestyle, he's developed the ability to step into an objective point of view in everyday situations and be as open-minded as possible. His goal for the future is to attend Morehouse College and pursue his passion in either music or film.

**Yolanda Clay**

Yolanda Clay has lived in Portland since 1991. She graduated from Portland State University with a Bachelor of Science in Social Science. Yolanda became empowered to vocalize and advocate for individuals with mental health issues by completing the Peer Support Specialist training. Her interests lie in learning and cultivating modes for obtaining states of personal and communal well-being. Yolanda has proven herself to be a lifelong learner with a commitment to continuously improving her personal processes. She has gained knowledge about the social effects of poverty and generational poverty on individuals and families by participating in the Communication Across Barriers' Poverty Institute conference. She has also developed skills to refocus and reframe her visions and goals to ensure her present and future success by

completing STARTS, a leadership development program through REACH CDC. A self-described introvert, Yolanda believes in the power of empathy for easing societal ills.

**Lakayana Drury**

Lakayana Drury is the executive director of Word is Bond, a new nonprofit in Portland whose mission is to build positive relationships between young Black men and law enforcement. Lakayana helped found the organization in 2017. Lakayana facilitated nine community listening sessions to an estimated 400 police officers as part of the Portland Police Bureau's implicit bias training this past May. In addition to running the nonprofit, Lakayana teaches social studies at Rosemary Anderson High School. He is the staff lead for the boys to men group, robotics club and the Historically Black College Tour. Prior to moving to Portland, Lakayana taught in Philadelphia and Beijing, China and did community organizing in New Haven, Connecticut and Washington, D.C. Lakayana is passionate about reading, traveling, yoga and mixed martial arts. He received a Bachelor of Science in Applied Social Science concentration in History and Politics from the University of Wisconsin Stout.

**LaKeesha Dumas**

LaKeesha Dumas is an Office of Consumer Engagement Coordinator for Multnomah County. She comes with a wealth of knowledge and lived life experience; she is in recovery from a substance disorder and mental health issues. LaKeesha is certified by the State as a Community Health Worker, Peer Wellness Specialist, Adult Addictions Peer Support Specialist, Adult Mental Health Peer Support Specialist and a Youth and Young Adult Peer Support Specialist through the Oregon Health Authority. She started off working with systems when she was a part of the WOW Project through Healthshare, Kaiser Permanente, ORCHW and 5 Community Based Organizations, working on well-child checks and mental health. Through her advocacy for culturally-specific mental health services for those on the OHP, she was the recipient of the Oregon Public Health Association 2014 Emerging Leader Award. After that, she worked with CareOregon for multiple years, providing peer support services to their members

with complex health and social needs contracted through the Urban League of Portland and the African American Health Coalition. Born and raised in Portland, she has seen the gentrification, gang violence, drug epidemic and trauma faced by her community. Since being in recovery she has worked tirelessly reaching back to her community to give them hope and get them the appropriate resources to become healthier, overcome barriers and recover. LaKeesha is the Chair of The Traditional Health Workers Commission, on the board for Oregon Public Health Institute, the Behavioral Health Advisory Board, Regional Behavioral Health Collaborative, the Board for Portland's Black LGBTQ Community (Newly named Sankofa Collective Northwest), Healthshare's CAC, Vice President for MAAPPS (Metro-Plus Association of Addiction Peer Professionals), Peer Delivered Services Core Team through the Oregon Health Authority, Alternatives Planning Committee, Peerocalypse Planning Committee, and the National Advisory Council for Complex Care and Social Needs. She also volunteers with other organizations such as Unify Portland, Straightway Services, Enough is Enough, and also recovery and healing groups ranging from anti-human trafficking, gang violence & domestic violence to addiction and mental health. Her role helps elevate the way the county provides services to its consumers, bridging the gap between county and community. Helping with technical assistance around the departments and paving the way for more peers with lived experience to be a part of the County's delivery system and at the tables where decisions are being made about consumers' health and needs.

**Bob Dye**

Bob Dye is Senior General Manager of Lloyd Center in Portland, Oregon. A native Hawaiian, a certified Shopping Center Manager, and licensed Oregon Principal Broker, Dye took Lloyd Center's helm on July 1, 2015, and has over thirty-seven years of experience in the management, marketing, leasing and development of shopping centers and mixed-use properties. Over the course of his career Bob has worked with numerous municipalities and interacted with law enforcement agencies at multiple levels. Early in his career, working for a local savings

bank and in conjunction with the Honolulu Police Department, Bob introduced the red dye money packs to combat robberies of banks and other financial institutions. Bob has been a student mentor for the Grossmont Union School District (San Diego) as well as the Newberg, Oregon School District. Prior to sustaining a severe and irreversible injury to his foot and ankle, Bob was an avid road cyclist participating in century rides in multiple states across the U.S. In 2001, Bob helped create and co-chaired the Alpine Challenge Bike Ride benefitting the Kiwanis Club of Alpine, California and providing mentoring and scholarships to at-risk high school students. Since 2001 the Alpine Challenge has raised over \$200,000 in scholarships for 33 students.

**Sharon Gary-Smith**

Sharon Gary-Smith is a native-born Oregonian, the first of the four daughters of a civil rights, educational equity and social justice mother (the late Bobbi L. Gary), and a labor and education justice father (the late Frederick Douglas Gary, Jr., a Tuskegee man). For five decades, Sharon has been a grassroots activist, agitator and organizer for educational equity, community economic development, and racial and social justice; as a second-generation African American Oregonian, it's in her DNA. She has held positions in corporate America, community-based organizations and national and local philanthropy, most recently she served as the (retired) executive director of the MRG Foundation, Oregon's leading racial, social, environmental and economic justice funder. Sharon served on numerous local and national boards of directors including board emerita Western States Center, Portland; board emerita Social Justice Fund NW, Seattle; national Planned Parenthood board of directors, national NARAL board of directors, board member, Grantmakers of Oregon & SW Washington. She has been a consultant to Multnomah County, City of Portland, University of Oregon, Portland Public Schools, and a number of grassroots, community-based organizations. Sharon co-chairs Metro's Committee on Racial Equity (CORE) that is responsible for review, assessment, monitoring and

recommendations to METRO's Strategic Equity Plan, and to guide the METRO council in ensuring the organization embeds equitable operational practices throughout the organization.

**Aden Hassan**

Aden Hassan currently serves as a board member of Cool Islam, a youth program for disadvantaged Muslim youth in Southwest Portland. He served on a board for pre-medical students while in university. He was also a board member of the Black Student Union and participated in Peer Mediation while a student at Lincoln High School. He considers one of his greatest strengths to be his willingness to listen and understand the perspectives of each and every voice. Aden believes the PCCEP should be focused on developing stronger strategies in conflict resolution regarding individuals with mental health conditions. Moreover, the PCCEP should work to enlist mental health experts and develop comprehensive training to heal the relationship between law enforcement and people with mental health conditions.

**Andrew Kalloch**

Andrew Kalloch is a former Staff Attorney at the New York Civil Liberties Union and led the criminal justice policy efforts for the Manhattan Borough President and the New York City Comptroller. He graduated from Harvard College and Harvard Law School, where he was a member of the Prison Legal Assistance Project and the Harvard Legal Aid Bureau. Mr. Kalloch is now the Americas Policy Manager for Airbnb, and lives in Johns Landing with his wife, Jenna Adams-Kalloch, and their one-year old daughter, Selma Abigail Adams-Kalloch.

**Michelle Lang**

Michelle Lang is Director of Campus Ministries at Warner Pacific University and serves at Imago Dei Community Church. She has a long career in urban development & advocacy, specifically in areas related to youth and the African American community. In 2015, after being shaken by the Michael Brown case in Ferguson, MO, Michelle set out to combine her extensive background in theater and community engagement to create an interactive workshop

entitled "the Art of Tough Talks", a multi-media project that utilizes the arts to foster conversation, education and action on matters of social change and justice. She is a speaker, workshop facilitator and artist who believes in Art as Activism. She relocated to Portland in 2013.

### **Patrick Nolen**

Patrick was born in 1970. Due to untreated health issues including depression and anxiety he was homeless in Portland off and on from 1990 to 2011. Patrick has been both a board member and community organizer at Sisters of the Road Cafe, a board member at Empowerment Initiatives, and an advisory council member for the Mental Health Association of Portland. His ongoing interests include public health care, the housing crisis, homelessness, local politics, reading nonfiction books - especially history, and meeting new people. He's recently moved in with his girlfriend and her 9-year old son.

### **Sam Sachs**

Sam Sachs is a Portland Native. He graduated from Portland State University with a degree in Black Studies. He has worked in public safety for over 20 years, most recently as a Portland Park Ranger. He served as the chair of The Community and Police Relations Committee while serving as a Human Rights Commissioner for the City of Portland. Sam founded a non-profit called The No Hate Zone, focused on ending hate and racism in Portland through education, community engagement and advocacy. Sam enjoys spending time with family and friends and an occasional cigar.

### **Zachary Thornhill**

Zachary Thornhill is a thirty-something biracial queer man born and raised in SE Portland. He is currently an adjunct instructor at Portland State University and a social worker with Multnomah County's Mental Health & Addiction Services Division. Professionally, Zachary has worked with individuals across the lifespan in areas of public health and social services, and he has a special interest in social work practice at the intersection of public safety,

aging, and behavioral health. He has previously worked at a variety of community-based mental health agencies and served on the ambassador council at Our House of Portland. While Zachary is a proud resident of the Pacific Northwest, he maintains an interest in traveling, having lived, worked, and studied across Africa, Asia, and Europe. He received a BA from Seattle University and a MSW from Washington University in St. Louis.

**Kalonji Williams (youth member)**

Kalonji Williams is a sixteen-year old junior attending Rosemary Anderson High School. He is a member of student council and an avid reader. He is a member of Word is Bond. Kalonji is originally from Atlanta, Georgia and moved to Portland at an early age. He's traveled to Jamaica and is a humble young man looking to make a difference in his community with aspirations to attend college.

**C. PCCEP Training is Underway and the PCCEP Meetings Will Begin in November**

As part of the training process for PCCEP members, a retreat is being held in four sessions: Friday, September 28, 2018, from 6:00pm-9:00pm; Saturday, September 29, 2018, from 9:00am-5:00pm; Friday, October 12, 2018, from 6:00-9:00pm; and Saturday, October 13, 2018, from 6:00-9:00pm. The retreat will provide PCCEP members with the time and space to get to know one another, begin to coalesce as a group, get clarity on their work and mission and develop an organizational structure. *Id* at ¶¶ 25-26.

Between these weekend retreat dates, the PCCEP members will participate in training regarding the work of PPB, including attending PPB's Community Academy and participating in a ride-along with a PPB officer. *Id.* at ¶ 26. A letter from PPB's Training Division to the PCCEP Members regarding this training is attached as Exhibit 2 to Hood Decl.

Training will continue beyond these initial retreat dates and PPB training processes. In addition to the training topics outlined in the PCCEP Plan, topics will include training on institutional racism, understanding mental health from the perspective of those with lived

experience and lessons learned from the COAB process. *Id.* at ¶ 27. Given the importance of the work of this committee and the need to thoughtfully build relationships with community members, the PCCEP will spend October 2018 continuing their training and will hold their first monthly meeting in November 2018. *Id.* at ¶ 28.

**D. Community Engagement Has Been Occurring Through Community Forums Until the PCCEP Begins Public Meetings in November**

Since February of 2018, and while the work to establish the PCCEP has been underway, the Mayor's Office has hosted monthly community forums on public safety in order to provide a venue for community engagement on these important issues until the PCCEP is in a position to fulfil that role. To date, topics have included a status update on the Settlement Agreement (February 2018); a discussion on mental health and public safety (March 2018); a COCL Town Hall on the Settlement Agreement and community discussion (April 2018); a community listening session attended by Mayor Wheeler and PPB representatives (May 2018); a discussion of law enforcement's interaction with vulnerable populations (June 2018); a forum on the of amendments to the PCCEP Plan and a status update on PCCEP formation (August 2018); and a discussion of addiction and the criminal justice system (September 2018). *Id.* at ¶ 29.

**IV. THE COURT SHOULD GIVE FINAL APPROVAL TO THE STIPULATED AMENDMENTS TO SECTIONS IX AND X OF THE SETTLEMENT AGREEMENT**

At the April 19, 2018 hearing, pursuant to the parties' and amicus' stipulated motion, the Court granted final approval to all amendments except those pertaining to community engagement and oversight. After conferring, the parties agreed that they would have no objection to the Court granting only conditional approval as to the amendments related to community engagement and oversight, with the condition being that the parties report back in six months so the Court would be in a better position to give full unconditional approval. Based on all parties' representations that they had no objection to this approach, the Court entered an order on May 15, 2018:

“. . . that the following amendments are CONDITIONALLY APPROVED, pending the Court’s further evaluation at a Status Conference set for October 4, 2018, at 9:00 am, and final approval:

1. Changes to Sections IX and X regarding community engagement and oversight.  
ECF 171, p. 2.

The City is pleased to now report that it has engaged in an extremely robust process to create the PCCEP, with the significant community support and involvement of the Evaluation Committee, the Planning Committee and the Selection Advisory Committee, the tireless work of the facilitators, the support of the Mayor and the Council, and the continuing advocacy of the AMAC and other community members. This has resulted in the appointment and confirmation of 13 outstanding community members to serve on the PCCEP. An extensive training process is underway, and the body’s first public meeting will be held in November.

The steps taken to get to this point have demonstrated that the PCCEP framework established under the Settlement Agreement (as amended) works. When the facilitators engaged with the community, they determined that some amendments to the PCCEP Plan were desirable to broaden the participation on the committee to include youth and to allow more folks the possibility of participating by ensuring that the time commitment wasn’t unduly onerous and that accommodations were available. The PCCEP Plan was purposely created by the parties outside of the Settlement Agreement itself to provide for this type of flexibility. This existence linked to but also independent of the Settlement Agreement is particularly important as the PCCEP is intended to endure beyond the term of the Settlement Agreement. Nonetheless, safeguards were placed in the Settlement Agreement itself, requiring the City to consult with the AMAC and PPA prior to making any changes to the PCCEP Plan, and, during the term of the Agreement, to secure DOJ approval for any such changes. That occurred in this case and the proposed changes were improved through the collaborative process of consulting with the AMAC and the PPA. Should the need to make changes arise again in the future, that process, which is set forth in the

framework of the Settlement Agreement itself, can be used to ensure that the PCCEP can achieve its objectives of meaningful community engagement with and oversight of the Settlement Agreement and the City's provision of police services.

Following a successful agreement among the parties and the amicus on a path forward for community engagement, embodied in the Settlement Agreement amendments, the City has embraced the work of establishing a new community engagement body and the community has responded -- meeting with the facilitators, serving on the evaluation and selection committees, participating in forums and information sessions and submitting over 100 applications to serve on the PCCEP. An incredibly talented and diverse group of applicants, drawn from across a broad spectrum of the community, has been nominated by the Selection Advisory Committee, appointed by the Mayor and confirmed by the City Council. That group is now constituted as the Portland Committee on Community-Engaged Policing and is undergoing extensive training prior to holding its first public meeting in November.

The PCCEP, the City, the DOJ, the COCL, the members of the PPA, enhanced amicus AMAC and the public now need the certainty of an approved framework to guide – and to judge – the work being done under the Settlement Agreement. The PCCEP should not be asked to undertake its difficult work without clear and settled legal authority, duties and responsibilities. The City is also entitled to certainty as to what its legal obligations are as it strives to come into full compliance with Sections IX and X of the Settlement Agreement. The DOJ and COCL need legal certainty to perform their monitoring role, and the AMAC and the public likewise deserve to know to what standards the City is bound by so that its performance can be judged accordingly.

## **V. CONCLUSION**

The City is asking a lot from the dedicated community members who have stepped up to serve on the PCCEP to do the difficult work of helping the City and PPB to improve their engagement with the community and their provision of police services. The City is making a

commitment to fully support the PCCEP and to meet all of its other obligations under the Settlement Agreement. The DOJ and the COCL continue to perform the complex and important work of evaluating the City's compliance with the terms of the Settlement Agreement. All of these parties need the certainty of final approval by the Court of the terms of the Settlement Agreement that govern and guide their efforts. The City respectfully requests that this Court grant final approval of the amendments to Sections IX and X of the Settlement Agreement.

Dated: September 27, 2018.

Respectfully submitted,

*/s/ Tracy Reeve*

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