

**Annual Status Report**  
**of The**  
**Community Oversight Advisory Board (COAB)**

**Approved by Vote of The Full COAB on**  
**October 8, 2015**

**For Presentation to The Honorable District Judge Michael H. Simon**  
**In United States District Court, District of Oregon**

**on October 21, 2015**

**In The First Annual, Post-Approval Status Conference for The Case of United**  
**States of America, plaintiff v. City of Portland, defendant,**  
**Case No. 3:12-cv-02265-SI**

## Greeting

Good afternoon, Your Honor. On behalf of the Community Oversight Advisory Board (or "COAB," for short), thank you for the opportunity to testify today. I am Bud Feules, citizen volunteer selected to the COAB by the Human Rights Commission and Portland Commission on Disability. I also serve as the COAB's Executive Committee Chair, and have been asked to represent the COAB today. We recognize that community oversight of such a Settlement Agreement is new and unique, and hope that this opens a new chapter in the history of policing in our city, one that incorporates community oversight and advice into a new and better model for governance. We are, therefore, pleased today to inform the court as to how well the COAB is working, how we do that work, obstacles and how we are overcoming them, and what lessons we have learned that may guide other and similar efforts as our nation grapples with the question of how to better serve communities through right and fair policing and just enforcement of our laws.

From the Settlement Agreement (or "SA," for short), paragraph [141]:

The COAB shall be authorized to:

- (a) independently assess the implementation of this Agreement;
- (b) make recommendations to the Parties and the COCL on additional actions;
- (c) advise the Chief and the 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 ("CEO Plan");
- (f) receive public comments and concerns.

COAB assesses implementation of paragraph [141](a) through its publicly shared and recorded feedback to the Quarterly Reports of the Compliance Officer and Community Liaison (or "COCL," for short). To date, COAB has performed this duty with COCL's Q1, 2015 report and is currently reviewing the Q2, 2015 report, facilitating and encouraging robust community engagement, and is now providing its item-by-item assessment of SA implementation and compliance as part of this process.

Despite early and on-going hurdles, the COAB has voted (see paragraph [151]) and delivered well-researched recommendations in support of paragraph [141](b), representing the application of national and global best practices to our city's policing needs. These recommendations, relating to policing and mental health and trauma, use of force, bias-free policing, and training, speak to COAB's ability to bring substantial expertise to bear and to deliver meaningful input across the entire spectrum of issues raised by the Settlement Agreement (or SA) and to do so under substantial time pressure. These recommendations are included for your review (see: References).

COAB has further produced a plan for its efforts to advise the development of the CEO Plan in support of paragraphs [141](c) and (e), that provides many opportunities for

public engagement through regular and open public meetings, as well as additional public forums, town halls, and planned outreach to Neighborhood Associations. This work will provide the Chief, Commissioner, and PPB guidance on how to more effectively engage and reach out to the community, while also helping to assure that these efforts provide the community the information they need and in the ways they can best use it.

In support of paragraph [141](d), COAB:

- Holds all meetings of the full COAB, its subcommittees, the executive committee and town halls as public meetings in compliance with Oregon Public Records and Meetings Law.
- Maintains, with COCL, the [COCL-COAB](#) website, which includes information about COCL and COAB, updates and announcements, its calendar of meetings and events, a document library, forums for COAB and public discussion, and contact information.

In further support of paragraph [141](c), and also (e), and (f), COAB recommended and City agreed a new local vendor to perform the latest Community Survey. This survey has been fully developed, disseminated, and responses received in excess of expectations. We expect the results and analysis of the survey data will provide for a deeper understanding of Portland's communities' perceptions and needs, and in turn will be useful in helping to inform the PPB and the COAB as we work on the PPB long term plan for community involvement.

In addition, COAB has, so far, in support of paragraph [141](f):

- Hosted two public Town Hall's (as of tomorrow) to help inform the public and seek their feedback.
- Improved opportunities in COAB forums and meetings for the general public to be heard and engage, by seeking public comment specific to topics at hand prior to consideration and vote.
- Successfully recruited volunteers from the interested public to serve in subcommittee workgroups.
- Improved timelines for administrative functions including meeting notification, logistics, and publication of key documents.

## How COAB Is Organized

COAB is comprised of 15 volunteer, voting members, selected in conformance to paragraphs [142, 145] to serve two-year terms, as set forth in paragraph [143]. COAB is supported by 5 non-voting PPB advisers, as set forth in paragraph [142](a.vi), as well as by COCL's local Community Liaison, project and administrative personnel, as well as by a Mental Health Specialist provided by the City. COAB is organized into the following subcommittees:

- MHCRS - Mental Health & Crisis Response Subcommittee, includes medical and mental health specialists and members with lived mental health experience. This group is advised by COCL and PPB (including BHU) and recommends policy and procedure change relating to Crisis Intervention (Section VI) and Community-Based Mental Health Services (Section V), as well as related topics in Training (Section IV).
- CEOPS - Communications, Engagement & Outreach Plan Subcommittee, includes members with strong community organizing and outreach ties, as well as those with lived mental health experience. This group is advised by COCL and PPB (including officers with community outreach experience), and coordinates the Community Survey paragraph [146](a), holds public hearings paragraph [146](b), works with PPB in development of the CEO Plan based on survey and other inputs paragraphs [146](c-f), and develops community engagement and outreach strategies. This group will also work with COCL, PPB, and DoJ to develop metrics to evaluate community engagement and outreach paragraph [149].
- DSUFCS - Data Systems, Use of Force and Compliance Subcommittee, includes civil rights and related experts as well as members with lived mental health experience and who belong to key marginalized communities. This group is advised by COCL and PPB (including training, force, and process experts) and recommends changes to Use of Force, Audit/Compliance, Data Systems (including EIS) and related policies and procedure.
- Accountability - Information, and will address Section VIII through its recommendations for changes to policy and procedure.
- Executive - Includes 5 voting members, drawn by majority vote from each of the specific nominating stakeholders (HRC, PCoD, Joint HRC/PCoD, City Council, Community at large) and is attended and advised by the local COCL representatives including the Chair. This group provides leadership and support to the COAB, engages Parties and Stakeholders, and generally works to facilitate the effective and efficient working of the COAB.

## **Our Accomplishments So Far...**

MHCRS has:

- Forwarded recommendations related to Trauma-Informed Training, Culturally Competent Training, and Training Policy (1500) in general (see: References).
- Begun to explore the work of the Behavioral Health Unit, in support of Section VI.
- Begun exploration of plans for Unity Center and preparing to advise PPB's engagement in providing for mental health crisis drop-off paragraph [89].

CEOPS has:

- Advised COCL in crafting the Community Survey and successfully recommended a vendor to manage the survey with over-sampling of key marginalized groups to provide for more meaningful analysis.
- Received survey responses in excess of expectations. The target number of completed surveys was 1,000. Based on past response rates, 5,363 households were selected to participate in the survey. A total of 1,280 surveys were ultimately returned, for a response rate of 24%.
- Crafted a plan to create the CEO plan paragraph [146], in coordination with PPB.
- Begun direct outreach to the public, including creating a COAB Speakers' Bureau.

DSUFCS has:

- Forwarded recommendations related to Directive 1010.10, Post Deadly Force Procedures, for full COAB vote.
- Forwarded recommendations related to bias-free policing, including a rewrite of Directive 344.05, Bias-Based Policing/Racial Profiling Prohibited, for full COAB vote.
- Forwarded recommendations related to Directive 1010.00, Use of Force, for full COAB vote.

Accountability Subcommittee has:

- Begun to form as a subcommittee, specifically looking at EIS and IPR-related issues.

Executive Committee has:

- Drafted modifications to COAB Bylaws for vote, as needed.
- Created tracking and resolution for COAB member proposals.
- Worked with COCL to successfully request additional 2015 budget.
- Worked with COCL to build the COAB workplan.

- Worked with COCL to fill the open administrator position.
- Resolved escalated COAB issues.
- Worked with COCL to draft Reporting & Communications and Recommendations processes.

The full COAB has:

- Organized itself to perform its work in compliance with paragraph [143].
- Increased community member and volunteer engagement in the subcommittee work.
- Provided independent community oversight through its feedback to COCL's Q1 and Q2 Status Reports, most importantly, in the Q1 Status Report, clarifying the report's intended message (that the majority of PPB and City work toward compliance remains at this time) and correcting the portrayal of active and robust community engagement with COAB and its members as "activist influence."
- Received training on the Settlement Agreement from DOJ, AMAC, and Disability Rights Oregon; on Oregon Public Meetings and Public Records Law from the City Attorney's office; on PPB training via PPB presentation and attending a full day Civilian Training session for COAB members.
- Referred to the City Council and the Portland Community, the idea to foster the creation of a Truth and Reconciliation Process for the City of Portland.

### **What We Are Working on Now, for Completion by Next Report...**

- Deliver additional policy/directive reviews (see: COAB Workplan).
- Analyze Community Survey results.
- Deliver CEO Plan Recommendations.
- Approve and Implement Communications & Reporting Process.
- Approve and Implement Recommendations Process.

### **What We Will Work on Next...**

- Plan additional policy review.
- Deliver Community Survey Results and Analysis.
- Deliver CEO Plan input for community review.
- Explore BHU function.
- Advance and track recommendations through implementation and measurement.
- Expand outreach to neighborhood and community groups.
- Add more community experts and volunteers to aid subcommittees & workgroups.

## **Obstacles**

COAB has identified three major obstacles to its success, the first of which is essentially resolved, the second of which is on-going with actions and a plan for resolution underway, the third of which requires additional thought and action. Substantial lessons have been learned from all of these obstacles, which should be useful to any similar community-based efforts.

### ***Obstacle 1: Lack of Orientation***

A proper foundation for success was not laid prior to the work of COAB beginning. The COAB was still only an idea at the time of its first meeting. COAB role and function, especially as relates to independent oversight were not well understood or agreed. At its outset, COAB received no initial training or explanation of the: Settlement Agreement; Oregon Public Meetings Law; COAB members' status as public officials; guidance on meeting management; or any historical background. While COAB members arrived to the process energized, some having read the SA multiple times, a common understanding of role and process was lacking and became a formula for discord and confusion.

Actions:

- Orientation now performed for all existing and new COAB members.
- Bylaws and key Bylaw revisions voted and agreed.
- Executive Committee formed and active.
- Recommendations process expected to add further clarity and order while restoring the sense that members' recommendations can have an impact.

Status: All but retreat now performed.

Lessons Learned: Plan and provide formal Orientation prior to starting business of community oversight teams.

### ***Obstacle 2: Work And Resource Requirements Underestimated***

Time, resource, and skill requirements for COAB were underestimated. Members were expected to volunteer 10 hours/month and attend 1 meeting. Instead, some members work more time than that in a week and attend 3-5 meetings per month (these may rise further during peaks, such as when responding to policy review deadlines). Simply providing quarterly report input along with policy recommendations timely conflicts with the idea of a COAB that meets and votes only monthly, instead of every two weeks. Office and meeting space, security, and storefront availability to the public outside PPB premises were not provided. Member selection did not include in-depth review of skills and commitment and did not include candidate volunteer interviews, contributing to

resignation and replacement of 5 voting members and one alternate to date. In addition, the current list of alternates has not been fully refreshed.

**Actions:**

- 37 non-voting community volunteers, drawn from the original applicants are now assisting subcommittees and workgroups.
- COAB has voted to meet every 2 weeks starting in 2016.
- Increased 2015 budget from approximately \$30,000 to \$41,784.
- Working on improved 2016 budget process.

Status: On-going, voting member time requirements remain an outstanding issue.

**Lessons Learned:**

- Better estimate requirements to reflect complexity of the work, even considering development of a milestone-level draft workplan to better estimate resources.
- Reconsider aggressive timelines or content for quarterly reporting vs. resource requirements.
- Recruit both voting and non-voting members at onset for better staffing.
- Form a deeper pool of alternates, and improve their role to support voting members, including a possible process for proxy.

***Obstacle #3: Perception & Legitimacy***

In setting expectations for COAB's success, it is crucial to understand the challenges it faces to its legitimacy. Neither PPB, the City of Portland, nor its residents are convinced of its viability. Historically, City bureaucracy has tended to view the communities it serves as outsiders, or even with suspicion, and PPB has not yet adequately considered the importance and impact of community engagement as they work to police those communities. These attitudes have contributed to repeated failed attempts at police reform and governance, failed promises, and violations of trust that leave Portland residents skeptical of government-affiliated structures and any promises of significant change. The COAB must help bridge these gaps by establishing the legitimate role of Portland communities in our City's governance and helping its residents feel they can shape the institutions which govern them.

The first COAB Chair, Justice Paul De Muniz brought significant leadership skills and his reputation for integrity to the COAB. His loss was a blow to COAB members, the process of building the COAB, and to the public who placed faith in his skills and abilities and his concern with the issues.

Inadequate orientation, misinformation, misunderstandings and false expectations have, at times, contributed to a feeling of being overly constrained and corrected and increasing levels of stress and disillusionment. These have also surfaced as internal acrimony and public discord at COAB meetings, further undermining community trust

and confidence. COAB members have now been oriented on several subjects, including the Settlement Agreement, its historical background, and on PPB Training. COCL have continually improved organizational structures and administrative resources to facilitate COAB's work, encourage better communication, and provide better focus. COAB is currently improving its understanding and process for engaging its PPB advisers, and informing its recommendations through their perspectives in order to better assure the realization of intended outcomes. These improvements should improve COAB focus and effectiveness, leading to an improved perception of its work as meaningful, both by members of COAB itself and the public.

PPB status reports and presentations to COAB characterize its efforts (since 2012) as having already substantially addressed requirements of the SA, but many Portland residents challenge this viewpoint as incorrect and as contributing to a "business as usual," attitude. COCL's first quarterly report indicated that the majority of this work remains, and will provide an on-going evaluation of progress and work remaining in future reports.

COAB believes that its feedback should not be regarded in the same light as that of the public at large, as its recommendations culminate its own study, research, and deliberation, coalesced with that of community experts. COAB's recommendations are, therefore, deeply informed and meaningful in ways that go beyond what could be expected from individual members of the public at large, as valid and valuable as these may be. Given this, COAB recommendations should be considered with the gravity and importance better reflecting its status as advisors to PPB as set forth in the Settlement Agreement.

COAB would also ask PPB to better recognize the urgency and criticality of COAB's work to its own mission by more actively welcoming, promoting, and assisting COAB in its work. COAB would appreciate proposed policy changes that include "red-lines" (track changes), access to current training procedures, and, in general, responses to its valid requests for assistance that reflect a willingness to reset priorities and redirect resources as is appropriate to the importance and urgency of this work. COAB, as previously mentioned, must also work to improve engagement of its PPB advisers and continually improve its partnership with PPB to meet not only the conditions of the Settlement Agreement, but, most importantly, the needs of the People of Portland.

Action:

- PPB must actively seek to promote informative, timely and helpful responses that assist COAB in assessing implementation of the SA.
- Starting with Q2, COCL quarterly reports now include status for each requirement of SA. This allows COAB to better provide specific and meaningful independent review linked directly to the requirements of the SA and, thereby, better demonstrates and legitimizes COAB's role in oversight to the public.
- Also beginning in Q2, COCL has been asked to begin tracing COAB and public

feedback to resulting specific changes to the final report, again, better allowing the public to see the real impact of COAB’s independent oversight to the assessment of compliance.

- COCL will track COAB recommendations through final disposition (have begun discussing with DoJ as well), which will better demonstrate COAB’s commitment to creating real change, not just talk.
- Ensure that CEOPS Plan includes reporting to the community to broaden awareness of COAB’s role, work and impact.

Status: Requires additional action and monitoring.

Lessons Learned:

- Consider establishing a steering group of stakeholders and parties to help set direction, empower, and assist the community volunteer organization.
- Consider granting specific authorities where necessary to ensure progress and legitimacy.
- Specifically establish the community organization's role and responsibilities as part of city governance to further ensure legitimacy and combat “business as usual.”

**Unanswered Questions:**

- Will this save lives and change real-world outcomes? It has not as yet, but we are in a place where we will either make a difference in 2016 or be able to call out reasons for any failure and responsible parties.
- Can community oversight change how a city runs and polices itself? This requires a change to centuries of practice and culture.

**In Closing**

COAB is fully participating and engaged in generating recommendations for the changes to policing that our city needs. Our steadfast belief is this work will lead directly to policing in our city being more fair and just and that our city will have broken its pattern and practice in the use of excessive force against those in mental health or perceived mental health crisis with finality.

**References**

Ref.	Title	Full COAB Vote Date	Filename
1	MHCRS Recommendations Regarding PPB Training *	06/11/2015	COAB Testimony Reference 1.pdf
2	MHCRS Recommendations to full COAB on PPB Policy 1500 - “Training”	09/10/2015	COAB Testimony Reference 2.pdf
3	DSUFCS recommendations on PPB Policy 344.05 - “Bias-Free Policing”	10/02/2015	COAB Testimony Reference 3.pdf

<b>Ref.</b>	<b>Title</b>	<b>Full COAB Vote Date</b>	<b>Filename</b>
4	DSUFCS recommendations on PPB Policy 1010.00 - "Use of Force"	10/22/2015	COAB Testimony Reference 4.pdf
5	Draft COAB Workplan for October & November 2015	N/A	COAB Testimony Reference 5.pdf
6	COCL Q1 Draft Quarterly Report Recommendations	06/11/2015	COAB Testimony Reference 6.pdf

\* Note that MHCRS recommendations were approved prior to adoption of COAB's current process for formal recommendations and do not, therefore, follow that standard format (as seen in the DSUFCS recommendations).