

Recommendation 042816-1

Approved by the Community Oversight Advisory Board on April 28, 2016

The Community Oversight Advisory Board urgently advises Mayor Hales and Chief O’Dea to immediately remove the 48-hour rule from PPB policies, procedures, and the Portland Police Association Collective Bargaining Agreement:

As a range of Portland social justice, religious and non-affiliated community leaders and partners have shown and the OIR Group (herein, OIR) and the Police Assessment Resource Center (herein, PARC), organizations have reported, the well known “48 Hour Rule,” has repeatedly shown to be antithetical to good community policing.

The impact of the 48-hour rule on the Portland community has had a historical trajectory of confusion, mistrust and skepticism about the Portland Police Bureau (herein, PPB), and, because the 48-hour rule is situated within the Collective Bargaining Agreement, the Portland Police Association (herein PPA), itself. Since the role of the PPA is to act on behalf of the members of the Portland Police Bureau and not on behalf of the inhabitants of Portland, this places the members of the Portland Police Bureau in a most precarious position; against the very community they are charged to keep and maintain safety. Continuing with this philosophy demonstrates an ethos which is diametrically opposed to the very community for which they have the responsibility for public safety.

Further, since the City Council is a signatory on the PPA and likewise, a representative body of Portland citizens, maintaining the 48-hour rule within the PPA Collective Bargaining Agreement puts the City Council representatives in direct opposition to the very citizens who elected them to The Council. To maintain the 48-Hour Rule, or to require concessions on unrelated matters in return for abandoning such a rule, speaks against the very missions of both the PPB and the PPA.

Therefore, the Community Oversight Advisory Board, as per paragraph 141 of the Settlement Agreement, urgently advises Mayor Hales and Chief O’Dea to take immediate steps to remove the 48-hour rule from PPB policies, procedures, and the Portland Police Association Collective Bargaining Agreement, in acknowledgment that the rule is contrary to good policing.

In addition, COAB respectfully requests that the Mayor and the Chief provide COAB with a high-level plan for achieving this objective, including a certain time when the City will report to the COAB on its compliance to paragraphs 124 and 127 of the Settlement Agreement (compelled statements and in-scene interviews, which were assessed as non-compliant and partially compliant in DOJ’s last report, respectively).