

September 12, 2016

Albina Ministerial Alliance Coalition for Justice and Police Reform
City of Portland
U.S. Department of Justice

The undersigned members of the Community Oversight Advisory Board (COAB) offer the following recommendations and comments for consideration at the September 12, 2016 community forum to discuss the COAB. Although we do not consider this to be an exhaustive list of recommendations, we believe the implementation of these recommendations would greatly facilitate the necessary restructuring of the COAB so it can continue its important work.

1. As approved by a quorum of the COAB on July 14, 2016, the COAB recommends that it should be allowed to select its own chair from its voting membership. This means that the Compliance Officer Community Liaison (COCL) would no longer chair the COAB. We note that the current COCL has petitioned the City of Portland (City) and the U.S. Department of Justice (DOJ) for a separation from the COAB so it would no longer chair the COAB.

2. As approved by a quorum of the COAB on July 14, 2016, the COAB recommends that the COCL should be replaced, in whole or in part, by a court-appointed monitor with duties and responsibilities similar to the court-appointed monitors in cases brought by the DOJ against other cities such as Seattle and New Orleans. This recommendation specifically means that the COAB will continue to exist in its current role and will continue to be the voice of the community. Nothing about this recommendation is intended to reduce the viability of the COAB's role in any way even with a court-appointed monitor.

3. The COAB should be independent of the City. That would mean:

a. Its voting members would not be public officials.

b. The COAB and its members would not be subject to the public meetings laws although it would continue to give notice of its meetings, including subcommittee meetings, and hold its meetings in public.

c. The COAB and its members would not be subject to the public records laws.

4. The COAB's 15 voting members should be selected as follows:

a. 10 members to be selected from the community-at-large by an independent committee comprised of community members; and

b. 5 members to be selected by the Portland Mayor and each of the other 4 City Commissioners.

c. Existing COAB members who were appointed by the Human Rights Commission, Portland Commission on Disability and/or a combination of the two should remain on the COAB for at least the remainder of their current terms.

5. Procedures should be established for the filling of vacancies on the COAB and vacancies should be filled promptly.

6. The COAB should receive the support of necessary staff and adequate funding including the following:

a. The COAB should have its own staff, independent of the COCL and the City, which would receive direction from the COAB.

b. There should be a person on the COAB staff or otherwise readily available to the COAB, and independent of the COCL and the City, who can conduct research and draft recommendations at the COAB's request on policies, training, accountability, community education and outreach, and other matters deemed important by the COAB.

c. There should be one or more COAB staff members with the necessary experience to be assigned the job of community organizer/builder.

7. The COAB should be given the authority to select and have access to private legal counsel, independent of the City Attorney's Office, to give legal advice to the COAB on matters affecting the operation of the COAB and its responsibilities under the Settlement Agreement.

8. The PPB should honor the COAB's requests for documents, data and other information without delay and should not be allowed to refuse reasonable requests.

9. The COAB should continue to comment and make recommendations on reports by the COCL and/or the court-appointed monitor, if one is put in place.

10. The COAB should not have been placed in a 60-day "recess" by the City and the DOJ, thereby denying the COAB its ability to conduct its important work under the Settlement Agreement. We note that the Albina Ministerial Alliance Coalition for Justice and Police Reform concurs that the COAB should not be in recess. The City and the DOJ should immediately cancel the recess and provide the necessary support the COAB needs to resume its work.

11. We understand that Judge Simon has ordered that a representative of the COAB report on its work and matters related to the Settlement Agreement at the hearing scheduled for Oc-

tober 25, 2016. In order to do that, if the DOJ and the City are going to keep the COAB in recess, we have two recommendations:

a. The DOJ and the City should allow the COAB to have a public meeting to discuss making its report to Judge Simon and to receive important public comment on the report. As always, we believe the work of the COAB should be public and include public comment as required by the Settlement Agreement.

b. As may be needed, the COAB should receive office support in preparing its report and any necessary attachments for Judge Simon.

12. To the extent that implementation of any of the above recommendations would require a modification to the Settlement Agreement, we recommend that the DOJ and the City agree to do so as soon as possible.

Thank you for your consideration of these recommendations and comments.

Respectfully submitted,

Catherine Gardner - COAB member

Jimi Johnson - COAB member

Myrlaviani Rivier - COAB member

Rochelle Silver - COAB member

Tom Steenson - COAB member; Chair, Data Systems, Use of Force, Compliance Subcommittee

Philip Wolfe - COAB member; Chair, Executive Committee

cc: U.S. District Judge Michael Simon