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# CITY OF PORTLAND POLICE ACCOUNTABILITY COMMISSION

Quarterly Report  
October 2022 – December 2022

DECEMBER 2021-  
SEPTEMBER 2022  
(2022 Q1, Q2, AND  
Q3 REPORTS)

The Commission convened in December 2021. From January-March 2022, the Commission held its Organizational Phase, concluding it on March 31.

Between April-September 2022, the PAC researched other jurisdictions and proposals from subject matter experts, received briefings about Portland's current system, and assessed barriers to police accountability and best practices in Portland, approving one Fact-Finding Phase outcome document.

OCTOBER 2022

PAC and sub-committees hold five meetings to finalize two outcome documents (on proposals from subject matter experts, & practices from other jurisdictions), **concluding the Fact-Finding Phase of Work.**

The PAC begins the Powers and Duties Phase of Work and hosts a briefing from Charter 2-10 authors Derek Bradley and Heidi Brown.

NOVEMBER 2022

The PAC continues the Powers and Duties Phase, holding two sub-committee meetings and a full commission meeting.

The commission hosts two listening sessions to hear from members of the community about their goals for a future accountability system.

DECEMBER 2022

The PAC meets eight times, including seven sub-committee meetings and a full commission meeting. The commission receives three briefings in sub-committees: two from Independent Police Review and one from then-City Commissioner Jo Ann Hardesty.

Sub-committees develop draft documents for eventual referral to the full commission on Access to Information, Officer Accountability, and Structural Oversight.

## TIMELINE



## BRIEFINGS TO THE POLICE ACCOUNTABILITY COMMISSION

**OCTOBER 27** – DEREK BRADLEY AND HEIDI BROWN (ON CHARTER 2-10 / BALLOT MEASURE 26-217)

**DECEMBER 12** – INDEPENDENT POLICE REVIEW (DIRECTOR ROSS CALDWELL AND INVESTIGATIONS COORDINATOR ERIC BERRY), TO SUB-COMMITTEE ON ACCESS TO INFORMATION

**DECEMBER 15** – CITY COMMISSIONER JO ANN HARDESTY, TO SUB-COMMITTEE ON STRUCTURAL OVERSIGHT

**DECEMBER 19** – INDEPENDENT POLICE REVIEW (DIRECTOR ROSS CALDWELL AND INVESTIGATIONS COORDINATOR ERIC BERRY), TO SUB-COMMITTEE ON OFFICER ACCOUNTABILITY



PART 1 OF 3:

CONCLUSION OF  
FACT-FINDING  
PHASE

# FACT-FINDING PHASE DOCUMENTS

## AREAS OF AGREEMENT ON...

### 1. BARRIERS TO POLICE ACCOUNTABILITY, AND BEST PRACTICES, IN PORTLAND


The Portland-specific document was developed directly at the full Commission level and was approved by the full Commission 09-29. A small revision was made on October 6.

### 2. PROPOSALS TO CONSIDER, AND TO AVOID, FROM SUBJECT MATTER EXPERTS

The Sub-Committee on Research developed this document and referred it to the full commission in September. **It was approved by the full commission, as part of concluding the Fact-Finding Phase, on October 6.**


### 3. BEST PRACTICES, AND PRACTICES TO AVOID, FROM OTHER JURISDICTIONS

The Sub-Committee on Research developed this document and referred it to the full commission in early October. **It was approved by the full commission, as part of concluding the Fact-Finding Phase, on October 20.**



## WHAT THE PAC IDENTIFIED AS “PROPOSALS TO CONSIDER FROM SUBJECT MATTER EXPERTS”


- Structured to have decision-making authority on disciplinary matters, to be able to provide structural oversight (including policy development) and be independent and localized to its jurisdiction.
- Direct access to information from police, including institutional information (like records), and to individual officers where relevant.
- Ability to investigate community complaints as well as major incidents and (using the preponderance of the evidence standard) apply a set of consistent findings. For minor allegations, mediation should be offered.
- Membership criteria reflecting those most affected by policing.
- Guaranteed minimum funding, sufficient to hire paid staff to support all required tasks of the oversight system. Preference for staff applicants with experience working with community.
- Transparency, including open meetings and reporting publicly and regularly in a way that ensures public and Council understanding of police oversight.
- The ability to evolve and improve over time.



## WHAT THE PAC IDENTIFIED AS “PRACTICES TO CONSIDER FROM OTHER JURISDICTIONS”

### THE PAC IDENTIFIED PRACTICES TO CONSIDER FROM OTHER JURISDICTIONS, RELATED TO:

- Jurisdiction and Authority, including Internal Structure
- Access to Information
- Complaint Intake, Investigations, Hearings, Findings, Appeals Process, Discipline and Corrective Action, Mediation, Council Involvement, and Timelines
- Structural Oversight, including Policy and Directive Recommendations and Continuous Improvement
- Board Membership, Selection, Terms, Removal, Compensation
- Oversight Agency Budget, Staff, Community Engagement
- Transparency, including Reporting, Public Meetings and Hearings



## WHAT THE PAC IDENTIFIED AS “PRACTICES TO AVOID FROM OTHER JURISDICTIONS”

### THE PAC IDENTIFIED PRACTICES TO AVOID, INCLUDING:

- Statutes of limitation on completing investigation processes which prevent complex cases from being fully investigated and (administratively) resolved
- Parallel investigations between a civilian oversight system and internal affairs
- Release of complainant information to officers subject to a complaint
- Forced interactions with police in order to make a complaint about police conduct





PART 2 OF 3:

POWERS AND  
DUTIES PHASE



## POLICE ACCOUNTABILITY COMMISSION PHASES OF WORK

ORGANIZATIONAL PHASE (JANUARY-MARCH 2022)

FACT-FINDING PHASE (APRIL-OCTOBER 2022)

POWERS AND DUTIES (OCT. 2022-FEB. 2023)

STRUCTURE AND DETAILS (BEGAN FEB. 2023)

TRANSITION PLAN AND BROADER SYSTEM

CONCLUDING PHASE:  
FINAL RECOMMENDATIONS AND APPROVAL

All phases of work are defined in the PAC Agenda and Scope. Each phase of work has specific outcomes, including documents. The Agenda and Scope also lists out ongoing projects of the PAC that are not limited to a single phase, such as community engagement and reports to the City Council.

More information at: [www.portland.gov/police-accountability/resources/agenda-and-scope](http://www.portland.gov/police-accountability/resources/agenda-and-scope)

# POWERS AND DUTIES PHASE OUTCOME DOCUMENTS

## AREAS OF AGREEMENT ON...

### 1. ACCESS TO INFORMATION

This document was designed to include access to police records, compelling testimony, and subpoena powers.

During this quarter, the Sub-Committee met three times and scheduled a final meeting for January 5 to complete its work.

### 2. OFFICER ACCOUNTABILITY

This document includes the process and flowchart of an allegation of officer misconduct from intake to final resolution, including issuing discipline, mediation, and a list of types of cases the new oversight board will address.

During this quarter, the sub-committee met four times.

### 3. STRUCTURAL OVERSIGHT

This document addresses community oversight of PPB as a whole, such as the process to recommend changes to PPB policy and directives, as well as the oversight board's process to recommend changes to law to the City Council or other relevant decision-makers.

This sub-committee met twice during this quarter.

# COMMUNITY ENGAGEMENT

## PAC COMMUNITY ENGAGEMENT EVENTS THIS QUARTER:

**NOVEMBER 3** – COMMUNITY LISTENING SESSION  
(VIRTUAL)

**NOVEMBER 17** – COMMUNITY LISTENING SESSION  
(IN PERSON)

## MULTIPLE METHODS OF COMMUNITY ENGAGEMENT

The PAC also received community input live at meetings through public comment (at every meeting of the PAC and its sub-committees).

Additionally, community members can give public comment between meetings which is distributed to PAC members before the following meeting.

### **Calendar:**

**[www.portland.gov/police-accountability/events/](http://www.portland.gov/police-accountability/events/)**



The Police Accountability Commission now accepts  
Advance Public Comment in three ways:

1. **Online Webform:** Community members can send public comment to the Police Accountability Commission and/or specific sub-committees at <https://tinyurl.com/portlandpaccomment>.
2. **Voicemail:** Community members can leave a voicemail at **503-823-3346**, which will be transcribed (and if necessary translated) before circulation to PAC members.
3. **Postal Mail:** Mail sent to the new PO Box will be transcribed and, if necessary, translated:

Police Accountability Commission  
City of Portland, Community Safety Division  
**PO Box 9065**  
Portland OR 97207

Public comment received by Tuesday at 8:00 AM is circulated in advance of the Thursday PAC meetings. Public comment received by Friday at 8:00 AM is circulated in advance of the following Monday's PAC meetings.

ADVANCE  
PUBLIC  
COMMENT



PART 3 OF 3:

REQUESTS FOR  
CITY SUPPORT  
AND NEXT STEPS

# ENSURING THE PAC HAS TIME TO COMPLETE ITS WORK

The Police Accountability Commission has been working to complete the tasks assigned to it by the City Council.

- To date, the Commission has held 89 events:
  - 80 public meetings
  - Five community engagement events
  - Four community-building sessions for members to get to know each other and build working relationships
- The PAC is on track to hold 30 additional meetings for a total of 119.
  - For reference, the Charter Commission held 115 total events and is generally considered the City's most intense volunteer schedule and commitment.  
**The Charter Commission had 2 years to work.**
- This frequency creates two problems for the PAC:
  - Frequent full commission meetings (where attendance is required) – can lead to volunteer resignations or absences and referrals for removal. PAC member turnover is relatively low, but absent Council action, meeting frequency will have to increase beyond 2/week.
  - Frequent meetings reduce equity between members, as those with more free time end up having more ability to contribute. This diminishes the representation of members with day jobs, caregiving responsibilities, health concerns, and more.

# ENSURING THE PAC HAS TIME TO COMPLETE ITS WORK

On December 8, the Police Accountability Commission by consensus, formally requested that the Portland City Council allow the PAC to continue its work through October 29, 2023.

Prior to this request, the context of a possible request was discussed, including that:

- under the USDOJ v. City of Portland Settlement Agreement, the City Council could allow the Police Accountability Commission to work until October 29 without requiring any external approval, but that any extension beyond October 29 would require consultation with both the Court and the USDOJ
- it is important to determine the PAC's deadline as early as possible, to allow for effective project planning and community engagement work to achieve any timeline
- the October 29 deadline had already been approved by the City Council in their **unanimous** approval of Ordinance 190694, which was entered as an order of the US Court in April 2022. Members discussed potential dates to request of the City Council, and **in part because of Council's previous support for this date**, requested Council support to work through October 29, 2023. Several members also noted their intention to conclude the PAC's work well before this date



# ENSURING THE PAC HAS TIME TO COMPLETE ITS WORK

On December 8, the Police Accountability Commission by consensus, formally requested that the Portland City Council allow the PAC to continue its work through October 29, 2023.

The discussion prior to this request included:

- the scope of the Police Accountability Commission's work, and the importance of time to thoroughly address the varying challenges of police accountability and civilian oversight
- the limitations of volunteers' time as they contribute to this process around their other obligations (e.g., employment, family, caregiving, and other personal obligations), and **inability to ask members to meet more than twice a week**
- the different bodies of law and regulation on the city, state, and federal level which the work of the PAC needs to comply with and which members need to navigate as they develop recommendations
- the level of support from the City government in terms of bureaucratic processes' effect on the PAC's level of support
- confusion caused by the Council's March 2022 establishment of the PAC's deadline as June 9, 2023, and April 2022 approval of the amendments to the US DOJ v. City of Portland Settlement Agreement (which established the PAC's deadline as October 29, 2023)

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On December 8, the Police Accountability Commission by consensus, formally requested that the Portland City Council allow the PAC to continue its work through October 29, 2023.

The discussion prior to this request included:

- time given to other large-scale City of Portland projects led by commissions
- the benefits of holding briefings with experts and affected parties, including members of City Council, the Portland Police Bureau's leadership, the Portland Police Association, the amici to the Settlement Agreement (Mental Health Alliance and Albina Ministerial Alliance Coalition for Justice and Police Reform) and more, as well as the desired benefits of adding more relevant briefers (such as the Portland Police Commanding Officers Association) and bringing back some of those who had already briefed the PAC for a second briefing
- complying with the City Council's mandate to have **“an inclusive, diverse community driven process is needed to develop recommendations to City Council for the structure and processes of the new oversight system”** (37527)
- complying with the City Council's mandate **“that there be a lengthy, involved process where consideration is given to the complex topic of police accountability”** (37527 and 37548)

# ENSURING THE PAC HAS TIME TO COMPLETE ITS WORK

On December 8, the Police Accountability Commission by consensus, formally requested that the Portland City Council allow the PAC to continue its work through October 29, 2023.

Council Resolution 41-2023 was placed on the City Council agenda on January 18, 2023 and then referred back to the Mayor's Office during the meeting. This document would align the conflicting timelines (one from the City Council to the PAC, the other from the Settlement Agreement to the City) by finalizing the date as October 29, 2023.

In this quarterly report, the PAC reiterates the request for Council to take the necessary actions to ensure the Police Accountability Commission has the resource necessary to complete its work: **time**.

# WHAT'S NEXT

## STRUCTURE AND DETAILS PHASE

The Structure and Details Phase began in late February 2023. It focuses on developing the form of the new system, including **Oversight Board Membership**, the staff and structure that makes up the Oversight **Agency**, and the **Reporting and Transparency** that will ensure the public and the City Council are aware of the oversight system's work. It is expected to continue through the end of April 2023.

More information at [www.portland.gov/police-accountability](http://www.portland.gov/police-accountability)

## COMMUNITY ENGAGEMENT EVENTS

Community engagement events are held regularly. The next event will be:

Wednesday, March 22

1-3 PM

More information at [www.portland.gov/police-accountability](http://www.portland.gov/police-accountability) under “Events”

## QUARTERLY REPORT, JANUARY-MARCH 2023

The Police Accountability Commission will publish its quarterly report for January-March 2023 (2023 Q1), and present it to the City Council, in late April or early May 2023.