

Civilian Compliance & Reform Authority (CCRA)

Monday, October 01, 2012

MISSION:

Create a sustainable, responsive civilian authority, representing the public's interest and independent of the authority of the City of Portland (the City) to oversee implementation of Portland Police Bureau (PPB) reforms consented to by the City and the U.S. Department of Justice, Civil Rights Division (DoJ).

The mission of the Civilian Compliance & Reform Authority (the Authority) derives its organizing principles from Item 5 of the letter of intent, signed by the City and DoJ, and dated 12 September, 2012:

“A community body will be adopted to assess on an ongoing basis the implementation of this agreement, make recommendations to the parties on additional actions, and advise the Chief and Mayor on strategies to improve community relations. The body will also provide the community with information on the agreement, its implementation and receive comments and concerns. Membership will be representative of the many and diverse communities in Portland, including persons with mental illness, mental health providers, faith communities, minority, ethnic, and other community organizations, and student or youth organizations.”

The Authority will engage in a bifurcated solution to a lack of Constitutional protections offered by the City. While assuring reforms to existing police oversight mechanisms are implemented, the Authority will also develop and propose to voters a new manner of institutional oversight found lacking by DoJ findings.

The Authority is charged with monitoring compliance with the parties' agreement of October 2012; alerting the parties, their Monitor, and the court, to pending or actual non-compliance. The Authority shall engage in proposing further remedies until such time as it has developed and seen implemented a Civilian Oversight Authority (COA) to institutionalize civilian oversight over the PPB, to protect against police abuse of power and ensure Constitutional protections remain in place. The Authority and successor COA shall be in meaningful relationship with all parties and, while the City may provide resources, such as but not limited to the Office of Neighborhood Involvement, Human Rights Commission, Office of Equity, first responders and process specialists, the citizen-empowered Authority will be independent of the City in reporting structures.

ENACTMENT:

Convening an Authority

Portland citizens will convene a community convention before 1 January, 2013. The undersigned will invite organizations with a history of engagement in seeking to hold

police accountable for misconduct and representing the above stakeholders, and other communities as identified, to send delegates to convene. In a plenary session, delegates and community members will adopt broad, organizational goals and criteria for participation in the Authority. Based on their affinity, delegates will be assigned to a number of groups to participate in a facilitated dialog and then elect 1-2 representatives from each group for service on the Authority. The public will participate in facilitated dialog and then elect an ad hoc representative to the Authority.

Elected representatives will convene to adopt protocols and time-lines for keeping the broader community involved in and informed about the work of the Authority. Representatives will affirm a governance structure for the Authority and promote citizen involvement in Action Groups adopted to oversee implementation of the above agreement. In subsequent meetings they will adopt bylaws for self-governance. In short order, they will develop and commit to a plan to fulfill the Authority's mission within a transparent, community-centric approach. Representatives will be expected to serve 2- or 3-year terms, with half the body rotating off at two years so as not to disenfranchise any community seeking active participation.

Authorizing Action Groups

The Authority shall engage the public and promote broad participation in Action Groups. Action Group members shall have a responsibility to understand the findings, and joint agreement. Action Groups will assist in monitoring compliance with the agreement. They will work with subject matter experts and the greater community to promote best practices and recommend additional actions. Action Groups will influence, but not be limited to areas of influence in Police Policy Analysis, Police Training, Employee Recruitment and Retention and Community-based Policing.

The Authority will create Action Groups as the mission dictates and as ongoing remedies are identified. It is suggested that criteria for forming Actions Groups derive from a desire to monitor and report on implementation of reforms, research best practices, and implement subsequent reforms. Action Groups shall self-organize democratically but must include at least two members of the Authority. Action Groups shall, meet in public regularly to encourage broad public participation but should be expected to tap into community experts from government, businesses, the legal and medical communities, educational institutions; from all groups deemed likely to promote more effective oversight of police reforms.

It is suggested the Authority initially convene Action Groups for developing best practices in the following areas:

- Employee Recruitment, Training, Performance Review, Retention & Dismissal
- Data Collection & Analysis
- Collaborative Policy and Legislative Reform
- Community Engagement
- Develop a 'Best Practices Unit,' where police, governmental agencies & citizens can obtain protocols and guidance
- Technical Support (developing tools and technologies to enable best practices)

Timely Action

The Authority shall meet monthly to publicly engage in oversight and propose further reforms. It shall be in regular multiparty communication with the Monitor, City and DoJ (the Parties). It shall attend to noncompliance with the agreement (pending or actual) with a broad-based appeal that court-imposed sanctions go into immediate effect. The Authority shall publish semi-annual public reports on the Parties' compliance as well as its own progress in monitoring and recommending additional actions.

In 2013, and subsequent negotiations while it remains in existence, the Authority will engage collaboratively with the City and police unions to improve the delivery of community-based policing within Constitutional protections. The Authority shall use its influence to bring police patterns and practices into compliance with the remedial provisions outlined by DoJ findings, the agreement, and with other proposed remedies to be developed after study and review.

In the second prong of a bifurcated process, the Authority will ultimately design and recommend for adoption by the City's 2014 Charter Review Committee that a Civilian Oversight Authority (COA), an ongoing structure for community-based police oversight, be put to voters.

The Authority shall remain in operation until a transparent, efficient, community-driven means of ensuring Constitutional protections from civil rights violations by PPB is in place. It shall submit proposals to every City Charter Review Committee until voters adopt a Civilian Oversight Authority that remains independent of City authority.

Establishing Civilian Oversight Authority

The Authority shall establish an ongoing, sustainable agency to institutionalize community-based oversight of police misconduct and, in so doing, promote wide-spread respect for Constitutional protections. That structure, the COA, shall be designed to collaborate with, yet remain independent of Portland City Council. It shall draw authority from the Portland City Charter.

The COA is expected to replace the 'Self-Defeating Accountability System' described in the DoJ findings. Its mission should include the maintenance and continued refinement of an institutionalized complaint system to ensure wrongdoing is identified. In the case where police misconduct is suspected, the COA shall have the ability to subpoena testimony, and secure its own legal council. The COA will be expected to recommend disciplinary action by the City. The COA will recommend ongoing improvements in constitutional protections, police/community relations, and PPB policies, including but not limited to content and methodologies of recruitment, training and employee management.

If provisions of the agreement remain unresolved at the time of its creation, it becomes a COA responsibility to replace the Authority in its role of monitoring compliance and reporting non-compliance with the agreement.

ENACTING STRUCTURE:

The undersigned will immediately seek and obtain funding to establish a Portland Constitutional Rights & Oversight Center. PCROC's primary mission is to ensure Portland citizens effectively protect their civil rights in a coordinated manner designed to produce systemic benefits in a democracy.

PCROC offices will be a fixed presence easily accessed by the community. PCROC's task will be to staff and support the Authority. PCROC will respond to Community Policing issues described in the DoJ findings under Additional Community Concerns.

PCROC will build support for its mission and the Authority's mission among stakeholders, to include but not be limited to:

- Business (small businesses & loaned corporate executives)
- Educational Institutions
- Governmental Agencies, including prosecutors, first responders
- Community-led Advocacy and Affinity Groups
- Funders
- Professional Organizations, including retired criminal justice workers

It will design and implement training and empowerment activities to produce an educated, informed and involved citizenry who will be expected to engage in a collaborative effort to transform the PPB into a world-class, community policing force; one that is highly effective in their mission, and also trusted and respected by the community they serve. PCROC has as its goals developing and empowering an engaged citizenry who will help guide city affairs in human rights and respect for the law.

PCROC will secure facilities, trained staff and other resources that support the Authority and its mission. Support is to include but is not limited to calendaring, work plan management, clerical (generating minutes, announcements, community report-backs and other administrative support as needed), training (to include but not be limited to capacity building, leadership development, goal setting, technical skills development), and facilitation. The CEOC will also provide similar support for Action Groups as they are developed.

PCROC will also support community stakeholders whom the Authority believes will contribute to the overall mission. Community engagement activities may include identifying community resources, hosting community conferences, teach-ins, and public training that improves citizen involvement in governance.

Importantly, as a fixed presence and as a resourced on-line entity, PCROC will work to improve the complaint intake process, for initiating investigations into police misconduct. It will act as a clearinghouse, improving the City's outreach efforts to secure participation by making employment and volunteer opportunities known to a broad range of community members already possessed of the skill sets necessary to make valuable contributions to city governance.

PCROC REPORTING STRUCTURE:

Initially, fiscal responsibility for PCROC will be that of a social justice organization in Portland that has not yet been selected. Ultimately, PCROC will organize itself as a 501.c3 organization responding to a board of directors. It is expected that PCROC will contract for services.

Initially, PCROC will serve the Authority. Those responsibilities will then transfer to the COA after it is adopted.

A contractor will provide PCROC with an Executive Director (the Director).

Portland Constitutional Rights & Oversight Center Director

It shall be the Director's responsibility to manage PCROC staff. At the earliest convenience and pending funding, an Administrative Assistant, Policy Analyst and two Community Organizers shall be given positions reporting to the Director and serving at the Director's pleasure. The Director shall help set, implement and review goals and work plans that direct the work of the Authority. The Director shall organize staff to meet internal and community-wide communication and organizational strategies. The Director shall allocate resources so as to prioritize critical missions.

It shall be the Director's responsibility to subcontract with subject matter experts in support roles (including but not limited to) trainers, training developers, facilitators, review process developers, database management and data analysts, weapons specialists and manufacturers, employee evaluators & those who screen new hires, legal counsel, legislative and grant writers, and negotiation specialists.

It shall be the Director's responsibility to convene and facilitate the broader community and governmental stakeholders (to include the DoJ, the Monitor, the City, Multnomah County, and the State of Oregon and others as necessary) in furtherance of the mission of the Authority. The Director shall report results to the Authority.

It shall also be the Director's responsibility to facilitate local & national conferences among other civic & governmental bodies that are or have a history of implementing police reform or are engaged in the best policing practices

Portland Constitutional Rights & Oversight Center Organizers

PCROC Organizers will specialize in one of two missions. Both will have as goals

- Help educate the community on their constitutional rights & protections
- Make the community allies with a just police force in reducing crime
- Encouraging sophisticated citizen involvement
- Develop & implement civic engagement
- Leadership development for engaged activists
- Develop clearing house to connect newly trained youth & adults with public involvements plans through city governance

PCROC Organizers Shared Goals (continued)

- Assist community members with complaints about police misconduct to file them and to see that just results are obtained, including but not limited to improvements in training, employee evaluation and police/community relations
- Develop a conduit to improve collection of evidence of police practices from the public and deliver it to the Authority or COA, and to PPB investigators, as appropriate

One organizer will specialize in Outreach. The Outreach Organizer shall

- Inventory assets & resources within the community, including subject matter experts (trainers, researchers, & facilitators), under-served groups, facilities
- Convene stakeholders, aid in leadership development, goal setting within identified groups
- Train Community members to engage in reform
- Design, propose & shepherd the formation of a structured, ongoing COA

Another organizer will attend to Training. The Training Organizer shall

- Assemble or develop protocols, curriculum
- Recruit & develop trainers & facilitators from among community resources
- Inventory facilities & other community resources to prepare effective training environments
- Meet the training needs of the Authority and COA
- Train youth and all community members to understand & appreciate the Constitution
- Train community members to actively reform, monitor, and propose additional remedies to deficiencies in securing Constitutional protections
- Prepare community members to serve on City of Portland boards and commissions and in the wider community

This is a work product of

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