



December 2, 2015

MEMORANDUM TO THE COMPLIANCE OFFICER AND COMMUNITY LIAISON

FROM: The DOJ Monitoring Team

SUBJECT: COAB Operations

The United States Department of Justice (DOJ) provides this memorandum, in consultation with the City attorney's Office to provide guidance to COCL and COAB members in light of issues raised during recent COAB meetings concerning the integrity of the process by which the COAB considers and votes on recommendations. The purpose of the COAB is to "promote community confidence in PPB and facilitate police/community relationships necessary to promote public safety." Settlement Agreement Section IX, page 50.

COAB members' contribution and efforts are worthy. They provide a vital voice for many community stakeholders. We share the desire for the COAB to succeed in its purpose. COAB's success requires credible assessments and adherence to the processes established by both the Settlement Agreement and COAB's bylaws. Antagonism—whatever the source—and circumventing established procedure undermines your credibility and fails to afford the respect that each COAB member's contribution merits. Accordingly, as the monitors of this case, DOJ provides the following technical assistance to clarify and guide COAB's substantive work going forward:

1. COAB subcommittees must abide with Oregon's public meeting laws. The City Attorney has previously provided the COAB guidance on public meeting laws. We are advised that the City Attorney's Office is in the process of creating a comprehensive guide for all volunteer boards and commissions that will clearly address many of the technical issues faced by COAB. The guide will be available before the end of the year and further training will complement it as necessary.
2. The COAB must abide by its own bylaws and procedures it has established for itself, specifically with respect to quorum and process for consideration of recommendations. If the COAB does not do so, it risks alienating its own members, and being perceived as illegitimate by the community. The COAB should be generally hesitant to amend its bylaws in reaction to convenient circumstances that may arise.
3. As we previously stated: the COAB does not have the authority to delegate to non-COAB members its authority for COAB functions. Accordingly, while the COAB may utilize volunteers to assist in its efforts, learn from the community, and spread communications to the community, the COAB should not delegate the drafting of its work product, particularly regarding recommendation to be forwarded to the full COAB for a vote, to non-COAB members.

4. As we have stated, only a majority vote of the COAB—not subcommittees—may make recommendations on Settlement Agreement implementation (paragraph 151). Likewise, no single member or subcommittee or work group may properly assert that it has authority to forward recommendations on behalf of all or part of the COAB directly to the Department of Justice without a majority vote of approval from the COAB.
5. COAB members must be informed to critically assess policies and compliance. Gaining necessary information to fully understand the reforms contemplated by the Settlement Agreement will require some, if not all, community COAB members to observe operations at PPB facilities. We understand that a few COAB members are hesitant to visit PPB facilities. If specific COAB members are unwilling to enter PPB facilities for the purposes of assessing implementation of the Settlement Agreement, even under the watchful eye of other COAB members and other observers, it is difficult to imagine developing a healthy empathetic relationship in which police and community members are able to view issues from one another’s perspective. If any particular COAB member simply will not attend any meetings or training necessary to critically assess implementation of the terms of the Settlement Agreement, such COAB member may not be able to fulfill their commitment as a COAB member, which the COCL must assess. We encourage both COAB voting members and police advisory COAB members to facilitate relationships and dialogue necessary for public trust and safety.
6. The COAB’s recommendations are valuable input on behalf of the community at large. The COAB’s recommendations, however, are not a mandate. If the Parties decline COAB recommendations, it is only after thoughtful consideration. We cannot always inform the COAB of the deliberative process behind our consideration. However, COAB-approved recommendations carry the weight of the COAB’s public position. We respect and carefully consider all COAB-approved recommendations.
7. Many COAB members have expressed deep concern over the time spent on COAB work. We are mindful of volunteer fatigue and deeply appreciate the valuable time COAB members have sacrificed for this matter of great public importance. In order to conserve COAB members’ valuable time, we strongly advise focusing efforts on the core mission of paragraph 144 and the CEO plan and remaining vigilant against mission creep that detracts from the goal of timely, sustainable compliance with the Settlement Agreement and, more importantly, constitutional and effective policing.