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# Portland, Department of Justice agree to independent monitor of police reforms



By **Jonathan Levinson** (OPB)

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**The deal would also drop 40 requirements from the settlement between city and federal leaders over police use of force.**

The U.S. Department of Justice and the city of Portland have agreed to appoint an independent monitor to oversee [their settlement agreement](#) over police use of force.



Portland City Hall, September 2022



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If approved by the City Council and the federal judge overseeing the agreement, the independent monitor will be responsible for making sure the city complies with the agreement and reporting its progress to the court and community.

The proposal, the result of several months in mediation with U.S. Magistrate Judge Stacie Beckerman, would terminate 40 requirements of the agreement. Those include sections where the city has successfully implemented new policies regulating Tasers, created a behavioral health unit to oversee mental health crisis intervention and engaged with the community on a number of fronts.

“Partial termination will serve to acknowledge the successful efforts of PPB and the City to date and will allow the Parties and Monitor to focus their efforts on areas in which the City is not in or has not maintained substantial compliance,” the agreement says.

Under the updated agreement, the city will monitor its progress on an additional 15 sections in the settlement itself with status reports due to the independent monitor every six months. Those include requirements to collect demographic information from people stopped by police and for the bureau to work with other organizations to bridge gaps in the state’s mental health services. If the monitor determines the city successfully complied with its requirements, those sections will be terminated after two consecutive reporting cycles.

The settlement agreement is the product of a 2012 lawsuit brought by the federal government against Portland over the police bureau’s pattern of using excessive force against people suffering from mental health crises. The agreement lays out 96 different requirements the city must meet for two years before the agreement can be terminated.

Rev. LeRoy Haynes of the Albina Ministerial Alliance Council for Justice & Police Reform, one of the interested parties in the settlement agreement, told the court in February that his organization wanted an independent monitor — but that the details mattered.

“After years of seeing the city of Portland and the Portland Police Bureau often dragging their feet in the implementation of the settlement agreement, we believe that at this point in the historical development of the agreement, a court monitor would have the greatest potential in pushing the city and the Portland Police Bureau forward to achieve the goals of the settlement agreement,” Haynes said earlier this year.

Haynes said it’s important that the monitor be well-resourced, independent, have expertise in both policing and the city’s history and be willing to engage the community.

Some disagreements between the city and federal prosecutors remain unresolved. Under the agreement, for example, the city is required to have a system for timely mental health crisis intervention. That includes the city’s crisis line and crisis intervention team. Federal prosecutors say that also includes a fully operational Portland Street Response, a program in which non-police first responders deal with mental health calls.

In August, Assistant U.S. Attorney Jared Hager told U.S. District Court Judge Michael Simon that Street Response has been “an important part of the city’s approach to crisis triage over the last two years.”

And while city attorneys have told Simon that the City Council fully supports Street Response, they disagree it is required under the agreement.

“Portland Street Response is not required by the Settlement Agreement, but is a voluntary program initiated by the City under the leadership of then-Fire Commissioner Jo Ann Hardesty,” City Attorney Robert Taylor wrote in an August court filing.

The city and DOJ are still in mediation to resolve the disagreement. If they can’t bridge the divide, Simon will make the final decision as to whether Street Response is required under the settlement agreement. In multiple hearings in recent years, Simon has expressed strong support for police alternatives.

“I think Portland Street Response is the best approach I’ve seen towards dealing with

Portland City Council will vote on the proposed independent monitor on Wednesday, and it is expected to be presented to Simon at a Nov. 30 status conference.

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