



Hardesty Consulting

Producing a More Just & Equitable World

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Thomas Perez,
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Mr. Perez:

Please find attached **Portland CCRA 20120927 Draft.pdf**. I offer this proposal - to rely on civilian authority in elegant oversight of proposed reforms - as a creative, authentic response to your stated goals. I submit that a tripartite model will be truly transformative, not only in the pursuit of justice, but in the lives of those who do not yet appreciate their role in ensuring constitutional protections.

Thank you for taking time to meet with the Albina Ministerial Alliance Steering Committee, following the declaration of your findings on 26 September. I am mindful that you told the room you expected us to engage in long-term efforts of seeing that a subsequent agreement is carried out. When you said, "We'll be leaving town," I took you to mean that others in our community will need to step up. I assume it was your leadership that got the Mayor and U.S. Attorney to sign onto language in the accompanying letter, "Community participation in the *oversight* of this agreement will be important." Please understand I took to heart your group's declarations: that a community body will "make recommendations to the parties on *additional* actions (*italics mine*)."

The attached model seeks to accomplish this. It arrives from a long history of community engagement, where frustration with reform has encouraged many to become subject matter experts in identifying and addressing shortcomings you've documented. Through collaboration, a robust and systemic solution has emerged for your review.

By reading the draft proposal you'll see representatives of organizations most motivated to engage in a tight timeline (Multnomah Chapter of a National Alliance on Mental Illness, Disability Rights Oregon, ACLU of Oregon, and Portland chapters of the League of Women Voters and the National Lawyers Guild ... others are in the process of gathering concurrence from their boards) now encourage the public to persist simultaneously along three tracks:

1. Synthesize short-term fixes to our 'self-defeating accountability system' to make sure justice is not denied in an interim;
2. Propose voters institutionalize an independent oversight mechanism capable of escaping the city's insular, self-exoneration and see justice is acquired; and
3. Instill among Portlanders a greater appreciation for the U.S. Constitution, to expand both the opportunities to engage in governance and the skill sets and knowledge base for those who wish to.

In our meeting you clearly enunciated your desire for a sustainable response to shortcomings in constitutional protections. You well know that the city has not been able to manage police bureau employees: it negotiates contracts that it later relies on, in defense of an inability to govern effectively; it dickers tirelessly with arcane details in policies while ignoring dysfunction writ large; and even when the City passes legislation (like the Police Plan to Address Racial Profiling, or a directive that PPB clean up procurement processes for psychological evaluation services), the City has a pattern of refusing to sustain even these rare, codified remedies. PPB has been nearly intolerant of community cooperation, let alone oversight by its own Commissioner.

You may find it important that I quickly found favorable reception for the proposed Portland Constitutional Rights & Oversight Center among philanthropists and charitable foundations. (Check for concurrence by the McKenzie River Gathering and Oregon Community Foundation. Meetings are set with the Northwest Health Foundation and Meyer Memorial Trust: it is likely that this proposal will be financially sustainable for three years following launch.)

With your support, and that of charitable funders, I am certain that one of the main strengths in this proposal will come to pass: autonomy. With knowledge of the vast reservoir of human talent available in Portland, I can assert that a body truly independent of the City of Portland can achieve what was envisioned in that Statement of Intent.

I hope you share in the Big Picture thinking we propose. As Portland moves forward with lessons learned, it is envisioned that the Center will convene to circulate best practices. I have feelers out to the International Associations of Chiefs of Police, currently under way, to find whether they already have a subcommittee looking to share experience about what works when jurisdictions enter such agreements with the DoJ. With your help, we will escape substantially the 'us/them' mentality that inhibits good policing.

I submit that the dynamic, interconnected, and collaborative partnerships we will enthruse will incorporate best practices to propose remedies and develop tools that neither you nor I can presently imagine. I submit that, as this vision is implemented, we will find many features are replicable beyond the 'Silicon Forest.' I fervently hope you will join me in this opportunity to leave a legacy that extends our appreciation for justice, our appreciation for Constitutional protection, to another generation of emerging leaders.

While it was a ministerial body that held civil rights proponents in the game for a long haul, whose moral authority issued the call for your participation; I hope you will note that this proposal – while it draws from prophetic vision of a means to obtain justice that has not yet been tried – truly seeks to draw wisdom from a diverse group of stakeholders. We will commission the most able, most respected minds, in collaboration with moral authorities, and in a broad community of Portlanders who most appreciate what the U.S. Constitution offers. If we do our job right, talented participants will simultaneously obtain the political consensus required to enplace enlightened civilian oversight into Portland's Charter.

Please read and reflect on the attached. I am anxious to hear what you bring from your perspective. When we consider curriculum development, for example, I am sure the DoJ has experts and work products that will boost a cross-discipline, multi-jurisdictional, collaborative effort.

