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## 799-2023

Report

### Accept final report of the Police Accountability Commission

Accepted

Amended by Council

To: Mayor Ted Wheeler

Commissioner Rene Gonzalez

Commissioner Mingus Mapps

Commissioner Carmen Rubio

Commissioner Dan Ryan

From: Sameer Kanal, on behalf of the Police Accountability Commission

Subject: Final Report of the Police Accountability Commission

In fulfillment of the requirements of [Resolution 37527](#) (<https://efiles.portlandoregon.gov/record/14330138>) (Establish selection criteria for a Commission to craft the new police oversight system authorized by voters at the November 3, 2020 general election) and [Resolution 37527 Exhibit A](#) (<https://efiles.portlandoregon.gov/record/14330140>), as well as [Resolution 37548](#) (<https://efiles.portlandoregon.gov/record/14616527>) (Establish a commission to write rules, definitions, procedures, and other necessary details for recommendation to Council for the new police oversight system authorized by voters on the November 3, 2020 general election) and [Resolution 37548 Exhibit A](#) (<https://efiles.portlandoregon.gov/record/14616535>), the Police Accountability Commission hereby submits the attached final report.

The report accompanies the final City Code recommendations of the Police Accountability Commission. In Resolution 37548, Exhibit A, City Council indicated that an optional duty of the Commission was that "the Commission may choose to author a report to present to City Council to further explain their recommendations," and the Commission chose to do so to explain their proposals and provide reasoning, context, and a description of the process used by the Police Accountability Commission to arrive at its recommendations. The report also includes items required of the Commission under Resolution 37548, Exhibit A, including Definitions, a Transition Plan, Powers of the New Oversight System, and Organizational Details. The report further includes recommendations for the new oversight system that would

Introduced by

[Mayor Ted Wheeler](#)

Bureau

[Community Safety Division](#)

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Requested Agenda Type

Time Certain

Date and Time Information

Requested Council Date

September 21, 2023

Requested Start Time

2:00 pm

Time Requested

2 hours

not be included in City Code. The Police Accountability Commission approved both its Final City Code recommendations, and its Final Report, unanimously.


Under the *USDOJ v. City of Portland* Settlement Agreement, the City Council is required to "propose amendments to City Code to address the Commission's proposal, and corresponding amendments to this Agreement, subject to the United States' and the Court's approval," within 60 day. The PAC hopes that City Council ensures the proposals are considered through open public processes.


The Mayor recommends that the Council accept the Final Report of the Police Accountability Commission.

Respectfully submitted,

Mayor Ted Wheeler

## Documents and Exhibits

 [Police Accountability Commission Final Report - As Amended](https://www.portland.gov/sites/default/files/council-documents/2023/pac-final-report.pdf) 9.74 MB  
(<https://www.portland.gov/sites/default/files/council-documents/2023/pac-final-report.pdf>)

 [Police Accountability Commission Final City Code Recommendations](https://www.portland.gov/sites/default/files/council-documents/2023/pac-final-city-code-recommendations.pdf) 966.66 KB  
(<https://www.portland.gov/sites/default/files/council-documents/2023/pac-final-city-code-recommendations.pdf>)

## Impact Statement

### Purpose of Proposed Legislation and Background Information

The Police Accountability Commission was tasked with developing a new administrative investigation and discipline system for Portland police, including the development of a community police oversight board as described in [City Charter Section 2-10](https://www.portland.gov/charter/2/10) (<https://www.portland.gov/charter/2/10>). The City Council established the Commission and required it to create recommendations complying with and building upon the Charter in [Resolution 37527](https://efiles.portlandoregon.gov/record/14330138) (<https://efiles.portlandoregon.gov/record/14330138>) (December 16, 2020) and [Resolution 37548](https://efiles.portlandoregon.gov/record/14616527) (<https://efiles.portlandoregon.gov/record/14616527>) (July 28, 2021). The work of the Police Accountability Commission was further defined in Paragraph 195b of the [USDOJ v. City of Portland Settlement Agreement](https://www.portlandoregon.gov/police/article/506328). (<https://www.portlandoregon.gov/police/article/506328>)

This item is the final report by the Police Accountability Commission to the City Council on the PAC's work.

The City Council will take further action to refer City Code based on the PAC's recommendations to the US DOJ/US Court, to implement the transition plan, to refer/approve amendments to the *USDOJ v. City of Portland* Settlement Agreement related to the PAC's recommendations, and to approve the final City Code after USDOJ/US Court review, among other actions.

## Financial and Budgetary Impacts

There is no direct financial or budgetary impact related to accepting this report.

## Community Impacts and Community Involvement

- All Portlanders may be impacted by the Police Accountability Commission's work.
- Code changes recommended by the Police Accountability Commission will be presented to the City Council beginning in September 2023. During the commission's work, the PAC engaged with well over 1,500 community members across neighborhoods, lived experiences, and backgrounds, through a variety of methods including attending community events, hosting community engagement events, receiving public comment at meetings, receiving advance public comment between meetings, discussion groups for focused discussion with historically underrepresented and directly affected groups, and briefings with experts and affected parties.
- The Police Accountability Commission was committed to a community-driven process informed by an [equitable, accessible, and transparent community engagement process](https://www.portland.gov/police-accountability/documents/pac-community-engagement-framework/download) (<https://www.portland.gov/police-accountability/documents/pac-community-engagement-framework/download>).
- Council consideration of the PAC's work, including this report, is anticipated to include community involvement and testimony.

## 100% Renewable Goal

Although it is incorporated into the sustainable procurement policy, this specific resolution does not impact the city's use of energy or pursuit of the 100% renewable goal.

## Agenda Items

**799 Time Certain in [September 20-21, 2023 Council Agenda](https://www.portland.gov/council/agenda/2023/9/20) (<https://www.portland.gov/council/agenda/2023/9/20>)**

Accepted As Amended

Motion to replace the Police Accountability Commission report: Moved by Wheeler and seconded by Mapps. (Y-5)

Motion to include the Police Accountability Commission final City Code recommendations: Moved by Wheeler and seconded by Mapps. (Y-5)

Motion to accept the report as amended: Moved by Mapps and seconded by Gonzalez.

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Mayor Ted Wheeler Yea

# Police Accountability Commission

## Final Report



**City of Portland  
September 2023**

## **Note from the Police Accountability Commission**

The Police Accountability Commission (PAC) appreciates that the City Council has entrusted our group with the task of proposing a plan for the new oversight system for police accountability in Portland.

What follows is a summary of the PAC's findings and recommendations, along with documentation of the various topics we researched. The Police Accountability Commission's findings were evaluated through various means, including through public comment, equity analysis, and legal review.

We are proud to present these recommendations to you.

Thank you!

Members of the Police Accountability Commission

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## Table of Abbreviations

ARB	Administrative Rules adopted by Bureau
BHR	Bureau of Human Resources
BIPOC	Black, Indigenous, and people of color
CAD	Computer-Aided Dispatch
CBPA	Community Board for Police Accountability
COPA	Civilian Office of Police Accountability
CPP	City of San Diego Commission on Police Practices
CRC	Citizen Review Committee
CSD	Community Safety Division
DA	District Attorney
DMV	Department of Motor Vehicles
DPSST	Department of Public Safety Standards and Training
EAP	Employee Assistance Program
EIS	Employee Information System
ERB	Employment Relations Board
FADO	Force, Abuse of authority, Discourtesy, Offensive language
FIT COG	Focused Intervention Team Community Oversight Group
GPS	Global Positioning System
HIPAA	Health Insurance Portability and Accountability Act
IA	Internal Affairs
IPR	Independent Police Review (Portland Police Bureau)
IT	Information technology
LMPD	Louisville Metro Police Department
LPSCC	Local Public Safety Coordinating Council
NACOLE	National Association for Civilian Oversight of Law Enforcement
NPAP	National Police Accountability Project
OCPA	Office of Community-based Police Accountability
OIS	Officer Involved Shootings
ORS	Oregon Revised Statute
OSP	Oregon State Police
PII	Personal Identifiable Information
PDSRB	City of San Diego Police Department Shootings Review Board
PPA	Portland Police Association
PPB	Portland Police Bureau
PPCOA	Portland Police Commanding Officers Association
PRB	Police Review Board
TAC	Training Advisory Council
USDOJ	United States Department of Justice
VCAD	Versaterm Computer-Aided Dispatch
WHD	Wage and Hour Division (US Department of Labor)

## Executive Summary

The Police Accountability Commission (PAC) was appointed by the City Council to develop recommendations to craft a new police oversight system for the City of Portland. The Commission began its work in December 2021, and concluded its work on August 31, 2023.

The framework for the new police oversight system is in Section 2-10 of the Charter, approved by the voters of the City of Portland on November 3, 2020 with 82% of votes in favor. This provides both the core legal framework for the PAC's work and the moral imperative to meet the needs of the community. The recommendations of the PAC build out the information in the Charter and are primarily in the form of a proposed new section of the City Code (the laws of the City). The new system will also be governed by federal and state law, collective bargaining, and other legal obligations.

The PAC's proposals include the creation of the Community Board for Police Accountability ("Board" or "CBPA"), the oversight board authorized by the voters in the Charter. The Bureau Director and staff authorized in the Charter as reporting to this oversight board have been developed in the PAC's proposals as the Office of Community-based Police Accountability (OCPA), an independent bureau within the City government.

### **Attributes of the New Oversight System**

Following the mandates of the City Charter and the City Council's resolutions guiding its work, the PAC has designed a new oversight system for Portland Police. This new system will be:

- Community-led, with a community police oversight board that manages the oversight staff rather than advises it;
- Representative of the community, with required forms of representation of the community and a supportive structure for volunteers on the oversight board to ensure that these voter-approved requirements are met;
- Empowered to directly make findings, and impose discipline where appropriate, on police officers who have committed misconduct;
- Able to incorporate community concerns in its policy discussions, and able to take recommendations related to police not only to the Portland Police Bureau (PPB), but to a vote of the City Council if needed;
- Transparent in its reporting, and open to the public where legally permitted;
- A single structure which investigates most instances of possible police misconduct from beginning to end, and is therefore clearer, more transparent, and less complex for officers, complainants, City leaders, and the community at large;

- Empowered to access the information it needs, and have and manage a sufficient budget, to do this work;
- Compliant with several layers of law, from the federal level down to the local level; and
- Reflective of the mandate given to the City by the voters when approving Charter 2-10.

### **Elements of the Proposed Oversight System**

The new system differs from the current system in the following ways:

1. The new Board is **community-led** with investigations run by **non-police investigators**. The new **Community Board for Police Accountability** will **hire the Director** of the new **Office of Community-based Police Accountability**. The complaints/cases will move through **one system**. (Charter Sections 2-1001 and 2-1005)
  - In the current system **cases/complaints are routinely shifted among four systems**: the City’s **Independent Police Review (IPR)**; the Police Bureau’s **Internal Affairs** unit (**IA**); the **Citizen Review Committee (CRC)**; and the **Police Review Board (PRB)**, which creates complexity and at times disagreement between parts of the system in describing the processes they are all a part of.
2. The new Board will **make decisions about whether officers violated policy** and impose **corrective action/discipline** if appropriate (Charter Section 2-1007, proposed code Section 35D.180).
  - In the current system, only in the appeals process (the Citizen Review Committee) are community members the majority decision-makers, and if the Chief disagrees with the committee’s findings, City Council makes the final decision.
3. The new Board will **investigate deadly force incidents** and allow for community members to **appeal findings in those cases** if officers initially have findings other than “out of policy” (Charter Section 2-1008, proposed code section 35D.240).
  - In the current system, IPR can go to the scene of deadly force incidents, observe the investigations, and vote on proposed findings at the PRB, but **cannot investigate directly**. The CRC has been told that they **cannot hear appeals on deadly force cases**.
4. The new system will **provide complaint navigators** to community members **from the beginning to the end of the process** (proposed code section 35D.090).
  - In the current system, a person **only** gets access to an “Appeals Process Advisor” **toward the end of the process when there is an appeal filed**.
5. The new system will be able to **make recommendations** about police policy, training, directives, and practices to the Police Chief.

While that is not unique, the process after this is new: if the Chief does not accept the recommendation, the new oversight board may send it to the City Council, and the Charter mandates that the **Council votes on whether to approve the recommendation.** (Charter 2-1007b)

In developing its recommendations, the Police Accountability Commission held 128 public meetings and hearings, held 23 community engagement events, met with dozens of experts and affected parties, conducted hundreds of hours of research and drafting, engaged with over 1,500 community members, collaborated within and outside of the City government, and generally fulfilled the task given to the PAC by the City Council to have a “lengthy, involved process” as well as “an inclusive, diverse, community-driven process.” The PAC thanks every community member who contributed to this process in any way.

Prior to starting to develop its proposals, the PAC heard from leaders and experts within the City, including law enforcement leadership. The PAC also researched practices from other jurisdictions, proposals from subject matter experts, and barriers to police accountability in the current system in Portland, which formed a “problem statement” that the PAC’s new system was designed to begin to solve. The PAC also identified best practices within the current system in Portland, to ensure that things that are working are maintained in the new system.

This report has details on processes, legal parameters, PAC organization, contributing inputs into our final recommendations, challenges faced, and more. The remainder of this Executive Summary focuses on the details of the PAC’s proposal: the recommendations of the Police Accountability Commission to the City Council, which when approved will begin the process of creating the Community Board for Police Accountability and the Office of Community-based Police Accountability. The recommendations, detailed in this report with reasoning on key decisions and appendices showing the full text of PAC decisions, are being sent to City Council with confidence that they will be comprehensively reviewed, and with an offer for continued collaboration during Council review. We thank the City Council in advance for this consideration and commit to supporting this process as it now moves into review and evaluation, and eventually implementation, to create the Community Board for Police Accountability and the Office of Community-based Police Accountability.

## Introduction

### **Background**

On July 29, 2020, the Portland City Council adopted Resolution 37499 which placed Ballot Measure 26-217 on the November 2020 ballot for the consideration of voters.<sup>1 2</sup> Voters approved the ballot measure with 81.58% of the votes, authorizing a new, independent community police oversight board and accountability system for the Portland Police Bureau.<sup>3</sup> In December 2020 the City Council adopted Resolution 37527 which created an application and selection process for a 20-member commission to detail the rules for the new oversight system.<sup>4</sup> The PAC worked to develop this system between December 2021 and August 2023.

“The focus on developing a strong and effective system that is responsive to the needs and concerns of the community is crucial.”  
- Advance Public Comment  
(7/25/2023)

“I think the City of Portland needs to listen to the community and actively put laws that are taking action to better our city and create a safer environment.

- Advance Public Comment  
(7/25/2023)

Since December 2021, the 20-member City Council appointed Police Accountability Commission (PAC) has been meeting weekly<sup>5</sup> to complete the task designated to them in 2021 when City Council adopted resolution 37548 “establish[ing] a commission to write rules, definitions, procedures, and other necessary

details for recommendation to Council for the new police oversight system...”<sup>6</sup> The Police Accountability Commission was officially formed in December 2021, with each member appointed unanimously by City Council. The PAC began working toward the goal of creating a system that is fair, accessible, community focused, and anti-racist.<sup>7</sup> The PAC met 128 times and held 23 community engagement events. Additionally, the PAC consulted with various subject matter experts including local public safety officials, City Commissioners, and people with experience in police accountability. Feedback from these groups informed the PAC’s work from the start and helped to shape the recommendations that we are now ready to present to City Council. This report details the PAC’s phased approach and timeline, the community engagement events that the PAC hosted, and challenges faced by the PAC during its work.

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<sup>1</sup> [Portland City Council Resolution 37499](#) (2020)

<sup>2</sup> [City of Portland Ballot Measure 26-217](#) (2020)

<sup>3</sup> [City of Portland 2020 Election Results](#)

<sup>4</sup> [Portland City Council Resolution 37527](#) (2020)

<sup>5</sup> <https://www.portland.gov/police-accountability/events/meetings>

<sup>6</sup> [Portland City Council Resolution 37548](#) (2021)

<sup>7</sup> [Police Accountability Commission Values and Goals](#) (2022)

## Members of the PAC

Members of the PAC were appointed by City Council following the Selection Criteria that City Council established in December 2020 in Resolution 37527. This includes having five members from communities that have historically been overpoliced, five members from organizations that provide support to historically overpoliced communities, five members representing community justice organizations, and five members that represent small business. The community members who City Council appointed to the PAC are listed below, with former members distinguished as such from the current members at the time the Commission concluded its work.

Faythe Aiken	Debbie Aiona	Aje Amaechi	Monica Arce	Cameron Browne
Yume Delegato	Sophia Glenn	Dan Handelman	Seemab Hussaini	K.C. Lewis
Lovisa Lloyd	Katherine McDowell	Charlie Michelle-Westley	Tirsa Orellana	Christian Orellana Bauer
Tim Pitts	Cherie Smith	Angie Tomlinson	Obinna Ugwu-Oju	Connie Wohn
Meikelo Cabbage (former)	Nicole Cole (former)	Eric Hunter (former)	Alvin Joswick (former)	Keonna Ollison (former)
Jason Renaud (former)	May Saechao (former)	Zoe Sigman (former)	Eva Vega (former)	Winta Yohannes (former)

## Phased Approach and Timeline

In early 2022 the Police Accountability Commission adopted a phased approach to their work and developed their internal organizational structure. During this initial phase, the PAC agreed on specific values and goals that would drive their work throughout the process of creating new policy for police oversight.<sup>8</sup> The organizational phase also included ordering the tasks that the

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<sup>8</sup> [Police Accountability Commission Values and Goals](#) (2022)

PAC was to complete and creating the Agenda and Scope<sup>9</sup> of the Commission. The tasks were ordered to best meet the needs, concerns, and desires of the communities most impacted by policing, over-policing, and police misconduct. Next, the PAC determined that the members needed to gather information on a variety of topics such as: police-related entities in Portland, how the Independent Police Review and Citizen Review Committee handle cases, Police Bureau roles in deadly force investigations, Internal Affairs and Police Review Board processes, different types of oversight systems in place in the United States, and the US Department of Justice Settlement Agreement. Following the initial organization of the PAC, the Commission began researching other accountability systems and inviting local officials to their meetings to brief them on relevant topics. After conducting research and hearing from subject matter experts, the PAC began developing recommendations for the powers and duties of the new oversight system. During the next phase, the PAC outlined the structure of the new Oversight System, including how the staff and community members would work together to complete the entire case-handling process. The fifth phase focused on developing a transition plan to get the City from the current oversight system to the new oversight system and explained how the new oversight system would fit within the broader system of the city, state, and federal governments. Finally, In August 2023, the PAC concluded their work and approved a final code package<sup>10</sup> to present to City Council. These phases of work resulted in fourteen documents:

- Areas of Agreement on:
  - Barriers to Police Accountability, and Best Practices, in Portland
  - Proposals to Consider, and to Avoid, from Subject Matter Experts
  - Best Practices, and Practices to Avoid, from Other Jurisdictions
  - Access to Information
  - Officer Accountability
  - Structural Oversight
  - Board Membership
  - Oversight Staff
  - Reporting and Transparency
  - Broader System
  - Board and Bureau Name
- Definitions (including of Accountability and Independent Judgment)
- Transition Plan
- Code Package Recommendations

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<sup>9</sup> [Police Accountability Commission Agenda and Scope \(2023\)](#)

<sup>10</sup> [Police Accountability Commission Final Code Recommendations \(2023\)](#)

Each of these documents outlines details of the new oversight system that the Police Accountability Commission is recommending to City Council and are explored throughout this report. The following report details the work that the Police Accountability Commission has completed since December 2021 and provides context for the decisions the Commission made in developing the recommendations.

Creating a new oversight system for the City of Portland was a monumental task and the members of the PAC worked diligently to complete it within the given timeline. Throughout their time working together, members of the Commission used a rotational leadership approach and collaborated to create documents that detailed the areas of agreement on each section. These areas of agreement were then translated into the recommended changes to Portland City Code that outlines the functions, authorities, and processes of the Community Board for Police Accountability and the Office of Community-based Police Accountability.

This report details and explains the PAC's proposals. It is organized as follows:

- Report sections describing the parameters governing the PAC's work:
  - The City Charter and Legal Parameters
  - The PAC's Values and Goals
  - The PAC's Agenda and Scope
  - Community Input and Guidance which the PAC received
  - The PAC's Bylaws and Internal Processes
- The research done by the PAC in its Fact-Finding Phase of Work to understand barriers and best practices to police accountability in Portland, and how other jurisdictions addressed, and subject matter experts suggested Cities address, similar issues
- Sections describing the PAC's decisions about the new system's Powers and Duties:
  - The system's Access to Information
  - Processes for Officer Accountability
  - How the Board will conduct Structural Oversight, including Policy Recommendations
- Sections describing the PAC's decisions about the new system's Structure:
  - Board Membership
  - Oversight Staff, who will report to a Director hired and managed by the Board;
  - Reporting and Transparency, for how the public will have access and be able to learn about the new system's work
- The Oversight System's role within the broader System of city, county, state, and federal government;
- A section describing the PAC's proposed Transition Plan for initial implementation



- The PAC's observations about challenges faced in doing this work and context of the PAC's decisions
- A conclusion

Additionally, there are several Appendices, including:

- Appendix A, showing the City Code proposal in comparison to current City Code, Charter mandates, other legal requirements, and other relevant sources
- Appendix B, with more detail on the work of the PAC (including its meetings and community engagement)
- Appendix C, which are documents received by the PAC as inputs into our work
- Appendix D, which are the full text of the parameters for the PAC's work that are summarized in the main report;
- Appendix E, which are the Areas of Agreement, and supplementary documents to them, reached by the PAC that were foundational to the development of our detailed recommendations
- Appendix F, which are the full text of recommendations to the City to use in their initial evaluation period over the next 60 days and include the Transition Plan and recommended changes to the *USDOJ v. City of Portland Settlement Agreement*
- Appendix G, which are recommendations that would be implemented in the future by the Board and City, and include recommendations for the Board's Bylaws, the Administrative Rules to be issued by the new Office, for the City to use in developing its legislative agenda for state and federal laws; and finally for the City to use when bargaining with police-related collective bargaining units.

## City Charter and Legal Parameters

### Portland City Charter 2-10<sup>11</sup>

The City Charter text was approved by voters in November 2020. It creates the broad parameters of a community-led oversight system, including an oversight board that would include members appointed by City Council, but with independent judgment. This board will have a staff, and working directly and with staff, will investigate situations of possible officer misconduct, apply findings, and impose discipline and corrective action. Types of possible misconduct include all deaths in custody and uses of deadly force, all complaints of force resulting in injury, discrimination, violation of rights, and more. The oversight board also may make recommendations about police practices, policies, and directives, which would go first to the Portland Police Bureau and then (if rejected by the Police Bureau) would go to the City Council, who would decide whether to implement the recommendations. Finally, the board has several protected methods to obtain information necessary to conduct the duties above, including the ability to compel testimony and issue subpoenas.

The Charter requires the name, size, and terms of the Board to be defined in City Code, as well as other types of complaints or incidents of misconduct within the Board’s jurisdiction.

Section	Section Summary
2-1001	A Board is authorized; the mission of the Board is to independently investigate PPB sworn officers promptly, fairly, and impartially, to impose discipline, and make recommendations regarding practices, policies, and directives to the PPB.
2-1002	Board members appointed by City Council. The Board shall ensure a diverse membership, particularly of community members who have experienced systemic racism and those who have experienced mental illness, addiction, or alcoholism.
2-1003	People currently or formerly employed by a law enforcement agency are ineligible for service.
2-1004	Budget will be proportional to 5% of PPB annual budget.
2-1005	The Board shall hire a Bureau Director who will manage the professional staff. The Director will serve at the will and pleasure of the Board.
2-1006	Authority to exercise independent judgement in performing legally assigned duties and no administrative agencies shall interfere.

<sup>11</sup> [Portland City Charter §2-10](#), see also Appendix D1 of this report

<b>2-1007</b>	The Board will have the power to: investigate complaints, including to subpoena and compel documents; issue disciplinary action; make policy recommendations; gather and compel all evidence; access all police records; compel witness statements (including officers); and to compel sworn members and their supervisors to participate in investigations.
<b>2-1008</b>	Authority to investigate: in-custody deaths and uses of deadly force, force that results in injury, discrimination, violations of constitutional rights, other complaints or incidents
<b>2-1009</b>	Each section, subsection and subdivision thereof, at any level of subdivision, shall be considered severable, individually or in any combination.

### **United States of America v. City of Portland Amended Settlement Agreement<sup>12</sup>**

The US Department of Justice (USDOJ) and the City entered into a Settlement Agreement in 2014 with the goal of ensuring that the Portland Police Bureau (“PPB”) delivers police services to the people of Portland in a manner that effectively supports officer and public safety and complies with the Constitution and laws of the United States. Specifically, this Agreement is targeted to strengthen initiatives already begun by PPB to ensure that encounters between police and persons with perceived or actual mental illness, or experiencing a mental health crisis, do not result in unnecessary or excessive force. The Agreement falls under the jurisdiction of the U.S. District Court.

After the voters approved the ballot measure to create the Community Police Oversight Board in November 2020, the City and USDOJ amended the Settlement Agreement in April 2022.<sup>13</sup> Paragraph 195 of the amended Settlement Agreement states:

*“In 2020, the City referred to voters a ballot measure that would overhaul the police accountability system incorporated into this Agreement by establishing a new Community Police Oversight Board to replace IPR for investigations of certain complaints of police misconduct and to replace the Chief of Police for imposition of discipline. City voters approved the ballot measure. The City has since empowered a 20-member civilian Commission to define the duties and*

<sup>12</sup> [United States of America v. City of Portland](#), Amended Settlement Agreement Pursuant to Ded. R. Civ. P. 41 (a)(2)

<sup>13</sup> [City of Portland Ballot Measure 26-217](#), Exhibit A

*authority of the Oversight Board and submit a proposal to City Council for final approval.” (p. 62).<sup>14</sup>*

Paragraph 195b states:

*“Within 18 months of the date this paragraph is entered as an order of the Court, the Commission shall propose to City Council changes to City Code to create a new police oversight system as reflected in the City of Portland Charter amendment establishing a Community Police Oversight Board.*

*Within 60 days of receiving the Commission’s proposal, the City will propose amendments to City Code to address the Commission’s proposal, and corresponding amendments to this Agreement, subject to the United States’ and the Court’s approval, to ensure full implementation of the Oversight Board and effective police accountability, consistent with the requirements of this Agreement.*

*Within 21 days of the approval of the amendments to the Agreement by the United States and the Court, the City Council shall consider and vote on the conforming City Code provisions creating the Oversight Board.*

*Within 12 months of the Council’s adoption of the City Code provisions, the new Oversight Board shall be staffed and operational, and IPR shall then cease taking on new work and complete any pending work. For good cause shown, the deadlines imposed by this subparagraph (b) may be reasonably extended provided that the City is in substantial compliance with subparagraph (a).  
(p. 63).<sup>15</sup>*

Relevant sections of the Settlement Agreement also include paragraph 121, which requires the current oversight system to complete administrative accountability processes from intake of cases to application of findings within 180 days (see Appendix F2).<sup>16</sup>

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<sup>14</sup> [United States of America v. City of Portland](#) Amended Settlement Agreement

<sup>15</sup> [United States of America v. City of Portland](#) Amended Settlement Agreement

<sup>16</sup> [United States of America v. City of Portland](#) Amended Settlement Agreement

## Federal and State Law

The PAC was also bound by federal and state law, including protections for officers that may be subjects of administrative investigations. These protections include:

- Due process: Due process includes the right to a hearing, that decision-makers must consider the evidence presented and make decisions supported by the evidence presented at the hearing or contained in the record and disclosed to affected parties; that the evidence be substantial; that decision-makers must act on their own independent consideration; and that decisions should be made in such a manner that the parties to the proceeding can know the reason for the decision made.
- Just cause: a required reason for imposition of discipline, just cause is “a cause reasonably related to the public safety officer’s ability to perform required work. The term includes a willful violation of reasonable work rules, regulations or written policies.”
- Fifth Amendment protections against self-incrimination,<sup>17</sup> which were a key consideration in the PAC ensuring that compelled testimony from officers would not be shared with prosecutors considering possible criminal charges (where testimony cannot be compelled).
- Federal Department of Labor Guidance, which created a maximum compensation rate for volunteers equivalent to 20% of the hourly rate of a similarly tasked staff member<sup>18</sup> and provides other parameters related to benefits and reimbursements for expenses incurred.
- State Public Records Law: State public records law covers what records the new oversight system will be obligated to disclose and which are exempt from disclosure or cannot be disclosed. The possibility of discussion of a record that cannot be disclosed in a public meeting was a key consideration of the PAC in determining that some portions of hearings may not be able to be open to the public.<sup>19</sup>
- State Public Meetings Law: State public meetings law addresses decision-making for public bodies such as the oversight board, how and when executive sessions are appropriate, and levels of public access to each type of public meeting.<sup>20</sup>

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<sup>17</sup> U.S. Const. amend. V

<sup>18</sup> “The Department will presume the fee paid is nominal as long as it does not exceed 20 percent of what the public agency would otherwise pay to hire a full-time coach or advisor for the same services.” US Department of Labor, Wage and Hour Division. FLSA2007-3NA, citing FLSA2005-51.

<sup>19</sup> [ORS 192.610 – 192.690](#)

<sup>20</sup> [ORS 192.610 – 192.690](#)

## PAC Values and Goals

The Police Accountability Commission began by discussing the City of Portland’s Core Values,<sup>21</sup> the importance of values to their work, and the use of values and goals as criteria to measure a proposal against before recommending it to the City Council. The PAC also noted overarching principles, including that the new system should be fair, just, and reflect the concerns, needs, and desires of the community.

The Police Accountability Commission agreed on the following values and goals to drive their work:

“The new police accountability system should help the City fulfill its commitments and hold the City as a whole accountable to those commitments.”  
- PAC Values and Goals (3/24/2022)

Value	Goals
Equity and Inclusion	Ensure fair and just outcomes for all
Anti-Racism	Reflect that racism is an indoctrination system and dismantle institutional and systemic racism in the police accountability process
Harm Reduction	Reduce harm caused by policing and become an avenue to heal the harm already caused
Transparency and Trustworthiness	Build and earn trust from the community
Community-Centered	Value the needs of the community above the needs of the City government or Portland Police Bureau
Continual Effectiveness	Have the flexibility to meet the changing needs of the community it serves

Within each Value, there are 1-2 corresponding Goals (listed above).

Additionally, each value has between 2-8 evaluation considerations or success criteria, for a total of 28; these are included in the full document (Appendix D3).

These considerations were self-imposed metrics for the PAC to evaluate its work before approving it to send to City Council. The PAC reviewed its Values and Goals at each meeting of the Concluding Phase, and evaluated its work against the considerations and success criteria before sending it to the City Council on August 31, 2023.

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<sup>21</sup> [City of Portland Core Values](#): Anti-racism, Equity, Transparency, Communication, Collaboration, Fiscal Responsibility

## PAC Agenda and Scope

The Police Accountability Commission developed its Agenda and Scope as part of its Organizational Phase (January-March 2022). This document provided the roadmap for the Commission’s work after its adoption on March 31, 2022 through the end of the Commission’s work on August 31, 2023. The full document is included in this report as Appendix D4.

The tasks were ordered to best meet the needs, concerns, and desires of the communities most impacted by policing, over-policing, and police misconduct.

<b>Phase of Work</b>	<b>Description</b>
1	Organization (internal PAC processes and documents)
2	Fact-Finding (researching other oversight systems and hearing from experts & affected parties)
3	Powers and Duties (what the new system will do)
4	Structure and Details (how the new system will be set up to do what it needs to do)
5	Transition Plan and Broader System (including naming the oversight system)
6	Conclusion (drafting Code, continued community feedback, and finalizing City Code proposal and Final Report)

## Community Input and Guidance

### PAC Community Engagement Framework

In March 2022 the PAC agreed on a framework that described its vision and approach to community engagement.

The vision for the PAC’s community engagement was to:

- Receive input from all Portlanders, especially those impacted by over-policing, be innovative in their approach to community engagement, and to welcome communities that have been historically underrepresented in City functions.
- Build trust through transparency, community education, and building awareness around the new Oversight System processes.
- Create pathways for Portlanders to engage with police oversight.
- While engaging with the community, create and implement a new system of policies and procedures that will promote restoration, justice, and reconciliation.

“Ensure each engagement effort has real potential to make a difference, and that participants are aware of how their perspectives and experiences will contribute to the work of the Commission.”

- PAC Community Engagement Framework, “Values and Guiding Principles” (3/31/2022)

In determining its vision, the PAC identified values that would inform its community engagement strategies. These values included:

- Honor the time and perspectives of those most impacted.
- Prioritize equity by welcoming diverse people, voices, and information while treating communities with a trauma informed lens.
- Create spaces that prioritize shared goals and collaboration; acknowledge personal biases; listen with curiosity; allow others to contribute; understand that communities are their own content experts.
- Engage transparently.
- Commit to action.

“I’m hoping to see more community policing, enforcement of laws that affect our local livability (stolen cars, theft, property crimes, etc.), by a well-trained, compassionate, honest, and unbiased police force.”

- Advance Public Comment (8/18/2023)



The PAC aimed to have continuous communication with a variety of communities and to utilize their feedback in the creation of its proposed policy. The Commission strove to build partnerships with community members and prioritize engagement in communities that have been traditionally excluded from City decision-making processes. The PAC outlined that they would do this by making events accessible and transparent, and making information available to the community in a timely manner.

“In light of the very large budget the Oversight Board is entrusted with, I believe we need a Budget Advisory Committee that is, in no way related to the membership of the oversight board, to be a legitimate budgetary overseer and to follow city code.”  
- Advance Public Comment  
(7/11/2023)

The PAC accomplished these objectives by:

- Taking public comment during and before public meetings; holding private listening sessions with, or speaking to representatives from, community groups such as The Mental Health Alliance, Albina Ministerial Alliance Coalition, The Oregon Justice Resource Center, Don’t Shoot Portland, the Portland Business Alliance, the Pacific Northwest Family Circle, The Rotarians, and the Inter-faith Peace and Action Collaborative.
- Hosting open public information sessions, during which the PAC’s proposed policy was presented and the community was invited to engage with the information, ask questions, and provide feedback.
- Hosting small, focused discussion groups in which community members were invited to provide feedback on the PAC’s policy as well as offer suggestions, share personal experiences, and help shape the future policy.

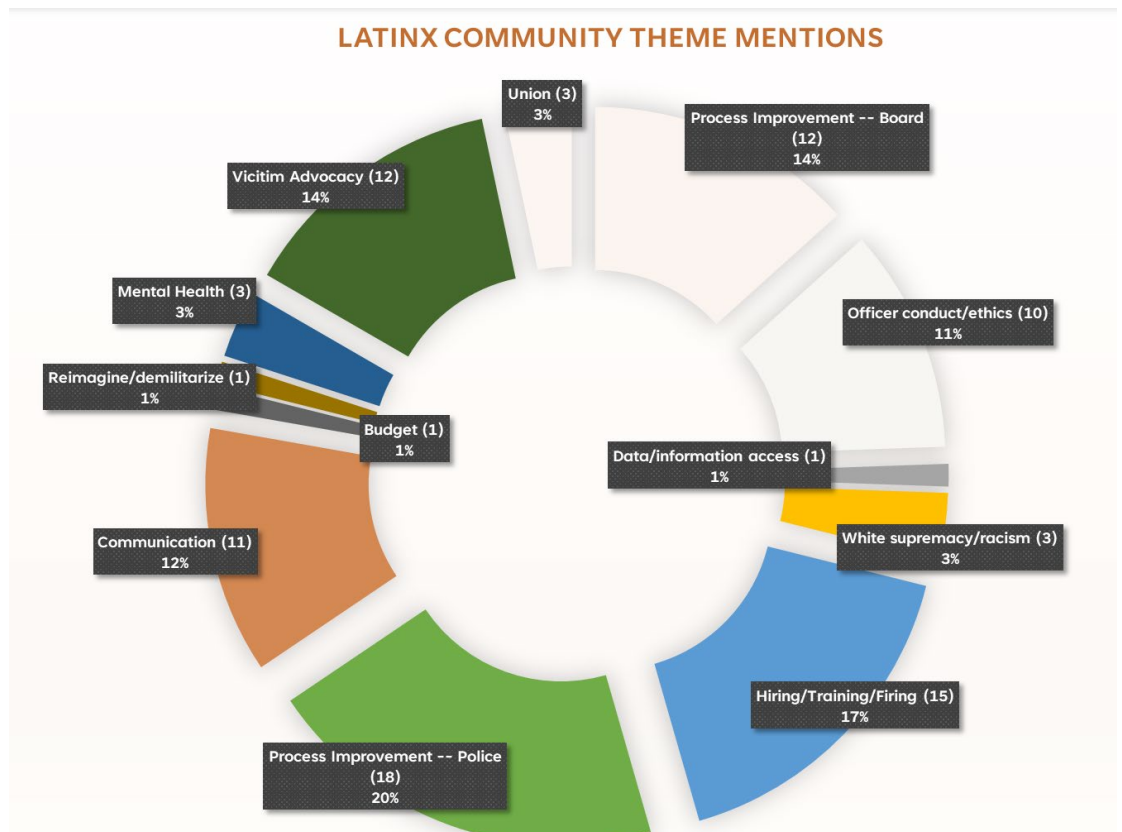
“If there was some way to investigate dishonesty by police officers, even if it didn't rise to the level of a reprimand or demotion (since apparently nothing does) that could be used to impede an officers ability to testify in court or file reports that were used by the DA to prosecute people [...] My personal experience is that Portland Police officers lie so often that it is hard to have any faith in them, and I believe this is a common experience that drives a wedge between police and the public..”  
- Advance Public Comment  
(7/12/2023)

## Community Engagement by the PAC

The Police Accountability Commission understood that community engagement was crucial to its work. The Commission held several community information sessions, forums, and Q + As, and hosted discussion groups to gather feedback on the completed documents before finalizing them. All events provided valuable feedback from the community and allowed the Police Accountability Commission to remain transparent in its work by educating groups on what it was developing. The PAC held 23 community engagement events all over the City of Portland, reached 1,000 people on their email list, and engaged with over **1,500 community members** at their community engagement events. It was important to the PAC that these were two-way communication events, meaning the PAC was there to listen to feedback, questions, and suggestions from the community about what the new police accountability structure should look like. Using the feedback and suggestions from the community the PAC created a proposed police accountability structure that is directly informed by Portlanders. Additionally, in summer 2023 the Police Accountability Commission hired two community outreach consultants to help them with direct outreach to Portlanders, Four Forces Inc. and LD Consulting.

“Members of the new Police Accountability Board shall not hold multiple positions within other community agencies to ensure new ideas and new community members.”  
 - Advance Public Comment  
 (3/16/2023)

The LD Consulting team partnered with over **114 leaders, business owners, and healthcare professionals from the Latinx community** to bring awareness of the PAC’s mission. In collaboration with LD Consulting in July and August of 2023, the PAC held three Latinx

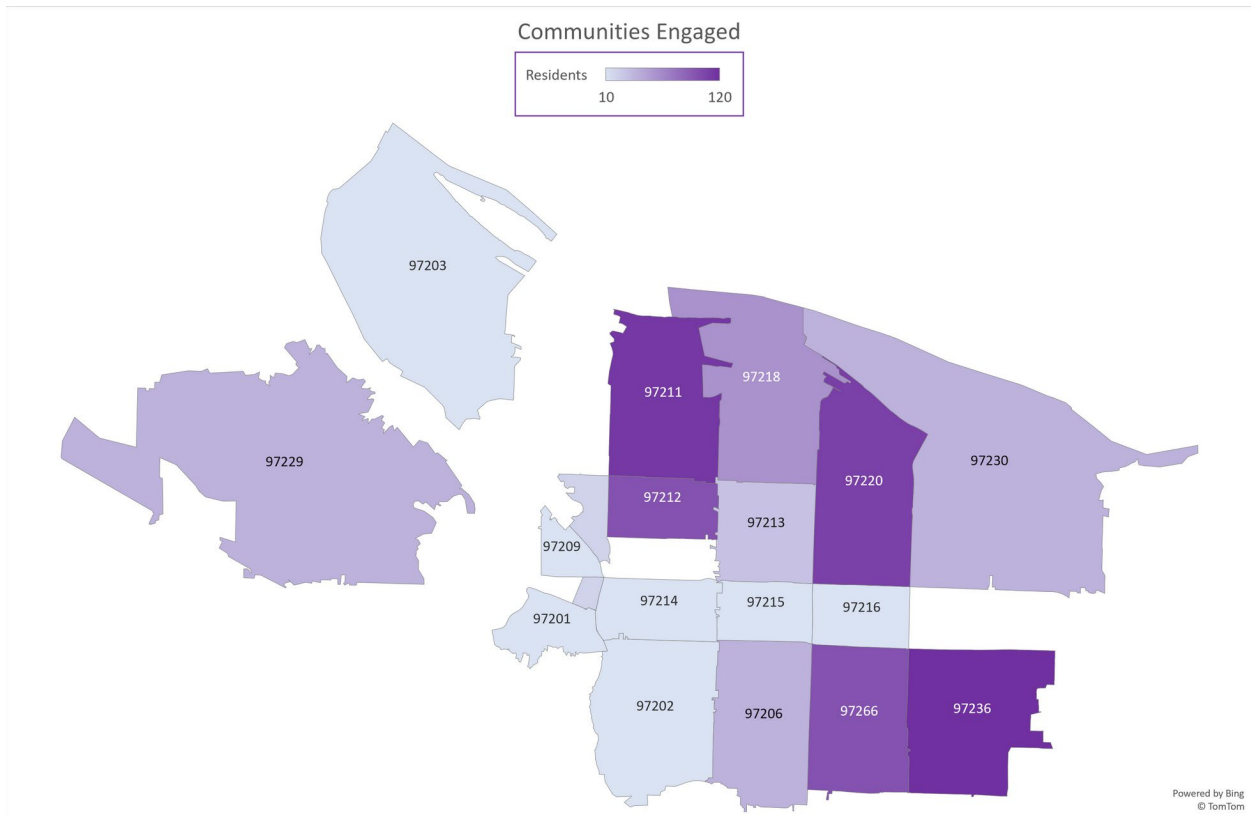


centered events throughout Portland.

The Four Forces team, partnered with Love is Stronger, engaged over 800 individuals in the work of the PAC in seven short weeks. They conducted 156 hours of grassroots education and outreach, engaged with 133 businesses primarily owned by people of color and collected 180 survey responses from the community.

Four Forces spread provided community members with a space to show up, give input, and ask questions about what the new proposed complaint process will look like. Partnering with Four Forces and Love Is Stronger in July and August of 2023, the PAC held six centered events throughout Portland.

Overall, the PAC cast a wide net with their community engagement efforts. They were able to meet with and talk to a large variety of Portlanders. The PAC believes their proposal is a fair representation of what the community in Portland wants: a fair, just, and transparent police accountability process and structure.



*Scope of outreach efforts by the Police Accountability Commission.*

## Discussion Groups

In collaboration with Lara Media Services and Spears & Spears, the Police Accountability Commission hosted eleven Discussion Group sessions,<sup>22</sup> hearing from a total of 124 community members. Through these discussion groups the PAC was able to obtain valuable feedback from members communities that are historically underrepresented or may have concerns about privacy and confidentiality.

Participants were diverse in gender identity, age, socioeconomic status, and race and ethnicity, and provided input from a variety of perspectives and lived experiences.

“In light of the very large budget the Oversight Board is entrusted with, I believe we need a Budget Advisory Committee that is, in no way related to the membership of the oversight board, to be a legitimate budgetary overseer and to follow city code.”

- Advance Public Comment

(7/11/2023)

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<sup>22</sup> See Appendix C2 for detailed reporting on discussion groups.

## PAC Bylaws and Internal Processes

The PAC drafted Bylaws and eventually a supplemental Internal Processes document to govern its own decision-making and other governance processes. These processes only govern the PAC's work, not the Oversight Board's. However, the PAC recommended that the Oversight Board use them as model documents for the development of their own Bylaws, and therefore the full documents are enclosed as part of Appendix G1.

Key principles in the Bylaws and Internal Processes include:

- Modified Consensus Decision-Making
  - The goal of the PAC is consensus, defined as both a lack of strong opposition and the presence of general support or agreement.
  - When consensus is impossible, the PAC can make decisions by vote, with 60% of the voting members required to be in favor for the decision to be made.
- Rotational Leadership
  - The PAC chose to have three co-chairs for the full commission at a time, rather than a singular chair, and two co-chairs for each sub-committee.
  - Co-chairs' terms coincide with the six phases of work, rotating roughly every three months.
- Supportive environment for volunteer members
  - Community Agreements to ensure fairness in conduct.
  - Co-chairs and facilitators are tasked with creating a safe environment.
  - Members may take a leave of absence of up to three months.
  - Facilitation uses a weighted stack to ensure equitable participation.
- Public Participation
  - Public comment is taken prior to every decision on a substantive document, and on any topic at the end of nearly every public meeting.
  - Quarterly reports are presented in public, with testimony allowed, at City Council meetings.
- Communications
  - Members can speak to their existing networks, but note that they're speaking for themselves rather than for the PAC.
  - Communications are retained by staff to comply with public records laws.
  - Media inquiries are directed to co-chairs but can be delegated to other members.

## Fact-Finding and Research

The Police Accountability Commission spent several months researching the current system in Portland, oversight practices in other jurisdictions, and proposals from subject matter experts. This included evaluation and preliminary determinations of practices and proposals to consider, or to avoid, as well as barriers to police accountability in Portland. As part of this process, the Police Accountability Commission met with various experts and affected parties, including briefings with:

Mayor Ted Wheeler	Portland Police Bureau Chief Charles Lovell and Deputy Chief Mike Frome
City Commissioner Mingus Mapps	PPB Professional Standards Division Commander Jeff Bell and Internal Affairs Acting Captain Greg Pashley
City Commissioner Carmen Rubio	PPB Police Review Board Coordinator Christopher Paillé
City Commissioner Dan Ryan	Portland Police Association President Aaron Schmutz
City Commissioner Rene Gonzalez	Independent Police Review Director Ross Caldwell and Deputy Director Dana Walton-Macaulay
Former City Commissioner Jo Ann Hardesty	Citizen Review Committee Chair Candace Avalos and Vice Chair Yume Delegato
Policy Advisor Derek Bradley, with Senior Deputy City Attorney Heidi Brown, on drafting of Charter 2-10	Albina Ministerial Alliance Coalition Chair Rev. Leroy Haynes and Steering Committee member Rev. Mark Knutson
US Department of Justice representatives Jared Hager and Jonas Geissler	Mental Health Alliance spokespersons K.C. Lewis and Amanda Marshall

The PAC also researched the following other jurisdictions and evaluated proposals from the following subject matter experts:

### Jurisdictions

Albany, NY	Philadelphia, PA
Albuquerque, NM	San Diego, CA
Baltimore, MD	San Francisco, CA
Boise, ID	Seattle, WA
Chicago, IL	Washington, DC

Denver, CO	Los Angeles County
Los Angeles, CA	San Diego County
New Orleans, LA	State of California
New York, NY (including staff interview with Civilian Complaints Review Board Deputy Director of Administrative Prosecutions)	State of Maryland (including several county-managed systems under Maryland’s state law, e.g., Anne Arundel County)
Oakland, CA	

### Subject Matter Experts

National Association for Civilian Oversight of Law Enforcement (NACOLE)	US National Institute of Justice
National Police Accountability Project	US Department of Justice Community Oriented Policing Services (COPS)
Portland Police Association	Staff of Washington DC Oversight System (PAC member interview)
Mental Health Alliance	Staff of City of San Diego Oversight System (PAC member interview)
Albina Ministerial Alliance Coalition for Justice and Police Reform	Staff of Oakland Oversight System (PAC member interview)
Citizen Review Committee (recommendations for oversight system)	Staff of Seattle Oversight System (PAC member interview)
Eileen Luna Firebaugh, JD, MPA (author of 2008 performance review of Independent Police Review)	

The Police Accountability Commission was tasked by City Council with “identify[ing] current barriers that have stymied the work of Portland’s police oversight systems [and making] suggestions on how to overcome these barriers.”<sup>23</sup> **Although the PAC was not required by the City Council to evaluate best practices in the current system, it chose to do so.** The PAC chose to identify these best practices in the interest of conducting a fair and impartial review of the current system, as well as to ensure that its proposals would not inadvertently end any of the practices that are working in the current system.

<sup>23</sup> [Portland City Council Resolution 37548, Exhibit A.](#)

The PAC was also empowered to “seek out expertise from those they identify as beneficial to the process both within and outside of Portland.”<sup>24</sup> As part of this process, the PAC evaluated practices in other jurisdictions around the United States, as well as proposals from subject matter experts, including staff and affected parties at other jurisdictions.<sup>25</sup>

“Are there any models of effective police accountability or oversight boards for any cities, that are doing it *right*? Can you look at those?”  
- Community feedback,  
PAC Listening Session (11/3/2022)

Key findings from the evaluation of subject matter experts’ recommendations included that healthy civilian oversight systems:

- Are independent, have authority to make disciplinary decisions, and can influence the policy and directives of police
- Have access to information (from the police) necessary to do all of that
- Can investigate complaints from the community, as well as major incidents where there may not be a complainant
- Can apply a consistent set of findings, so that the complainant, law enforcement, City Council, and the public can look at cases and understand what the outcomes were.
- Can offer mediation for lower-level allegations
- Are reflective of those most affected
- Have guaranteed resources including funding and staff to do the work they need to do
- Are transparent, and
- Are able to evolve and improve over time.

These items overlap significantly with the text of Charter 2-10. This is a testament to Council’s wisdom in crafting the Charter text to be presented to voters, and the voters’ in approving the Charter text.

The PAC’s findings with relation to practices in other jurisdictions included the identification of over 100 practices to consider, as well as a few to avoid. In evaluating other jurisdictions, the practices that the PAC assessed as “worth considering” would, if combined into a single system, create one that:

- Reflects communities equitably in its membership and staff, and empowers community by taking its input on issues;

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<sup>24</sup> [Portland City Council Resolution 37548, Exhibit A.](#)

<sup>25</sup> [Police Accountability Commission Areas of Agreement on Proposals to Consider, and to Avoid, from Subject Matter Experts](#) (2022); and [Police Accountability Commission Areas of Agreement on Best Practices, and Practices to Avoid, from Other Jurisdictions](#) (2022)



- Has a fair and impartial process for conducting intake, investigations, making decisions on findings, imposing discipline or corrective action, and handling appeals by officers and complainants, including:
  - standard, clear processes and options;
  - clear timelines that balance the need for rigor with the needs of the community, the officer, and the complainant for timely resolution;
  - options for mediation and informal complaints;
- Has a role in both individual case evaluation and policy recommendations, and is able to audit/monitor patterns in cases;
- Connects individual cases of potential misconduct to policy, procedure, and training reviews where appropriate;
- Has jurisdictional authority over all misconduct that directly affects the public;
- Has a Board large enough to have broad representation of the demographics, viewpoints, and experiences of the City's population, and has structures to promote diversity and representation including appropriate compensation;
- Allows for self-governance by the Board within broader City structures, including clarity of legal parameters, Board control of its own bylaws, and independent judgment;
- Has community members serving on their board who are appointed by City Council, with community representatives involved in the screening of applications and structures that ensure membership remains full or near-full at all times;
- Reports regularly and transparently to the public, and engages directly with the public for both community education and to get community input;
- Supervises oversight staff rather than being advisory to the staff;
- Has enough access to information, staff, and budget to do all of this work; and
- Can continually self-improve in addition to improvements suggested or initiated from outside the oversight system.

Finally, the PAC’s findings with relation to barriers to police accountability, and best practices, in Portland’s current system identified the following barriers:

“There seems to be virtually no police accountability currently.”  
 - Advance Public Comment  
 (11/21/2022)

<b>Barrier</b>	<b>Specific Findings</b>
Lack of Transparency for Complainants	<ul style="list-style-type: none"> <li>• lack of support for complainants to understand what’s happening with their complaint</li> <li>• non-transparent timelines for some investigations</li> <li>• inaccessibility to the public</li> <li>• inconsistency in communicating complaint outcomes to the complainant</li> </ul>
Complexity within current system	<ul style="list-style-type: none"> <li>• parts of the system are duplicative, confusing, and contradictory</li> <li>• lack of a single point of contact for complainants to navigate complex system prior to appeals process</li> <li>• separate system for officer-involved shootings and other deadly-force cases</li> </ul>
Accessibility and Equity	<ul style="list-style-type: none"> <li>• direct barriers to participation by community members based on ability, housing status, mental health, socioeconomic status, and more</li> <li>• burdens of participation in accountability system have larger impact on historically-excluded groups</li> </ul>
Perception and Trust	<ul style="list-style-type: none"> <li>• community members and law enforcement perceive the current system as opaque, unfair, and unjust</li> </ul>
Current Laws and Policies	<ul style="list-style-type: none"> <li>• policing is governed by several layers of law &amp; policy, including opaque collective bargaining process</li> <li>• officers are held accountable to policies, and policies are too lenient in some types of conduct</li> <li>• the standard of review is too deferential to police in the appeal process</li> </ul>
Ineffectiveness	<ul style="list-style-type: none"> <li>• the current system does not <i>reduce</i> misconduct</li> <li>• civilian portion of the current system lacks comprehensive power necessary to be effective</li> <li>• the current system does not demonstrably meet its required timelines</li> </ul>

Bias or Conflicts of Interest	<ul style="list-style-type: none"> <li>• police, rather than community members, shape investigations and hold decision-making power</li> <li>• decision-makers in the current system have a vested interest in the system being upheld</li> </ul>
Organizational Culture	<ul style="list-style-type: none"> <li>• police culture values protection of officers and PPB over accountability and community concerns</li> <li>• adversarial relationship between police and community</li> </ul>
Inadequate Resources for Community Oversight	<ul style="list-style-type: none"> <li>• insufficient support for volunteers even as volunteers are relied upon heavily</li> <li>• community volunteers often feel their work is ineffectual because it lacks real authority</li> <li>• City Council members say they are underequipped to make effective decisions when cases go to Council</li> </ul>

These barriers formed the problem statement of the Police Accountability Commission’s work, and the Commission aimed to mitigate or overcome these barriers in its recommendation development.

The PAC also identified good practices in the current system, and committed to trying to retain or replicate as many of these positive aspects as possible in its recommendations.

“I’m a victim advocate working in this community [...] I filed a grievance on behalf of a survivor I was working with, PPB’s IA bent over backwards to not find fault in the way an officer treated a victim/survivor. Then sent me the outcome to my work during the pandemic. My “appeal response time” was 20 days (I believe). I did not get the mail until months later, too late to respond or appeal.  
 What’s the point?”  
 - Advance Public Comment  
 (1/26/2023)

Good Practices	Specific Findings
Transparency of the Citizen Review Committee	<ul style="list-style-type: none"> <li>• Public meetings of the CRC</li> <li>• CRC appeal hearings are in public and allow public comment</li> <li>• Publication of regular reports including data</li> </ul>
Accessibility and Equity	<ul style="list-style-type: none"> <li>• Language access prioritized, including for intake</li> <li>• PPB employees can file complaints outside of their chain of command</li> <li>• IPR has outreach coordinator to reach public</li> </ul>

<p>Rigorous Investigations and Reviews</p>	<ul style="list-style-type: none"> <li>• Highly-qualified civilian investigators that collaborate across parts of the system</li> <li>• Mostly independent investigators at IPR</li> <li>• IPR can go directly to the scene of deadly force incidents including officer-involved shootings</li> </ul>
<p>Outcomes Beyond Discipline and Corrective Action</p>	<ul style="list-style-type: none"> <li>• Cases can lead to non-punitive outcomes</li> <li>• Voluntary mediation exists for some complaints, investigations proceed if mediation is unsuccessful</li> <li>• Low-level complaints can be directed to supervisory investigations rather than full investigation process</li> <li>• Current system can make policy recommendations to Chief of Police</li> </ul>

These findings were not recommendations of the PAC. However, they did provide a foundation for discussion that led to those recommendations, and were often cited in the development of the recommendations by the PAC, as defined in the sections below.

## Powers and Duties: What the Oversight System Can and Will Do

### Access to Information

According to the National Association for Civilian Oversight of Law Enforcement (NACOLE), “without timely and reliable access to department records, information, and facilities, oversight practitioners and volunteers cannot make decisions that meaningfully address areas of concern.”<sup>26</sup>

The Police Accountability Commission worked within the parameters outlined in City Charter and understood through their research the importance of access to information in regards to thorough, objective investigations. The PAC approved the Areas of Agreement on Access to Information on January 26, 2023.<sup>27</sup>

### Requirements:

The Portland City Charter, as approved by voters, grants the new Oversight System the following authorities regarding access to information:

- The Board will have “the power to subpoena and compel documents”<sup>28</sup>
- “[T]he authority and ability to gather and compel all evidence, to access all police records to the extent allowed by federal and state law, and the ability to compel statements from witnesses including officers.”<sup>29</sup>
- “[T]he power to compel sworn members of the Portland Police Bureau and their supervisors to participate in investigations and to completely and truthfully answer all questions.”<sup>30</sup>

### Decisions:

The PAC made several key decisions that would outline the new oversight system’s ability and authority to access records, body worn camera footage, and witness testimony:

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<sup>26</sup> Vitoroulis, Michael, Cameron McEllhiney, and Liana Perez. 2021. Civilian Oversight of Law Enforcement: Report on the State of the Field and Effective Oversight Practices. Washington, DC: Office of Community Oriented Policing Services. p. 66. Retrieved from: <https://portal.cops.usdoj.gov/resourcecenter/content.ashx/cops-w0952-pub.pdf>

<sup>27</sup> <https://www.portland.gov/police-accountability/events/2023/1/26/police-accountability-commission-meeting>

<sup>28</sup> [Portland City Charter §2-1007 \(a\)](#)

<sup>29</sup> [Portland City Charter §2-1007 \(c\)](#)

<sup>30</sup> [Portland City Charter §2-1007 \(d\)](#)

- The Oversight System will have direct access to all bureau information and records similar to the current access given to the Independent Police Review.<sup>31</sup>
- The Board shall have access to database networks that the Police Bureau has access to, such as the Criminal Justice Information Systems.
- The Board will be provided with means of safely securing both physical and electronic information.
- If medical information must be obtained for an investigation, the information will be limited to the scope of the complaint and all requests will comply with federal Health Insurance Portability and Accountability Act (HIPAA) laws.
- The Oversight System will have access to unedited Body Worn Camera footage.
- PPB Officers compelled to testify must comply with that request within 48 hours, to the extent that it is consistent with applicable law and collective bargaining agreements.

### **Key Decision: Access to Police Records**

The PAC agreed that the Board shall have direct access to all bureau information and records in accordance with applicable federal and state law. Currently, IPR has the authority to access PPB information and records,<sup>32</sup> however the right should be expanded to specify direct access for the Oversight System. The Oversight System will also have access to database networks that the Police Bureau has access to such as the Criminal Justice Information Systems. Providing the Board the authority to access police databases is based on NACOLE’s recommendations for effective practices, which recommends that “a civilian oversight agency should have direct access to vital databases to the greatest extent possible.”<sup>33</sup> This practice may benefit both the Portland Police Bureau and the oversight Board; as NACOLE indicates that “a law enforcement agency that provides such access signals a strong commitment to transparency, accountability, and support for civilian oversight.”<sup>34</sup>

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<sup>31</sup> [Portland City Code §3.21.070 B-C](#)

<sup>32</sup> [Portland City Code §3.21.070 \(J\)](#)

<sup>33</sup> Vitoroulis, Michael, Cameron McEllhiney, and Liana Perez. 2021. *Civilian Oversight of Law Enforcement: Report on the State of the Field and Effective Oversight Practices*. Washington, DC: Office of Community Oriented Policing Services. p. 96. Retrieved from: <https://portal.cops.usdoj.gov/resourcecenter/content.ashx/cops-w0952-pub.pdf>

<sup>34</sup> Vitoroulis, Michael, Cameron McEllhiney, and Liana Perez. 2021. *Civilian Oversight of Law Enforcement: Report on the State of the Field and Effective Oversight Practices*. Washington, DC: Office of Community Oriented Policing Services. p. 97. Retrieved from: <https://portal.cops.usdoj.gov/resourcecenter/content.ashx/cops-w0952-pub.pdf>

### **Key Decision: Body Camera Footage**

The Oversight System will have access to Body Worn Camera footage to ensure comprehensive, timely investigations into incidents which were documented using body-worn cameras and which may be subject to a complaint the board investigates. In order to maintain the integrity of the investigation, all body camera footage provided to the Oversight System will be available unedited. The PAC agreed to this decision in January 2023, prior to the April 2023 agreement between the PPA and the City of Portland regarding the implementation of the body worn camera pilot program.<sup>35</sup>

“The Police Accountability Commission, or appropriate oversight body, should have the authority to randomly review the officers' body cameras, three times a month.”  
- Advance Public Comment  
(8/2/2023)

### **Key Decision: Compelling Testimony**

The PAC detailed how the oversight board will implement Charter 2-1007(c) and compel testimony as needed to complete its investigatory functions. The Board will have the authority to compel PPB officer testimony, and to the extent that it is consistent with applicable law and collective bargaining agreements, the officer must comply with that request within 48 hours. If a PPB employee refuses to attend an investigative interview after being notified to do so, the Police Chief, Bureau of Human Resources (BHR), or other appropriate authority shall direct them to attend and answer questions truthfully. The refusal to truthfully and completely answer questions may result in discipline for the officer.

### **Key Decision: Subpoena Power**

The PAC outlined methods by which the Oversight System will implement the authority to subpoena witness testimony, and the production of records. Efforts to compel officer testimony will be made through the administrative process first, and only if those efforts were unsuccessful would the Board issue a subpoena. According to NACOLE, an investigation-focused oversight agency “must be able to compel an officer to appear for an interview, and similarly must be able to obtain other forms of evidence, like medical records and private video, by issuing subpoenas.”<sup>36</sup>

<sup>35</sup> See [Portland Police Bureau Body Worn Camera Project Information](#)

<sup>36</sup> Vitoroulis, Michael, Cameron McEllhiney, and Liana Perez. 2021. Civilian Oversight of Law Enforcement: Report on the State of the Field and Effective Oversight Practices. Washington, DC: Office of Community Oriented Policing Services. p. 94. Retrieved from: <https://portal.cops.usdoj.gov/resourcecenter/content.ashx/cops-w0952-pub.pdf>

The authority of an oversight system to issue subpoenas is not a novel idea; according to the NACOLE Civilian Oversight Agency Directory, many other oversight agencies have the authority to issue subpoenas, including for sworn law enforcement officers. Cities that utilize this practice include, but are not limited to, Washington DC, Chicago, Seattle, San Diego, New York City, and San Francisco,<sup>37</sup> and according to the NACOLE Civilian Oversight Agency Database survey, “52 percent of agencies reported they were authorized to issue subpoenas.”<sup>38</sup>

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<sup>37</sup> National Association for Civilian Oversight of Law Enforcement [Civilian Oversight Agency Directory](#)

<sup>38</sup> Vitoroulis, Michael, Cameron McElhiney, and Liana Perez. 2021. Civilian Oversight of Law Enforcement: Report on the State of the Field and Effective Oversight Practices. Washington, DC: Office of Community Oriented Policing Services. p. 99. Retrieved from: <https://portal.cops.usdoj.gov/resourcecenter/content.ashx/cops-w0952-pub.pdf>



## Officer Accountability

The Police Accountability Commission was tasked with detailing the workflow of the investigation process, procedures after the completion of investigations, the appeal process, and the application of discipline.<sup>39</sup> In accordance with the 2021-2025 Portland Police Association (PPA) Contract<sup>40</sup> and US Department of Justice Settlement Agreement,<sup>41</sup> the Police Accountability Commission has designed an outline of a complaint investigation process. The Areas of Agreement on Officer Accountability<sup>42</sup> were adopted by the PAC in February 2023. The new system was envisioned by the PAC to be more straightforward, more comprehensive, and more supportive of complainants than the current oversight system. Currently, cases/complaints routinely shift among four systems; in the new process, cases will be consolidated into one system.

### Requirements:

The Portland City Charter mandates the following:

- The Board’s mission is to “investigate Portland Police Bureau sworn employees and supervisors thereof, promptly, fairly, and impartially, to impose discipline as determined appropriate by the Board...”<sup>43</sup>
- The Board will have “authority to exercise independent judgment in performing all legally assigned powers and duties.”<sup>44</sup>

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<sup>39</sup> [Portland City Council Resolution 37548 Ex. A \(2021\)](#)

<sup>40</sup> [City of Portland Collective Bargaining Agreement with Portland Police Association](#), Art. 62.7:

“62.7 The parties acknowledge that when the City is prepared to present the terms that will commence the Portland Community Police Oversight Board, the City will provide notice to the Association prior to implementation. The City and the Association will comply with any bargaining obligations that may exist under the PECBA consistent with the procedures of ORS 243.698.”

<sup>41</sup> [United States of America v. City of Portland](#), §VIII:

“PPB and the City shall ensure that all complaints regarding officer conduct are fairly addressed; that all investigative findings are supported by a preponderance of the evidence and documents in writing; that officers and complainants receive a fair and expeditious resolution of complaints; and that all officers who commit misconduct are held accountable pursuant to a disciplinary system that is fair and consistent. The City and PPB seek to retain and strengthen the citizen and civilian employee input mechanisms that already exist in the PPB’s misconduct investigations by retaining and enhancing IPR and CRC as provided in this Agreement.”

Paragraph 195c:

“The City will comply with any collective bargaining obligations it may have related to the Oversight Board, which the City agrees to fulfill expeditiously and in compliance with its obligation to bargain in good faith.”

<sup>42</sup> [Police Accountability Commission Areas of Agreement on Officer Accountability \(2023\)](#)

<sup>43</sup> [Portland City Charter §2-1001](#)

<sup>44</sup> [Portland City Charter §2-1006](#)

"I think it's important that the new Board has the power and ability to investigate and discipline for ALL misconduct. Internal misconduct should face external oversight, especially egregious misconduct or misconduct that affects the community."

- Advance Public Comment  
(12/15/2022)

- The Board will receive and investigate complaints, and to "issue disciplinary action up to and including termination for all sworn members and the supervisors thereof..."<sup>45</sup>
- The Board will have the authority to investigate all in-custody deaths and uses of deadly force; complaints of force resulting in injury, discrimination against a protected class, violations of constitutional rights; and other complaints as they see fit.<sup>46</sup>

### Decisions:

- When the Board receives a complaint or when an incident occurs that requires a Board investigation, it will conduct a preliminary investigation, including conducting an intake interview, and a make a case-handling decision.
- Following a preliminary investigation, the Board may dismiss a case for reasons such as: the complaint does not allege misconduct, the complaint was filed outside the time limits, the complainant withdraws the complaint, or lack of Board jurisdiction.<sup>47</sup>

"Someone who has been sexually assaulted by police should not have to talk to police. Period."

When a victim is meeting with whoever they are telling their story to, they shouldn't have to pay for it. The City should pay for it, and go meet at their house."

- Community feedback,  
PAC Listening Session (11/3/2022)

- If the complainant expresses an interest in doing so, they may request that the complaint be an "informal complaint." The case would be resolved through discussion with the officer's supervisor and the case would not proceed through the investigatory process.
- There will be a voluntary mediation program for complainants and officers with the goal of mediation being to improve police-community relations.

<sup>45</sup> [Portland City Charter §2-1007\(a\)](#)

<sup>46</sup> [Portland City Charter §2-1008](#)

<sup>47</sup> Adapted from [Portland City Code 3.21.120C4](#)

- Investigations must be ethical, independent, thorough, timely, fair, and impartial.<sup>48</sup>
- Investigations will include interviews; gathering evidence; examining police roll calls, logs, assignments, and other information; and site visits.
- When an incident involves deadly force or a death in custody, the Board will require staff to go to the scene, sit in on interviews conducted for the criminal investigation, and review supervisors and others present at the scene.
- The Board will make the final determination of findings, which will include whether the officer acted within or outside of PPB policy and whether wider, systemic issues need to be addressed.
- Findings are determined using the "Preponderance of the Evidence" Standard.
- If either party disagrees with the Board's findings, they have the right to appeal those findings within 30 days from the issuance of findings.<sup>49</sup>

### **Key Decision: Complaint Navigators**

During the research phase of work, the PAC identified the complexity of the system and the lack of support for complainants as barriers to police accountability.<sup>50</sup> The PAC agreed that complainants shall have access to a complaint navigator throughout the entirety of the investigative process, and that the complaint navigator will act as a main point of contact for the complainant. The Complaint Navigator will have access to records in order to

"Some people who want to come forward don't because the world is not kind to people who come forward. This is problematic. You need to make a safe system for people to come forward."  
- Community feedback, PAC Listening Session (11/3/2022)

advise the complainant. Having this resource available will increase the accessibility of the complaint process to community members and will help to foster trust between the community and the Oversight System.

### **Key Decision: Findings Determinations**

The PAC identified the current use of the "reasonable person" standard currently used in appeals as a barrier to police accountability; therefore, the PAC recommends that the Board

<sup>48</sup> From [San Diego County Citizens' Law Enforcement Review Board Rules and Regulations §5.1](#)

<sup>49</sup> [Portland City Code §3.21.140 A](#), language to be amended to reflect the change from IPR to CBPA

<sup>50</sup> [Police Accountability Commission Areas of Agreement on Barriers to Police Accountability, and Best Practices, in the Current System in Portland](#) (2022)

use the preponderance of evidence standard,<sup>51</sup> as was also recommended in Eileen Luna-Firebaugh’s 2008 analysis of IPR.<sup>52</sup> Findings will be determined by a panel<sup>53</sup> of the Board that will consist of at least five Board members for most cases, and at least seven Board members for cases involving more severe allegations such as uses of deadly force or in-custody deaths.

Board findings will fall into one of four categories:<sup>54</sup> “out of policy,” “in policy,” “unfounded,” or “insufficient evidence.” The Board may also add additional findings related to systemic concerns that may arise such as “policy issues,” “training issues,” supervisory issues,” “communication issues,” or “equipment issues.”<sup>55</sup> If the Board chooses to include one of the latter, it will recommend revisions to policy or training procedures, or will identify an issue with supervision, communication or equipment that may need to be addressed.

### **Key Decision: Appeals**

The PAC agreed that if either community members or police officers disagree with the Board’s findings, they have the right to appeal those findings within 30 days from the issuance of findings.<sup>56</sup> During that 30-day period, discipline may not be imposed. Appeals will be heard by a panel composed of Board members.

### **Key Decision: Availability of Mediation & Informal Complaints**

The PAC identified the option of mediation as a best practice currently in place in Portland’s oversight system.<sup>57,58</sup> Mediation was identified as a way to improve police-community relations and build better policies. The PAC agreed that there will be a voluntary mediation program for complainants and officers. Mediation will not be an option for complaints involving allegations of use of force, profiling, violations of constitutional rights, or for cases that involve an officer

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<sup>51</sup> See: [County of San Diego Citizens’ Law Enforcement Review Board Rules and Regulations §14.8](#); New York City Civilian Complaint Review Board, [The Rules of the City of New York Title 38-A, Subchapter D §1-33](#)

<sup>52</sup> Luna-Firebaugh, E. (2008, January 23). Performance Review of the Independent Police Review Division. City of Portland. <https://www.portlandoregon.gov/auditor/article/245276> (p. 119)

<sup>53</sup> Adapted from [City of San Diego Commission on Police Practices Interim Standard Operating Procedures §2](#); New York City Civilian Complaint Review Board: [Rules of the City of New York §1-32](#); and [County of San Diego Citizens’ Law Enforcement Review Board §12](#).

<sup>54</sup> Similar to current practice found in [Portland Police Bureau Directive 332.00](#); Washington, DC Office of Police Complaints: [District of Columbia Official Code §5-1111\(h\)](#), [New York City Civilian Complaint Review Board, Ch1, Subchapter C, §1-33](#), City of San Diego Commission on Police Practices: [San Diego Municipal Code Art. 6 §26.1102](#), and County of San Diego [Citizens’ Law Enforcement Review Board Rules and Regulations §16.2](#).

<sup>55</sup> Adapted from the recommendation of Consultant Eileen Luna Firebaugh’s [Performance Review of the Independent Police Review Division](#) (2008) and [Seattle Office of Police Accountability Internal Operations and Training Manual §7.2](#)

<sup>56</sup> [Portland City Code §3.21.140 A](#), language to be amended to reflect the change from IPR to CBPA

<sup>57</sup> Police Accountability Commission [Areas of Agreement on Barriers to Police Accountability, and Best Practices, in Portland](#) (2022)

<sup>58</sup> [Portland City Code §3.21.120 A](#)

with a pattern of misconduct.<sup>59</sup> Either party may request that a complaint proceed to the investigation process if they do not feel that mediation was successful.

The complainant will also have the option to resolve the complaint through discussion with the officer's supervisor without the complaint advancing through the investigation process.

**Key Decision: Investigations of Deadly Force Cases and In-Custody Deaths**

The Board and Office will investigate cases involving use of deadly force and in-custody deaths. Investigators will go to the scene, attend witness interviews, and coordinate with criminal investigators and prosecutors during the administrative investigation. Community members subjected to the use of deadly force, or their survivors, shall be considered as complainants with full rights to appeal the findings.

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<sup>59</sup> [Police Accountability Commission Areas of Agreement on Officer Accountability \(2023\)](#) §F1.B

## Structural Oversight

The PAC worked within the parameters of the City Charter to create processes in which recommended changes to policies or directives may be adopted by the Board and implemented into PPB policy. Policy recommendations are a way to effect systemic change if a consistent issue is identified during the course of the Board’s work. According to NACOLE, “[t]he purpose of issuing a policy or training recommendation to the law enforcement agency is to correct specific deficiencies identified...”<sup>60</sup>

### Requirements:

- Portland City Charter grants the new oversight Board the “authority to make policy and directive recommendations to the Portland Police Bureau and City Council.”<sup>61</sup>
- The Board is authorized to refer policy recommendations the PPB rejects to City Council for consideration and requires Council to vote on whether to accept or reject the recommendation.<sup>62</sup>

### Decisions:

- Policy recommendations may be introduced through: Board member proposal, community member proposal, agency policy reviews and audits, findings in individual misconduct cases, reviews of cases, reviews of undesirable police incidents, or directive reviews.
- The Board will take community input at public meetings and will then decide whether to adopt the recommendation for submission to the Portland Police Bureau.
- The Police Chief will have 60 days to respond in writing to a recommended policy. If the Chief does not accept the finding, the City Council must vote whether to accept the recommended policy.
- The Bureau of Human Resources shall reserve at least two seats for representatives chosen by the Board at collective bargaining negotiations.
- The Board may facilitate a public review of the PPB proposed budget requests prior to their submission.
- The Board will create avenues for ongoing analysis of closed investigations and continual improvement of Board policies.

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<sup>60</sup> Vitoroulis, Michael, Cameron McEllhiney, and Liana Perez. 2021. *Civilian Oversight of Law Enforcement: Report on the State of the Field and Effective Oversight Practices*. Washington, DC: Office of Community Oriented Policing Services. p. 120. Retrieved from: <https://portal.cops.usdoj.gov/resourcecenter/content.ashx/cops-w0952-pub.pdf>

<sup>61</sup> [Portland City Charter §2-1007\(b\)](#)

<sup>62</sup> [Portland City Charter §2-1007\(b\)](#)

- The Board may officially endorse legislation or policy ideas.

### **Key Decision: Initiation of Policy Recommendation Process**

Board policy recommendations should outline the change being recommended and direct the Board staff on additional action needed to advocate for the change. The Board will have the authority to engage in analysis of police data related to PPB procedures, review current PPB policies, and propose new policies or modifications to current policies. The Board may also make recommendations based on individual misconduct cases and reviews of complaints. The Board will also have the authority to review training materials while formulating recommendations.

### **Key Decision: Policy Recommendations may be initiated through at least six processes.**

Policy recommendations may be initiated through any of the following pathways: Board member proposal, community member proposal, agency policy reviews and audits, systemic findings in misconduct cases, reviews of undesirable police incidents, or directive reviews. This allows the Board to consider community input on PPB policies while determining whether to recommend a change in policy or procedure. Community involvement in this process will help to build trust between the community, the Oversight System, and PPB.

### **Key Decision: Process for Board Approval of Policy Recommendations & Implementation**

Following any of the six entry points identified above, the proposed policy change will be presented to the Board for consideration and the Board will take community input at public meetings while the recommendation is under consideration. The Board will decide whether or not to adopt the recommendation for submission to the Portland Police Bureau. If the Board chooses to recommend a policy change to the PPB, the Chief will have 60 days to respond in writing. In a 2021 report, NACOLE recommends that the oversight body require written responses to recommendations within a predetermined timeframe. The report explains that this practice “can improve transparency and accountability.”<sup>63</sup>

If the Police Chief rejects a recommendation or fails to respond within 60 days, the Board may place the recommended policy on the City Council agenda within 15 days. The City Council will then vote on that recommendation within three months of its presentation to Council. If a recommendation is accepted by PPB or City Council, the Board shall monitor the implementation of the policy change. This is in agreement with NACOLE’s recommendation that

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<sup>63</sup> Vitoroulis, Michael, Cameron McEllhiney, and Liana Perez. 2021. Civilian Oversight of Law Enforcement: Report on the State of the Field and Effective Oversight Practices. Washington, DC: Office of Community Oriented Policing Services. p. 132. Retrieved from: <https://portal.cops.usdoj.gov/resourcecenter/content.ashx/cops-w0952-pub.pdf>

“the oversight agency should follow-up on its status, and assist with its implementation where possible.”<sup>64</sup>

### **Key Decision: Collective Bargaining & PPB Budget Review**

The Bureau of Human Resources shall reserve at least two seats for representatives chosen by the Board at collective bargaining negotiations. The Board’s ability to make policy recommendations shall include proposals for Collective Bargaining contracts. The Board may facilitate a public review of the PPB proposed budget requests prior to their submission. In Seattle, the oversight body participates in the agenda-setting process of collective bargaining.<sup>65</sup>

### **Key Decision: Oversight of Accountability Systems & Continual Improvement**

The Board will hire qualified staff, a team, or independent expert(s) to review closed investigations related to officer-involved shootings and in-custody deaths on an ongoing basis, and these reviews may lead to policy change recommendations. The Board will also ensure that staff, a team, or an independent expert will examine the Board’s performance and policies along with the City Charter and City Code in order to ensure continual improvement of the Board’s performance. As NACOLE explains, “evaluations allow for continuous improvement and ensure that the agency is meeting the needs of the community.”<sup>66</sup>

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<sup>64</sup> Vitoroulis, Michael, Cameron McEllhiney, and Liana Perez. 2021. Civilian Oversight of Law Enforcement: Report on the State of the Field and Effective Oversight Practices. Washington, DC: Office of Community Oriented Policing Services. p. 133. Retrieved from: <https://portal.cops.usdoj.gov/resourcecenter/content.ashx/cops-w0952-pub.pdf>

<sup>65</sup> [City of Seattle Ordinance 125315, Council Bill 118969 §3.29.460](#)

<sup>66</sup> Vitoroulis, Michael, Cameron McEllhiney, and Liana Perez. 2021. Civilian Oversight of Law Enforcement: Report on the State of the Field and Effective Oversight Practices. Washington, DC: Office of Community Oriented Policing Services. p. 142. Retrieved from: <https://portal.cops.usdoj.gov/resourcecenter/content.ashx/cops-w0952-pub.pdf>



## Structure and Details: How the Board is Set Up to Meet Its Goals

### Board Membership

#### Requirements:

The PAC was tasked with developing a structure for Board Membership that fits within the requirements of the Charter, as approved by voters:

- A Board that is appointed by the City Council and cannot be removed without cause<sup>67</sup>
- A requirement to establish, in Code, the length of a Board term, and a process for filling vacancies for the remainder of unfinished terms<sup>68</sup>
- Membership that will “ensure” representation and diversity, in particular of “those who have experienced systemic racism and those who have experienced mental illness, addiction, or alcoholism”<sup>69</sup>
- A Board that cannot have current or former employees of a law enforcement agency, or the immediate family of current employees of a law enforcement agency, as members<sup>70</sup>

#### Decisions:

The PAC made several key decisions in developing its Areas of Agreement on Board Membership, including:<sup>71</sup>

- Size of the Board: 33 members, plus at least 5 alternates
- Panels to make determinations on individual cases of potential officer misconduct, consisting of at least 5 members of the Board, with more serious cases having larger panels. A majority of the total number of panel members is the voting threshold for a Panel to adopt findings or impose discipline.
- Selection criteria for the Board, which include the Charter requirements as well as diversity of ethnicity, race, age, gender identity, ability, and professional and socioeconomic backgrounds, as well as a preference for those affected by over-policing.

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<sup>67</sup> [Portland City Charter §2-1002](#)

<sup>68</sup> [Portland City Charter §2-1002](#)

<sup>69</sup> [Portland City Charter §2-1002](#)

<sup>70</sup> [Portland City Charter §2-1003](#)

<sup>71</sup> [Police Accountability Commission Areas of Agreement on Board Membership](#) (2023)

Desired qualifications include experience with community outreach and relevant subject matter expertise. The PAC also applied City guidance that volunteers must live, work, play, attend school, or worship within the City of Portland to the Board, with at least 12 months of history required.

- A nomination and screening process which allows for Board staff to screen for eligibility prior to the City Council's appointment of new members, as well as allowing the Board to create a nominating committee (including community members beyond those already on the Board) for this purpose at its discretion.
- A member support structure which will help the Board achieve its required diversity and representation goals, promote equity within the process, and reduce barriers to Board membership caused by socioeconomic status, mental health concerns, and other factors. This includes a modest compensation package for volunteers, reimbursement for costs incurred by volunteers, and mental health support.
- A training and onboarding process including staff-coordinated trainings on both police practices and on oversight practices, as well as peer training from continuing members for incoming members
- A term length of three years, staggered with 11 terms ending and 22 continuing each year, with a process for reappointment and a provision that outgoing members will continue to serve until their replacement is appointed by Council.
- Causes City Council may use to remove a member of the Board, including non-participation, undisclosed major conflicts of interest, breach of confidentiality, and misconduct.
- Restrictions on membership, including the Charter prohibition related to law enforcement as members as well as requirements around conflict of interest with other public offices held and around other police-focused government boards.  
Requirements for how many members need to be present to hold a meeting (quorum), including a majority of the board for full-board meetings generally, a two-thirds majority of the board for significant members such as recommending a member to Council for removal, a majority of sub-committee members for sub-committee meetings, and a majority of the members of a panel for panel meetings and hearings.

"Those who are the most policed should be those who make up the Board - Black, Indigenous, those with mental illness, families of those who were killed by the police, and those who have experience with conflict resolution and trauma care."

- Community feedback,  
PAC Listening Session (3/22/2023)

**Key Decision: 33-member Board for Diversity, Representation, and Additional Capacity**

The PAC evaluated Portland’s current system, as well as jurisdictions across the country, in developing its proposals. One of the challenges in Portland and around the country that were identified to the PAC is a high workload and low levels of support for volunteers who serve on police oversight boards. Additionally, the PAC’s own experience, with 20 members and a high workload, has informed the recommendations. The PAC developed, in its current draft, a 33-member oversight board based on factors including peer support for members, representing the range of viewpoints and backgrounds in the city, and practical factors (such as having an odd number of members to minimize the likelihood of tied votes).

The PAC estimates the new system will handle roughly 400 cases per year, with as many as 240 going to a Hearings Panel (proposed Code section 35D.180), a subset of the Board. Because the PAC strongly recommends that Board members be volunteers, the Board will need to be of a substantial size to equitably distribute the workload (proposed code section 35B.010).

As stated in the Portland City Charter, “The Board shall make provisions to ensure its membership includes representation from diverse communities...particularly those who have experienced systemic racism and those who have experienced mental illness, addiction, or alcoholism.”<sup>72</sup> Through their research and discussions, the PAC agreed that the Board members should also be diverse in regard to ethnic, racial, age, gender identity, ability, and professional and socioeconomic backgrounds. According to NACOLE, “[t]he diversity and representativeness of an oversight board or commission is critical to the oversight system’s legitimacy and the public’s confidence that it will address issues of community concern.”<sup>73</sup> This section also includes the direction that some Board members should possess subject matter expertise and support for police accountability, as well as explains restrictions on Board membership.

### **Key Decision: Panels of 5 or more Board Members to Consider Individual Cases**

The PAC discussed that while some oversight board decisions such as hiring a Director, conducting broad reviews of a police directive in order to create a policy recommendation, or drafting Board bylaws would require the full oversight board, individual cases would be better served by a subset of the board considering the facts, investigation, and allegations. As a result, the recommendation includes Panels, so that **smaller groups of Board members, not all 33 members, would hear each individual case.**

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<sup>72</sup> [Portland City Charter §2-1002](#)

<sup>73</sup> Vitoroulis, Michael, Cameron McEllhiney, and Liana Perez. 2021. *Civilian Oversight of Law Enforcement: Report on the State of the Field and Effective Oversight Practices*. Washington, DC: Office of Community Oriented Policing Services. p. 92. Retrieved from: <https://portal.cops.usdoj.gov/resourcecenter/content.ashx/cops-w0952-pub.pdf>

Similar to Portland’s current Police Review Board process, where 5 individuals consider most cases and 7 individuals hear cases related to more significant matters, the panels would consist of 5 or more Board members for most cases, with more significant cases such as use of deadly force would involve a larger panel of Board members.

### **Key Decision: Modest Member Support, Volunteer-Only Board**

In developing recommendations for Board member support and compensation, the PAC carefully considered the types of information that Board members would be reviewing and identified the need to remove barriers to service. The PAC agreed that the Board members should be strictly volunteers, however understood that for an individual to commit to a three-year, time-intensive role, they should receive some compensation for their time.<sup>74</sup> This would also allow members of the community who may not usually be able to participate in volunteer work to serve on the Board.

The compensation amount recommended by the PAC aligns with federal guidelines for what constitutes volunteer work and would not exceed the equivalent of 20% of the hourly compensation of a comparable City employee. In addition, the Board member would also be paid less due to volunteering for significantly fewer hours than an employee works. In total, the range of financial compensation for an individual Board member, annually, would be \$500-\$7,400 in the Board’s estimates, with an average of \$5,314. This amount is enough to help reduce barriers to volunteering,<sup>75</sup> without being a primary source of income. The practice of providing volunteer board members with some form of compensation is not unique and can be found in oversight systems such as those in Louisville, KY; Baltimore, MD; Anne Arundal County, MD; Philadelphia, PA; Denver, CO; and others.<sup>76</sup> Several other jurisdictions provide their oversight system members significantly higher compensation (see Appendix C4).

The PAC also realized that in reviewing potentially traumatic and emotional videos, reports, and records, it would be necessary to provide mental health care to Board members at no cost to the member. There is precedent for providing mental health care for civil service volunteers, as the PAC identified jurisdictions where criminal trial jurors who are required to review especially-traumatic evidence are provided mental health care.<sup>77</sup>

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<sup>74</sup> See Appendix C5: Board Member Compensation Estimate

<sup>75</sup> Vitoroulis, Michael, Cameron McEllhiney, and Liana Perez. 2021. *Civilian Oversight of Law Enforcement: Report on the State of the Field and Effective Oversight Practices*. Washington, DC: Office of Community Oriented Policing Services (p. 94). Retrieved from: <https://portal.cops.usdoj.gov/resourcecenter/content.ashx/cops-w0952-pub.pdf>

<sup>76</sup> See Appendix C4: Staff Research Memo on Board Member Compensation for details.

<sup>77</sup> See Appendix C3: Staff Research Memo on Mental Health Support for Jurors

### **Key Decision: Three-Year Term Lengths with Council option to reappoint**

The PAC proposed that Board members will serve staggered three-year terms to allow new members to be trained and onboarded by existing members. The PAC agreed that it was imperative that institutional knowledge be passed on to new Board members to keep the system running without interruption. Board members may apply to renew their terms twice, and if their terms expire, will continue to serve until their replacement is appointed by Council.

### **Key Decision: Selection Criteria**

The PAC agreed that candidates for the Board must live, work, play, attend school, or worship within the City of Portland (which is standard City policy) for at least 12 months prior to their appointment. They built upon the Charter mandates by adding criteria to ensure that Board is representative in terms of ethnicity, race, age, gender identity, ability, and professional and socioeconomic backgrounds. This will ensure community representation and ground the Board in the Portland community, so that Board members understand local history and context.

### **Key Decision: Training on both police and oversight topics**

The PAC agreed that members of the Oversight Board would need to have training as they join the Board, focused on two key areas: PPB and the oversight system. The PAC wants to ensure that Board members understand the Portland Police Bureau, and what training, policies, and practices apply to PPB officers, to ensure a fair and impartial pool of Board members that may end up serving on panels hearing cases of possible misconduct. This training can include law enforcement experts. Additionally, to ensure that the Board members are able to fairly and impartially complete their duties, the PAC proposed training on law enforcement oversight itself, including case review, relevant law and policy, and on the flowchart of investigations.

### **Key Decision: Specific causes for member removal**

The PAC outlined reasons that Board members may be removed from service by City Council, including unexcused absences, conflicts of interest, breach of confidentiality,<sup>78</sup> failure to engage in training, misconduct,<sup>79</sup> etc. Members of the PAC developed this system to ensure that oversight board members are active enough to provide capacity for the oversight board's tasks and avoid overburdening active members by making them take on the work of inactive colleagues. Breach of confidentiality was a concern of both the PAC and of City Council, who

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<sup>78</sup> Adapted from [Portland City Code §3.20.140 C1.a.\(1\)\(c\)\(v\)](#)

<sup>79</sup> Adapted from [Portland Bureau of Human Resources Administrative Rules §2.02](#)

advised the PAC to ensure confidential information stays confidential; it is also a vital part of the oversight board's compliance with state and federal law.

## Oversight Staff

The Police Accountability Commission approved the Areas of Agreement on Oversight Staff on May 8, 2023.<sup>80</sup> The document outlines the structure of the Office of Community-based Police Accountability and was created in compliance with City Charter section 2-10.

### Requirements:

- The Board will hire and manage a Bureau Director who will hire and manage professional staff of the Board.<sup>81</sup>
- The Director is a “Bureau Director.”<sup>82</sup>
- “Funding for the Board shall be proportional to no less than 5 percent of the Police Bureau’s Annual Operational Budget.”<sup>83</sup>
- The office will be located outside of a Portland Police Bureau facility.<sup>84</sup>

### Decisions:

- The office will be housed apart from any agency that has a law enforcement or public safety component as part of its function and will be accessible to the public.
- The Director will be selected through a community process.
- A hiring committee composed of Board members will screen applicants and interview top candidates before voting on a hiring decision.
- Staff of the oversight system will conduct public education on its role and engage with the community through events and outreach efforts.

“The Board should be trusted to dismiss their own Director if needed, given that the Board has the power to dismiss the police officers.”

- Community feedback,  
PAC Listening Session (3/14/2023)

- Staff positions will include the following: policy, mediation, investigation, records, community engagement, intra-governmental affairs, data analysis, equity and inclusion, public affairs, complaint navigators, and administrative roles as deemed necessary.

<sup>80</sup> [Police Accountability Commission Meeting](#) (May 8, 2023)

<sup>81</sup> [Portland City Charter §2-1005](#)

<sup>82</sup> [Portland City Charter §2-1005](#)

<sup>83</sup> [Portland City Charter §2-1004](#)

<sup>84</sup> [Portland City Charter §2-1006](#)

- In order to maintain the independence of both the Board and PPB, the Board shall not hire current or former police officers as staff.<sup>85</sup>

### **Key Decision: Logistics Within the City**

The PAC agrees that the Director will comply with the City’s purchasing procedures but shall have discretion in making decisions about expenses.<sup>86</sup> As stated in City Charter, “[t]he physical office of the Board shall be located outside of a Portland Police Bureau facility.”<sup>87</sup> In addition, the PAC agreed that the office will be housed apart from any agency that has a law enforcement or public safety component as part of its function and will be in a location convenient to the public. While determining the guidelines for the office location, the PAC agreed that if the office were to be housed in a location with another public safety related agency, complainants may feel intimidated or uncomfortable being present in that location. The PAC also agreed that this would help to maintain the Bureau’s independence from other city entities while still serving the community. These recommendations would allow complainants to feel more comfortable in a neutral location than they may otherwise.

### **Key Decision: Hiring of the Bureau Director Through a Community-led Process**

The Board will hire and manage a Bureau Director through collaboration with the Bureau of Human Resources. A hiring committee composed of Board members will screen applicants and interview top candidates before voting on a hiring decision.<sup>88</sup> The hired candidate will have experience in administration, public policy, and a working knowledge of the criminal justice system, which are similar requirements to that for the director of IPR. The Director will hire and manage all other professional staff of the Office of Community-based Police Accountability.<sup>89</sup> Once a director is hired, the Board will conduct their annual performance reviews; the Director may only be removed by a vote of a supermajority of the Board.

### **Key Decision: Staff Structure, Qualifications, Duties, and Board Involvement in Hiring**

The PAC agreed that in order to maintain the independence of both the Board and PPB, the Board shall not hire current or former police officers as staff.<sup>90</sup> The PAC also agreed that to

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<sup>85</sup> Adapted from the following: [District of Columbia Official Code §5-1106](#), [San Francisco City Charter §4.136](#), [Metro Nashville Community Oversight Board Bylaws, Art 9](#), and [Denver City Ordinance Art XVIII §2-371\(6\)](#)

<sup>86</sup> [Portland City Code §3.21.060 B](#), language to be amended to reflect the change from IPR to the Community Board for Police Accountability and Office of Community-based Police Accountability

<sup>87</sup> [Portland City Charter §2-1006](#)

<sup>88</sup> Adapted from [Portland City Code 3.21.040](#)

<sup>89</sup> [Portland City Charter §2-1005](#)

<sup>90</sup> Adapted from the following: [District of Columbia Official Code §5-1106](#), [San Francisco City Charter §4.136](#), [Metro Nashville Community Oversight Board Bylaws, Art 9](#), and [Denver City Ordinance Art XVIII §2-371\(6\)](#)



maintain its independence, the Board may hire independent legal counsel. Other staff positions will include roles in the following: policy, mediation, investigation, records, community engagement, intra-governmental affairs, data analysis, equity and inclusion, public affairs, and other administrative roles as deemed necessary. The director will also hire complaint navigators that will assist complainants with navigating the complaint process.

Through their research and time spent hearing from the community, the PAC determined that complaint navigators will be a crucial part of the new oversight system and will create a more equitable and accessible experience for community members that file complaints. The lack of an advocate or point of contact for community members in the current oversight system was identified as a barrier to accountability by the PAC.<sup>91</sup> The PAC is recommending that staff be trained on issues specific to their roles but that they not seek guidance or training from PPB investigators unless necessary.

The PAC decided to leave specific qualifications for staff open for the new system to determine, but does recommend that candidates have experience working with community members, in public defense or civil rights areas, investigations, policy, etc. The PAC also determined that it would be beneficial for the staff of the oversight system to conduct public education on its role and engage with the community through events and outreach efforts. In order to build trust between the community and PPB, it is necessary to educate the public on the accountability system in place and how to navigate that system.

### **Key Decision: Budget**

The decision to guarantee a minimum budget proportional to 5% of the Police Bureau budget to the oversight system was not a PAC decision, but was made by the voters in approving Charter 2-10. The PAC notes that this would not reduce funding for the Police Bureau, but rather from the General Fund: for each dollar allocated to the Portland Police Bureau, an additional five cents at minimum would be allocated to the oversight system.

With the projected workload and mission, the Board will need staff working on issues including investigations/hearings support, policy issues, mediation, records, outreach/community engagement, data analysis, communications, and more. There are also several other financial needs such as office and meeting space, and technology. The PAC believes that the estimated budget of \$12.5 million, equivalent to 5% of the Police Bureau's budget, will be necessary to cover these costs (Charter Section 2-1004).

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<sup>91</sup> Police Accountability Commission [Areas of Agreement on Barriers to Police Accountability, and Best Practices, in Portland](#) (2022), see also Appendix E1

## Reporting and Transparency

The Police Accountability Commission approved Areas of Agreement on Reporting and Transparency on April 13, 2023.<sup>92</sup> Transparency, as described by Eileen Luna-Firebaugh in her 2008 assessment of Independent Police Review, is “the right of the public to know the public’s business,” and is “essential if a civilian oversight agency is to be effective.”<sup>93</sup> The PAC understands and uplifts the importance of transparency; it builds trust between the agencies and the community, allows for the community to be engaged and support the work of the agencies, and ensures that the police, state, and other governing bodies are held accountable to the community’s standards. In 2022 the PAC identified the lack of transparency in the current oversight system as a barrier to police accountability.<sup>94</sup> Additionally, NACOLE includes “Public reporting and transparency” as one of its thirteen principles for effective oversight.<sup>95</sup>

“I would like to see data. Can we make the data more accessible?”  
- Community feedback,  
PAC Listening Session (11/17/2022)

“Transparency is important, and we should not wait until police violence happens to adapt increased transparency.”  
- Community feedback,  
PAC Listening Session  
(2/16/2023)

The PAC’s recommendations will continue the practice of transparency in meetings, public ability to give input, regular reporting, and access to information and data. While there are unique challenges associated with transparency as the oversight system becomes community-led, the recommendations will also allow access to some hearings that are currently closed to the public.

### Requirements:

- City Charter 2-1007: “The Board shall make provisions for regular and open meetings, public transparency, and reporting on the Board’s activities.”<sup>96</sup>

### Decisions:

<sup>92</sup> <https://www.portland.gov/police-accountability/events/2023/4/13/police-accountability-commission-meeting-w-commissioner>

<sup>93</sup> Luna-Firebaugh, E. (2008, January 23). Performance Review of the Independent Police Review Division. City of Portland. <https://www.portlandoregon.gov/auditor/article/245276> (p. 33)

<sup>94</sup> Police Accountability Commission [Areas of Agreement on Barriers to Police Accountability, and Best Practices, in Portland](#) (2022), see also Appendix E1

<sup>95</sup> National Association for Civilian Oversight of Law Enforcement. (n.d.). Thirteen principles for effective oversight. National Association for Civilian Oversight of Law Enforcement. <https://www.nacole.org/principles>

<sup>96</sup> [Portland City Charter §2-1007\(c\)](#)

- Meetings will be public to the extent allowable by law.
- The Community Board for Police Accountability will regularly host local community members and public officials during meetings.
- Community Board for Police Accountability will publish an annual report.
- The Board will develop interactive dashboards around data and policy recommendations and will make these available online.
- The Board and Staff will widely distribute complaint forms in languages and formats accessible to the public.

**Key Decision: Transparency in Meetings and Hearings**

Meetings will be public to the extent allowable by law and will be subject to the Oregon Public Meetings Law, ORS 192.610 – 192.710.<sup>97</sup> The Director will provide updates at full Board meetings and there will be time for community input at each meeting. The Community Board for Police Accountability will regularly host community members and public officials during meetings in order to maintain a balanced perspective. While some matters may be addressed in executive session, any final action will be made in open session, consistent with applicable law.

**Key Decision: Regular Reporting to the Public and City Council**

The Community Board for Police Accountability will publish an annual report that will be presented at a public meeting as well as to City Council. The PAC outlined that the annual report contains the following sections: overview, information about the oversight system, policy, complaints of officer misconduct, and outreach and user satisfaction.

In addition, the PAC agreed that the Board will hire staff or an independent expert to review closed investigations of officer-involved shootings, in-custody deaths, and uses of deadly force which will be reported on and presented to the public and City Council. The PAC agreed that raw data

“I think anyone should be able to look at a case file and easily understand what happened to the individual case (maybe a timeline of events), who reviewed it, what happened, what decision was made and why. I'm thinking that not all information on a case will be able to be shared, but it should be enough for an average Joe to figure out what happened (finding that balance will probably be a huge point of contention). I think this is important for a number of reasons. Cops should be able to understand how their case was processed and what they did wrong, and citizens should be able to see how complaints were processed and resolved. Publishing this information will also keep the commission accountable.”  
 - Advance Public Comment  
 (3/14/2023)

<sup>97</sup> Adapted from [Portland City Code §3.21.090 A.1](#)

will be available to the public, however it will be de-identified consistent with existing legal standards. In order to make the data accessible, the PAC determined that the Board will develop interactive dashboards around data and policy recommendations to allow it to be visualized in different ways. Although the PAC agreed upon the importance of transparency and sharing information with the public, the Director will act to protect the confidentiality of Board members, complainants, PPB officers, and witnesses and to remain in compliance with applicable public records law and collective bargaining agreements.

### **Key Decision: Accessibility and Community Engagement**

Because a lack of accessibility was identified as a barrier to police accountability,<sup>98</sup> the PAC is recommending that any communication by the Board be written in clear language, follow best practices regarding inclusive writing,<sup>99</sup> and prioritize populations most at risk. The PAC recommends that the Staff and Board members widely distribute complaint forms in languages and formats accessible to the public, provide education on filing complaints, and hold public meetings to hear community concerns. Information about the Board will also be available on PPB business cards that are distributed to community members.<sup>100</sup>

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<sup>98</sup> Police Accountability Commission [Areas of Agreement on Barriers to Police Accountability, and Best Practices, in Portland](#) (2022), see also Appendix E1

<sup>99</sup> City of Portland. (2022, October). Inclusive writing guide. Portland.gov.  
<https://www.portland.gov/officeofequity/equity-resources/inclusive-writing-guide>

<sup>100</sup> [Portland City Code §3.21.110 A.1.c](#), language to be amended to reflect the change from IPR to CBPA and OCPA

## The Oversight System as Part of Government, and Transition Plan

### Broader System: The Board's relationship with other government entities

The commission was tasked with determining appropriate involvement between the new system and other parts of City government, as well as relationships with other levels of government as part of ensuring the oversight board and bureau can be effective in completing their duties.<sup>101</sup> The commission was also tasked with determining how implementation of the new system will impact parts of the current police oversight system in the City, including determining which parts will continue or cease to function, and how.<sup>102</sup>

The PAC envisioned that the new Oversight System will have working relationships with local, state, and federal governments, as well as with other oversight entities in order to build trust, maintain credibility in the field, and to ensure continual improvement of its processes. The PAC also recommends that the Oversight System build and maintain productive relationships with other oversight systems and attend trainings and conferences that can help the Board perform its duties more effectively.

#### **City Government:**

The new Oversight System will be bound by all relevant law and regulations, including at the federal, state, county, and city levels. It will be a part of the City of Portland government, with independent judgment guaranteed in the Charter.<sup>103</sup> As part of the City Government, the Oversight System will function as an independent Bureau (Office), with the Community Board for Police Accountability managing the Director.

#### **County Governments:**

The Board will collaborate with the local District Attorney's Offices to the extent allowable under law. The Board will maintain a working relationship with the local county Sheriff's Offices, corrections agencies, and relevant oversight groups related to those organizations. The Board will exchange relevant information with the counties' Medical Examiner offices and may seek membership for a representative in Multnomah County's local Public Safety Coordinating Council.

#### **State and Federal Governments:**

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<sup>101</sup> Referenced in Resolutions 37527 and 37548.

<sup>102</sup> [Portland City Council Resolution 37548 Ex. A](#) (2021)

<sup>103</sup> [Portland City Charter §2-1006](#)

It will also have strong working relationships with many other layers of government as described below. As per the Areas of Agreement on Structural Oversight:<sup>104</sup>

- “The Board may officially endorse legislation/policy ideas and shall have the authority to testify in front of relevant government bodies and communicate its policy positions with employees and elected or appointed officials at any level of government.”
- The oversight board will make clear in its discussions with any level of government that it is representing its own views, and not serving as a representative of the City government.

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<sup>104</sup> [Police Accountability Commission Areas of Agreement on Structural Oversight §H](#) (2023); see also: Appendix E8 of this report

## Transition Plan

### Requirements:

- “This system will replace and fundamentally change how police oversight is conducted in the City of Portland. A transition plan is required to switch from the current systems to the new system.”<sup>105</sup>

### Decisions:

- The implementation of the Transition Plan will be managed by a team made up of staff and volunteers. This team will be selected following the 60-day period which Council has to propose amendments to City Code to address the PAC’s proposal.<sup>106</sup>
- Transition Staff will be managed by a City employee known as the “Transition Manager.”
- Transition staff will appoint a group of transition volunteers, drawing candidates from the pool of former members of the PAC and current or former members of the CRC.
- Funding should be made available during the pre-transition period to allow for the hiring of Staff and management of the volunteers of the Transition Team.
- The Transition Team will review Board member applications and submit eligible candidates to City Council for consideration; it is requested that Council determine appointees within 4 weeks.
- CBPA members appointed during the Transition Period will be appointed for the duration of the Transition Period and an additional 1, 2, or 3 years in order to set up the timeline for staggered 3-year terms outlined in the Areas of Agreement on Board Membership.<sup>107,108</sup>
- Once Board members are appointed, they will work with the transition staff to recruit and hire a Director.
- The Director will prioritize the hiring of intake staff, complaint navigators, and investigators.
- IPR staff will have preference in hiring for employment at the Office of Community-based Police Accountability.
- Once the new Oversight System is functional, all cases pending before IPR, PRB, or the CRC within the jurisdiction of the new system will be transferred to the Community Board for Police Accountability for resolution.

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<sup>105</sup> [Portland City Council Resolution 37548 Exhibit A](#)

<sup>106</sup> [United States v. City of Portland Settlement Agreement](#) §195.b

<sup>107</sup> [Police Accountability Commission Areas of Agreement on Board Membership](#) (2023)

<sup>108</sup> See Also: Appendix E9 of this document

### **Key Decision: Implementation of a Transition Team**

A “Transition Team” composed of both staff and volunteers will be selected to implement the Transition Plan and transfer oversight duties from the current system to the new Oversight System. This team will assist with initial member and staff training and organization and will coordinate the appointment of the initial 33 Board members. The Transition Team will be selected following the 60-day period that City Council has to propose changes to City Code and the Settlement Agreement<sup>109</sup> following the receipt of the proposed Code Package from the PAC. The Transition Team will consist of up to three staff members including a Transition Manager, and up to 12 volunteers who will recuse themselves from service on the initial Board. The volunteers may be recruited from former PAC members and current or former CRC members.

In order to accomplish the timeline, it is recommended that the transition team is allocated a portion of the budget that, according to City Charter, will be available to the Community Board for Police Accountability.<sup>110</sup> A sufficient budget of at least \$700,000 prior to the appointment of initial Board members is recommended and would be used for outreach, recruitment, technology, transition staff, etc. The transition staff will manage the application process for initial Board members, and the Transition Team as a whole will conduct outreach to the community. The Transition Team will review applications and submit eligible candidates to City Council; it is requested that City Council select appointees within 4 weeks of this submission.

### **Key Decision: The Transition from the Current Oversight System to the Community Board for Police Accountability**

After the appointment of Board members and the hiring of staff, and once the Community Board for Police Accountability is functional, Independent Police Review will stop accepting new complaints of alleged misconduct. IPR will work to resolve pending complaints received prior to this. The IPR Director will work with the Bureau of Human Resources to determine how to reduce the size of the organization as needed. IPR staff will have preference in hiring for employment at the Office of Community-based Police Accountability as long as the employment criteria are met.<sup>111,112</sup> The CRC will work to resolve pending appeals during Phase 1 of the Post-Transition period. The Police Review Board will continue to hear cases initiated prior to the end of the Transition Period and work to resolve them by the end of this time period. IPR will maintain the pool of PRB community members in order to allow the continued

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<sup>109</sup> [United States v. City of Portland Settlement Agreement](#) §195.b

<sup>110</sup> [Portland City Charter §2-1004](#)

<sup>111</sup> [Police Accountability Commission Areas of Agreement on Oversight Staff](#)

<sup>112</sup> See Appendix E10 of this report.



work of the PRB. The Board will also begin accepting types of cases currently addressed by Internal Affairs, but which will now be under the jurisdiction of the CBPA.

**Key Decision: Transfer of Active Cases to the Community Board for Police Accountability**

IPR may have a small number of unresolved cases by the time CBPA is ready to accept cases. The PAC recommends that all appropriate cases pending before the old Oversight System be transferred to the CBPA for resolution once it is ready to begin accepting cases. The CBPA will prioritize the resolution of these cases. The CBPA will apply its procedures to the resolution of these cases as allowed by applicable law, however if this is not a possibility then it will create a transitional hearings division to meet legal requirements for the resolution of outstanding investigations and appeals. IPR, CRC, and PRB will conclude their operations and the new Oversight System will handle all future cases under its jurisdiction.

## Challenges and Context

The Police Accountability Commission is pleased to present their findings and recommendations unanimously. As such, we do not feel a need to present a “Minority Report” in the manner allowed by City Council.<sup>113</sup> However, mindful that consensus is not achieved without discussion, compromise, and grace, the Police Accountability Commission would like to highlight several challenges that we faced in our deliberations, which we have agreed may provide some context for our final recommendations.

These points are illustrative of the PAC’s efforts to weigh public interest against the needs of all affected parties and the various constraints we faced. The opportunity to close out this work by acknowledging a small subset of these challenges provides the community and decision-makers a glimpse into our thinking.

Furthermore, while the PAC was provided with independent legal counsel beginning in May 2023, the constraints of attorney-client privilege prevented us from discussing legal advice at public meetings. We recognize that this may make it harder for the public to understand the rationale for some of the PAC's decisions.

### **Compensation for Volunteers**

While determining the makeup of the new board, we were forced to maintain the balance of relying on community volunteers while attempting to avoid placing an undue burden on said volunteers. We know that the new board will require long hours, commitment, and reviewing potentially harmful and (re)traumatizing materials. Board members will come with lived-experience, diverse perspectives, and insight into community; and these insights deserve to be compensated so as to remove barriers to participation. We designed a system that provides compensation, reimbursements, and benefits, but were limited by laws surrounding compensation for volunteers.

### **Quorum Considerations**

Community volunteer boards have historically had difficulty maintaining membership, which can result in an inability to meet quorum. The PAC’s areas of agreement initially included that the new Board’s quorum would be based on a majority of seated members. While current interpretations of existing state law do not seem to support this proposal, room exists for a

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<sup>113</sup> [Portland City Council Resolution 37548 Exhibit A](#) "Optional Duties" #2

future volunteer or legislative bodies to propose a remedy to this dilemma. For the time being, this challenge further highlights City Council's obligation to be an active partner in maintaining the membership of its volunteer bodies.

### **Concluding Note**

We have worked in a space defined by the tension between two facts. First, a movement for police accountability, for racial justice, and for community leadership on oversight of the police led to this work. This movement is a major reason that the City Council sent Ballot Measure 26-217 to voters and that the people of the City of Portland approved the creation of a community police oversight board. We recognize that we must work to fulfill the desires our community expressed. Movements ebb and flow over time, but the call for racial justice and the momentum from 2020 underpins this work and will continue through the implementation of the enclosed recommendations.

Second, there are various systems in place which uphold the status quo, including the inequitable structures of governmental systems, and the biases we identified doing our research, which not only favor the police in the current system of cases of alleged misconduct but in the process of creating policy - including the City Code that Council will eventually adopt based on our recommendations. The barriers we identified as having historically prevented police accountability broadly also were barriers to current efforts to improve police accountability. This tension is reflected in the work of the PAC and in our proposals and recommendations.

## Conclusion

The Police Accountability Commission was tasked with “crafting the new police oversight system authorized by voters at the November 3, 2020, general election.” The Commission was tasked with ensuring “an inclusive, diverse community driven process [...] a lengthy, involved process where consideration is given to the complex topic of police accountability and the various impacts of a police oversight system.” Our mandate was to ensure “that the requirements of the framework within the City Charter are met.”<sup>114</sup> The City Council took the time to develop this process and chose the members of the PAC to entrust this task to. We are grateful for the opportunity to work on such an important set of issues.

We believe the work of the Police Accountability Commission fulfills the tasks the City Council gave the PAC, develops a system that meets the requirements of the Charter, and crafts a new system that the voters authorized. We did so in a way that was rigorous, community-driven, and inclusive. We are proud to present this work for consideration and implementation by the City Council to create the Community Board for Police Accountability, and an Office of Community-based Police Accountability reporting to it.

We know that the PAC’s recommendations cannot solve every problem that has been perceived or identified, and our recommendations reflect that knowledge. In approaching our work, the PAC’s intent was to reflect community input and views to the degree allowable by law, and where not allowable, to note that for future leaders (including the City Council, and the Board itself) so that they can work to overcome the barriers we were required to work within. We expect that our recommendations didn't go far enough for some yet may be perceived as too big a change for others, and want the community to know why that may be with this report.

The PAC’s scope of work did not include items related to day-to-day management of the police, nor does it directly engage with issues such as civil lawsuits or criminal prosecutions. Having said that, our work is a part of this broader conversation around policing and will promote not only police accountability and community oversight, but a better public safety system for all Portlanders.

“When someone calls 911, the police need to show up.”  
- Advance Public Comment  
(8/23/2023)

We believe that the recommendations we’ve outlined in this report will transform the police accountability system in Portland. However, this is just one aspect related to transforming the culture of policing. The system we have proposed creates mechanisms of accountability

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<sup>114</sup> [Portland City Council Resolution 37527](#)

through transparency, consistent application of community-led oversight, and a process to develop potential policy changes. It is, however, extremely difficult to create an accountability system within a structure that is rooted in white supremacy, and provides barriers to accountability through status quo bias, restrictive collective bargaining, and other legal requirements. This paradox of working within a flawed system to develop a functional alternative is one this body consistently struggled with.

We included community input, frustrations, and desire for change into all our recommendations. Where limitations existed, we made note for future leaders (including the City Council, and the Board itself) so that they can work to overcome the barriers we were required to work within.

“This shouldn’t be a thing,  
but I’m glad it’s coming to be.”  
- Advance Public Comment  
(7/25/2023)

Finally, this work is situated within a broader movement for justice which creates valid, reasonable pressure for action on City government. The people of Portland voted overwhelmingly for this measure, and in doing so demanded police accountability. Our proposals, if implemented, are part of meeting this demand. We look forward to continuing to collaborate, as community members, with City Council to ensure that our proposals are evaluated, discussed, and able to be implemented in a way that meets the needs of the community and fulfils the mandate given to the City by the voters it serves. Thank you for the opportunity to work together towards a more accountable police oversight system.

## Appendices

### Appendix A: PAC City Code Recommendations (Annotated)

Appendix A shows the PAC’s City Code proposal (right column) in comparison to current City Code, Charter mandates, other legal requirements, and other relevant sources (left column).

## Chapter 35 Community Police Oversight Board

### 35A.010 Creation of City of Portland Community Police Oversight Board (“Board”)

<p>The final name of this Board will be established by City Code. <a href="#">(Charter 2-1001)</a></p>	<p>A. Portland City Charter Chapter 2, Article 10 has established the City of Portland Community Police Oversight Board.</p> <p>The name of the Board shall be the Community Board for Police Accountability (“Board” or “CBPA”).</p>
<p>“There is established by the City Council Office of Independent Police Review.”  (City Code 3.21.030)</p>	<p>1. Reporting to the Board and established by this Code is the Office of Community-based Police Accountability (“Office” or “OCPA”) which will be staffed with professional administrative staff and professional investigators. The Office shall be an independent bureau of the City.</p>
	<p>2. The oversight board (Board) and independent bureau (Office), which are described above, collectively form the “Oversight System.” References to “Oversight System” in this Code are intended to refer to the Board and the Office, consistent with their roles and functions as outlined in Charter and this Code. References to “Board” and “Office” in this Code chapter should be understood as referring to the Oversight System collectively, and specifically, the Board may delegate authority given to it</p>

	<p>under the Charter and this Code to the Office, to permit the Oversight System to fulfill its obligations established under Charter 2-10.</p>
<p>The mission of the City of Portland Community Police Oversight Board (Board) is to independently investigate Portland Police Bureau sworn employees and supervisors thereof promptly, fairly, and impartially, to impose discipline as determined appropriate by the Board, and to make recommendations regarding police practices, policies and directives to the Portland Police Bureau and with a primary focus on community concerns. <a href="#">(Charter 2-1001)</a></p>	<p>B. Purpose. The mission of the Board is to independently investigate Portland Police Bureau (PPB) sworn employees and supervisors thereof promptly, fairly, and impartially, to impose discipline as determined appropriate by the Board, and to make recommendations regarding police practices, policies, and directives to the Portland Police Bureau with a primary focus on community concerns.</p>
<p>“The City will comply with any collective bargaining obligations it may have related to the Oversight Board, which the City agrees to fulfill expeditiously and in compliance with its obligation to bargain in good faith.” <a href="#">((United States of America v. City of Portland, Amended Settlement Agreement, paragraph 195c)</a></p>	<p>C. To the extent that any provision in this Code package (or any implementing rules) require bargaining, those provisions shall not go into effect unless and until the City fulfils its bargaining obligations with the Portland Police Association (PPA) and Portland Police Commanding Officers Association (PPCOA), consistent with the Public Employees Collective Bargaining Act (PECBA).</p>
<p><b>Structural Model:</b> “IPR shall hire a qualified person to review closed investigations pertaining to officer-involved shootings and deaths in custody on an ongoing basis. IPR shall issue reports on an annual basis identifying any policy-related issues or quality of investigation issues that could be improved. The Director and the Citizen Review Committee shall address any policy-related or</p>	<p>D. Board Commitment to Continuous Improvement. The Board shall ensure qualified staff, a team or independent expert(s) examine the Board’s performance, the Charter, City Code and Board policies, protocols on an ongoing basis. The Board may make recommendations to the appropriate decision-making bodies.</p>

<p>quality of investigation issues that would warrant further review.”  <a href="#">(City Code 3.21.070 L)</a></p>	
<p><i>Proposed code drawn from multiple sources; see Areas of Agreement for more details.</i></p>	<p>E. Other City advisory groups related to police and policing, whose functions incorporate officer accountability and/or policy recommendations, may independently and voluntarily seek to conclude operations and request that the Board assume their duties. This process would be initiated through mutual consent by the advisory group, the Board, and the bureau associated with the advisory group. Other details would be developed between the incorporated group, following their voluntary choice to pursue incorporation, and the Board.</p>
<p>“The Transition Plan must include the following components [...] how the different aspects of the current oversight system will function, or cease to function. [...] How and when to wind down the current oversight systems.”  <a href="#">(City Council Resolution 37548, Exhibit A)</a></p> <p><b>Structural Model:</b></p> <ol style="list-style-type: none"> <li>1. Two years after the Effective Date, DOJ shall conduct a comprehensive assessment to determine whether and to what extent the outcomes intended by the Agreement have been achieved. DOJ will further examine whether any modifications to the Agreement</li> </ol>	<p>F. No sooner than two years after the Board has begun receiving complaints from the public, it may undertake a review of all advisory groups related to oversight of police and policing, including communicating directly and transparently with volunteers serving on those groups, and may make recommendations to the Mayor and/or City Council regarding how the different aspects of the current oversight system will function, or cease to function, including how and when to wind down the current oversight systems.</p>



<p>are necessary in light of changed circumstances or unanticipated impact (or lack of impact) of the Agreement’s requirements. (<a href="#">United States of America v. City of Portland</a>, Amended Settlement Agreement Par. 172)</p>	
	<p>G. Prior to establishing any new advisory groups related to police or policing, the Mayor and/or City Council shall discuss the proposal with the Board and give sufficient time for a response.</p>
<p>B. The [Citizen Review] Committee members shall: [...]</p> <p>5. Select a chair from among their members. Adopt such operating policies and procedures as necessary to carry out their duties. (<a href="#">3.21.080</a>)</p> <p>A. The Committee’s duties and powers are the following: [...]</p> <p>7. Create other committees. To create special purpose subcommittees or committees including other citizens to address particular short-term issues and needs. (<a href="#">3.21.090</a>)</p>	<p>H. The Board shall have the authority to adopt bylaws, and as part of developing bylaws, it will decide, among other things:</p> <ol style="list-style-type: none"> <li>1. whether or not to establish a chairperson, co-chairs, or other leadership positions;</li> <li>2. the role of Board alternates;</li> <li>3. procedures that allow for the creation, management, and elimination of sub-committees;</li> <li>4. voting thresholds for the full Board, sub-committees, and panels (preliminary, hearings, disciplinary, and appeals); and</li> <li>5. any other internal Board procedures, including but not limited to those identified for elaboration in this Code and not otherwise addressed by law.</li> </ol> <p>Unless stated otherwise by the Board, all bylaws changes are effective upon adoption.</p>

	Copies of all current bylaws will be posted on the Oversight System's website.
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## 35A.020 Definitions

In this Chapter:

- A. **“Board”** refers to the Community Board for Police Accountability, the community police oversight board established under Charter 2-1001.
- B. **“Office”** refers to the Office of Community-based Police Accountability, an independent bureau of the City of Portland, whose Director is established under Charter 2-1005.
- C. **“Oversight System”** refers collectively to the Board and Office.

In this Chapter, the following definitions are also used:

D. **“Accountability”**

A comprehensive system of checks and balances aimed at ensuring that when law enforcement fails to carry out their duties properly, including when their actions are damaging to other individuals or the community at large, they are held responsible through a fair and transparent process.

E. **“Case”**

An incident or situation involving potential misconduct by a sworn Portland Police Bureau (PPB) sworn employee or supervisor thereof. Cases are either complaints, which are filed by a community member or a PPB officer, or are incidents which the Board is required by law to investigate.

- F. **“Complainant”** a person who has filed a complaint about misconduct, or has been the recipient of alleged misconduct even if they did not file a complaint.

G. **“Effective/Constructive Custody”**

The custody of a person who is not under direct physical control but whose freedom is controlled by legal authority.

H. **“Garrity warning” or “Garrity Notice”:**

An advisement given to a sworn officer who is the subject of an internal administrative investigation or review. This notice warning apprises the officer that they are required to answer questions asked by investigators and are subject to discipline, up to and including termination, for failing or refusing to answer the questions.

I. **“Independent Judgment”** A demonstrable absence of real or perceived influence from law enforcement, political actors, and other special interests looking to affect the operations of the Office.

J. **“Just Cause”** is a cause reasonably related to the public safety officer’s ability to perform required work. The term includes a willful violation of reasonable work rules, regulations or written policies.

K. **“Law Enforcement Agency”**

Agencies that primarily employ police officers, corrections officers, or prosecutors.

1. This includes county sheriffs, municipal police departments, police departments established by a university, state police, tribal police, and law enforcement agencies of the federal government. It also includes district attorney’s offices. Finally, it includes correctional departments.
2. Agencies which perform duties related to investigating allegations of officer misconduct or reviewing police policies and practices, whose main function is not to engage in policing activities, are not considered law enforcement agencies under this definition.

L. **“Officer”**

A sworn employee of the Portland Police Bureau (PPB). This term will be used throughout this Chapter to also include supervisors of officers, in line with the Board’s authority noted in Charter 2-1001, 2-1007(a), and 2-1007(d).

M. **“Panel”**

A subset of the Board’s full membership empowered to make decisions related directly to cases of potential administrative misconduct by PPB sworn officers and supervisors.

- N. **“Preponderance of the Evidence”** is a standard of review in which a majority of evidence is required to support a finding on an allegation (applies to In Policy, Out of Policy and Unfounded findings).
- O. **“Responsibility Unit Manager”**  
A commanding officer or manager of a PPB division, unit or precinct.
- P. **“Sentinel Event Reviews”**  
Forward-looking, root cause reviews of undesirable police-related outcomes, designed to allow for the development of recommendations for preventing reoccurrence through continuous process improvements.
- Q. **“Sub-Committee”**  
A subset of the Board’s membership empowered to take actions as defined in the Board’s bylaws, subject to review by the full Board.

### 35A.030 Obligation to Follow Law

"A Board is hereby authorized and shall be established upon compliance with any legal obligations the City may have under the Public Employees Collective Bargaining Act, other state and federal laws, and upon adoption by City Council of an implementing Ordinance."

[\(Charter 2-1001\)](#)

"The City will comply with any collective bargaining obligations it may have related to the Oversight Board, which the City agrees to fulfill expeditiously and in compliance with its obligation to bargain in good faith."

[\(United States of America v. City of Portland, Amended Settlement Agreement, paragraph 195c\)](#)

In the performance of its duties, the Board is obligated to follow all applicable federal, state and local laws and rules, including but not limited to the United States Constitution and Oregon Constitution (and protecting the rights of all parties under both constitutions); City Charter; collective bargaining agreements (as per the Public Employees Collective Bargaining Act); *USDOJ v. City of Portland (Case No. 3:12-cv-02265-SI)* Settlement Agreement, including any amendments; Oregon public records and public meetings law, and as of July 1, 2025, statewide discipline guides.

### 35A.040 Status as Independent Bureau

<p>“The Board shall hire a Director to manage the professional administrative staff and professional investigators, and to make operational and administrative decisions. The Director is a “Bureau Director” for purposes of Charter section 4-301 and shall be appointed by, and serve at the will and pleasure of, the Board. Professional staff of the Board, other than the Director, shall be appointed by and serve under the direction of the Director as classified employees.”</p> <p><a href="#">(Charter 2-1005)</a></p>	<p>A. As specified by Charter, the Board and the Office of Community-based Police Accountability (“OCPA” or “Office”) will be an independent bureau. Collectively, these two entities comprise the Oversight System.</p>
<p>The Board shall have authority to exercise independent judgment in performing all legally assigned powers and duties. The Mayor, City Council, Auditor, and City departments, bureaus and other administrative agencies shall not interfere in the exercise of the Board’s independent judgment.</p> <p><a href="#">(Charter 2-1006)</a></p>	<p>B. The Board has an obligation to exercise independent judgment and offer critical analysis in the performance of its duties under this Chapter. The Oversight System shall exercise its responsibilities under this Chapter without interference from any person, group, or organization, including the Mayor, City Council, Auditor, City departments, Police Chief, bureaus, and other administrative agencies.</p>
<p>The physical office of the Board shall be located outside of a Portland Police Bureau facility.</p> <p><a href="#">(Charter 2-1006)</a></p>	<p>C. The Board shall be operationally independent of the Portland Police Bureau (PPB) in all respects. To maintain the independence of the Board and PPB, the Board shall not hire current and former police officers as staff. The Board’s location and communications shall reflect its independence and impartiality.</p> <ol style="list-style-type: none"><li>1. As a general matter, staff shall not seek administrative and legal guidance from the Police Bureau, unless</li></ol>

	<p>necessary to perform their duties. In addition, as a general matter, staff shall not be trained alongside administrative investigators within the Portland Police Bureau (PPB), unless necessary to perform their duties.</p>
<p>The physical office of the Board shall be located outside of a Portland Police Bureau facility. <a href="#">(Charter 2-1006)</a></p>	<p>D. The physical office of the Board shall be located outside of a Portland Police Bureau facility.</p> <ol style="list-style-type: none"> <li>1. The Board and Office shall also not be housed in the same building as the Mayor, City Council, and any other agency that has a law enforcement or public safety component as part of its function.</li> <li>2. The Board and Office shall not be in a space where security is provided by law enforcement.</li> <li>3. The Board and Office shall be located in a location convenient for the public, including accessibility to public transit.</li> <li>4. The offices of the Board may be located in private office space.</li> </ol>
<p>There is significant community and City interest in improving PPB’s community relationships. The community is a critical resource. <a href="#">(United States of America v. City of Portland, Amended Settlement Agreement, Section IX)</a></p>	<p>E. Notwithstanding its independent status, the Board shall develop working relationships with other parts of City government to ensure its ability to participate in relevant City processes related to the tasks required of the Board by law or regulation. These include but are not limited to the Portland Police Bureau, Bureau of Human Resources, City Attorney’s Office, and Office of Government Relations.</p>



### 35A.050 Powers and Duties of the Oversight System

<p>The [Citizen Review] Committee’s duties and powers are the following:  <a href="#">(City Code 3.21.090)</a></p>	<p>The Board and Office have the following powers and duties, as mandated by the Charter and by the authority of City Council:</p>
<p>A. The [IPR] Director shall receive complaints from any source concerning alleged member misconduct.  <a href="https://www.portland.gov/code/3/21/110">https://www.portland.gov/code/3/21/110</a></p>	<p><b>A. Intake.</b> The Board and Office shall receive complaints concerning police actions and select the appropriate manner to address all complaints consistent with this Code and Board procedure.</p>
<p>“D. Initiate, monitor and conduct investigations. IPR is authorized to initiate, monitor and conduct administrative investigations. IPR is authorized to identify complaints or incidents involving members that are of community concern which merit additional involvement of the Director and to review evidence and IAD investigation efforts, participate in investigations with IAD investigators, or conduct the investigations in conjunction with or independent of the Bureau.</p> <ol style="list-style-type: none"> <li>1. For investigations conducted by IPR, investigation reports will include recommended findings.</li> <li>2. The Bureau shall notify the Director that it intends to conduct an administrative investigation into misconduct before initiating the investigation.”</li> </ol> <p><a href="#">(City Code 3.21.070 D)</a></p>	<p><b>B. Initiate and conduct administrative investigations.</b> The Board exclusively is authorized to initiate and conduct administrative investigations that involve any of the following: 1) all deaths in custody and uses of deadly force; 2) all complaints of force that result in injury, discrimination against a protected class, violations of federal and state constitutional rights; and 3) other complaints or incidents of misconduct that are of community concern because of their impact on community members.</p>

<p>“The board shall have the authority to investigate certain Police actions, including but not limited to;</p> <p><b>(a)</b> All deaths in custody and uses of deadly force.</p> <p><b>(b)</b> All complaints of force that result in injury, discrimination against a protected class, violations of federal or state constitutional rights.</p> <p><b>(c)</b> The Board may investigate other complaints or incidents of misconduct as they see fit or as mandated by City Code.”</p> <p><a href="#">(Charter 2-1008)</a></p>	
<p>“Findings: A conclusion as to whether a member’s conduct violated directives. There are four possible findings:</p> <ul style="list-style-type: none"> <li>o Sustained: The preponderance of evidence proves a violation of policy or procedure.</li> <li>o Not Sustained: The evidence was insufficient to prove a violation of policy or procedure.</li> <li>o Exonerated: The preponderance of evidence proves the member’s conduct was lawful and within policy.</li> <li>o Unfounded: The preponderance of evidence proves the allegation was false or devoid of fact or there was not a credible basis for a possible violation of policy or procedure.” <p><a href="#">(PSF 5.02)</a></p> </li></ul>	<ol style="list-style-type: none"> <li>1. For formal investigations conducted by the Board, investigation reports will include factual findings and will be resolved in one of four ways: <ol style="list-style-type: none"> <li>1) out of policy (meaning the action is found to have violated City policy;</li> <li>2) in policy (meaning the officer’s actions were within the law and City policy;</li> <li>3) unfounded (meaning the evidence shows the alleged events did not occur; and</li> <li>4) insufficient evidence (meaning there is not enough information or evidence to determine if the officer’s actions were out of policy or in policy).</li> </ol> </li> </ol>
<p>b. IPR may conduct an independent investigation.</p> <p>The Director shall have discretion to initiate and conduct an</p>	<ol style="list-style-type: none"> <li>2. The Board shall notify the Police Chief that it intends to conduct an administrative investigation into misconduct before initiating the investigation.</li> </ol>

<p>independent investigation of alleged member misconduct. The Director may conduct an independent investigation whether or not the alleged misconduct involves an encounter with a community member.</p> <p>IPR investigations shall be conducted in conformance with legal and collective bargaining provisions. The Director shall notify the Captain of IAD that IPR has undertaken an investigation and the reason.</p> <p><a href="#">(City Code 3.21.120 C 2 b)</a></p>	
<p>1. F. Communicate with Complainants. IPR will be the primary contact with the complainant regarding the status and results of the complaint; to assist IAD in communicating with the Member.”</p> <p><a href="#">(City Code 3.21.070 F)</a></p>	<p><b>C. Communicate with Complainants.</b> The Board and Office will be the primary contact with the complainant and the PPB officer or supervisor regarding the status and results of the complaint.</p>
<p>E. Compel review. In accordance with the procedures of Code Section 3.20.140, the Director may compel review by the Police Review Board of any RU Manager’s or Commanding Officer’s proposed findings and discipline resulting from a Bureau or IPR administrative investigation of a member. The Director may compel review by the Police Review Board on the basis of recommended discipline whether or not discipline was recommended as a result of the investigation.</p>	<p><b>D.</b> Conduct hearings as described in Sections 35D.190 and 35D.200.</p>

<p><a href="#">(City Code 3.21.070 E)</a></p>	
<p><i>Existing code is unclear and/or proposed code is drawn from multiple sources</i></p>	<p><b>E.</b> Hold Loudermill (due process) hearings as described in Section 35D.230.</p>
<p>G. Arrange hearings of appeals. IPR will explain the appeal options to complainants and schedule hearings before the [Citizen Review] Committee and [City] Council.</p> <p><a href="#">(City Code 3.21.070 G)</a></p>	<p><b>F. Arrange hearings of appeals.</b> The Board or Office will explain the appeal options to complainants and schedule hearings before an appeals panel as described in Section 35D.240.</p>
<p>H. Recommend policy changes. IPR will evaluate complaint and other information and investigation practices to make recommendations to the Chief to prevent future problems. Policy change recommendations shall be published for public review.</p> <p><a href="#">(City Code 3.21.070 H)</a></p>	<p><b>G.</b> Recommend policy changes. The Board shall have authority to make policy and directive recommendations including but not limited to the Portland Police Bureau and City Council as well as the inherent or implied authority to take other measures as necessary to effectuate this as described in Section 35E.010.</p>
<p>Outreach. IPR will widely distribute complaint forms in languages and formats accessible to citizens, educate them on the importance of reporting complaints, and hold public meetings to hear general concerns about police services</p> <p><a href="#">(City Code 3.21.070 I)</a></p>	<p><b>H.</b> Outreach. The Board and Office will widely distribute complaint forms in languages and formats accessible to community members, educate them on the importance of reporting complaints, and hold public meetings to hear general concerns about police services.</p>
<p>“The Board shall have the authority and ability to gather and compel all evidence, to access all police records to the extent</p>	<p><b>I.</b> The Board and Office shall have the authority to obtain information to administratively respond to allegations of</p>

<p>allowed by federal and state law, and the ability to compel statements from witnesses including officers.”  <a href="#">(Charter 2-1007c)</a></p> <p>“IPR shall have the authority to issue subpoenas for the purpose of compelling witness testimony or the production of documents, photographs, or any other evidence necessary for IPR to fully and thoroughly investigate a complaint or conduct a review.”  <a href="#">(City Code 3.21.210)</a></p> <p>“IPR personnel [are] authorized to direct Bureau members to cooperate with administrative investigations as described in Sections 3.21.120 and 3.21.220.”  <a href="#">(City Code 3.21.210)</a></p>	<p>misconduct, incidents which may involve allegations of misconduct, and conduct structural oversight effectively.</p> <ol style="list-style-type: none"> <li>1. Consistent with other provisions of this Code, the Board and Office shall have the authority and ability to compel all evidence during the course of an investigation.</li> <li>2. Consistent with other provisions of this Code, the Board and Office shall have the authority to compel sworn officers of the Portland Police Bureau and their supervisors to participate in investigations and to completely and truthfully answer all questions. The Board is authorized to direct Portland Police Bureau officers to cooperate with administrative investigations.</li> </ol>
<p>“The Board shall have the power to the full extent allowed by law to receive and investigate complaints including the power to subpoena and compel documents [...]  The Board shall have the authority and ability to gather and compel all evidence, to access all police records to the extent allowed by federal and state law, and the ability to compel statements from witnesses including officers [...]  The Board shall have the power to compel sworn members of the Portland Police Bureau and their supervisors to participate in investigations and to completely and truthfully answer all questions.”  <a href="#">(Charter 2-1007)</a></p>	<p><b>J.</b> Board access to information. In accordance with City, state or federal law and collective bargaining agreements, the Board and Office shall have direct access to and be authorized to examine and copy, without payment of a fee, any PPB information and records, including confidential and legally privileged information and records so long as privilege is not waived as to third parties, and police databases.</p> <ol style="list-style-type: none"> <li>1. Records include but are not limited to PPB policies and directives, police reports, body camera footage, Digital Information Management System (DIMS), Versaterm Computer-Aided Dispatch (VCAD), or other, future CAD systems, after action reports, training</li> </ol>

“Access to information. Notwithstanding any other provision of City law, IPR shall have access to and be authorized to examine and copy, without payment of a fee, any bureau information and records, including confidential and legally privileged information and records so long as privilege is not waived as to third parties, and police databases, subject to any applicable state or federal laws. The Director shall not disclose confidential or legally privileged information or records and shall be subject to the same penalties as the legal custodian of the information or records for any unlawful or unauthorized disclosure.”

[\(City Code 3.21.070 J\)](#)

“IPR shall have access to Bureau data and records, including but not limited to raw data, tabulated summary statistics, other source materials, and any other format source necessary for IPR to perform its duties. IPR shall also have direct access to original database sources as permitted by state and federal law.”

[\(City Code 3.21.070 B\)](#)

“IPR shall have access to Bureau data and records, including but not limited to raw data, tabulated summary statistics, other source materials, and any other format source necessary for IPR to perform its duties. IPR shall also have direct access to original database sources as permitted by state and federal law.”

[\(City Code 3.21.070 C\)](#)

records, global positioning system (GPS) data; discipline and complaint history of individual officers; and audit records related to PPB.

2. Access to Police data and data sources. In order to perform its duties, the Oversight System shall have access to Portland Police Bureau data and records, including but not limited to raw data, tabulated summary statistics, other source materials, and any other format source necessary for the Board to perform its duties. The Board shall also have direct access to original database sources (such as, but not limited to, Regional Justice Information System (RegJIN) and Criminal Justice Information Systems (CJIS) as permitted by state and federal law.
3. The Oversight System shall have direct access to all relevant database networks to which PPB subscribes (such as, but not limited to, Regional Justice Information System (RegJIN) and Criminal Justice Information Systems (CJIS) as permitted by state and federal law.
- A. The Board shall allot adequate funding from the Board’s budget, using the best estimate available, to fully pay for any fees the Board incurs when accessing information from a non-PPB source.
4. The Portland Police Bureau must make available to the Oversight System its records for copying, inspection and access within five business days after a written request from the Board. Consistent with the

	<p>City Charter and this Code, the Police Chief remains the custodian of record for all Portland Police Bureau records. If the Police Chief (or designee) determines that specific records requested by the Board pursuant to this section should be withheld or redacted, the Portland Police Bureau must provide the Board with a written explanation setting forth the specific records or reasonably segregable portions of the records being withheld or redacted, the reason for the withholding or redactions, and the legal justification supporting the withholding or redactions. If the Board disagrees with the Police Chief’s decision to withhold records or redact information, the Board may seek disclosure through its subpoena power as defined by the Charter and this Code.</p> <p>5. The Board and Director shall ensure that staff who access PPB records described above are trained and certified to do so.</p>
	<p>6. All body camera footage of every event that is made available to the Oversight System pursuant to this section shall be available in full without any editing or tampering and will be verified for authenticity.</p>
<p>a. The Bureau and IPR shall develop a Bureau Directive establishing confidentiality provisions and distribution timeline provisions of Board materials. (<a href="#">City Code 3.20.140</a>)</p>	<p>The Board and Office shall maintain confidentiality where required to do so and support transparency where allowable. The Oversight System shall not disclose confidential or legally privileged information or records and shall be subject to the same penalties as the legal custodian of the information or records for any unlawful or</p>

	unauthorized disclosure.
B. In reviewing the investigation, the [Citizen Review] Committee may examine the appeal form and any supporting documents, the file and report of the IAD and IPR, and any documents accumulated during the investigation and may listen to the tape recordings of the witnesses produced by IPR and IAD. The Committee may receive any oral or written statements volunteered by the complainant or the member or other officers involved or any other citizen.” ( <a href="#">City Code 3.21.160</a> )	<b>K.</b> As a separate source of information for the Oversight System’s administrative investigations, the Board shall have access to PPB officers’ statements from any criminal investigation, as well as relevant police reports. Information shared pursuant to this provision will not be done in a way that undermines or interferes with an ongoing criminal investigation or prosecution or impacts the officer’s Garrity rights.
“The [Citizen Review] Committee members shall: 1. Participate in orientation and training activities that may include review of Bureau and IPR procedures, participation in Bureau training to become familiar with police training, policies and investigative practices [...]” ( <a href="#">City Code 3.21.080</a> )	<b>L.</b> Attend Portland Police Bureau Trainings. The Board and Office shall have access and be authorized to attend PPB trainings as observers for the purpose of evaluating, monitoring, and making recommendations to PPB regarding training, policy and directives.
However, adoption or amendment of rules of procedures or protocols requires an affirmative vote of six members. ( <a href="#">3.21.080</a> )	<b>M.</b> Adoption of bylaws. The Board is empowered to write its own bylaws covering its internal processes not addressed in law.  1. Establish sub-committees as appropriate.
<b>K.</b> Adoption of rules. IPR shall adopt, promulgate, amend and rescind rules and procedures required for the discharge of the Director's duties, including policies and procedures for receiving and processing complaints, conducting investigations, and reporting findings, conclusions and recommendations. However, the Director may not levy any	<b>N.</b> Adoption of rules. The Board and Director shall adopt, promulgate, amend and rescind rules and procedures required for the discharge of the Board’s duties, including policies and procedures for receiving and processing complaints, conducting investigations, and reporting findings, conclusions and discipline procedures. The



<p>fees for the submission or investigation of complaints.(<a href="#">City Code 3.21.070</a>)</p>	<p>Oversight System may also adopt rules and procedures for making raw data available to the public. However, the Oversight System may not levy any fees for the submission or investigation of complaints.</p>
<p>L. Review of closed investigations. IPR shall hire a qualified person to review closed investigations pertaining to officer-involved shootings and deaths in custody on an ongoing basis. IPR shall issue reports on an annual basis identifying any policy-related issues or quality of investigation issues that could be improved. The Director and the Citizen Review Committee shall address any policy-related or quality of investigation issues that would warrant further review.(<a href="#">City Code 3.21.070</a>)</p>	<p><b>O.</b> Review of closed investigations. The Oversight System shall hire a qualified staff member, a team, or independent expert(s) to review closed investigations pertaining to officer-involved shootings, deaths in custody and uses of deadly force that do not result in death on an ongoing basis.</p> <ol style="list-style-type: none"> <li>1. For purposes of this section, “closed investigation” shall mean that the investigation has been completed, any discipline arising from the incident has been issued and the involved officer(s)’ grievance and appeal rights have been exhausted.</li> <li>2. Consistent with applicable law and collective bargaining agreements, the completed reviews of these closed investigations shall be described in periodic reports available to the public and include case and investigative summaries, policy implications, and recommendations for improvements in police and Oversight Board policies or practices.</li> </ol>
<p><i>PAC Discussion noted that this is current practice.</i></p>	<ol style="list-style-type: none"> <li>3. These deadly force reports will be presented to the public and City Council. Contemporaneous public testimony, including oral testimony, will be accepted at City Council sessions.</li> </ol>

“A sentinel event is a significant negative outcome that:

- ❑ Signals underlying weaknesses in the system or process.
- ❑ Is likely the result of compound errors.
- ❑ May provide, if properly analyzed and addressed, important keys to strengthening the system and preventing future adverse events or outcomes.

In criminal justice, a sentinel event might be a police shooting, the wrongful conviction of an innocent person, the release from prison of a dangerous person or even a “near miss” that could have led to a bad outcome had it not been caught.”

[\(US National Institute of Justice, Sentinel Event Initiative\)](#)

“Sentinel events can occur as result of Seattle Police Department (SPD) interactions with the public. Examples of SPD sentinel events include officer-involved shootings, mass use of chemical weapons during protests, fatal vehicle pursuits, and other incidents that negatively impact individual safety, community well-being, and public trust in SPD.

Our Sentinel Event Review (SER) is a community inclusive accountability program led by the Office of Inspector General

**P. Review of undesirable police-related outcomes (“Sentinel Event Reviews”)**

Separate from an investigation regarding individual officer misconduct and any related disciplinary action being proposed, the Board may initiate forward-looking root cause systemic reviews of undesirable police-related outcomes and develop recommendations for preventing reoccurrence through continuous process improvements.

1. The review may involve representatives from law enforcement, the judicial branch, forensics, Board members, civil rights lawyers, members of the public, and other relevant participants. The Board may consider provisions to require participation in these reviews.
2. The Board will take public comment throughout the process.
3. The Board will issue a report at the conclusion of the review, which may include proposed policy recommendations.

(OIG). A SER panel will review "critical incidents," looking at SPD systems to determine how they can avoid future harmful outcomes and better serve the community. This work is different from that of the Office of Police Accountability, which investigates allegations of individual police employee misconduct. SER is not focused on individual actions or assigning blame, but strengthening system fail-safes to prevent harm. SER aims to identify the causes and contributing factors to these incidents with the goal of prevention."

[\(Seattle Office of the Inspector General, Sentinel Event Reviews\)](#)

D. The [IPR] Director shall work with the [Citizen Review] Committee to develop quarterly and annual summary reports for the Chief, Commissioner in Charge of the Bureau, Council and public on IPR and IAD activities, policy recommendations, and Bureau follow-through on recommendations. The report may include analysis of closed files which were not appealed, but it is not the intent that the files be reopened. ([City Code 3.21.170](#))

I. Public reports. As often as deemed necessary by the [Police Review] Board, but at least twice each calendar year, the Board shall publish public reports summarizing its statements of findings and a summary of any training and/or investigation issues or concerns. Except as provided otherwise in this Subsection, the reports shall keep confidential and not include involved officers' names, the

**Q.** The Board will publish a written annual report with an Executive Summary by a consistent date each year. The report will be presented at a public meeting of the Board with public comment and questions encouraged. The annual report will also be presented at a public City Council session with oral testimony accepted.

1. The Annual Report shall include the following information:
  - a. Overview of the Board, its staff, and its functions;
  - b. Summary of recommendations submitted by the Board to the Police Bureau and/or City Council regarding changes to policy, directives or City Code along with status and outcomes (accepted/rejected/modified) for each listed recommendation;
  - c. A status update on implementation for those

names of witnesses, or the name of any complainants. The reports shall be written by the Board facilitator. The reports may not be released before a final decision, including discipline if any, is made by the Chief or Commissioner-in-Charge.([3.20.140](#))

1. The public reports shall include the following for each case brought before the Board:([3.20.140](#))

- a. Allegation(s) heard by the Board.([3.20.140](#))
- b. A factual summary of the case.([3.20.140](#))
- c. Summary of the Board's discussion.([3.20.140](#))
- d. Record of the Board's vote, including recommended findings and discipline.([3.20.140](#))
- e. Training and policy recommendations, including whether the recommendations were accepted by the Chief.([3.20.140](#))

f. The final decision of the Chief or Commissioner-in-Charge.([3.20.140](#))

2. The public reports shall include the names of involved officers and witnesses in cases of officer involved shootings or in custody deaths where the names of such persons have previously been publicly released in connection with the incident, unless confidentiality or non-disclosure is required by statute, a court order, an administrative order, or a collective bargaining agreement. Where the names have not been previously released, the report may include the names

policy recommendations (with an emphasis on persistent community concerns) which are accepted in whole or in part by the Council or Police Bureau;

- d. Recommended changes to collective bargaining agreements (if applicable) and state or federal law;
- e. Analysis of closed case reviews;
- f. Summary of complaints received by the Board over the year (including as applicable and as consistent with the law and collective bargaining agreements, the named employee, nature of allegations, type (as in 35D.060), case-handling decision, findings and discipline imposed);
- g. Number of employees who have received two or more complaints where their actions were deemed out of policy within one year;
- h. Number of complainants who filed multiple complaints, and issues that were raised by multiple complaints;
- i. Demographic profiles of the complainants to the extent that information exists or is voluntarily provided by the complainants;
- j. Number and percentage of cases that were appealed to the Board and the outcomes (i.e., whether the findings or case-handling decision changed);
- k. Number and percentage of cases that were resolved by informal resolution (including

if the public interest requires disclosure or if nondisclosure would undermine the public's confidence. ([3.20.140](#))

3. The public reports shall include any stipulated agreements where a final decision has been reached. ([3.20.140](#))

A. The [Citizen Review] Committee's duties and powers are the following:[...]

5. Hear appeals. To hold hearings of complainant or member appeals as defined in City Code Section 3.21.160; to recommend referral to a final hearing before [City] Council; to publicly report its findings, conclusions and recommendations. ([3.21.090](#))

mediation) and the outcomes;

- l. Number and percentage of cases referred to mediation;
- m. Number of discipline decisions that were grieved under the applicable collective bargaining agreement or appealed to the Civil Service Board and outcome;
- n. Number and percentage of all complaints handled directly by frontline supervisors, referred for Supervisor Action, Management Action, training or alternative resolution;
- o. Number of times a PPB employee failed to comply with the Board's request for an interview or for the production of documents, and the number of times a PPB sworn employee failed to comply with a valid subpoena, and whether discipline was imposed for any such non-compliance;
- p. Number, nature, and settlement amount of civil suits against PPB officers regardless of whether the City is a defendant in the litigation;
- q. Number of cases involving either uses of deadly force or deaths in custody, as well as (to the degree allowable by existing legal standards) details about how the Board processed those cases, the outcomes where available, and the names of the involved parties;
- r. Number of cases in which the Board failed to complete its administrative investigation within 6

<p>M. Additional public reports. The [IPR] Director may issue public reports related to member misconduct trends and Bureau disciplinary practices. (<a href="#">3.21.070</a>)</p>	<p>months of receipt of a complaint of misconduct, or discovery of misconduct by other means as specified in Code Sections 35D.010 through 35D.240;</p> <ul style="list-style-type: none"> <li>s. Identification of trends with respect to officer history, complaint types, and frequency, consistency and adequacy of discipline imposed; and</li> <li>t. Complainant satisfaction survey results and community feedback.</li> </ul> <p>2. In addition to its Annual Report, the Board may issue quarterly reports to Council.</p>
<p><i>Proposed code drawn from multiple sources; see Areas of Agreement for more details.</i></p>	<p><b>R.</b> Public Access to Raw Data. The Oversight System shall make raw data available for download, inspection, and analyses by members of the public. “Raw Data” shall be redacted as consistent with existing legal standards and shall include as applicable complaints, case-handling decisions, findings, discipline, complainant demographics and geographic origin of complaints.</p> <p><b>S.</b> Oversight System shall develop interactive dashboards around the oversight data so that it can be visualized in</p>

	different ways. The Oversight System may also display policy recommendations in a dashboard.
N. Conduct investigative interviews of Bureau employees. ( <a href="#">City Code 3.21.070</a> )	T. Conduct investigative interviews of Portland Police Bureau employees, consistent with applicable law and collective bargaining agreements.
O. All Bureau employees shall be truthful, professional and courteous in all interactions with IPR. No member shall conceal, impede or interfere with the filing, investigation or adjudication of a complaint. ( <a href="#">City Code 3.21.070</a> )	1. All PPB employees shall be truthful, professional, and courteous in all interactions with the Board. No PPB employee shall conceal, impede, or interfere with the filing, investigation or resolution of a complaint.
P. The Director may retain or employ independent legal counsel. ( <a href="#">City Code 3.21.070</a> )  <b>Structural Model:</b> “The Auditor may obtain legal advice and representation from the City Attorney or may retain or employ independent legal counsel. If the Auditor retains or employs independent legal counsel, the Office of the Auditor shall be the client and is entitled to the benefits and privileges thereof.” <a href="#">(Charter 2-506 e)</a>	U. The Board may obtain legal advice and representation from the City Attorney or may retain or employ independent legal counsel. If the Board retains or employs independent legal counsel, the Board shall be the client and is entitled to the benefits and privileges thereof.
“(24) <i>Berkeley Police Department written reports to the Board.</i> The Chief of Police shall submit reports to the Board on such subjects and at such intervals as the Board, in consultation with the Chief of Police, may prescribe. At least one report per year shall provide information on all use of force statistics, and the number of complaints filed with Internal Affairs, the allegations in each complaint, and the disposition of closed complaints, including any discipline imposed.”	V. Establish a standard by which the Portland Police Bureau reports data to the Oversight System, including required aggregated information (e.g., use of force cases) and frequency (e.g., monthly, quarterly, annually).

<p><a href="#">(Berkeley, CA, City Charter Section 125)</a></p>	
<p><b>Structural Model:</b> P. The Director may retain or employ independent legal counsel.<a href="#">(3.21.070)</a></p>	<p><b>W.</b> The Board and Office may retain or employ independent experts, including law enforcement experts, as needed to advise on any matter under investigation, review, or evaluation by the Board or Office.</p>
<p><i>Proposed code drawn from multiple sources; see Areas of Agreement for more details.</i></p>	<p><b>X.</b> Maintain Working Relationships.</p> <ol style="list-style-type: none"> <li>1. The Board and Office shall maintain working relationships with other parts of City government, and collaborate with those entities to ensure there is no duplication of names and titles, processes and terminology.</li> </ol>
<p>There is significant community and City interest in improving PPB’s community relationships. The community is a critical resource. <a href="#">(United States of America v. City of Portland, Amended Settlement Agreement, Section IX)</a></p>	<ol style="list-style-type: none"> <li>2. The Board and Office will maintain a working relationship with the PPB Professional Standards Division, including staff working on the Employee Information System (EIS).</li> </ol>
<p><i>Proposed code drawn from multiple sources; see Areas of Agreement for more details.</i></p>	<ol style="list-style-type: none"> <li>3. The Board and Office shall maintain a working relationship with other advisory committees related to police and policing. Representatives from the Board and other advisory committees will meet periodically in public to discuss emerging issues and policy concerns they have encountered in the course of their work. If meetings are not practical, at a minimum they will share by email or other means information on those topics among themselves. This information will be reported back to members of the various advisory committees. They may choose to create joint study committees to research those issues and develop joint</li> </ol>



	recommendations.
<p><i>Proposed code drawn from multiple sources; see Areas of Agreement for more details.</i></p>	<p>4. Other Law Enforcement Agencies. Maintenance of the following working relationships will be beneficial to the Board and Office fulfilling their duties due to police collaborations and joint operations, and police activity with relation to jails, prisons and detention centers.</p> <p>i. The Board and Office shall maintain a working relationship with the Multnomah, Clackamas, and Washington Counties’ Sheriff’s Offices, as well as each county’s corrections agencies, medical examiners’ offices, and with oversight groups for those entities.</p> <p>ii. The Board and Office may seek membership for a representative in Multnomah County’s Local Public Safety Coordinating Council (LPSCC), to assist with developing working relationships and exchanging information in pursue of oversight goals and responsibilities.</p> <p>iii. The Board and Office shall maintain a working relationship with the Oregon State Police (OSP), including the State Medical Examiner’s Office, as well as the Department of Corrections (DOC), and with oversight groups for these entities.</p> <p>iv. The Board and Office shall also maintain a</p>

	<p>working relationship with law enforcement agencies outside of the Portland Police Bureau, including but not limited to those municipalities whose law enforcement officers may interact with community members in Portland, TriMet police, and private security agencies serving in public spaces while acting in an official or unofficial law enforcement capacity.</p>
<p>b. If a criminal investigation has been initiated against the involved member, or during the course of an IPR administrative investigation a basis for conducting a criminal investigation arises, IPR shall advise the City Attorney and/or District Attorney prior to initiating or continuing an administrative investigation. IPR shall take all steps necessary to meet constitutional requirements and comply with existing provisions of City labor agreements. <a href="#">(3.21.120)</a></p>	<p>5. Coordination with District Attorneys’ Offices.</p> <p>i. In instances where officer misconduct that is investigated by the Board also results in criminal complaints alleging criminal misconduct by officers, the Board and Office shall coordinate to the extent allowable under law with the Multnomah, Clackamas, and Washington County District Attorneys’ Offices, including information sharing where appropriate, which may include access to court records and case information pertinent to complaints under Board investigation. To ensure officers’ constitutional rights, in no case shall compelled testimony from officers be transferred to any prosecutors’ offices.</p> <p>ii. The Oversight System, working through legal counsel, shall coordinate with the District Attorneys’ offices to determine appropriate disclosure of requested public records, and protection of confidential information, including through clarifying and appeal to the District Attorneys’ offices.</p>

<p><i>Proposed code drawn from multiple sources; see Areas of Agreement for more details.</i></p>	<p>6. Sharing of Information with DPSST. The Board and Office shall also maintain a working relationship with the Department of Public Safety Standards and Training (DPSST), including in a manner consistent with applicable law, sharing information about cases in which officers were found to have committed misconduct and cases in which a finding of “training failure” was reached. This relationship shall benefit the community by promoting improvement in training and performance of officers.</p>
<p><i>Proposed code drawn from multiple sources; see Areas of Agreement for more details.</i></p>	<p>7. The Board and Office shall maintain a working relationship with the state Employment Relations Board (ERB). This relationship will be beneficial to the Board for understanding arbitration and its role in the process of addressing allegations of officer misconduct.</p>
<p>b. If a criminal investigation has been initiated against the involved member, or during the course of an IPR administrative investigation a basis for conducting a criminal investigation arises, IPR shall advise the City Attorney and/or District Attorney prior to initiating or continuing an administrative investigation. IPR shall take all steps necessary to meet constitutional requirements and comply with existing provisions of City labor agreements. (<a href="#">City Code 3.21.120</a>)</p>	<p>8. Criminal and Civil Proceedings Involving Officer Misconduct. In instances where officer misconduct that is investigated by the Board also results in criminal complaints alleging criminal misconduct by or civil lawsuits against officers, the Oversight System shall cooperate with these judicial proceedings to the extent requested and as permitted by law. To ensure officers’ constitutional rights, in no case shall compelled testimony from officers be transferred to any prosecutors’ offices.</p>
<p><i>Proposed code drawn from multiple sources; see Areas of Agreement for more details.</i></p>	<p>Y. Alone or in cooperation with other city agencies/bureaus, the Office will also audit police</p>

	surveillance and other technologies. Relevant data from these Board-conducted audits will be published, including on online dashboards.
<i>Proposed code drawn from multiple sources; see Areas of Agreement for more details.</i>	<b>Z.</b> The Office may reach outside city structures to complete its work. The Board and Office may consider working with law school faculty and/or students or other community resources. The Director will establish internal procedures.

### 35B.010 Oversight Board Membership

<p>The [Citizen Review] Committee shall consist of eleven citizens. (<a href="#">3.21.080</a>)</p> <p>Successors to an unexpired term shall be appointed by approval of Council for the remainder of the term. (Charter <a href="#">Section 2-1002</a>)</p> <p>1.3.2. The City Council will confirm community member volunteers to form a pool of community members to serve on the PRB. (<a href="#">PPB Directive 337.00</a>)</p>	<p>A. The Board shall consist of thirty-three members.</p> <ol style="list-style-type: none"> <li>1. The Board shall also have no less than five alternates, selected by the Council from individuals who apply for Board membership and meet the qualifications included in this Code section.</li> <li>2. Whenever there is a vacancy on the Board, Council will select a successor Board member from among the current alternates.</li> <li>3. Alternates may not serve on panels reviewing complaints, nor are they considered voting members of the Board. However, the Board may define other responsibilities and rights of alternates in its bylaws.</li> </ol>
<p>The [IPR] Director shall recommend nominees to [City] Council for appointment. (<a href="#">3.21.080</a>)</p>	<p>A. Board members and alternates shall be appointed to the Board by a vote of the City Council.</p> <ol style="list-style-type: none"> <li>1. Individual applications shall be referred by the Board to City Council based upon its review of the qualifications and selection criteria (below).</li> <li>2. Council shall review applications of nominees to the Board and vote on whether to approve each appointment within 45 days of receiving the nomination.</li> </ol>
<p>Five members shall constitute a quorum of the [Citizen Review] Committee. (<a href="#">City Code 3.21.080</a>)</p>	<p>B. Quorum Requirements.</p> <ol style="list-style-type: none"> <li>1. <b>Matters Affecting Full Board:</b> A simple majority of Board seats shall constitute a quorum of the Board for decisions about procedures, protocols, or other</li> </ol>

	<p>decisions affecting the full Board.</p> <ol style="list-style-type: none"> <li>2. <b>Adoption of Bylaws or Other Significant Matters Affecting Full Board:</b> A quorum for purposes of adopting bylaws or other significant matters (including a proposed recommendation to Council to remove a Board member) shall be two-thirds of Board seats.</li> <li>3. <b>Panels (Hearings, Due Process and Appeals):</b> Quorum for panels shall be a majority of the members of the panel.</li> <li>4. <b>Sub-Committees:</b> Sub-Committees established by the Board shall have a defined number of members as established by the Board. A simple majority of Sub-Committee members shall constitute a quorum.</li> </ol>
<p>The [Citizen Review] Committee members shall be appointed as follows:</p> <ol style="list-style-type: none"> <li>1. Committee staff shall solicit applications to fill vacancies in the Committee’s membership from the Office of Community &amp; Civic Life, the seven Neighborhood Coalition offices, Mayor and commissioners' offices, PPB advisory committees, and the general public. (<a href="#">3.21.080</a>)</li> </ol>	<ol style="list-style-type: none"> <li>C. Board members shall be appointed as follows: <ol style="list-style-type: none"> <li>A. At a minimum, Board staff shall solicit applications to fill vacancies in the Board’s membership from the Office of Equity and Human Rights, Office of Community and Civic Life, the Neighborhood Coalition offices, Mayor and Council offices, other PPB-focused advisory committees, community organizations that focus on disciplines important to the Board’s work (such as those working on racial justice, mental health advocacy, and houseless organizing, nonprofits, other grassroots organizations and</li> </ol> </li> </ol>

	<p>others), and the general public.</p> <p>After review based on the evaluation of each applicant against the listed qualification and selection criteria for Board membership, qualified applicants shall be referred to City Council for consideration and possible appointment.</p>
<p>2. The [IPR] Director shall appoint a committee that shall recommend to the Director the appropriate number of nominees to fill impending vacancies. The selection committee shall consist of three CRC representatives, either past or not applying for reappointment, two members of the community, and the IPR Deputy Director. Three of the selection committee members, including one CRC representative and the IPR Deputy Director, shall serve as the interview panel. (<a href="#">3.21.080</a>)</p>	<p>a. The Board may create a nominating committee to review applicants for Board membership prior to referring to the City Council for consideration for appointment. The nominating committee may include individuals who are not current Board members.</p>
<p>3. Selection criteria shall include a record of community involvement [...] and absence of any real or perceived conflict of interest. The selection committee will nominate individuals who are neutral, unbiased, and capable of making objective decisions. The Mayor and Commissioners may each submit an applicant meeting these qualifications. (<a href="#">3.21.080</a>)</p> <p>The Board shall make provisions to ensure its membership includes representation from diverse communities including</p>	<p><b>B. Qualifications and Selection Criteria:</b> Prospective applicants shall be considered for vacancies on the Board based upon the following qualifications and selection criteria:</p> <p>a. Individual Board members must live, work, play, attend school or worship in the City of Portland for at least twelve months prior to their appointment.</p> <p>b. Board members must be representative of Portland’s diverse population, drawn from different</p>

those from diverse communities and with diverse lived experiences, particularly those who have experienced systemic racism and those who have experienced mental illness, addiction, or alcoholism. ([Charter 2-1002](#))

socio-economic backgrounds and racial, ethnic, gender identity, and age groups. In order to allow the Board to fulfill its responsibilities, some members shall represent or be knowledgeable of those who (1) have encountered systemic racism; (2) have been impacted by over-policing policies; (3) have mental illness, or substance abuse disorders or (4) are houseless. In filling Board vacancies from alternates, consideration shall be given to the current composition of the Board and appointments shall be made that will cause the Board to best reflect the demographic make-up of Portland to the extent possible.

- c. The Board shall include people experienced with community outreach; law enforcement practices; law enforcement oversight; police accountability; investigative procedures; case-handling and audit procedures; constitutional, criminal, or labor law; social justice; advocating for and providing service to houseless community members; or other relevant professional experience. Altogether, there shall be a balance that allows the Board as a whole to benefit from the knowledge and expertise of its individual members.
- d. Individual Board members must have a commitment to the need for and responsibilities of



<p>The selection committee will nominate individuals who are neutral, unbiased, and capable of making objective decisions. (<a href="#">3.21.080</a>)</p>	<p>civilian police oversight in ensuring that Portland policing practices comply with state and federal constitutional protections and other applicable legal standards. Individual Board members must also have a demonstrated commitment to racial justice.</p> <p>e. Board members must be capable of making fair and impartial decisions based on the evidence presented to them in an environment where controversy is common. Fairness includes considering lived experience, the experiences of the community members, and of the police officers involved in the case.</p>
<p><a href="#">ORS 244</a> <a href="#">City Code 1.03</a></p>	<p>C. Prerequisites for Appointment:</p> <p>a. A prospective Board member must comply with ORS Chapter 244 (Government Ethics) and Portland City Code Chapter 1.03 (Code of Ethics) and disclose at the time of their application any potential or actual conflicts of interests.</p>
<p>All community members, including Citizen Review Committee members, must meet at least the following qualifications to participate on the Police Review Board: (iii) Sign a confidentiality agreement. (<a href="#">3.20.140</a>)</p>	<p>b. The Board member must sign a confidentiality agreement.</p>

<p>3. Selection criteria shall include [...] passing a criminal background check performed by an agency other than the Bureau, and absence of any real or perceived conflict of interest". (<a href="#">3.21.080</a>)</p>	<p>a. Background Check</p> <p>Prior to nominating any applicant to the City Council for appointment to the Board, potential nominees will undergo a criminal background check. The primary purpose of this background check is to ensure that Board members may access police databases and facilities necessary to perform their duties. Background checks are not intended to be used to exclude people who have important lived experience from service on the Board.</p> <ul style="list-style-type: none"><li>i. Staff shall initiate a criminal background check, and shall use an agency other than the PPB itself, or an agency used by PPB for its checks. The only exception is that staff may initiate a criminal background check through the Oregon State Police.</li><li>ii. Where the substance of an offense that led to a previous conviction would impact the applicant's ability to perform their duties if appointed, the nominating entity shall discuss with the prospective board member about how they would respond to concerns that they are unable to fully discharge their duties. The Board may also request a review of the criminal record in question by the appropriate law enforcement entity to determine whether to grant a waiver to allow the applicant to have access to law enforcement databases.</li><li>iii. The nominating entity may opt to pass an applicant's nomination to City Council after this conversation and</li></ul>
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	<p>review.</p> <p>iv. The nominating entity shall only consider potentially-disqualifying convictions which would impact the applicant’s ability to fully perform their duties if appointed.</p>
<p>People currently employed by a law enforcement agency and their immediate family members are not eligible for service on the Board. People who were formerly employed by a law enforcement agency are not eligible for service on the Board. (<a href="#">Charter 2-1003</a>)</p>	<p>D. Restrictions on Board Membership. The following individuals are not eligible for service on the Board:</p> <ul style="list-style-type: none"> <li>a. An individual currently employed by a law enforcement agency;</li> <li>b. An immediate family member of an individual currently employed by a law enforcement agency;</li> <li>c. An individual formerly employed by a law enforcement agency;</li> <li>d. An individual who is currently a member of any other government-run advisory group, board, or commission related to police or policing, except for the Citizen Review Committee and Police Review Board, and any other body as defined in the Ordinance(s) establishing the Board.</li> </ul>
<p>Within six (6) months of appointment, or as soon thereafter as possible and with the exception of the first group of Commissioners and alternates, each Commissioner and alternate shall:</p>	<p>D. <b>Training Requirements.</b> A Board member (and alternates) shall complete these training requirements within six (6) months of appointment, unless they can show good cause for having not done so:</p>

Become familiar with City Charter section 604 and with Chapters [2.45](#) and [2.46](#) of the Oakland Municipal Code.

Receive training in the legal requirements for maintaining the confidentiality of personnel records and other confidential documents or information;

Receive information regarding constitutional civil rights guaranteed to all citizens as such rights are affected by law enforcement;

[\(Oakland City Code 2.45.190\)](#)

B. The [Citizen Review] Committee members shall:

1. Participate in orientation and training activities that may include review of Bureau and IPR procedures, participation in Bureau training to become familiar with police training, policies and investigative practices [...] to maintain sufficient knowledge of police patrol procedures. ([3.21.080](#))

1. Complete all paperwork necessary to ensure access to City resources, including compensation and other support services;
2. Complete orientation and training applicable to all members of a City advisory body;
3. Become familiar with the City Charter Chapter 2, Article 10, chapters of this Code, that address the Board's roles and responsibilities;
4. Receive training on the Board's history, internal structure and processes (including bylaws, and rules and procedures);
5. Receive training in the legal requirements of Oregon's Public Records and Public Meetings laws;
6. Receive training about the Portland Police Bureau, including the following: its history, procedures, the relevant provisions of the City's collective bargaining agreements with the Portland Police Association ("PPA") and Portland Police Commanding Officers Association ("PPCOA") and as applicable other represented City employees; and receive a briefing on the settlement agreement in the case of *United States v. City of Portland*, Case No. 3:12-CV-02265-SI, all related court orders for so long as they remain in effect

	<p>and a discussion of the historical policing practices addressed in the litigation;</p> <ol style="list-style-type: none"> <li>7. Training about how civilian oversight of law enforcement functions;</li> <li>8. Training about the City’s Civil Service Board, and other relevant City personnel policies and procedures;</li> <li>9. Receive training in basic principles of constitutional due process, constitutional civil rights guaranteed to all people as such rights are affected by law enforcement, and administrative hearing procedures;</li> <li>10. Receive training in the legal requirements for maintaining the confidentiality of personnel records and other confidential documents or information.</li> </ol> <p>The Oversight Board shall review its own training structures and curriculum on a regular basis and may revise these training requirements, including establishing a peer training component and establish a list of responsibilities and topics to be covered during peer training.</p>
<p>2. Each serve a term of three years, subject to reappointment by Council. Upon expiration of the term, a committee member shall serve until re-appointed or replaced. <a href="#">(3.21.080)</a></p>	<p>E. Term Lengths and Renewability.</p> <ol style="list-style-type: none"> <li>1. Board members shall each serve a term of three years, subject to reappointment by Council.</li> </ol>

<p>4. Serve staggered terms to better ensure continuity.(<a href="#">3.21.080</a>)</p>	<p>2. Upon expiration of the term, a Board member shall serve until re-appointed or replaced or removed by Council.</p> <p>3. A Board member may apply to renew their term twice, and will be considered for the position. The Board will establish procedures to allow Board members to seek reappointment.</p>
<p>3. Attend committee meetings or provide an explanation in advance for an absence. (<a href="#">3.21.080</a>)</p>	<p>4. Board Member Leave of Absence. A Board member may be granted a leave of absence, if needed, for good cause, including in instances of illness or injury or other personal hardship.</p>
<p><i>Proposed code drawn from multiple sources; see Areas of Agreement for more details.</i></p>	<p>G. Board Member Support and Compensation  Board members shall be eligible for compensation subject to applicable law, City policy, and rulemaking. This compensation can be up to the maximum allowable for volunteers under applicable law. In addition, Board members shall be reimbursed for expenses associated with service on the Board. The Board may establish non-financial support systems within or outside of City structures to support Board members. The Board shall establish processes, systems, and applicable amounts and/or limits for member support and compensation in its Bylaws and Administrative Rules. The Board shall regularly review details of its member support and compensation, and revise as needed.</p>

### 35B.020 Resignation and Removal from Board

<p>III. Should a member cease to, or become unable to, fulfill the duties and responsibilities of a CRC member as specified above, the member should voluntarily resign. (<a href="#">PSF-5.23</a>)</p>	<p>A. A Board member may resign prior to the expiration of their term with written notice to the Board and the Council.</p> <ol style="list-style-type: none"><li>1. A Board member seeking election or appointment to a public office shall inform Board leadership of their intent to seek office. A Board member seeking election or appointment to a public office that will give rise to a conflict of interest shall resign their Board membership at the time of their appointment or election. Depending upon the position which they are pursuing, the Board member may be required to disclose a conflict of interest upon their decision to run for office or seek appointment. An individual Board member who resigns to seek other public office may re-apply for a future Board vacancy upon conclusion of holding the other public office.</li></ol>
<p>In selecting [Citizen Review] Committee members, consideration shall be given to the current composition of the Committee and appointments should be made that will cause the group to best reflect the demographic make-up of the community. (<a href="#">3.21.080</a>)</p>	<ol style="list-style-type: none"><li>2. Upon this notification, the Council must consider the position vacant and eligible for the Council to appoint a new member from the alternates to serve for the remainder of the vacating member's term. In filling Board vacancies, consideration shall be given to the current composition of the Board and appointments shall be made that will cause the Board to best reflect the demographic make-up of Portland to the extent possible.</li></ol>

<p>Members may not be removed from the Board prior to the completion of their term except for cause. (<a href="#">Charter 2-1002</a>)</p> <p>III. Should a member cease to, or become unable to, fulfill the duties and responsibilities of a CRC member as specified above, the member should voluntarily resign. Should the member fail to do so, the CRC may choose to report the failure to perform to the City Council, through the IPR Director and City Auditor, with a recommendation for the removal of the member and that a new member be appointed. (<a href="#">PSF-5.23</a>)</p> <p>5. In the event a majority of the Council fails to appoint a person nominated under the provisions of City Code Section 3.21.080 the Director shall initiate the process again within 30 days after the Council action. (<a href="#">3.21.080</a>)</p>	<p>B. City Council may remove a Board member for cause.</p> <ol style="list-style-type: none"> <li>1. A member must immediately notify the Board and cease further participation on the Board, pending a vote of removal by the Council, if any of the following circumstances occur during the member’s term: <ol style="list-style-type: none"> <li>a. the member is incarcerated in any jail or prison and unable to complete their responsibilities as a Board member; or</li> <li>b. the member is convicted during the member’s term of a criminal offense that would preclude the member from continuing to perform their duties.</li> </ol> </li> <li>2. The Council’s consideration of the removal and replacement of the member pursuant to this section must occur within 45 days following the Council’s receipt of notice under this subsection.</li> </ol>
<p>(c) The Chief or the IPR Director (or designee) may recommend that City Council remove a community member, including a Citizen Review Committee member, from the pool for the following reasons:</p> <ol style="list-style-type: none"> <li>(i) Failure to attend training</li> <li>(ii) Failure to read case files</li> <li>(iii) Objective demonstration of disrespectful or</li> </ol>	<ol style="list-style-type: none"> <li>3. Cause for removal includes but is not limited to: <ol style="list-style-type: none"> <li>a. Official Misconduct (See ORS 162.405-162.415);</li> <li>b. Unexcused absence;</li> <li>c. Excessive excused absences (including unforeseen events, health reasons, being out of town, or</li> </ol> </li> </ol>



unprofessional conduct

(iv) Repeated and excessive unavailability for service when requested.

(v) Breach of confidentiality

(vi) Objective demonstration of bias for or against the police

(vii) Objective demonstration of conflict of interest ([3.20.140](#))

missed meetings due to conflicts of interest);

- d. Failure to timely disclose an actual conflict of interest which prevents the Board member from performing their responsibilities;
- e. Loss of eligibility: No longer meeting any of the requirements such as live, work, play, attend school, or worship in the City of Portland (as outlined in Code section XX);
- f. Unmet minimum participation, or workload requirement;
- g. Breach of confidentiality agreement;
- h. Inactivity in Board activities including subcommittee work or hearing, appeals, misconduct, or due process panel participation;
- i. Failure to complete training within 6 months of appointment unless good cause exists to excuse this;
- j. Misconduct, such as harassment, discrimination, and retaliation; or
- k. Any other cause which impacts the Board's

	<p>effective operations, standing or independence.</p> <p>Other reasons for removal could include death, or incapacitation.</p>
<p><i>Proposed code drawn from multiple sources; see Areas of Agreement for more details.</i></p>	<p>C. The Bureau of Human Resources shall investigate allegations of misconduct regarding Board members, and communicate their findings to the Oversight Board. In instances where the complaint of misconduct is sustained, Council may remove a member.</p>
<p>(c) The Chief or the IPR Director (or designee) may recommend that City Council remove a community member, including a Citizen Review Committee member, from the pool for the following reasons:(<a href="#">3.20.140</a>)</p>	<p>D. Removal of a Board member prior to the end of their term requires a majority vote of City Council. Removal of a Board member may occur upon a recommendation from BHR, a recommendation of the Board, or upon Council’s own motion. The Board retains discretion to suspend a member, or place them on leave, pending action by Council.</p>

### 35B.030 Meetings of the Board

<p><i>Proposed code drawn from multiple sources; see Areas of Agreement for more details.</i></p>	<p>A. In conducting its meetings and hearings, the Board shall comply with all requirements of Oregon Public Meetings Law (ORS 192.610 through 192.710).</p> <p>i. Proper notice, agendas, meetings summaries, and meeting materials will be made available to the public in a timely way.</p>
<p>A. The [Citizen Review] Committee’s duties and powers are the following:</p> <p>1. Conduct meetings. To schedule and conduct at least four meetings per year for the purpose of exercising the authority delegated to it in this chapter. Quarterly meetings and hearings conducted pursuant to the Chapter shall be subject to the Oregon Public Meetings Law, ORS 192.610 through 192.710. The number of Committee members required for a quorum shall be five. (<a href="#">3.21.090</a>)</p> <p>2. Gather community concerns. To participate in various community meetings to hear concerns about police services. (<a href="#">3.21.090</a>)</p>	<p>B. The Board shall hold regular meetings open to the public and offer time for community input, including through public comment, testimony, or other means. At public meetings, public comment will be allowed at a minimum before key decisions are made, consistent with applicable law. Public involvement in hearings is addressed in 35D.190 and 35D.200.</p> <p>C. The Board may also hold special meetings of the full Board or sub-committees as necessary.</p>
<p><i>Proposed code drawn from multiple sources; see Areas of Agreement for more details.</i></p>	<p>A. The Director will provide written updates at full Board meetings with information on the status of investigations and of those conducted by the Police Bureau.</p>

	B. The Board will regularly host the Police Chief, Mayor and other relevant officials at its public meetings.
	C. While matters may be addressed in executive session, consistent with the law, any final action or final decision by the Board shall be made in open session.

### 35B.040 Board Budget

<p>Funding for the Board shall be proportional to be no less than 5 percent of the Police Bureau's Annual Operational Budget. (<a href="#">Section 2-1004</a>)</p>	<p>A. The Board shall have a publicly disclosed budget.</p> <ul style="list-style-type: none"><li>a. As per Charter 2-1004, "funding for the Board shall be proportional to no less than 5 percent of the Police Bureau's Annual Operations Budget."</li><li>b. The Board will have discussions in public about how to allocate its budget, and, at its discretion, may appoint an independent budget advisory committee from the community.</li></ul> <p>B. After evaluation of its budget, the Board shall be able to request a larger budget allocation as part of the City's annual budget process.</p>
<p>B. The Director shall comply with the City's purchasing procedures but shall have sole discretion in choosing consultants to assist with investigations. (<a href="#">3.21.060</a>)</p>	<p>C. The Director shall comply with the City's purchasing procedures and except as otherwise provided here, the Director shall have sole discretion in choosing staff persons, contractors, and other employees and in making other decisions about expenses. The Board may require that the Director make certain hiring/purchasing decisions only with the Board's approval.</p>

**35C.010 Director Selection and Removal**

<p>The Board shall hire a Director to manage the professional administrative staff and professional investigators, and to make operational and administrative decisions. The Director is a “Bureau Director” for purposes of Charter section 4-301 and shall be appointed by, and serve at the will and pleasure of, the Board. (<a href="#">Charter 2-1005</a>)</p> <p>A. The City Council shall select the Director of IPR, in accordance with the City's human resource policies and rules and any other applicable laws, by the following process:(<a href="#">3.21.040</a>)</p>	<p>A. The Board shall hire a Director for the Office of Community-based Police Accountability (“OCPA” or “Office”) who shall be appointed by, and serve at the will and pleasure of the Board. As specified by Charter, and consistent with these procedures, the selection process for the Director shall be done through a community process led by the Board.</p> <p>B. The Board shall select the Director of the OCPA, in accordance with the City’s human resource policies and rules and any other applicable laws, by the following process:</p>
<p>The selected Council staff shall work with the Director of the Bureau of Human Resources (BHR) or designee to create a job posting that comports with the necessary and desired qualifications for an IPR Director; (<a href="#">3.21.040</a>)</p>	<p>1. A subset of the Board (“Hiring committee”) shall work with the Director of the Bureau of Human Resources (BHR) or designee to create a job posting that comports with the necessary and desired qualifications for a Director;</p>
<p>3. The Director of BHR or designee shall assess minimum qualifications and provide the eligibility list to the selected Council staff, who shall then determine at least three candidates best qualified to interview; (<a href="#">3.21.040</a>)</p> <p>From time to time, the CRC may create work groups, which</p>	<p>2. In coordination with the Bureau of Human Resources, the Hiring Committee shall assess minimum qualifications by screening applicants and resumes, and the Hiring Committee shall select at least three candidates best qualified to interview. The Hiring Committee may choose to involve community members in the screening process.</p>

<p>may include non-CRC members to gather community concerns, recommend policy changes and/or advise on operations. CRC members are expected to serve on one or more of these work groups.(<a href="#">PSF-5.23</a>)</p>	
<p>4. The selected Council staff shall interview the candidates and the top scoring candidate will be moved forward;(3.21.040)</p>	<p>3. The full Board shall interview the candidates and the top scoring candidate will be moved forward;</p>
<p>5. The top scoring candidate shall be presented to Council for consideration and vote; and 6. Council shall determine whether the presented candidate is well-suited for the position and may vote either to appoint the candidate as IPR Director or not to appoint the candidate [...] (<a href="#">3.21.040</a>)</p>	<p>4. At that meeting or the next appropriate meeting, the Board shall vote whether to appoint the top scoring candidate;</p>
<p>[...] if not appointed, then the selected Council staff shall present the next top scoring candidate to Council for consideration. The selection process shall continue as stated until Council votes to appoint a candidate as the IPR Director; this shall include reopening the recruitment process if none of the interviewed candidates are appointed by Council. (<a href="#">3.21.040</a>)</p>	<p>5. If the top candidate is not appointed, then the Hiring Committee shall present the next top scoring candidate to the Board for consideration and a vote. The selection process shall continue as stated until the Board votes to appoint a candidate as the Director; this shall include reopening the recruitment process if none of the interviewed candidates are appointed.</p>
	<p>C. The hiring procedures described in section B, above, are intended to comply with ORS 192.660(2)(a).</p>

<p>B. The Director shall be a person of recognized judgment, objectivity and integrity who is well-equipped to analyze problems of administration, and public policy, and shall have a working knowledge in criminal justice commensurate to the powers and duties of the office. (<a href="#">3.21.040</a>)</p>	<p>D. Director Qualifications. At a minimum, the Director shall possess the following necessary and desired qualifications:</p> <ol style="list-style-type: none"> <li>1. Be well-equipped to analyze problems of administration, and public policy;</li> <li>2. Working knowledge in criminal justice sufficient for the powers and duties of the Office;</li> <li>3. Experience and knowledge working with communities impacted by police misconduct;</li> <li>4. Be trauma-informed, possess an equity lens, and have experience engaging the community in collective decision making; and</li> </ol>
<p><i>Proposed code drawn from multiple sources; see Areas of Agreement for more details.</i></p>	<p>5. The Director shall possess other necessary and desired qualifications for the position as identified by the Board.</p> <p>E. As part of its role in managing the Director, the Board shall, at a minimum, conduct annual performance reviews.</p>
<p>C. The Director of IPR shall be removed from office only upon a finding of cause and by a vote of four or more members of Council. (<a href="#">3.21.040</a>)</p> <p>The Board shall hire a Director to manage the professional administrative staff and professional investigators, and to make operational and administrative decisions. The Director is a “Bureau Director” for purposes of Charter section 4-301 and shall be appointed by, and serve at the will and pleasure</p>	<p>F. The Director shall serve at will and may be removed from office by a vote of a supermajority of the Board (to be determined by the Board according to its procedures). The decision of whether to remove a Director shall be in the Board’s sole discretion and may be for any reason.</p>



of, the Board. ([Charter 2-1005](#))

**35C.020 Director Roles, Responsibilities, and Delegation**

<p>The Board shall hire a Director to manage the professional administrative staff and professional investigators, and to make operational and administrative decisions. The Director is a “Bureau Director” for purposes of Charter section 4-301 and shall be appointed by, and serve at the will and pleasure of, the Board. (<a href="#">Charter 2-1005</a>)</p>	<p>A. The Director shall manage the professional administrative staff and professional investigators, and make operational and administrative decisions for the Office.</p> <p>B. The Director may appoint other personnel necessary to carry out the duties of the Office, keeping within the adopted budget for the Office.</p>
<p><i>Proposed code drawn from multiple sources; see Areas of Agreement for more details.</i></p>	<p>1. The Director shall hire an auditor/monitor/inspector-general, who will be in charge of auditing records and other aspects of the accountability system.</p>
	<p>a. Audits conducted by staff will include but not be limited to police practices, policies, training, and directives, including regular audits of police communications with the public (news releases, social media, etc.).</p>
	<p>b. Board members will be involved in the hiring of the auditor/monitor/inspector-general and participate in, at minimum, annual performance reviews for this position.</p>
<p>P. The Director may retain or employ independent legal counsel. (<a href="#">3.21.070</a>)</p>	<p>2. The Director shall hire legal counsel to provide legal advice for the Board and staff separate from the City Attorney’s office.</p> <p>a. Board members will be involved in the hiring of legal counsel and participate in performance reviews for this position.</p>

<p><i>Proposed code drawn from multiple sources; see Areas of Agreement for more details.</i></p>	<p>3. Professional staff of the Oversight System shall be appointed by and serve under the direction of the Director. The Director shall hire part or full-time staff members focusing exclusively or in a combination on the following:</p> <ul style="list-style-type: none"> <li>a. Policy work;</li> <li>b. Mediation;</li> <li>c. Investigation;</li> <li>d. Hearings support;</li> <li>e. Records;</li> <li>f. Outreach/Community Engagement;</li> <li>g. Intra-governmental affairs;</li> <li>h. Data analysis;</li> <li>i. Equity and inclusion;</li> <li>j. Public affairs/communications; and</li> <li>k. Other administrative staff and personnel as necessary for the Board and Office’s functioning, including to assist Board members.</li> </ul>
<p><i>PAC Discussion noted that this is current practice.</i></p>	<p>C. The Director shall ensure that a qualified staff person goes directly to the scene of an officer deadly force incident and other incidents which may involve police misconduct needing immediate attention.</p>
<p>C. The Director, when requested, shall protect the confidentiality of complainants, members or witnesses consistent with the requirements of the Oregon Public Records Law, except insofar as disclosures may be necessary</p>	<p>D. The Director shall protect the confidentiality of Board members, complainants, officers, and witnesses consistent with the requirements of Oregon Public Records law. Consistent with the law, disclosures may be</p>

<p>to enable the Director to carry out their duties, or to comply with applicable collective bargaining agreements, or the disclosure of records is directed by the District Attorney. When considering a request for public records, the Director shall consult with appropriate Bureau personnel and obtain approval from the Bureau prior to disclosure of records under the Oregon Public Records Law. <a href="#">(3.21.110)</a></p>	<p>necessary to enable the Director to carry out their duties, to comply with applicable collective bargaining agreements, where the public interest requires disclosure in a particular instance, or other reasons consistent with the law.</p>
<p>1. “D. The [Portland Clean Energy Fund] Director is authorized to adopt, amend and repeal rules, procedures and forms to implement the provisions of this Chapter.</p> <ol style="list-style-type: none"> <li>1. Before adopting, amending or repealing a rule, the Director must notify interested parties and hold a public comment period. Such notice, which may be provided by mail or electronic means, such as posting on the Program’s website, must be published at least 4 weeks before the close of the public comment period. The notice must include instructions on how an interested party may comment on the proposed rule, a brief description of the subjects covered by the proposed rule and how to access the full text of the proposed rule.</li> <li>2. During the public comment period, the Director will receive written comments concerning the proposed rule. At the conclusion of the public comment period, the Director will either adopt the proposed rule, modify it or reject it, taking</li> </ol>	<p>E. The Director is authorized to adopt, amend, and repeal rules, procedures, and forms to implement the provisions of this Chapter including for the discharge of duties, including policies and procedures for receiving and processing complaints, conducting investigations and hearings, and reporting findings, conclusions and recommendations. All such policies shall be sent to the Board for its review and feedback prior to beginning the public comment period (if applicable).</p> <ol style="list-style-type: none"> <li>1. Before adopting, amending, or repealing a rule, the Director must notify interested parties and hold a public comment period. Such notice, which may be provided by mail or electronic means, such as posting on the Office’s website, must be published at least 33 days before the close of the public comment period. The notice must include instructions on how an interested party may comment on the proposed rule, a brief description of the subjects covered by the proposed rule and how to access the full text of the proposed rule.</li> <li>2. During the public comment period, the Director will</li> </ol>

<p>into consideration the comments received. If a substantial modification is made, an additional public comment period will be held. Unless otherwise stated, all rules are effective upon adoption by the Director. Copies of all current rules will be posted on the Program’s website.</p> <p>3. Notwithstanding Subsections 1. and 2., the Director may adopt an interim rule without prior public notice upon a finding that failure to act promptly will result in serious prejudice to the public interest or the interest of the affected parties, stating the specific reasons for such prejudice. An interim rule adopted pursuant to this Subsection is effective for a period of not longer than 180 calendar days. The Director may extend the interim rule past the 180 calendar days for good cause, as determined in the Director’s sole discretion.”</p> <p><a href="#">(PCEF Code 7.07.033)</a></p>	<p>receive written comments concerning the proposed rule. At the conclusion of the public comment period, the Director will either adopt the proposed rule, modify it, or reject it, taking into consideration the comments received. If a substantial modification is made, an additional public comment period will be held. Unless otherwise stated, all rules are effective upon adoption by the Director. Copies of all current rules will be posted on the Office’s website.</p> <p>3. Notwithstanding Subsections 1. and 2., the Director may adopt an interim rule without prior public notice upon a finding that failure to act promptly will result in serious prejudice to the public interest or the interest of the affected parties, stating the specific reasons for such prejudice. An interim rule adopted pursuant to this Subsection is effective for a period of no longer than six (6) months. The Director may extend the interim rule past the six (6) months for good cause, as determined in the Board’s sole discretion.</p>
<p>B. The Director may delegate to a designee any or all duties or responsibilities. <a href="#">(3.21.050)</a></p>	<p>F. The Director may delegate to a designee any or all duties or responsibilities.</p>

### 35C.030 Staff Training and Qualifications

<p><i>Proposed code drawn from multiple sources; see Areas of Agreement for more details.</i></p>	<p>A. Staff shall be trained on issues specific to their roles, such as:</p> <ol style="list-style-type: none"><li>1. PPB and Board policies and directives,</li><li>2. Interviewing,</li><li>3. Evidence,</li><li>4. PPB patrol training and tactics,</li><li>5. PPB and Board operations,</li><li>6. Legal issues including stops, frisks, and searches.</li><li>7. Trauma-informed service delivery, focused on interviewing and other community interactions.</li><li>8. Anti-racism, anti-bias, cultural competency, and collaborative decision-making; and</li><li>9. Other training needs as identified by the Director.</li></ol> <p>B. Minimum experience requirements. While the Director has authority in hiring staff, the following shall be considered in their hiring process:</p> <ol style="list-style-type: none"><li>1. The Director, in consultation with the Bureau of Human Resources including evaluating experience requirements of comparable positions, may specify a minimum number of years of experience required for each position, such as investigators. The minimum number of years of experience shall not exceed five years, and the experience requirement should not be a barrier to consideration of otherwise qualified applicants.</li></ol>
<p>I. Outreach. IPR will widely distribute complaint forms in languages and formats accessible to citizens, educate them</p>	<p>C. Preferred qualifications for Office staff shall include working with community; being versed in contemporary</p>

on the importance of reporting complaints, and hold public meetings to hear general concerns about police services.[\(3.21.070\)](#)

legal topics related to policing; public defense or civil rights backgrounds; and investigative, policy, and/or management skills such as civilian homicide investigation certification and use of force expertise. Investigative backgrounds can include Child Services, personnel, safety, housing, and medical and insurance investigations.

**35C.040 Staff community engagement**

<p>I. Outreach. IPR will widely distribute complaint forms in languages and formats accessible to citizens, educate them on the importance of reporting complaints, and hold public meetings to hear general concerns about police services.(<a href="#">3.21.070</a>)</p>	<p>A. The Board shall conduct public education on the role of the oversight system and community members’ rights, keeping the community informed of its activities, how to file complaints and seek recourse in case of retaliation, and receive input.</p>
<p><i>Proposed code drawn from multiple sources; see Areas of Agreement for more details.</i></p>	<p>B. Where appropriate, oversight staff shall train trainers who can go into specific communities and train in ways that work for those groups, in addition to the Board training the public at large directly.</p>
	<p>C. Staff shall set up community engagement events, which may involve the Board members when available.</p>
<p>I. Outreach. IPR will widely distribute complaint forms in languages and formats accessible to citizens, educate them on the importance of reporting complaints, and hold public meetings to hear general concerns about police services.(<a href="#">3.21.070</a>)</p>	<p>D. The outreach shall be conducted in ways that are accessible in terms of language, abilities, and other considerations.</p>
<p><i>Proposed code drawn from multiple sources; see Areas of Agreement for more details.</i></p>	<p>E. Communities to engage shall include youth and community partners, immigrant communities including people of undocumented status, people with mental illness, and other communities disproportionately affected by police misconduct.</p>
	<p>F. Outreach locations shall include but not be limited to schools, libraries, community organizations, neighborhood meetings, and organizations serving the houseless population.</p>
<p>2. Gather community concerns. To participate in various community meetings to hear concerns about police</p>	<p>G. Community engagement shall include discussions on how to improve police practices and policy, which includes</p>



services.( <a href="#">3.21.090</a> )	soliciting community input. These discussions may include local, state, and federal laws and policies, not solely Police Bureau policies.
C. The Director shall work with the [Citizen Review] Committee to develop programs to educate Bureau personnel on the complaint process, mediation, and IPR activities. Bureau personnel shall be informed that IPR is the primary means for citizens to file complaints. ( <a href="#">3.21.180</a> )	H. The oversight system shall conduct education on its activities for law enforcement personnel and bargaining unit representatives.

### 35D.010 Basic Elements of Administrative Investigations

<p>K. Adoption of rules. IPR shall adopt, promulgate, amend and rescind rules and procedures required for the discharge of the Director's duties, including policies and procedures for receiving and processing complaints, conducting investigations, and reporting findings, conclusions and recommendations. (<a href="#">3.21.070</a>)</p>	<p>A. Beyond the basic elements listed here and in other parts of this Code, the Oversight System shall develop investigative procedures to provide guidance for staff operations and shall train staff on these procedures.</p>
<p>C2b. IPR investigations shall be conducted in conformance with legal and collective bargaining provisions..(<a href="#">3.21.120</a>)</p>	<p>B. Investigations shall comply with federal and state constitutions and laws, city charter, Oversight System rules and regulations including Administrative Rules adopted by Bureau (ARBs), relevant collective bargaining agreements, and the National Association for Civilian Oversight of Law Enforcement (NACOLE) ethics code. For non-represented sworn officers of the Portland Police Bureau, investigations shall be conducted in a manner that is consistent with applicable law and the officer's employment status.</p>
<p>“When assigned an administrative investigation, an IPR investigator will: [...]</p> <p>Secure through the Director an instruction from the Police Bureau to advise all its members of their Garrity warning and any other applicable rights as prescribed by the appropriate bargaining agreement.” (PSF 5.02)</p>	<p>C. In all investigations involving Officer Involved Shootings and other cases which may involve criminal misconduct, officers shall receive Garrity warnings that they are being compelled to testify for administrative investigation, and the content of the interview cannot be used in a criminal proceeding.</p>
<p>“The mission of the City of Portland Community Police Oversight Board (Board) is to independently investigate Portland Police Bureau sworn employees and supervisors thereof promptly, fairly, and impartially [...]" (<a href="#">Charter 2-1001</a>)</p>	<p>D. Investigations must be conducted in a manner that is ethical, independent, thorough, timely, fair, and impartial.</p>

D4. IPR independent investigation. The Director shall have discretion to initiate and conduct an independent investigation of alleged member misconduct. The Director may conduct an independent investigation whether or not the alleged misconduct involves an encounter with a community member. The IPR investigations shall be conducted in conformance with legal and collective bargaining provisions..([3.21.120](#))

- E. Investigations shall follow these steps and shall include, if these elements exist and are reasonably available:
1. When an investigation begins, except for information that would compromise the integrity of the investigation, an officer shall be informed in writing:
    - a. of the nature of the investigation;
    - b. whether the officer is a witness or an involved party; and
    - c. other information necessary to reasonably inform the involved officer of the nature of the allegations, including the time, date, and location of the incident (if known).
  2. Interviews of the complainant, officer(s), and witness(es);
  3. Gathering evidence including photos, videos, proof of injuries and other relevant medical records;
  4. Examining police roll calls, logs, assignments, and other relevant information; and
  5. Site visits as deemed appropriate.

<p>To facilitate review, IPR shall tape record all interviews with witnesses, including members of the Bureau, conducted during an investigation and shall make those tapes, or accurate copies, available during a review of an investigation. <a href="#">(3.21.120)</a></p>	<p>F. Interview Guidelines:</p> <ol style="list-style-type: none"> <li>1. Interviews with officers shall all be recorded and conducted in a manner that is consistent with the applicable collective bargaining agreement.</li> <li>2. Interviews with community members will be recorded, unless the community member requests not to be recorded. In these instances, the request by the community member shall be documented, and a stenographer will be enlisted to ensure the interviewee's answers are captured accurately. <ol style="list-style-type: none"> <li>a. However, a community member concerned about confidentiality of certain information may request that parts of their transcript be redacted for confidentiality purposes, so long as the redaction does not interfere with the ability to fully investigate or the due process or other contractual rights of the officer. In these cases, the City shall treat the information as submitted confidentially to the extent permitted by law.</li> </ol> </li> </ol>
<p><i>Proposed code drawn from multiple sources; see Areas of Agreement for more details.</i></p>	<ol style="list-style-type: none"> <li>3. Civilian interviews can take place at locations other than the oversight system's offices.</li> </ol>
<p>No Jurisdiction: The complaint is against a non-employee, a former employee, or an employee of another department or other agency; or the employee resigns, retires, or shall no longer be employed by the Bureau by the time an investigation and disciplinary process should be completed. Even if IPR lacks jurisdiction, the Director may decide to investigate a complaint based on the nature and seriousness</p>	<p>G. An investigation shall be completed even if an officer retires, resigns, or is terminated.</p>

<p>of the allegations, or refer the matter to the Bureau for an investigation. (PSF 5.01)</p>	
<p><i>Proposed code drawn from multiple sources; see Areas of Agreement for more details.</i></p>	<p>H. The Board will investigate complaints submitted anonymously and complaints with unidentified officers to the full extent possible. If necessary, such complaints will be left open pending identifying the person(s) involved, in a manner consistent with other provisions of this Code, applicable law, and collective bargaining agreements.</p>
<p><i>Proposed code drawn from multiple sources; see Areas of Agreement for more details.</i></p>	<p>I. If during the investigation, investigators decide that there is not enough information to finish the investigation, the investigator shall close the investigation on this basis. (This is considered a “decision not to investigate.”) The complainant has the right to appeal that finding as outlined in this Code (35D.240) by providing further information.</p>
<p>1. Review incidents and investigations. Except as provided in Code Section 3.20.140 J., the [Police Review] Board shall review incidents and investigated complaints of alleged misconduct by non-probationary sworn officers (“officers”) who are employed by the Portland Police Bureau (“Bureau”) <a href="#">(City Code 3.20.140 B 1)</a></p>	<p>J. Staff shall review all misconduct investigations to ensure they are complete before they are sent to the Board to make findings and determine discipline.</p>

### 35D.020 Timelines for Completion

<p>PPB and the City shall complete all administrative investigations of officer misconduct within one-hundred eighty (180) days of receipt of a complaint of misconduct, or discovery of misconduct by other means. (<a href="#">United States of America v. City of Portland</a> Settlement Agreement Par. 121)</p> <p>If PPB is unable to meet these timeframe targets, it shall undertake and provide to DOJ a written review of the IA process, to identify the source of the delays and implement an action plan for reducing them. (<a href="#">United States of America v. City of Portland</a>, Amended Settlement Agreement Paragraph 123)</p>	<p>A. Investigations shall be completed within 6 months. Investigations may extend past 6 months and continue until resolved consistent with applicable law.</p> <ol style="list-style-type: none"> <li>1. If investigators are unable to meet these timeframe targets, the staff shall undertake and provide a written review of the process for the Board to identify the source of the delays and implement an action plan for reducing future delays.</li> </ol>
<p>Ensure that [Supervisory Investigations] are completed within 21 days of receipt at the [Responsible Unit], unless extended in writing for good cause shown. (<a href="#">PPB Directive 331.00, Section 3.4</a>)</p> <p>The target goal is to mediate within 30 days of selecting a case for mediation, and not to exceed 60 days. (<a href="#">PSF-5.10</a>)</p>	<p>B. Informal complaints shall be resolved in 60 days or less.</p>
<p>If it is anticipated that the investigation will not be completed within the allotted time, the investigator shall notify the [IPR] Director as soon as that determination is made, but no later than the established due date. The investigator shall make a written request for an extension for good cause shown not to exceed 30 days for any single extension, and all extensions not to exceed 90 days cumulatively, absent extraordinary</p>	<p>C. The timelines listed in paragraphs (A) and (B) may be extended if more time is needed, including at the request of a complainant and/or their attorney, consistent with applicable law.</p> <p>D. The investigative staff shall inform the Board, the complainant (and their assigned complaint navigators) and the officer(s) (and their support persons) if an</p>

<p>circumstances documented in writing. <a href="#">(PSF 5.02, section C6)</a></p>	<p>investigation goes beyond the mandated timeline. They shall also inform the officer’s supervisor, the Chief of Police, and other officials who may be involved in the discipline process.</p>
<p>3. The Director of IPR, the Chief of Police, or Commissioner-in-Charge may request an expedited hearing by the Citizen Review Committee of an appeal when deemed necessary due to the nature of the underlying complaint.<a href="#">(3.20.140)</a></p>	<p>E. Investigations related to use of deadly force and deaths in custody (as defined in 35D.060) shall be prioritized for completion.</p>

**35D.030 Providing information to complainants**

<p><i>Proposed code drawn from multiple sources; see Areas of Agreement for more details.</i></p>	<p>A. During intake, the complainant shall be informed of any obligations the Board may have to report something that is stated to them as part of a complaint and to provide the complaint itself to the involved officer where required by law or collective bargaining agreement. Except as otherwise required by law, the Board shall not turn over any admission of civil violations, criminal conduct, or criminal intent unless there is an imminent threat of harm to the complainant or others. That part of the investigation or interview which could incriminate the complainant in criminal proceedings will be considered confidential.</p>
<p><i>Proposed code drawn from multiple sources; see Areas of Agreement for more details.</i></p>	<p>1. During intake, staff shall not express opinions about the complainant or the truth or merit of their allegations.</p> <p>2. However, if the staff conducting intake has some kind of bias or conflict regarding the complaint, complainant, or nature of the allegations, they shall disclose that bias. At that point, the Director or designee shall assign another staff member to complete the intake.</p> <p>3. If they perceive bias, complainants may request another staff person to complete the intake.</p>
<p>1. Once IPR receives a Type I complaint regarding alleged misconduct of a member during an encounter involving a community member, IPR will: [...] d. Send a letter to the complainant summarizing the</p>	<p>B. The Board shall provide Complainants with records of their complaint, including:</p> <p>1. Confirmation of the receipt of the complaint, including a summary of the allegations;</p>



<p>complaint and the Director’s case handling decision. <a href="#">(3.21.120)</a></p> <p>If there is an administrative closure, IPR will provided notification to the complainant. <a href="#">(3.21.120)</a></p>	<ol style="list-style-type: none"> <li>2. Literature about the Board and its process including explanation of confidentiality issues;</li> <li>3. If appropriate, a medical release form for records related to the complaint;</li> <li>4. Notice if the investigation cannot be completed in the timeline required by this Code;</li> <li>5. Notice of completion of the investigation in a final report; and</li> </ol>
	<ol style="list-style-type: none"> <li>6. A survey about their experience with the complaint system.</li> </ol>
<p>The City shall enhance its existing website to ensure that a complainant can file and track his or her own complaint of officer misconduct. (<a href="#">United States of America v. City of Portland</a>, Amended Settlement Agreement Paragraph 138)</p>	<p>C. The Board shall make information about the complaint available to the complainant online.</p>
<p>The City shall review its protocols to ensure that the City shares with complainants requested documentation about his or her own complaint to the extent permitted by law. (<a href="#">United States of America v. City of Portland</a>, Amended Settlement Agreement Paragraph 139; also see Paragraph 140)</p>	<p>D. The complainant shall be provided as much information about their complaint as possible, consistent with applicable law, even if some material has to be redacted.</p>
<p>4. Access to Files: The [Appeals Process Advisor] will have access to the same Internal Affairs (IA)/IPR case file and information as [the Citizen Review Committee].(<a href="#">PSF-5.21</a>)</p>	<ol style="list-style-type: none"> <li>1. The complaint navigator shall have access to all available records in order to best advise the complainant, even information the complainant or their support people are not legally authorized to access. Such materials may also be redacted to comply with applicable law.</li> </ol>

<p>The Director may not levy any fees for the submission or investigation of complaints. (<a href="#">3.21.070</a>)</p>	<p>E. The oversight system shall not charge any fees to complainants for access to information about their complaint.</p>
<p><i>Proposed code drawn from multiple sources; see Areas of Agreement for more details.</i></p>	<p>F. Board communication with a complainant shall not be made by postcard or other means of written communication that jeopardizes the complainant's privacy.</p>

**35D.040 Referral of criminal investigations**

b. If a criminal investigation has been initiated against the involved member, or during the course of an IPR administrative investigation a basis for conducting a criminal investigation arises, IPR shall advise the City Attorney and/or District Attorney prior to initiating or continuing an administrative investigation. IPR shall take all steps necessary to meet constitutional requirements and comply with existing provisions of City labor agreements. ([3.21.120](#))

The Board has the authority to refer cases to the District Attorney or other authority for criminal investigation when the incident or allegations indicate possible criminal activity by the officer(s). To ensure officers' constitutional rights, in no case shall compelled testimony from officers be transferred by the oversight system.

### 35D.050 Who May File

G. "Complaint" means a complaint about a member by a citizen, the [IPR] Director, a member or other employee of the Bureau. [\(3.21.020\)](#)

"The [IPR] Director shall receive complaints from any source concerning alleged member misconduct.

A community member may file a complaint or commendation regarding alleged member misconduct with IPR, Internal Affairs, a Police Bureau Precinct, the Police Commissioner, or with any Bureau member." [\(3.21.110\)](#)

A. Anyone who experiences or witnesses alleged officer misconduct can file a complaint with the oversight system. The right to file a complaint is absolute and unconditional.

1. Parents and guardians may file complaints on behalf of minors up to the age of 18. Minors can file complaints on their own beginning at age 15.
2. The complainant pool is inclusive regardless of age, immigration status, residence, criminal record, or language used. Incarcerated people can file complaints.
3. Anonymous complaints will be accepted, and will be placed in priority depending on the nature and severity of allegations and, for more minor complaints, the Board's workload.
4. Complaints involving any community members can be filed by third parties, such as other individuals or organizations.

<p>“Complaint Type II: A complaint about alleged member misconduct that does not occur during an encounter involving a community member is a Type II complaint. Such a complaint may be initiated by another Bureau employee or supervisor, [...] These complaints may be filed with the Bureau or with IPR.” (<a href="#">3.21.120</a>)</p> <p>Bureau policy requires that members report all misconduct to a supervisor as soon as possible, despite the less restrictive state law requiring members to report the conduct described in 3.2.1.1. through 3.2.1.5. within 72 hours. (<a href="#">PPB Directive 0305.00, Section 3.2.3</a>)</p>	<p>B. Police officers from the Portland Police Bureau can file complaints alleging misconduct by other Portland police officers.</p> <p>C. Law enforcement officers from other law enforcement agencies can file complaints alleging misconduct by Portland police officers.</p>
<p>The City and PPB shall continue to expressly prohibit all forms of retaliation, including discouragement, intimidation, coercion, or adverse action, against any person who reports misconduct, makes a misconduct complaint, or cooperates with an investigation of misconduct. (<a href="#">United States of America v. City of Portland</a>, Amended Settlement Agreement, Par. 130.)</p>	<p>D. No member of the community, or Portland Police Bureau employee, shall face retaliation, intimidation, coercion, or any adverse action for filing a complaint, reporting misconduct, or cooperating with a misconduct investigation.</p>

**35D.060 Types of conduct/complaints within Board jurisdiction**

<p>The board shall have the authority to investigate certain Police actions, including but not limited to;</p> <p>(a) All deaths in custody and uses of deadly force.</p> <p>(b) All complaints of force that result in injury, discrimination against a protected class, violations of federal or state constitutional rights. (<a href="#">Charter Section 2-1008</a>)</p>	<p>A. The Board shall investigate certain Police actions, including but not limited to:</p> <ol style="list-style-type: none"><li>1. All deaths in custody (including effective/constructive custody) and uses of deadly force;</li><li>2. All complaints of force that result in injury, discrimination against a protected class (whether defined by applicable local, state, or federal law), or violations of federal or state constitutional rights.</li></ol>
<p>The Board may investigate other complaints or incidents of misconduct as they see fit or as mandated by City Code. (<a href="#">Section 2-1008</a>)</p> <p><a href="#">ORS 181A.688 Findings regarding racism</a></p>	<p>B. The Board shall also investigate allegations of the following to determine if City or Police Bureau policy has been violated:</p> <ol style="list-style-type: none"><li>1. dishonesty/untruthfulness including perjury;</li><li>2. false reports &amp; concealing evidence;</li><li>3. sexual assaults, sexual misconduct, or sexual harassment;</li><li>4. domestic violence;</li><li>5. unlawful search/arrest;</li><li>6. neglect of duty;</li><li>7. discourtesy, including use of profanity;</li><li>8. improper discharge of a firearm;</li><li>9. criminal conduct, including off-duty criminal conduct;</li><li>10. improper or illegal act, omission or decision that directly affects a person or their property;</li><li>11. violation of orders which affect a community member;</li><li>12. harassment;</li><li>13. intimidation;</li><li>14. retaliation;</li></ol>

	<ul style="list-style-type: none"> <li>15. force used at protests (to the extent not covered by Section A);</li> <li>16. abuse of authority (such as use of police credentials in a personal dispute);</li> <li>17. officer failure to identify;</li> <li>18. theft of money;</li> <li>19. corruption (to the extent not covered by other Code provisions);</li> <li>20. membership or participation in hate groups, racial supremacist organizations or militant groups (as defined in ORS 181A.688);</li> <li>21. cases of substantial public interest; and</li> <li>22. where data show a pattern of inappropriate policies.</li> </ul>
<p>The Board may investigate other complaints or incidents of misconduct as they see fit or as mandated by City Code. (<a href="#">Section 2-1008</a>)</p> <p>“Complaint Type II: A complaint about alleged member misconduct that does not occur during an encounter involving a community member is a Type II complaint. Such a complaint may be initiated by another Bureau employee or supervisor, [...] These complaints may be filed with the Bureau or with IPR.” (<a href="#">3.21.120</a>)</p>	<p>C. The Board may also investigate:</p> <ul style="list-style-type: none"> <li>1. Any alleged misconduct directly affecting the public, including work-related allegations such as tardiness if they affect a community member; and</li> <li>2. Other allegations of officer misconduct which do not originate from a complaint, at the discretion of the Board.</li> <li>3. Complaints filed by PPB officers, alleging misconduct by another PPB officer which does not impact a community member, when the complaint includes a request by the complainant for Board investigation.</li> </ul>
<p><b>2. Probationary sworn officers. The Board shall review incidents and investigated complaints of alleged misconduct</b></p>	<p>D. If the involved officer is within their probationary period and is terminated by the Police Bureau prior to the conclusion of the Board’s administrative investigation of</p>

<p>by Portland Police Bureau probationary officers when referred by the Chief, Branch Chief or the IPR Director. However, nothing in this section prohibits the Bureau from terminating the employment of a probationary officer without following the procedures of this section. <a href="#">(City Code 3.20.140 B)</a></p>	<p>the complaint, the Oversight System shall complete its investigation.</p>
<p>“The [IPR] Director may administratively close a complaint for the following reasons: [...]</p> <p>The complainant withdraws the complaint or fails to complete necessary steps to continue with the complaint.” <a href="#">(3.21.120)</a></p>	<p>E. If a complainant asks the Board not to investigate a case that falls under the Board's mandate in the Charter, the Board shall evaluate its legal obligations, and weigh the interests of community concerns and the need for accountability against the wishes of the complainant (and/or their attorney if there is one).</p>
<p><i>Proposed code drawn from multiple sources; see Areas of Agreement for more details.</i></p>	<p>F. The following types of complaints which are outside the Board’s jurisdiction, shall be handled as follows:</p>
<p>3. Referral. IPR may refer a complaint regarding quality of service or other rule violations that likely would not result in discipline according to the Bureau. The Director may refer the complainant to another bureau in the City or another agency that would be more appropriate to address the complaint. <a href="#">(3.21.120)</a></p>	<ol style="list-style-type: none"> <li>1. When the complaint involves officers from another law enforcement agency, the Board shall ask permission from the complainant to forward their complaint to the proper investigating authority to investigate the officers’ alleged misconduct. If the complainant declines, the Board shall dismiss the complaint for lack of jurisdiction and notify the complainant of its decision.</li> <li>2. When the alleged violations do not impact a community member, except as noted in C3 above, another City investigatory body shall investigate.</li> </ol>
<p>“Complaint Type IV: When Bureau supervisors generate</p>	<p>3. When a complaint is generated by a Portland Police</p>



complaints about poor member performance or other work rule violations. [Responsible Unit] managers are responsible for intake and investigation of allegations of Type IV cases.” ([3.21.120](#))

Bureau supervisor about poor officer performance or other work rule violations, Responsible Unit managers are responsible for intake and investigation.

### 35D.070 Filing Timelines

*Proposed code drawn from multiple sources; see Areas of Agreement for more details.*

- A. The timeline to file a complaint shall be 12 months after the incident except in the following circumstances:
  - 1. The Director and/or designated Board leadership may extend the timeline for good cause; or
  - 2. until a civil case involving the same underlying conduct has concluded; and/or
  - 3. for the term of the involved community member's incarceration.
- B. If the timeline is extended for reasons identified in A.2-3, it may be extended to a maximum of five years.
- C. Good cause for extending the timeline may include (but is not limited to) fear of retaliation, or if an officer who was not previously identified has their identity become known after the 12-month deadline.

**35D.080 Methods for Filing Complaints; Board Receipt of Complaints**

<p>A. The [IPR] Director shall work with the [Citizen Review] Committee to make complaint forms available in formats and locations to reach as many community members as possible. <a href="#">(3.21.180)</a></p> <p>B. The [IPR] Director shall work with the [Citizen Review] Committee to develop programs to educate the public about IPR and the importance of reporting problems. <a href="#">(3.21.180)</a></p> <p>Various current forms of intake (<a href="#">from IPR’s website</a>):</p> <p>“Complete our online form          Call IPR and speak to an investigator          Mail a completed form to IPR          Stop by our office          Send us a fax”</p>	<p>A. The Board shall ensure that complaints can be filed and received through multiple methods (including but not limited to in-person, by mail, phone, email, online submittal, text message, collect calls, or by other common technological means of communication) to ensure access to the complaint process.</p> <p>1. The Board shall ensure that complaint forms are widely available.</p>
<p>b. All Bureau facilities will have complaint and commendation forms available in areas accessible to the public. <a href="#">(3.21.110)</a></p>	<p>a. All Portland Police Bureau facilities will have complaint forms available in areas accessible to the public.</p>
<p>c. All Bureau issued business cards intended to be given to community members during calls for service will have IPR’s phone number and email address printed on them. <a href="#">(3.21.110)</a></p>	<p>b. All Portland Police Bureau issued business cards intended to be given to community members during actions/encounters will have the Board’s phone number and email address printed on them.</p>

<p>I. Outreach. IPR will widely distribute complaint forms in languages and formats accessible to citizens.(<a href="#">3.21.070</a>)</p>	<p>2. The Board shall offer translation for documents and for verbal communications with appropriate interpretation to be inclusive of people for whom English is not their preferred language, and in accommodation of people with disabilities.</p> <p>3. The Board will ask the complainant to state their preferred method of communication at the beginning of the process.</p>
<p>a. All complaints regardless of intake point will be forwarded to IPR or Internal Affairs and entered into the Administrative Investigation Management database.(<a href="#">3.21.110</a>)</p>	<p>B. Should a community member contact the Portland Police Bureau or the City’s information line (such as 311) or any other City bureau regarding alleged officer misconduct, the complainant will be directed to the Board and Office.</p>
<p>3. The [IPR] Director will be notified in a timely manner by either the Assistant Chief of Investigations, Captain of IAD, or a member of the Police Commissioner’s staff upon their knowledge that a member has engaged in conduct that may be subject to criminal and/or administrative investigation.(<a href="#">3.21.110</a>)</p>	<p>C. The Police Bureau shall inform the Board immediately upon their knowledge that an officer, or supervisor thereof, has engaged in conduct that may be subject to criminal and/or administrative investigation.</p> <p>1. By immediate, it is intended to mean without delay and unless for reasonable cause, within 24 hours of occurrence.</p>
<p>The Director shall make reasonable accommodation when complainants cannot file their complaint at the IPR office. (<a href="#">3.21.110</a>)</p>	<p>D. The Board’s offices shall be open to accept complaints for longer hours than Monday through Friday, 9:00AM to 5:00PM, including early mornings, weekend times and evenings.</p>

### 35D.090 Intake

An Appeal Process Advisor (APA) will be designated to assist an appellant/officer (hereafter referred to as "Participant") before and during case file reviews and appeal hearings. The APA is not a legal advisor but will assist a Participant in understanding the case file review/appeal hearing process.

[\(PSF-5.21\)](#)

Use of the Appeal Process Advisor: Participants have the option to use the services of the APA in preparing for case file reviews/appeal hearings. IPR shall advise the Participants of the availability of an APA. [\(PSF-5.21\)](#)

2. Selection of the Appeal Process Advisor: The CRC Chair or the Chair's designee will select an APA on a case-by-case basis from among former CRC members willing to serve as an APA. [\(PSF-5.21\)](#)

Outreach. IPR will widely distribute complaint forms in languages and formats accessible to citizens, educate them on the importance of reporting complaints, and hold public meetings to hear general concerns about police services. [\(3.21.070\)](#)

*Proposed code drawn from multiple sources; see Areas of Agreement for more details.*

A. The Director shall hire/retain complaint navigators ("advocates") to help complainants navigate their cases.

1. All complaint navigators shall be trained both on culturally sensitive/competent support for complainants and on sexual assault/survivorship for community members, so that even if someone from the relevant group isn't available when a person calls in, everyone can provide support.
2. Complainants may request culturally competent/sensitive intake.
3. Complaint navigators will be required to receive continuing education.
4. Complaint navigators will assist in staff delivery of community education about the complaint process.

B. The oversight system will provide a complaint navigator for each complainant. To the extent possible, the complaint navigator will be appropriately culturally attuned to the complainant's needs.

C. Community members can additionally have two support people including an attorney for a total of up to three support people. However, the support person cannot be a

	witness to the incident.
<i>Proposed code drawn from multiple sources; see Areas of Agreement for more details.</i>	D. If the complainant is an officer, who already has the automatic ability to have a bargaining unit representative (if applicable) and an attorney, they can also bring a peer officer or community member of their choosing (who is not a witness to the incident). This means they may also have as many as three support people.
<i>Proposed code drawn from multiple sources; see Areas of Agreement for more details.</i>	E. If the officer is not a part of a bargaining unit, they will be assigned a complaint navigator from the pool for community members. The officer can decline this option.
<i>Proposed code drawn from multiple sources; see Areas of Agreement for more details.</i>	F. Interviews will be scheduled around the community member's work schedule and can be rescheduled if needed. Interviews will include accommodations for people with disabilities, and interpreters, if needed.

### 35D.100 Preliminary Investigations; Initial Case Handling Decision

<p>The Board shall hire a Director to manage the professional administrative staff and professional investigators, and to make operational and administrative decisions. The Director is a “Bureau Director” for purposes of Charter section 4-301 and shall be appointed by, and serve at the will and pleasure of, the Board. Professional staff of the Board, other than the Director, shall be appointed by and serve under the direction of the Director as classified employees.<a href="#">(Section 2-1005)</a></p>	<p>A. The Director shall hire investigators to conduct preliminary investigations, full investigations, and follow-up investigations as necessary and as outlined by this Code and related Board procedures and rules.</p>
<p>1. Once IPR receives a Type I complaint regarding alleged misconduct of a member during an encounter involving a community member, IPR will:</p> <ul style="list-style-type: none"><li>a. Gather information about the complaint through an intake interview;</li><li>b. Assign an IPR/IAD Case Number;</li><li>c. Make a case handling decision; and</li><li>d. Send a letter to the complainant summarizing the complaint and the Director’s case handling decision.<a href="#">(3.21.120)</a></li></ul>	<p>B. When the Board receives a complaint regarding alleged misconduct of a Portland Police Bureau officer, or supervisor thereof, or opens a case not originating from a complaint, staff shall:</p> <ul style="list-style-type: none"><li>1. Assign a case number;</li><li>2. Conduct a preliminary investigation (including gathering information about the complaint through an intake interview);</li><li>3. Make a case-handling decision (i.e., should case proceed to a full investigation; suggested for mediation; addressed by some other means; or dismissed);</li><li>4. If appropriate for a full investigation, identify the complainant’s allegations or possible types of misconduct; and</li><li>5. Communicate to the complainant summarizing the complaint and the case-handling decision.</li></ul>

<p>The Director may administratively close a complaint for the following reasons:</p> <p>f. The complainant withdraws the complaint or fails to complete necessary steps to continue with the complaint. (<a href="#">3.21.120</a>)</p>	<p>C. Incomplete complaints can be investigated if the Board determines an investigation is warranted.</p>
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### 35D.110 Informal Complaints

V. "Supervisory Investigation" means a formal, non-disciplinary process where the involved member's supervisor is tasked with reviewing a complaint stating a member provided poor quality of service or committed a rule violation that if sustained would not result in corrective action greater than command counseling, as defined by the Bureau's discipline guide. ([3.21.020](#))

(1) Supervisory investigations will only be used for non-disciplinary complaints, such as those related to quality of service or minor rule violations.

(2) All supervisory investigations will include a recommended disposition.

(3) All completed supervisory investigations must be reviewed by Internal Affairs and IPR. ([3.21.110](#))

A. If the complainant expresses an interest in resolving their complaint informally through discussion with the officer's supervisor, the Board shall determine whether such resolution is appropriate.

1. The Board shall confer with the officer's supervisor about the possibility of an informal resolution process, and the supervisor shall make a determination whether to resolve the case informally or send it back to the Board for full investigation.
2. Once approved for informal complaint resolution, a case can be resolved without formal investigation and the complainant will be informed of this decision.

*Proposed code drawn from multiple sources; see Areas of Agreement for more details.*

3. If the case is sent back for full investigation by the supervisor, or informal resolution is unsuccessful, the Board will inform the complainant.

### 35D.120 Mediation

Mediation. The complainant, the Member who is the subject of the complaint, and Bureau administration must all agree before mediation can be conducted. A complaint that undergoes mediation shall not be investigated. A mediation may be suspended if, in the opinion of the mediator, there is no reasonable likelihood of reaching resolution. ([3.21.120](#))

The objectives of the mediation shall include resolution of the conflict in a fair and respectful manner, allowing the parties to better understand each other's perspective on the incident, affording an opportunity to improve relationships between the complainant (and the larger community) and the officer (and the Portland Police Bureau) and to reduce the risk of future conflicts. ([PSF-5.10](#))

IPR will provide all complainants with information about the option to mediate their complaint as prescribed in Protocol 5.09, provided the complaint does not concern allegations of excessive force or criminal conduct by a member. ([PSF-5.01](#))

4. The following complaints will not be eligible for mediation:

- a. Allegation of inappropriate use of force by a member;
- b. Allegation of criminal conduct by a member;
- c. The member is a witness against the complainant in a criminal or traffic prosecution that will still be pending more than 90 days after the complaint was filed with IPR;
- d. If any allegation within a complaint includes one of the categories above, the entire complaint will be considered

A. The Director shall arrange for professional mediators.

B. The Board has the authority to provide for voluntary mediation between community members and law enforcement, to improve police-community relations and build better policies. There shall be no cost to any party to utilize the mediation option.

1. The Board shall determine whether the case is eligible for mediation based on the nature of the allegations and the officer's history.

- a. The community member shall be able to consult with their complaint navigator and/or their other support persons before deciding whether to agree to mediation.
- b. Complainants shall not be unduly pressured to choose mediation if they prefer an investigation to take place.
- c. An officer's supervisor must clear them for approval before the officer can agree to mediation.

C. Mediation is not offered for complaints involving use of

<p>ineligible for mediation. (<a href="#">PSF 5.09</a>)</p>	<p>force, profiling, legal violations such as improper stop, detention, search, or arrest, or for officers with a pattern of misconduct. No case identified as an automatic investigation by the Charter shall be eligible for mediation.</p> <ol style="list-style-type: none"> <li>1. Mediation is offered for complaints involving discourtesy and procedural complaints including unwarranted action other than those described in C (above), and neglect of duty.</li> <li>2. If the complainant filed the misconduct complaint based on actions during an incident in which the officer filed criminal charges or citations against the community member, once those criminal allegations have been resolved, mediation about the misconduct complaint can still proceed, consistent with applicable law.</li> <li>3. If there is a civil lawsuit or criminal case pending against the officer about the incident, mediation cannot proceed.</li> </ol>
<p>Mediation: A voluntary, non-disciplinary, confidential process used to resolve certain complaints by community members. Mediation involves the use of a neutral, professionally trained mediator to help facilitate direct discussions between a complainant and Bureau members.(PSF 5.01)</p>	<p>D. The discussions that take place in the mediation are confidential unless the parties agree otherwise.</p>
<p>Ethical requirements: Self Determination, Informed Consent, Impartial Regard, Confidentiality, Competence, Encourage Good Faith Participation, Fees (only paid by IPR), Dual-Role Limitations. (<a href="#">PSF-5.10</a>)</p>	<p>E. Mediators shall be screened and trained properly about power dynamics, cultural awareness, racial bias, and other issues which may underlie the incident.</p>

<p>A. Mediation. The complainant, the Member who is the subject of the complaint, and Bureau administration must all agree before mediation can be conducted. A complaint that undergoes mediation shall not be investigated. A mediation may be suspended if, in the opinion of the mediator, there is no reasonable likelihood of reaching resolution.(<a href="#">3.21.120</a>)</p>	<p>F. For eligible cases, mediation is an alternative to full investigation.</p> <ol style="list-style-type: none"><li>1. If either party rejects mediation, the case is sent to a full investigation.</li><li>2. Either party to the mediation, or the mediator, can determine that mediation has not been successful, and ask for a full investigation.</li></ol>

<p><i>Proposed code drawn from multiple sources; see Areas of Agreement for more details.</i></p>	<p>G. Mediation shall be made accessible to all parties.</p> <ol style="list-style-type: none"> <li>1. Upon request, the mediation process will make accommodation for people with disabilities, as well as interpreters as needed.</li> <li>2. To accommodate schedules, complainants can provide adequate notice of cancelation on as many as two separate occasions before mediation is abandoned.</li> <li>3. Mediation is available to complainants, as well as to family members of people subjected to alleged police misconduct or other community members, with the complainant's permission, even if complainants do not themselves participate. In situations where the complainant does not participate, the outcome of mediation will be binding on all parties. <ol style="list-style-type: none"> <li>a. Upon agreeing to the confidentiality of the mediation, one support person of each party's choosing may attend, but not engage in the mediation, to provide moral support and consult during breaks.</li> </ol> </li> <li>4. Mediation shall take place at a neutral location that is mutually acceptable to all parties.</li> </ol>
<p>Confidentiality: A mediator shall maintain the reasonable expectations of the participants with regard to confidentiality, and in a manner consistent with confidentiality laws for the State of Oregon, as specified in the "Agreement to Mediate" signed by the participants prior to mediating. (<a href="#">PSF-5.10</a>)</p>	<p>H. Successful mediation will conclude with a signed mediation agreement by all parties. Violation of the agreement may result in the case proceeding to a full investigation and/or other next steps as outlined in the agreement itself. Portions of the mediation agreement which could incriminate any party in criminal or</p>

	<p>administrative proceedings will be considered confidential to the extent allowed by law. The parties may mutually agree to publicly disclose the substance of the mediation as part of the agreement.</p>
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### 35D.130 Grounds for Dismissal of a Case Following Preliminary Investigation

#### E. Administrative Closure

1) Except for allegations of excessive force, IPR may administratively close an investigation, after a sufficient inquiry, based on its authority under City Code 3.21.120 (C)(4) and Protocol 5.19 (IPR Case Handling Guidelines). The Director may refer the complaint to the appropriate Police Bureau Manager for an informal debriefing. The Director is authorized to close a complaint for the following reasons:

a) No Misconduct: The employee's conduct, as alleged by the complainant, does not violate Bureau policy.

b) Trivial or De Minimis Rules Violation: The employee's conduct, as alleged by the complainant, constitutes a minor technical violation that, if sustained, would not result in discipline and is too minor or too vague to justify a Supervisory Investigation.

c) No Jurisdiction: The complaint is against a non-employee, a former employee, or an employee of another department or other agency; or the employee resigns, retires, or shall no longer be employed by the Bureau by the time an investigation and disciplinary process should be completed. Even if IPR lacks jurisdiction, the Director may decide to investigate a complaint based on the nature and seriousness of the allegations, or refer the matter to the Bureau for an investigation. IPR or Internal Affairs may also conduct an investigation based on a request from an outside law enforcement agency. For example, if serious misconduct has

A. After a preliminary investigation, the Board may dismiss the case.

1. If the case is dismissed, the Board will provide notification to the complainant.
2. The Board will also notify the involved officer(s) and their commanding officer once the appeal deadline has passed (see 35D.240).

B. The Board may dismiss a complaint for the following reasons:

1. The complaint is only related to criminal charges or alleged violations against the complainant, and does not allege misconduct;
2. The complaint was filed outside the timeline to file (35D.070) and there is no good cause or other grounds to excuse the late filing;
3. Even if all aspects of the complaint were true, no act of misconduct would have occurred;
4. Even if all aspects of the complaint were true, the misconduct would be so minor that the matter would be better addressed through other means;
5. The complainant withdraws their complaint or fails to complete necessary steps to continue with the complaint. It may benefit the community to finish the investigation. However, lack of cooperation and lack of consent from a complainant may make it impossible or inappropriate to complete the investigation; and
6. Lack of jurisdiction (see 35D.060).

been alleged, the Director or Internal Affairs Captain may order an investigation so that the findings will be placed in the employee's personnel or Internal Affairs file, forward the findings to another agency, review the actions of the employee's supervisors, or recommend a review of Bureau training or policies. Discipline may also be imposed if the employee returns to service.

d) Judicial Review: If it is likely that the investigation would focus on the action of a complainant, such as an allegation that the complainant was improperly cited for a traffic infraction. Such cases are better addressed through legal proceedings where a court could place witnesses under oath, take live testimony, and render a decision.

e) Unidentifiable Employee: A documented, reasonable investigative effort was not able to identify the involved member.

f) Previously Investigated or Adjudicated: The alleged conduct was previously investigated or adjudicated by the Bureau and the current complaint does not provide substantially new evidence or allegations.

g) Lacks Investigative Merit: The Director must articulate specific reasons why the complaint is not credible or reliable.

h) Filing Delay: The complainant delayed too long in filing the complaint to justify present investigation. Complaints alleging significant misconduct will not be administratively closed due to a delay in filing. ([PSF 5-01](#))



e. Administrative Closure. After initial investigation by either IA or IPR, the Captain may decline to conduct further investigation of an allegation contained within a complaint under the following circumstances:

(1) No Misconduct. The Captain may decline to assign allegations for a full Internal Affairs investigation and take no further action if the Captain finds that the employee's conduct, as alleged by the complainant, does not violate Bureau policy.

(2) Trivial or De Minimus Rules Violation. The Captain may decline to assign allegations for a full Internal Affairs investigation and take no further action (or refer the complaint to the appropriate RU Manager for an informal briefing) if the Captain finds that the employee's conduct, as alleged by the complainant, constitutes a minor technical violation that if sustained would not result in discipline and is too minor or too vague to justify a Supervisory Investigation.

(3) No Jurisdiction. The Captain may decline to assign a complaint for a full Internal Affairs investigation and take no further action if the complaint is against a non-employee, a former employee, or an employee of another department or other agency. The Captain may also decline to investigate and take no further action if the employee resigns, retires, or will be no longer employed by the Bureau by the time an investigation and disciplinary process could be completed. Even if the Bureau lacks jurisdiction, the Captain may decide to investigate a complaint based on the nature and

seriousness of the allegations or based on a request from IPR or another law enforcement agency. For example, if serious misconduct has been alleged, the Captain may order an investigation so that the findings will be placed in the employee's personnel or Internal Affairs file, forward the findings to another agency, review the actions of the employee's supervisors, or recommend a review of Bureau training or policies. Discipline may also be imposed if the employee returns to service.

(4) Judicial review. The Captain may decline to assign allegations for a full Internal Affairs investigation and take no further action if it is likely that the investigation would focus on the action of a complainant such as an allegation that the complainant was improperly cited for a traffic infraction. Such cases are better addressed through legal proceedings where a court could place witnesses under oath, take live testimony, and render a decision.

(5) Unidentifiable employee. The Captain may decline to assign a complaint for a full Internal Affairs investigation and take no further action if the Captain finds that a reasonable Internal Affairs investigative effort would not be able to identify the complained-against employee.

(6) Previously investigated or adjudicated. The Captain may decline to assign allegations for a full Internal Affairs investigation and take no further action if the Captain finds that the alleged conduct was previously investigated or adjudicated by the Bureau and that the current complaint

<p>does not provide substantial new evidence.</p> <p>(7) Lacks Investigative Merit. The Captain may decline to assign allegations for a full Internal Affairs investigation and take no further action based on the preliminary investigation if the Captain articulates specific reasons why the complaint is not credible or reliable. (<a href="#">PSF-5.20</a>)</p>	
<p>If an appeal is declined as being untimely, the CRC Chair (or designee) and Vice-Chair (or designee) will review the appeal to identify any issues relating to policy, training, or quality of investigation. (<a href="#">PSF-5.15</a>)</p>	<p>C. Notwithstanding its decision to dismiss a complaint under Section B, the Board may initiate potential policy recommendations from dismissed complaints.</p>
<p>All allegations of use of excessive force shall be subject to a full and completed investigation resulting in findings, unless there is clear and convincing evidence to IPR that the allegation has no basis in fact. (<a href="#">United States of America v. City of Portland</a>, Amended Settlement Agreement, Par. 129)</p>	<p>D. At minimum, for the duration of the <i>US DOJ v. City of Portland</i> Settlement Agreement, cases alleging excessive force shall only be dismissed under B3 when there is "clear and convincing evidence" that the allegation has "no basis in fact."</p>
<p>In all cases in which an investigation is administratively closed, IPR will prepare an explanation so the complainant can be advised..(<a href="#">PSF-5.01</a>)</p>	<p>E. Dismissals based on B3 and B4 will be considered for mediation or informal complaint.</p>

### 35D.140 Board Authority to Take Interim Measures

<p><i>Proposed code drawn from multiple sources; see Areas of Agreement for more details.</i></p>	<p>A. The Board can take interim steps prior to findings being determined in specific cases.</p>
<p>3. The Director of IPR, the Chief of Police, or Commissioner-in-Charge may request an expedited hearing by the Citizen Review Committee of an appeal when deemed necessary due to the nature of the underlying complaint. (<a href="#">3.20.140</a>)</p>	<p>1. A case can be prioritized if an officer is retiring or being promoted.</p>

*Proposed code drawn from multiple sources; see Areas of Agreement for more details.*

2. The Board can recommend placing an officer on administrative leave while administrative charges are pending.

**35D.150 Portland Police Bureau Witnesses**

<p>A. A Bureau employee shall attend investigative interviews conducted by IPR, cooperate with and answer questions asked by IPR during an administrative investigation of a member conducted by IPR. If an employee refuses to attend an investigative interview after being notified to do so by IPR or refuses to answer a question or questions asked by IPR during an investigative interview, the Police Chief or Police Commissioner shall direct the employee to attend the interview and answer the question or questions asked.<a href="#">(3.21.220)</a></p>	<p>A. Portland Police Bureau sworn officers and supervisors thereof shall attend investigative interviews conducted by the Office, cooperate with and answer questions asked by the Office during an administrative investigation of a PPB sworn officer (or supervisor thereof) conducted by the Office. If an employee refuses to attend an investigative interview after being notified to do so by the Board or Office, or refuses to answer a question or questions asked by the Office during an investigative interview, the Police Chief, the Bureau of Human Resources, or appropriate City authority shall direct the employee to attend the interview and truthfully answer the question or questions asked.</p>
<p><i>Proposed code drawn from multiple sources; see Areas of Agreement for more details.</i></p>	<p>1. In use of deadly force and death in custody cases, the Board’s administrative investigators shall coordinate with criminal investigators external to the Board and prosecutors (if applicable). The Board’s investigator shall have the ability to compel testimony within 48 hours of the criminal investigators having completed their interview after issuing a <i>Garrity</i> notice, or the officer has postponed their interview with criminal investigators.</p>
<p><i>Proposed code drawn from multiple sources; see Areas of Agreement for more details.</i></p>	<p>B. To the extent that it is consistent with applicable law and collective bargaining agreements, the PPB employee shall comply with a request for compelled testimony within 48 hours of the request being made.</p>
<p>All IPR interviews of Bureau employees shall be conducted in</p>	<p>C. All Oversight System interviews of PPB employees shall be</p>

<p>conformance with legal requirements and collective bargaining provisions. <a href="#">(3.21.220)</a></p>	<p>conducted in conformance with legal requirements and collective bargaining provisions.</p>
<p>Interviews shall take place at a Portland Police Bureau facility, other City facility or, if mutually agreed, at another location, unless the emergency of the situation necessitates otherwise. (PPA 2021-2025 Contract, 61.2.2.2)</p>	<p>D. To the extent that it is consistent with collective bargaining agreements, compelled or requested testimony may be done in-person or in a virtual setting when the Board deems it appropriate.</p>
<p>C. Prior to being interviewed, a Bureau employee will be:</p> <ol style="list-style-type: none"> <li>1. Notified of the time, date, and location of the interview.</li> <li>2. Informed of the right to bring a union representative to the interview.</li> <li>3. Read a statement, issued under the authority of the Police Chief or Police Commissioner, that the employee is directed to attend the interview, cooperate during the interview and answer all questions fully and truthfully and, if the employee fails to attend the interview, cooperate during the interview or answer any questions fully and truthfully, the employee will be subject to discipline or discharge.</li> <li>4. Provided with any other information or protections required by any applicable collective bargaining agreement. <a href="#">(3.21.220)</a></li> </ol>	<p>E. Prior to being interviewed, a PPB employee whose testimony is requested or compelled will:</p>
	<ol style="list-style-type: none"> <li>1. Be notified of the time, date, and location of the interview and that this is an administrative investigation.</li> </ol>
	<ol style="list-style-type: none"> <li>2. Be informed of the right to bring a collective bargaining representative to attend the interview, consistent with <i>Weingarten</i> and PECBA (as applicable). To the extent consistent with the collective bargaining agreement, the PPB employee may also bring support persons.</li> </ol>
<p>When assigned an administrative investigation, an IPR investigator will: [...] Secure through the Director an instruction from the Police Bureau to advise all its members of their Garrity warning and any other applicable rights as prescribed by the appropriate</p>	<ol style="list-style-type: none"> <li>3. Be read a statement (“Garrity Notice”), that the employee is directed to attend the interview, cooperate during the interview and answer all questions fully and truthfully and, further told that if the employee fails to attend the interview, cooperate</li> </ol>

<p>bargaining agreement. (PSF 5.02)</p> <p>A Bureau employee shall attend investigative interviews conducted by IPR, cooperate with and answer questions asked by IPR during an administrative investigation of a member conducted by IPR. If an employee refuses to attend an investigative interview after being notified to do so by IPR or refuses to answer a question or questions asked by IPR during an investigative interview, the Police Chief or Police Commissioner shall direct the employee to attend the interview and answer the question or questions asked.<a href="#">(3.21.220)</a></p>	<p>during the interview or answer any questions fully and truthfully, the employee will be subject to discipline or discharge.</p> <ol style="list-style-type: none"> <li>4. Be asked to sign an acknowledgement that they received the Garrity Notice prior to providing compelled statements or testimony.</li> <li>5. Be provided with any other information or protections required by any applicable collective bargaining agreement.</li> </ol>
<p><i>Proposed code drawn from multiple sources; see Areas of Agreement for more details.</i></p>	<p>F. As provided by this Code, the Board may subpoena a sworn PPB officer who fails to comply with a properly issued written interview notice to cooperate with an administrative investigation as described in this section.</p>
<p>Refusal to truthfully and completely answer all questions may result in discipline up to and including termination.<a href="#">(Charter 2-1007)</a></p>	<p>G. In addition, a refusal of a sworn PPB officer to truthfully and completely answer all questions may result in discipline up to and including termination.</p>

### 35D.160 Subpoenas

The Board shall have the power to the full extent allowed by law to receive and investigate complaints including the power to subpoena and compel documents, and to issue disciplinary action up to and including termination for all sworn members and the supervisors thereof within the Portland Police Bureau. ([Charter 2-1007](#))

Upon complaint of any person alleging a violation of this Section the [City] Council shall summon the officer accused before it and shall hold a summary hearing with power to subpoena witnesses and to compel the production of all necessary evidence. If it finds that a violation of this Section has been committed by such officer he shall immediately be dismissed from the force and shall be ineligible for reappointment. ([3.20.080](#))

IPR shall have the authority to issue subpoenas for the purpose of compelling witness testimony or the production of documents, photographs, or any other evidence necessary for IPR to fully and thoroughly investigate a complaint or conduct a review. IPR personnel will not subpoena a sworn Bureau member employed by the Portland Police Bureau, but is authorized to direct Bureau members to cooperate with administrative investigations as described in Sections 3.21.120 and 3.21.220. Any person who fails to comply with a subpoena will be subject to contempt proceedings as prescribed by State law; provided that such persons shall not

- A. The Board shall have the authority to issue subpoenas for the purpose of compelling any witness testimony or the production of documents, photographs, video or audio recordings, or any other evidence necessary for the Board to fully and thoroughly investigate a complaint or conduct a review.
- B. If a witness fails to appear before the Board at the time and date set by subpoena, or in the case of a subpoena duces tecum, if a record is not produced as required, the Board, through appropriate legal counsel, may apply to a court of competent jurisdiction for the enforcement of a subpoena or to impose penalties for failure to obey a subpoena.
- C. In general, initial efforts to compel the testimony of a PPB employee shall be made through the administrative process (and directives). However, if a PPB sworn officer refuses to comply, the Board may subpoena their presence via this Code provision.
- D. Any person who fails to comply with a subpoena will be subject to contempt proceedings as prescribed by State law; provided that such persons shall not be required to answer any question or act in violation of rights under the constitutions of the State or of the United States.
  1. The Board will make a case-by-case determination as to whether to pursue a contempt charge arising from an individual's refusal to cooperate.



be required to answer any question or act in violation of rights under the constitutions of the State or of the United States. ([3.21.210](#))

**35D.170 Procedures specific to use of deadly force or death in custody**

<p>The board shall have the authority to investigate certain Police actions, including but not limited to;</p> <p>(a) All deaths in custody and uses of deadly force. (<a href="#">Section 2-1008</a>)</p>	<p>A. The Board shall have authority to investigate all deaths in custody (including effective/constructive custody) and uses of deadly force.</p>
<p>4. IPR may request that the Bureau open an administrative deadly force investigation into any incident where IPR believes the physical force used by a member was such that it was readily capable of causing death or serious physical injury. (<a href="#">3.21.110</a>)</p>	<p>B. When an incident involves police use of deadly force or a death in custody, the Board shall follow these procedures:</p>
<p><i>Proposed code drawn from multiple sources; see Areas of Agreement for more details.</i></p>	<p>1. Oversight System investigators shall head to the scene and shall coordinate with and assist criminal investigators in gathering information.</p>
<p>Bureau/IAD personnel shall schedule interviews and other investigative activities to ensure that IPR personnel can attend and participate. (<a href="#">3.21.120</a>)</p>	<p>2. Board investigators may sit in on interviews of witnesses (including officers who are witnesses) that are conducted for the criminal investigation but may not ask questions of involved officers.</p>
<p><i>Proposed code drawn from multiple sources; see Areas of Agreement for more details.</i></p>	<p>3. When those criminal investigation interviews are completed, if there are questions about possible administrative violations, Office investigators will ask questions of witnesses.</p>
<p><i>Proposed code drawn from multiple sources; see Areas of Agreement for more details.</i></p>	<p>4. When those criminal investigation interviews are completed or the officer has postponed their interview, if there are questions about the possible</p>

	administrative violations, Office investigators will ask questions of the involved officers (following issuance of a Garrity Notice).
<i>Proposed code drawn from multiple sources; see Areas of Agreement for more details.</i>	5. The investigations shall include a review of the supervisors and others who were on the scene, including officers who used force or may have precipitated the use of deadly force.
7.1.1. Upon completion of the criminal investigation and administrative review, the Training Division shall conduct a review of the incident and an analysis of the investigative findings to determine whether member actions were consistent with training and/or those actions reflect training deficiencies. ( <a href="#">PPB Directive 1010.10, Section 7</a> )	C. The final investigation will also be sent to the PPB Training Division for an analysis to be presented to the Board at the hearing on the deadly force incident.
<i>Proposed code drawn from multiple sources; see Areas of Agreement for more details.</i>	D. The community member subjected to use of deadly force, or their survivors if the interaction resulted in death, shall be considered as complainants and shall have full rights to appeal.
<i>Proposed code drawn from multiple sources; see Areas of Agreement for more details.</i>	E. In cases in which survivors choose not to file a complaint, the investigation shall still be handled in the same way as all other misconduct investigations.

### 35D.180 Creation of Hearings Panels

<p>The [Police Review] Board shall be composed of five voting members and eight advisory members. All Board members will be advised of every case presented to the Board. A quorum of four Voting Members, including the community member and the RU Manager or designee, and four Advisory members is required to be present to make recommendations to the Chief. <a href="#">(3.20.140)</a></p>	<p>A. The Board shall create panels (“Hearing Panels”) to hear cases to determine findings about whether policies were violated.</p> <ol style="list-style-type: none"><li>1. Panels shall be no smaller than five Board members.</li></ol>
<p>When the incident to be reviewed by the [Police Review] Board involves any use of force, including all officer involved shootings, all in-custody deaths, any physical injury caused by an officer that requires hospitalization, and any use of force case referred to the Board pursuant to Code Subsection 3.20.140 B.1.a. or Code Subsection 3.20.140 B.1.e., the Board shall include one additional community member drawn on a rotating basis from the pool of current Citizen Review Committee members (as those members are described in Code Section 3.21.080), and one additional peer member, for a total of seven voting members. <a href="#">(3.20.140)</a></p>	<ol style="list-style-type: none"><li>2. The Board shall ensure that panels have more than 5 members for serious cases.</li></ol>
<p>“the Board shall include one additional community member drawn on a rotating basis from the pool of current Citizen Review Committee members (as those members are described in Code Section 3.21.080) [...]” <a href="#">(3.20.140)</a></p> <p><b>6.</b> In selecting [Citizen Review] Committee members, consideration shall be given to the current composition of the Committee and appointments should be made that will</p>	<ol style="list-style-type: none"><li>3. Panel assignments shall be made in rotation and in a manner that will ensure the Panel reflects the demographic and life experience make-up of the Board to the extent possible. Altogether, the Board shall ensure a balance that allows the Panel as a whole to benefit from the knowledge and expertise of its individual members.</li></ol>

cause the group to best reflect the demographic make-up of the community. <a href="#">(3.21.080 A 6)</a>	
<i>Proposed code drawn from multiple sources; see Areas of Agreement for more details.</i>	4. Each panel shall have a presiding individual over each hearing. The Board shall develop procedures for the selection of the presiding individual.

### 35D.190 Hearings Panel: Initial Procedures and Preliminary Hearing

<p>1. Only [Citizen Review] Committee members who have read the case file are eligible to vote. <a href="#">(3.21.150)</a></p> <p>B. In reviewing the investigation, the Committee may examine the appeal form and any supporting documents, the file and report of the IAD and IPR, and any documents accumulated during the investigation and may listen to the tape recordings of the witnesses produced by IPR and IAD. <a href="#">(3.21.160)</a></p>	<p>A. Members of the hearing panel shall review all investigative materials.</p> <p>1. In reviewing the case, the panel may examine any supporting documents, the file and report of the staff, and any documents accumulated during the investigation. They may also listen to and/or watch the recordings of all interviews.</p>
<p>The [Police Review] Board may make recommendations regarding the adequacy and completeness of an investigation. [...] <a href="#">(3.20.140)</a></p> <p>The investigation can not be closed or sent to the RU manager without IPR's determination that the investigation is complete. <a href="#">(3.21.120)</a></p> <p><b>B.</b> The Case File Review will be an opportunity for the [Citizen Review] Committee to assess the completeness and readiness of the investigation for an Appeal Hearing. Public comment will be allowed before the Committee has made a decision whether a case is ready for an Appeal Hearing. <a href="#">(3.21.150 B)</a></p>	<p>B. The panel shall hold a preliminary hearing to assess the completeness and readiness of the investigation for a full hearing.</p> <p>1. The complainant and officer will be notified of the date of the preliminary hearing, but are not required to attend. They may appear with any or all of their support persons.</p> <p>2. The Board shall publicly announce the date of a preliminary hearing at least 7 days in advance of the hearing, including a case number. This notice shall also include methods by which members of the public who may have information or evidence can contact an assigned investigator.</p> <p>3. The Board will decide whether some or all of the preliminary hearing will be held in open session or</p>

Adequacy of investigation. When an investigation of any type of complaint is conducted by IAD or other designated PPB division, after the investigation, including RU Manager's proposed finding and discipline, is complete, IAD will provide the Director with a copy of and provide unrestricted access to the entire investigation file. Upon review of the file, the Director or designee must determine whether or not the investigation is adequate, considering such factors as thoroughness, lack of bias, objectivity, and completeness. If the Director determines that the investigation is not adequate, the investigation shall be returned to the IAD or other designated division within the Bureau explaining the determination and providing direction. Such direction shall include, but not limited to, rewriting portions of the summary, gathering additional evidence, conducting additional interviews, or re-interviewing officers or civilians. The investigation can not be closed or sent to the RU manager without IPR's determination that the investigation is complete. Upon receipt of IPR's determination that the investigation is complete, IAD shall send the investigation to the appropriate RU Manager. [\(3.21.120\)](#)

Public comment will be allowed before the [Citizen Review] Committee has made a decision whether a case is ready for an Appeal Hearing. [\(3.21.150\)](#)

executive session in accordance with existing legal standards and considering the public interest, the officer's preference (see ORS 192.660[2][b]), the complainant's preference, precedents set by the existing oversight system, and other relevant factors.

4. At the commencement of the preliminary hearing, the presiding individual shall state that members of the public who may have additional information or evidence should contact an assigned investigator, prior to the full hearing. The presiding individual may allow members of the public to comment about the readiness of the case, consistent with federal and state law and collective bargaining agreements.
- C. At the preliminary hearing, the panel will decide whether to:
  1. Send the case back for further investigation, specifying the information sought;
  2. Send the case forward to a full Hearing; or
  3. Evaluate the case for eligibility for stipulated discipline (per Code Section 35D.220).
- D. The panel's decision on the complaint readiness will be made in open session.
- E. The Board shall permit public comment after the decision.

### 35D.200 Hearing Panel: Full Hearings Process

<p>An Appeal Hearing shall be conducted after a majority vote of the [Citizen Review] Committee to hold such a hearing at the case file review or other meeting of the full Committee. (3.21.160)</p>	<p>A. The Board may choose to hold hearings on misconduct complaints and investigations. Should it choose to do so, those hearings will be conducted pursuant to this section, subject to and consistent with collective bargaining agreements, Oregon Public Records and Public Meetings laws, state and federal constitutions, and other applicable law.</p>
<p>Public comment will be allowed before the Committee has made its recommendation to the Bureau. (<a href="#">3.21.160</a>)</p>	<p>B. The Board shall welcome public involvement in this process to the extent consistent with the law and collective bargaining agreements.</p>
<p>The case file review/appeal hearing will be recorded. (<a href="#">PSF-5.21</a>)</p>	<p>C. The hearings shall be recorded.</p>
<p>IPR will provide the appellant and respondent(s) with notice of this [...] hearing. (<a href="#">PSF-5.03</a>)</p>	<p>D. The Board shall publicly announce, with a case number, the date of a full (fact-finding) hearing at least 7 days in advance of the hearing. This notice shall also include methods by which members of the public who may have information or evidence can contact an assigned investigator.</p>
<p>"To consider the dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent who does not request an open hearing." (<a href="#">ORS 192.660 (2)(b)</a>)</p>	<p>E. The Board will decide whether some or all of the full (fact-finding) hearing will be held in open session or executive session in accordance with existing legal standards and considering the public interest, the officer's preference (see ORS 192.660[2][b]), the complainant's preference,</p>



	<p>precedents set by the existing oversight system, and other relevant factors.</p>
<p>4. Access to Files: The [Appeals Process Advisor] will have access to the same Internal Affairs (IA)/IPR case file and information as CRC. <a href="#">(PSF-5.21)</a></p>	<p>F. The complainant and officer shall be given access to the same information as allowable by law. Any information that is provided to the officer but not the complainant shall be shared with confidentiality protections with the complainant’s complaint navigator.</p>
<p>f. The [Appeals Process Advisor] (APA) will counsel Participant on how to structure the appeal to most effectively appear before CRC. The APA will explain case file review/appeal hearing procedures and protocols, such as using the terms "Appellant" or "Officer A" to protect everyone's confidentiality, addressing all comments to CRC, requesting a break if needed, time limits, making a clear and concise presentation, focusing on most important issues, Participant and witness presentations and rebuttal, and the opportunity for family or friends to speak during the public comment period. <a href="#">(PSF-5.21)</a></p> <p>g. The APA may offer to sit with the Participant during the case file review/appeal hearing. <a href="#">(PSF-5.21)</a></p> <p>h. The APA may address CRC, witnesses, or other participants at a case file review/appeal hearing when recognized by the Chair. <a href="#">(PSF-5.21)</a></p> <p>c. Representatives/Individuals that may also be present during the presentation of the case include:</p>	<p>G. Attendees to the Hearing:</p> <ol style="list-style-type: none"> <li>1. The complainant can appear with their complaint navigator, as well as a support person and/or an attorney.</li> <li>2. The officer can appear with their bargaining unit representative/complaint navigator, and/or their attorney and/or support person consistent with the collective bargaining agreement.</li> <li>3. A person from the upper management of the Police Bureau’s Training Division shall attend all hearings to answer questions about police policy, training, or procedure.</li> <li>4. Any other witnesses requested by the Panel, complainant, or officer. (Witnesses will ordinarily be sequestered until they are called to testify.)</li> <li>5. Given adequate notice for arrangements to be made, the Board shall provide interpreters and/or accommodations for people with disabilities. (The Board will develop procedures describing how complainants and other witnesses can request such</li> </ol>

<p>(1) Union representative for the Involved Member.  (2) Involved Member. (<a href="#">3.20.140</a>)</p>	<p>accommodation or interpreters for hearings held pursuant to this chapter.)</p>
<p>9. Citizen Review Committee (CRC) members will be mindful about the information that is shared to others remembering that this work is public and may affect individuals' lives. (<a href="#">PSF-5.17</a>)</p> <p>a. Some information gathered outside of meetings may be confidential. (<a href="#">PSF-5.17</a>)</p>	<p>H. Information submitted during the administrative investigation by parties in confidence to the Office shall not be publicly disclosed during the hearing. Examples of reasons to keep information confidential include but are not limited the need to protect the identity of a victim or private medical information. Other conditions may require subsequent disclosure to the officer and their bargaining unit representative or attorney, such as to comply with the collective bargaining agreement and the officer's due process rights.</p>
<p>(6) No executive session may be held for the purpose of taking any final action or making any final decision. (<a href="#">ORS 192.660</a>)</p>	<p>I. All decisions on findings shall still be made publicly in open session even if part or all of the hearing is held in executive session.</p>
<p><i>Proposed code drawn from multiple sources; see Areas of Agreement for more details.</i></p>	<p>J. Throughout the hearing process, if held in an open hearing, at the officer's request, the presiding individual shall remind the audience of the seriousness of the employment matter being discussed while acknowledging community responses.</p>

<p>7. The appeal hearing shall be conducted in the following manner: (<a href="#">PSF-5.03</a>)</p> <p>a. Introduction by the [Citizen Review] Committee’s Chair, who will explain the roles of the participants and procedures to be followed. The Chair will impose time limits, if necessary. (<a href="#">PSF-5.03</a>)</p> <p>b. A concise summary of the investigation presented by IPR staff. (<a href="#">PSF-5.03</a>)</p> <p>c. Statement by the appellant, a chosen representative of the appellant and any material witness(es) proffered by the appellant. (<a href="#">PSF-5.03</a>)</p> <p>d. Statement by the respondent officer or complainant, a representative of the respondent, and any material witness(es) proffered by the respondent. (<a href="#">PSF-5.03</a>)</p> <p>e. Overview of the investigation by Internal Affairs or IPR, depending on which entity conducted it. (<a href="#">PSF-5.03</a>)</p> <p>f. Explanation of Command Staff's findings by a designated Police Bureau representative. (<a href="#">PSF-5.03</a>)</p> <p>g. Comments by IPR about the case. (<a href="#">PSF-5.03</a>)</p> <p>h. Recitation by Committee Chair or designee of each allegation and finding, and the Committee's options for reviewing each finding; questions and discussion</p>	<p><b>K. Procedure for the hearings</b> (Note: throughout this subsection, "complainant" and "officer" may include their representatives.)</p> <p>1. The basic circumstances of the case and allegations shall be read into the record by the presiding individual (or designee) at the beginning of the hearing.</p> <p>2. The complainant and officer can make opening statements; the complainant can choose whether to provide their statement before or after the officer.</p> <p>3. The presiding individual begins questions of witnesses, followed by other panel members.</p> <p>a. Except as provided in c, Oversight System staff involved in the administrative investigation can ask questions at the invitation of the presiding individual.</p> <p>b. The officer or complainant can request specific items about which the panel may ask more questions of witnesses.</p> <p>c. Except as otherwise provided here, only the presiding individual shall ask questions of the officer, including on behalf of other people attending the hearing. The presiding individual may designate additional panel members or staff persons to question the officer consistent with existing legal standards.</p> <p>4. Once recognized by the presiding individual, the complainant and officers have the ability to do the</p>
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<p>among Committee members.(<a href="#">PSF-5.03</a>)</p> <p>i. Public comment of limited duration relevant to the case under consideration.(<a href="#">PSF-5.03</a>)</p> <p>j. Rebuttal comments proffered by the complainant or a representative, the involved officer(s) or a representative, and representatives of Internal Affairs or IPR, depending on which entity conducted the investigation.(<a href="#">PSF-5.03</a>)</p> <p>k. Instructions by a City Attorney and/or IPR Director on the standard of proof and identification of issues to be addressed by the Committee.(<a href="#">PSF-5.03</a>)</p> <p>l. Questions and clarifications by Committee members. Motion and second by Committee members to affirm or challenge a Police Bureau finding or refer the case back to Internal Affairs or IPR for further investigation.(<a href="#">PSF-5.03</a>)</p> <p>i. The Committee may make one request for additional investigation or information to the investigating entity, i.e. Internal Affairs or IPR at any point during its review. The investigating entity must make reasonable attempts to conduct the additional investigation or obtain the additional information within 10 business days or provide a written statement to the CRC explaining why additional time is needed. The request for additional investigation or information may contain multiple points of inquiry, but no follow-up requests</p>	<p>following:</p> <p>a. ask questions directly of witnesses (including cross-examining witnesses);</p> <p>b. request that the panel ask additional questions of a witness;</p> <p>c. call additional witnesses;</p> <p>d. introduce exhibits; and</p> <p>e. suggest that the panel impeach witnesses.</p> <p>f. The complainant and officer can offer rebuttal evidence to the evidence submitted by the other party.</p>
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<p>will be permitted. The additional request be voted on by a quorum, the members voting must have read the Case File in order to vote, and any request with multiple points of inquiry(<a href="#">PSF-5.03</a>)</p> <p>m. Roll call vote by Committee members with each member providing an explanation of her or his vote. (Committee members can vote to affirm the findings, challenge the findings, recommend a change in the findings, or recommend further investigation. Committee members are not permitted to abstain from voting unless a reason is given.(<a href="#">PSF-5.03</a>)</p> <p>n. Explanation to appellant by Committee Chair of the outcome of votes and next steps.(<a href="#">PSF-5.03</a>)</p> <p>o. Discussion by Committee members of possible policy, training, or quality of investigation issues to be addressed at a later time. (<a href="#">PSF-5.03</a>)</p>	
<p>9.2. If the involved member and/or their representative elect to be present, they may, after the presentation of the case, provide a personal statement of relevant details.</p> <p>9.2.1. The involved member may provide the information to the [Police Review Board] in written or oral format. (PPB Directive 0336.00)</p>	<p>5. Once all evidence has been received, the officer and complainant can make closing statements.</p>
<p>3.2. After the presentation of the facts of the case, the involved member, their union representative and the case investigators will vacate, except as provided in Section 3.3, and the Police Review Board] (PRB) members will convene</p>	<p>6. Once closing statements have concluded, the case shall be considered submitted. The panel shall deliberate on the evidence applying the preponderance of evidence burden of proof. The panel may convene an</p>

<p>into an executive session to discuss the presentation findings and vote. If the finding is sustained, PRB members will discuss proposed discipline. (PPB Directive 0336.00)</p>	<p>executive session to confer with legal counsel as needed in reaching its findings.</p>
<p>i. Public comment of limited duration relevant to the case under consideration. (<a href="#">PSF-5.03</a>)</p> <p>Public comment will be allowed before the [Citizen Review] Committee has made its recommendation to the Bureau. (<a href="#">3.21.160</a>)</p>	<p>7. The presiding individual may allow members of the public to comment about the case, consistent with federal and state law and collective bargaining agreements.</p>
<p>A. Decisions shall be made by a majority of [Citizen Review] Committee members present and constituting a quorum. (<a href="#">3.21.080</a>)</p> <p>7 m. Roll call vote by Committee members with each member providing an explanation of her or his vote. (<a href="#">PSF-5.03</a>)</p> <p>3.2. After the presentation of the facts of the case, the involved member, their union representative and the case investigators will vacate, except as provided in Section 3.3, and the PRB members will convene into an executive session to discuss the presentation findings and vote. If the finding is</p>	<p>L. Upon completion of its deliberations, the panel will decide its finding(s) by a simple majority of the members of the panel. Where the public interest warrants a discussion of the findings on the records, each panel member may explain their position. Those who disagree can include their reasons for dissenting along with the findings.</p> <p>1. When a decision on findings is made at the end of a public hearing, the presiding individual shall explain the next steps, including the appeal process.</p> <p>2. If any finding is made outside the public hearing process where an appeal is still possible, or the complainant does not appear at the hearing, a Board representative can explain the process or delegate that responsibility to staff.</p> <p>M. Should the panel find that one or more allegation is in violation of Portland Police Bureau policy (i.e., out of</p>

<p>sustained, PRB members will discuss proposed discipline. (PPB Directive 336.00)</p>	<p>policy), the case will proceed to the proposed corrective action and discipline phase (as set forth in Code section 35D.230).</p>
<p>3. The Board Facilitator shall write the statement of recommended findings and discipline and a summary of any training and/or investigation issues or concerns on behalf of the Board and submit the statement to the Chief within two weeks of the Board meeting date. (<a href="#">3.20.140</a>)</p>	<p>1. Following the decision of the panel, a summary of the panel’s findings shall be shared in writing (or other means if requested) with the complainant and officer(s), consistent with applicable law.</p>
<p><i>Proposed code drawn from multiple sources; see Areas of Agreement for more details.</i></p>	<p>N. General guidelines for hearings conducted pursuant to this section:</p>
	<p>1. Hearings can be held even if parties fail to appear.</p>
	<p>2. The panel may receive any oral or written statements volunteered by the complainant, the involved officer, other officers involved, or any other person.</p>
	<p>3. Hearsay is admissible; evidence is allowed if "responsible persons are accustomed" to using such information in "serious affairs." However, the panel shall be entitled to decide the weight of the evidence offered.</p>
<p>4. When the Hearing process develops new information, the panel may consider the new information when determining if additional investigation is warranted, but if it chooses not to direct further investigation, the panel may not use the new information to determine findings.</p>	
<p>B. The [Citizen Review] Committee members shall: [...]</p>	<p>O. The Board shall establish bylaws or rules provisions, guidelines, and methods for the processes described in</p>

5. Select a chair from among their members. Adopt such operating policies and procedures as necessary to carry out their duties. ([3.21.080](#))

this Code section.



### 35D.210 Board Burden of Proof and Findings

<p>4.3. Voting members shall reach a conclusion regarding each allegation before them based upon a preponderance of evidence standard. <a href="#">(3.20.140)</a></p>	<p>A. Burden of Proof. Findings are determined using the Preponderance of the Evidence Standard.</p>
<p><b>Findings:</b> A conclusion as to whether a member’s conduct violated directives. There are four possible findings:</p> <p>Sustained: The preponderance of evidence proves a violation of policy or procedure.</p> <p>Not Sustained: The evidence was insufficient to prove a violation of policy or procedure.</p> <p>Exonerated: The preponderance of evidence proves the member’s conduct was lawful and within policy.</p> <p>Unfounded: The preponderance of evidence proves the allegation was false or devoid of fact or there was not a credible basis for a possible violation of policy or procedure. <a href="#">(PSF 5.02)</a></p>	<p>B. The Board will use a standard set of four options in all cases when making decisions on findings:</p> <ol style="list-style-type: none"><li>1. Out of Policy: meaning the action is found to have violated policy. In some jurisdictions, this is also known as “sustained;”</li><li>2. In Policy: meaning the officer's actions were within the law and policy. In some jurisdictions, this is also known as “exonerated;”</li><li>3. Unfounded: meaning the evidence shows the alleged events did not occur; and</li><li>4. Insufficient Evidence: meaning there is not enough information or evidence to attach any of the other findings.</li></ol>
<p>5. When members of the public make complaints that do not allege member misconduct but do raise issues of a broader systemic nature, IPR may conduct reviews of Bureau policies and practices. <a href="#">(3.21.110)</a></p>	<p>C. The Board may add additional findings related to systemic aspects of the incident which led to Board’s consideration of the case:</p> <ol style="list-style-type: none"><li>1. Policy Issues: meaning the Board recommends that PPB revise its policy;</li><li>2. Training Issues: meaning the Board recommends that PPB revise its training;</li><li>3. Supervisory Issues: meaning someone in the chain of command supervising the officer engaged in an action that contributed to the incident;</li></ol>

	<p>4. Communication Issues: meaning involved officers did not communicate well among themselves or information was otherwise not properly relayed by others to the involved officer(s) ; and</p> <p>5. Equipment Issues: meaning the equipment provided did not function properly or was not adequate.</p>
<i>Proposed code drawn from multiple sources; see Areas of Agreement for more details.</i>	D. When the Board finds a systemic issue, the Board will automatically initiate a policy review, which may include Board members and/or staff preparing a proposed Policy Recommendation for consideration by the Board as outlined in 35E.
<i>Proposed code drawn from multiple sources; see Areas of Agreement for more details.</i>	E. All of these findings shall be applied whether the case is generated by a complaint or if the Board investigates as required by City Code and Charter.
<i>Proposed code drawn from multiple sources; see Areas of Agreement for more details.</i>	F. These findings shall also be used for consistency by any other investigating body or supervisor who investigates officer complaints which do not involve community members.

**35D.220 Stipulated Findings and Discipline/Corrective Action**

<p>4.2. [...] investigations are eligible for Stipulated Discipline without review by the [Police Review Board] PRB when the involved member elects, with the concurrence of the Chief and the Commissioner-in-Charge, to accept the proposed findings and recommended discipline of the RU Manager following a full investigation of the alleged misconduct, issuance of investigative findings and concurrence with the findings by IPR, PSD and the member’s Branch Assistant Chief. (PPB Directive 0335.00)</p>	<p>A. In certain cases, as defined in this Code section, the officer may admit to the misconduct, and the Board and officer may agree to the proposed findings and discipline/corrective action to allow for a more timely resolution. Stipulating to findings and discipline will not reduce the level of discipline imposed. In all cases, the level and degree of discipline/corrective action shall be in keeping with the seriousness of the offense, taking into account the circumstances relevant to the case and consistent with the applicable Corrective Action Guide.</p>
<p>4.4. Stipulated Discipline Request Procedures. 4.4.1. Upon receipt of the case file, including completed Findings Cover Sheets, IA administrative staff shall provide notice to the member and, when applicable, the member’s bargaining unit representative, of the proposed findings and recommended disciplinary action. 4.4.2. After receiving the notice, the member shall have ten calendar days to review the case file and request Stipulated Discipline. 4.4.2.1. If the member requests Stipulated Discipline, they shall provide written notification to the IA Captain and the Discipline Coordinator. (PPB Directive 0335.00)</p>	<p>B. The officer may have up to 7 days following receipt of the Pre-Determination Notice to inform the Board that they will stipulate to the Findings and proposed Discipline/Corrective Action. By stipulating to the proposed discipline/corrective action, the officer waives all four possible avenues of appeal (to an Appeals Panel of the Oversight Board, to the Portland Civil Service Board, through a grievance or through a due process hearing).</p>

<p>4. Stipulated Findings and Discipline.</p> <p>4.1. The following categories of cases are not eligible for stipulated findings and recommended discipline and, if they otherwise meet the criteria for review by the [Police Review Board] (PRB), shall go through PRB review and recommendations:</p> <p>4.1.1. Cases involving alleged use of excessive force;</p> <p>4.1.2. Physical injury caused by an officer that requires hospitalization;</p> <p>4.1.3. Any use of force where the recommended finding is “out of policy;”</p> <p>4.1.4. Cases involving alleged discrimination, disparate treatment or retaliation;</p> <p>4.1.5. Reviews of officer-involved shootings and in-custody deaths; and</p> <p>4.1.6. Cases in which the Chief or the Commissioner-in-Charge does not agree to accept the member’s proposed stipulation to findings and recommended discipline. (PPB Directive 0335.00 Discipline Process)</p>	<p>C. The following categories of cases are not eligible for stipulated discipline/corrective action:</p> <ol style="list-style-type: none"> <li>1. cases involving alleged use of excessive force including officer shootings and deaths in custody;</li> <li>2. cases involving alleged discrimination, disparate treatment or retaliation; and</li> <li>3. cases in which the panel that will determine the imposition of discipline or corrective action does not agree to accept the officer’s proposed stipulation to findings and recommended discipline.</li> </ol>
<p>4.2. The following categories of investigations are eligible for Stipulated Discipline without review by the PRB when the involved member elects, with the concurrence of the Chief and the Commissioner-in-Charge, to accept the proposed findings and recommended discipline of the RU Manager following a full investigation of the alleged misconduct, issuance of investigative findings and concurrence with the findings by IPR, PSD and the member’s Branch Assistant Chief:</p>	<p>D. The following categories of cases are eligible for stipulated discipline:</p> <ol style="list-style-type: none"> <li>1. First time offenses that would not ordinarily lead to discipline/corrective action of more than one day off without pay (per the applicable Corrective Action</li> </ol>

<p>4.2.1. First time offenses that fall under Category A through Category D of the Police Bureau Discipline Guide and that are not otherwise excluded above;</p> <p>4.2.2. Second time offenses that fall under Category A of the Police Bureau Discipline Guide;</p> <p>4.2.3. First-time, off-duty driving while under the influence offenses that fall under Category E of the Police Bureau Discipline Guide. To be eligible for stipulated discipline for an off-duty driving under the influence offense, there can be no other driving-related violations or charges and the member must comply with all court ordered conditions of a diversion or delayed prosecution; (PPB Directive 0335.00)</p>	<p>Guide);</p> <p>2. Second time offenses that would only lead to command counseling or a letter of reprimand (per the applicable Corrective Action Guide).</p>
<p>4.3. In an investigation involving multiple sustained violations, the violation with the highest category from the Police Bureau Discipline Guide will be used to determine whether the case qualifies for stipulated discipline. (PPB Directive 0335.00)</p>	<p>E. In an investigation involving multiple potential violations, the violation with the highest category from the applicable Corrective Action Guide will be used to determine whether the case qualifies for stipulated discipline/corrective action.</p>
<p><i>Proposed code drawn from multiple sources; see Areas of Agreement for more details.</i></p>	<p>F. Stipulating to out-of-policy findings and discipline/corrective action does not remove the complainant's ability to appeal any other finding.</p>

**35D.230 Discipline and Corrective Action**

<p>The mission of the City of Portland Community Police Oversight Board (Board) is to independently investigate Portland Police Bureau sworn employees and supervisors thereof promptly, fairly, and impartially, to impose discipline as determined appropriate by the Board. (<a href="#">Charter 2-1001</a>)</p> <p>Investigation by an outside entity, such as Bureau of Human Resources, when Internal Affairs has an actual conflict of interest or a special circumstance arises that, in the opinion of the Internal Affairs Captain or designee, prohibits Internal Affairs from conducting a timely or credible investigation, (<a href="#">PSF-5.01</a>)</p>	<p>A. The following guidelines for imposition of discipline and corrective action, and application of the City’s Corrective Action Guide, shall be followed in determining proposed discipline/corrective action and imposition of a final disciplinary action.</p>
	<p>1. As established by Charter, the Board has the authority to issue disciplinary action up to and including termination for all sworn officers and supervisors thereof within the Police Bureau.</p>
	<p>a. Because the Bureau of Human Resources has authority over every city employee, if for some reason the Board is unable to directly impose discipline/corrective action, the Bureau of Human Resources shall enact the will of the Board.</p>
	<p>b. Discipline/corrective action may include various consequences for the officer, as well as education-based alternatives to promote a positive outcome and avoid employee embitterment.</p>
	<p>2. The discipline imposed must be done in a manner that is consistent with applicable law, collective bargaining agreements, and the applicable Corrective Action Guide (“Guide”), including exceptions that are written into the Guide.</p>
<p>2.1.2. Review and consider the member’s work history including aggravating and mitigating factors as set forth in the Discipline Guide when recommending corrective or disciplinary action. (PPB Directive-0335.00)</p>	<p>3. In determining the level of appropriate discipline and corrective action, the panel can take into account the officer’s individual history consistent with the Guide.</p>

<p><i>Proposed code drawn from multiple sources; see Areas of Agreement for more details.</i></p>	<p>4. The Portland Police Bureau (PPB) may not issue discipline less than what the Board chooses to impose.</p> <p>a. If PPB would like to impose a higher level of discipline, they need to appear before the Board to discuss the reasoning. The Chief or representative will have to describe the aggravating and mitigating factors informing their proposal.</p>
<p>Aggravating Factor: A circumstance, fact, or influence that may increase the level of discipline recommended. (PPB Directive -0338.00)</p>	<p>b. The Board has the authority to accept or reject the Portland Police Bureau's proposal after consideration of the aggravating factors presented.</p>
<p>8. Members are subject to disciplinary action for cause or just cause. Possible disciplinary actions are identified in Human Resources Administrative Rule 5.01 - Discipline, the Discipline Guide, or the applicable collective bargaining agreement. (PPB Directive -0335.00)</p>	<p>5. The discipline process shall also be consistent with due process and just cause considerations, to the extent one or both of those terms applies to the involved officer.</p>
<p><i>Proposed code drawn from multiple sources; see Areas of Agreement for more details.</i></p> <p><a href="#">ORS 236.350</a></p>	<p>a. The state of Oregon defines "just cause" for represented employees as "a cause reasonably related to the public safety officer's ability to perform required work. The term includes a willful violation of reasonable work rules, regulations, or written policies." (ORS 236.350)</p> <p>b. For represented employees, due process includes the officer's right to a due process ("Loudermill") hearing. These hearings are required to be administered by the panel prior to imposing any discipline (except in those instances where discipline is stipulated). In the imposition of discipline of any non-represented sworn officer of</p>

	<p>the Portland Police Bureau, the Board will comply with applicable City civil service rules and applicable law.</p>
<p>Pre-determination meeting: A due-process meeting with the Chief of Police or designee to discuss the involved member's proposed discipline prior to a final disciplinary decision. This meeting is the member's opportunity to discuss the case with the Chief or designee, and present any mitigating factors for consideration. (PPB Directive -0335.00)</p>	<p>1. When discipline is imposed by the Board, a panel made up of Board members shall hold the due process hearing.</p>
	<p>2. When discipline is imposed by the Bureau of Human Resources, one or more representatives of the Board's panel shall attend the due process hearing to aid in deliberations.</p>
	<p>3. The panel (or the Bureau of Human Resources) shall offer the involved officer a due process hearing (and if applicable a name clearing hearing), with advance notice provided to the officer, consistent with Oregon Public Meetings law and the applicable collective bargaining agreement.</p>
<p><i>Proposed code drawn from multiple sources; see Areas of Agreement for more details.</i></p>	<p>a. If the presumptive discipline for the conduct is termination, , the due process hearing may also serve as a name-clearing hearing, consistent with applicable law.</p>
	<p>4. In lieu of holding a due process hearing, the officer may choose to submit a written response.</p>
	<p>c. In all cases, when reaching a discipline decision, the panel shall:</p>
	<p>1. consider the evidence presented by the officer;</p>
	<p>2. reach a discipline decision that is supported by the evidence and consistent with the applicable Guide;</p>
	<p>3. The evidence relied upon must be substantial,</p>



	<p>in this process defined as a preponderance of the evidence;</p>
	<p>4. The decision must be made based on the evidence presented by the officer at the due process hearing (if held), or on evidence contained in the record (including from the investigative hearing, if applicable) and disclosed to the parties affected consistent with the applicable collective bargaining agreement;</p>
	<p>5. In deciding whether to impose the proposed discipline, the panel must act on their own independent consideration of the law, policy, and facts and not simply accept the views of a subordinate (such as staff of the Office) in arriving at a decision; and</p>
	<p>6. The panel shall, in all controversial questions, make its decision in such a manner that the parties to the proceeding can know the various issues involved, and the reason for the decision made (consistent with applicable law and collective bargaining agreements).</p>
	<p>B. The Board shall establish, through adoption of bylaws and rulemaking, further guidelines and methods for the processes described in this Code section.</p>

### 35D.240 Appeals

<p>A. Any complainant or member who is dissatisfied with an investigation of alleged member misconduct that occurred during an encounter with a community member may request a review. (<a href="#">3.21.140</a>)</p>	<p>A. Grounds to Appeal.</p> <ol style="list-style-type: none"> <li>1. The complainant may appeal findings from an administrative investigation or investigative hearing (if held), dismissals, or decisions not to investigate.</li> <li>2. Police officers may also appeal findings, dismissals, or decisions not to investigate.             <ol style="list-style-type: none"> <li>a. Supervisors cannot file appeals on behalf of officers.</li> <li>b. Officers may alternately file appeals with the Civil Service Board or initiate a grievance procedure, which may lead to arbitration pursuant to the collective bargaining agreement.</li> </ol> </li> </ol>
<p><i>Proposed code drawn from multiple sources; see Areas of Agreement for more details.</i></p>	<ol style="list-style-type: none"> <li>3. Appeals that involve a request that the Board reopen an investigation will be decided according to applicable law. Consistent with applicable law, the Board also has independent authority to reopen cases.</li> </ol>
<p>D. The request for review shall include:</p> <ol style="list-style-type: none"> <li>1. The name, address, and telephone number of the appellant;</li> <li>2. The approximate date the complaint was filed (if known);</li> <li>3. The substance of the complaint;</li> <li>4. The reason or reasons the appellant is dissatisfied with the investigation. (<a href="#">3.21.140</a>)</li> </ol>	<p>B. The request for an appeal will include the name of the complainant or officer who is filing, date of the incident, finding(s) being appealed (if applicable), and reason(s) for the appeal.</p>
<p><i>Proposed code drawn from multiple sources; see Areas of</i></p>	<ol style="list-style-type: none"> <li>1. The complaint navigator provided by the Oversight</li> </ol>

<i>Agreement for more details.</i>	System shall assist the complainant in filing the appeal form.
	2. The Board shall supply paper and online forms to file appeals.
	3. The Board shall have authority to determine appropriate grounds for appeals, and may do so through rulemaking.
E. The complainant or member may withdraw the request for review at any time. ( <a href="#">3.21.140</a> )	C. A request to end an appeal may be made at any time, but withdrawal should be done in consultation with the complaint navigator and may include confidential information. If practical and appropriate, the appeal might still proceed without the complainant.

<p>B. The request for review must be filed within 14 calendar days of the complainant or member receiving IPR's notification regarding disposition of the case.</p> <p>The Director may adopt rules for permitting late filings. When good cause has been established, the Director may accept late filings. Good cause includes, but is not limited to:</p> <ol style="list-style-type: none"> <li>1. Appellant has limited English language proficiency.</li> <li>2. Appellant has physical, mental or educational issues that contributed to an untimely request for review. (<a href="#">3.21.140</a>)</li> </ol>	<p>D. Timelines for appeals</p> <ol style="list-style-type: none"> <li>1. Complainants have 30 days to appeal from date of issuance of findings, dismissal, or decision not to investigate, but exceptions can be made to extend the timeline. <ol style="list-style-type: none"> <li>a. The Board may adopt rules for permitting late appeal filings up to 60 days, for reasons including, but not limited to: <ol style="list-style-type: none"> <li>1) The complainant has limited English language proficiency; or</li> <li>2) The complainant needs physical, mental, or educational accommodations.</li> </ol> </li> </ol> </li> <li>2. Officers who are the subjects of a case have 30 days to appeal from the date of issuance of findings, dismissal and or decision to not investigate, but exceptions can be made to extend the timeline. <ol style="list-style-type: none"> <li>a. The Board may adopt rules for permitting late appeal filings by officers up to 60 days for reasons including: <ol style="list-style-type: none"> <li>1) if they are incapacitated; or</li> <li>2) if they are unable to receive or send information to the Board through no fault of their own.</li> </ol> </li> </ol> </li> </ol>
<p><b>G2.</b> Until the appeal period allowed by Code Chapter 3.21 has expired, and if an appeal is filed, until there is a final decision by the Citizen Review Committee or Council, the Chief may not issue proposed discipline or make recommendations to the Commissioner-in-Charge.</p>	<ol style="list-style-type: none"> <li>3. Until the appeal period has expired, and if an appeal is filed, until there is a final decision by the Board, the Board may not initiate any proceedings to impose discipline. Should the appeal require extension of the time period for completing an investigation and initiating discipline</li> </ol>

<p><a href="#">(3.20.140)</a></p>	<p>proceedings as outlined in ORS 236.360(6), the Board will comply with its legal obligations in extending the time period.</p>
<p><i>Proposed code drawn from multiple sources; see Areas of Agreement for more details.</i></p>	<p>E. Appeals Hearings</p> <ol style="list-style-type: none"> <li>1. Appeals will be heard by a different panel of Board members than heard the original case, except in cases in which the basis for the appeal is the discovery of new information. In either situation, this will be referred to as an Appeals Panel. <ol style="list-style-type: none"> <li>a. A certain number of Board members may be assigned to a Board Appeals Committee whose main function is to hear appeals.</li> <li>b. If an appeal is referred to the original panel and a member of the original panel is unavailable, a Board member or Appeals Committee member who was not part of the original hearing may be assigned to the appeals hearing.</li> <li>c. If there are not enough members of the Appeals Committee, other members of the Board who did not hear the original case may be assigned to the hearing.</li> <li>d. In the case that an appeal is based on the discovery of new evidence, investigators will confirm the validity of the evidence prior to an appeal hearing.</li> <li>e. The Board may select a subset of between 2-5 members to process appeals of dismissals or decisions not to investigate.</li> </ol> </li> </ol>
<p>2. In its hearing the Council shall decide:</p>	<p>2. At an appeal hearing, decisions by the Appeals Panel</p>

<p>a. If the finding is supported by the evidence. The Director shall inform the complainant, member, {Internal Affairs] and the Chief of the Council's decision and close the complaint; or</p> <p>b. If the finding is not supported by the evidence. The Council shall decide what the finding is. The Director shall inform the complainant, member, IAD and the Chief of the Council's decision and close the complaint. <a href="#">(3.21.160)</a></p>	<p>on the findings shall be made on a preponderance of the evidence.</p>
<p>B. In reviewing the investigation, the [Citizen Review] Committee may examine the appeal form and any supporting documents, the file and report of the IAD and IPR, and any documents accumulated during the investigation and may listen to the tape recordings of the witnesses produced by IPR and IAD. The Committee may receive any oral or written statements volunteered by the complainant or the member or other officers involved or any other citizen.</p> <p><a href="#">(3.21.160)</a></p> <p>C. In reviewing the investigation, the [City] Council may examine the appeal form and any supporting documents, the file and report of the [Internal Affairs Division] (IAD) and IPR, any documents accumulated during the investigation, the recording of the Committee's case file review and appeal hearing, the Committee's Case File review Worksheet, and may listen to the tape recordings of the witnesses produced by IPR and IAD. The Council may receive any oral or written statements volunteered by the complainant or the member</p>	<p>3. Prior to the appeals hearing, all members of the Appeals Panel shall review recordings and all records of the original hearing.</p>

<p>about whether or not they believe the finding is or is not supported by the evidence in the record. No new evidence may be introduced in the hearing. The complainant or member may appear with counsel. (<a href="#">3.21.160</a>)</p>	
<p><i>Proposed code drawn from multiple sources; see Areas of Agreement for more details.</i></p>	<p>4. Appeals hearings shall follow the same procedure described in 35D.200; the panel may expedite matters by not repeating information already in the record.</p>
<p>7. The appeal hearing shall be conducted in the following manner:</p> <p>b. A concise summary of the investigation presented by IPR staff. (<a href="#">PSF 5-03</a>)</p> <p>A. An Appeal Hearing shall be conducted after a majority vote of the [Citizen Review] Committee to hold such a hearing at the case file review or other meeting of the full Committee. Public comment will be allowed before the Committee has made its recommendation to the Bureau.</p> <p>1. At the Appeal Hearing the Committee shall decide by majority vote:</p> <p>a. To recommend further investigation by IAD or IPR; or</p> <p>b. If the finding is supported by the evidence. In a case where the majority of the voting members of the Committee affirms that the Bureau’s proposed findings are supported by the evidence, the Director shall close the complaint; or</p> <p>c. If the finding is not supported by the evidence. In a case</p>	<p>a. At the start of the hearing, the basic circumstances of the case, allegations and original findings shall be read into the record.</p> <p>b. At the end of the hearing, the Appeals Panel may decide:</p> <p>1) To recommend further investigation; or</p> <p>2) To affirm the original findings, after which the Board staff shall close the case based on those findings; or</p> <p>3) To determine a different finding based on the evidence, and refer for disciplinary proceedings consistent with this code, if there are findings that the officer violated policy.</p>

where a majority of the voting members of the Committee challenges one or more of the Bureau's proposed findings by determining that one or more of the findings is not supported by the evidence, and recommends a different finding, the Director shall formally advise the Bureau in writing of the Committee recommendation.

(1) If the Bureau accepts the recommendation, the Bureau shall formally advise the Director in writing, and the Director shall close the case.

(2) If the Bureau does not accept the recommendation, the Bureau shall formally advise the Director in writing, and the Director shall schedule the case for a conference hearing.

(a) At the conference hearing, if the Committee, by a majority vote, is able to reach an agreement with the Bureau on the proposed findings, the Director shall close the case.

(b) If, by majority vote, the Committee can not reach an agreement with the Bureau on the proposed findings, the Committee shall vote whether to present the appeal to City Council.

(c) If, by majority vote, the Committee decides to present the appeal to City Council, the Director and the Committee Chair will schedule an appeal hearing before City Council. The Committee shall appoint one of its members to present its recommended findings during the appeal to City Council.

2. In its hearing the Council shall decide:

a. If the finding is supported by the evidence. The Director shall inform the complainant, member, IAD and the Chief of the Council's decision and close the complaint; or



<p>b. If the finding is not supported by the evidence. The Council shall decide what the finding is. The Director shall inform the complainant, member, IAD and the Chief of the Council's decision and close the complaint. <a href="#">(3.21.160)</a></p>	
<p>D. Witnesses.</p> <p>1. The [Citizen Review] Committee and [City] Council may require within its scope of review the investigators and Captain of IAD and the Director to appear and answer questions regarding the investigation and may also require the responsible Bureau Commander to answer questions regarding the basis and the rationale for a particular decision.</p> <p>2. Other Witnesses. Other witnesses shall not be required to appear involuntarily before the Committee.</p> <p>3. Council may utilize the full powers granted by Section 2-109 of the Charter, including the power to compel the attendance and testimony of witnesses, administer oaths and to compel the production of documents and other evidence. The power to compel the attendance and testimony of witnesses in accordance with City Code Section 3.21.160 D.3. shall not be delegated by the Council to the Committee. <a href="#">(3.21.160)</a></p>	<p>5. Members of the Appeals Panel shall have the same authority to compel officer testimony and subpoena witnesses or documents as the original Hearings Panel consistent with applicable law and collective bargaining agreements.</p>
<p>F. Communicate with Complainants. IPR will be the primary contact with the complainant regarding the status and results of the complaint; to assist IAD in communicating with the Member. <a href="#">(3.21.070)</a></p>	<p>6. Notifications of the appeal outcomes to complainants and officers shall be the same as under the Hearings process. All decisions of the Appeals Panel are final and no further appeals are allowed through the Board.</p>
<p>A. When the Director receives and accepts a timely request for review, a Case File Review and Appeal Hearing shall be scheduled before the Committee. The Director will notify the</p>	<p>7. Office staff shall schedule appeal hearings in consultation with the Board leadership or designee.</p>

<p>CRC Executive Committee upon receipt of a request of review. The Case File Review shall take place prior to the Appeal Hearing either on the same day or on an earlier date. <a href="#">(3.21.150)</a></p>	
<p><i>Proposed code drawn from multiple sources; see Areas of Agreement for more details.</i></p>	<p>F. Appeals to City’s Civil Service Board or Arbitration; Board’s Role</p> <ol style="list-style-type: none"> <li>1. If an officer chooses to appeal to the City’s Civil Service Board, the Hearings panel shall receive a copy of the appeal and provide a written statement about the misconduct and supporting evidence. <ol style="list-style-type: none"> <li>a. One or more Hearings panel members may attend the Civil Service Board hearing, subpoena witnesses, present evidence, and cross-examine, consistent with City policy.</li> </ol> </li> <li>2. If an officer chooses to file a grievance and an arbitration hearing is held, the Hearings panel shall receive a copy of the grievance and provide a written statement about the misconduct and supporting evidence. <ol style="list-style-type: none"> <li>a. The Hearings panel may have one or more representatives attend the arbitration hearing to present evidence and answer questions about the findings.</li> </ol> </li> <li>3. To the extent consistent with applicable law and collective bargaining agreements, the complainant will be allowed to attend, or at least remain apprised of appeals held outside of the Board's direct scope and authority, with their complaint navigator assigned until a final decision is made.</li> </ol>

### 35E.010 Policy Recommendations

<p>(b) The Board shall have the authority to make policy and directive recommendations to the Portland Police Bureau and City Council. The Portland Police Bureau shall consider and accept or reject all policy or directive recommendations made by the Board. If the Portland Police Bureau rejects a policy or directive recommendation, then at the request of the Board, City Council must consider and vote to accept or reject the policy recommendations received from the Board. Council's decision will be binding on the Portland Police Bureau. (<a href="#">Section 2-1007</a>)</p>	<p>A. The Board shall have authority to make policy and directive recommendations including but not limited to the Portland Police Bureau and City Council as well as the inherent or implied authority to take other measures as necessary to effectuate this. As noted in Charter section 2-1007, the City Council is required to vote on whether or not to implement Board recommendations about PPB policies and directives previously rejected by PPB. The Board's recommendations that are submitted to PPB and/or City Council shall be published for public review, including on the Board's website and other relevant platforms.</p>
<p><i>Proposed code drawn from multiple sources; see Areas of Agreement for more details.</i></p>	<p>1. Any recommendation will include an outline of the new policy or policy change being recommended.</p>
<p>K. Adoption of rules. IPR shall adopt, promulgate, amend and rescind rules and procedures required for the discharge of the Director's duties, including policies and procedures for receiving and processing complaints, conducting investigations, and reporting findings, conclusions and recommendations. However, the Director may not levy any fees for the submission or investigation of complaints. (<a href="#">3.21.070</a>)</p>	<p>2. The Board shall develop internal procedures for presentation, consideration, discussion, adopting, or rescinding of proposed policy recommendations, as well as follow-up and monitoring. The Board's procedures shall be made public.</p>
<p>H. Recommend policy changes. IPR will evaluate complaint and other information and investigation practices to make recommendations to the Chief to prevent future problems. Policy change recommendations shall be published for public review. (<a href="#">3.21.070</a>)</p>	<p>3. The Board may make policy recommendations based on individual misconduct cases. The Board shall initiate a policy review based on any issues identified under sections 35A.050P or 35D.210C.</p>

<p>B3. Recommendations to Chief. The Board shall make recommendations to the Chief regarding findings and discipline. The Board may make recommendations regarding the adequacy and completeness of an investigation. The Board may also make policy or training recommendations to the Chief. The Board shall make recommendations as to discipline based on corrective action guidelines. The guidelines shall be developed by the Bureau in consultation with IPR or shall be developed in collective bargaining. (3.20.140)</p> <p>L. Review of closed investigations. IPR shall hire a qualified person to review closed investigations pertaining to officer-involved shootings and deaths in custody on an ongoing basis. IPR shall issue reports on an annual basis identifying any policy-related issues or quality of investigation issues that could be improved. The Director and the Citizen Review Committee shall address any policy-related or quality of investigation issues that would warrant further review. (3.21.070)</p>	<p>4. Staff may also initiate policy review, including through auditing completed misconduct cases. If the staff initiates a policy review, it shall inform the Board and invite participation throughout the process, including submitting a proposed Policy Recommendation to the Board for approval.</p>
<p>The Board shall have the authority and ability to gather and compel all evidence, to access all police records to the extent allowed by federal and state law, and the ability to compel statements from witnesses including officers. (<a href="#">Section 2-1007</a>)</p> <p>J. Access to information. Notwithstanding any other provision</p>	<p>5. The Board may request whatever additional materials and research it believes is necessary to help make an informed decision on a proposed policy recommendation. If needed, the Board may rely upon its subpoena powers to compel production of requested information.</p> <p>The Board shall have access and be authorized to attend PPB</p>

<p>of City law, IPR shall have access to and be authorized to examine and copy, without payment of a fee, any bureau information and records, including confidential and legally privileged information and records so long as privilege is not waived as to third parties, and police databases, subject to any applicable state or federal laws. The Director shall not disclose confidential or legally privileged information or records and shall be subject to the same penalties as the legal custodian of the information or records for any unlawful or unauthorized disclosure. (<a href="#">3.21.070</a>)</p>	<p>trainings as observers for the purpose of evaluating, monitoring, and making recommendations to the PPB regarding training, policy and directives. The development of policy recommendations, procedures or practices will incorporate equity and anti-racist lenses.</p>
<p>The Board shall have the authority to make policy and directive recommendations to the Portland Police Bureau and City Council. The Portland Police Bureau shall consider and accept or reject all policy or directive recommendations made by the Board. If the Portland Police Bureau rejects a policy or directive recommendation, then at the request of the Board, City Council must consider and vote to accept or reject the policy recommendations received from the Board. Council’s decision will be binding on the Portland Police Bureau. (<a href="#">Section 2-1007</a>)</p>	<p>6. The Police Chief, and if necessary City Council, shall consider any policy recommendation referred to the Chief or Council pursuant to Charter 2-1007b and Code Section 35E.020.</p>
<p><i>Proposed code drawn from multiple sources; see Areas of Agreement for more details.</i></p>	<p>B. As part of its policymaking authority, the Board may facilitate a process for Board and community review and development of Portland Police Bureau policies and directives. This includes engagement in the Bureau's directive review and development process. The Board shall schedule timelines compatible with the PPB’s</p>

	<p>processes. The Board will transmit recommendations on revised and newly proposed policies and directives to PPB, and if necessary, City Council.</p>
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**35E.020 Response of Police Chief; Referral to City Council**

<p>A. The Chief, after reviewing a report provided by IPR under City Code Section 3.21.170, shall respond promptly to IPR in writing, but in no event more than 60 days after receipt of the report. The response shall indicate what, if any, policy or procedural changes are to be made within the IAD or the Bureau. (<a href="#">3.21.190</a>)</p>	<p>A. The Chief of Police, after reviewing a policy or directive recommendation submitted by the Board under City Code Section 35E.010, shall respond promptly to the Board in writing, but in no event more than 60 days after receipt of the report. The response shall indicate what, if any, of the recommended policy, directive or procedural changes are to be made within the Portland Police Bureau.</p>
<p>B. If the Chief fails to respond within 60 days after receipt of the [Citizen Review] Committee Report, the Director shall place the matter on the Council Calendar, for consideration by City Council, within 15 days thereafter. (<a href="#">3.21.190</a>)</p>	<p>B. If the Police Chief rejects a recommendation, or a portion of a recommendation, or fails to respond within 60 days after its receipt from the Board, the Board shall place the matter on the Council Calendar, for consideration and decision by City Council, within 15 days thereafter.</p>
<p><i>Proposed code drawn from multiple sources; see Areas of Agreement for more details.</i></p>	<p>C. The Council shall consider and vote on a Board referred policy change no more than three months after it has been presented.</p>
<p><i>Proposed code drawn from multiple sources; see Areas of Agreement for more details.</i></p>	<p>D. If a Board recommendation is approved by either PPB or the City Council, the Board shall monitor and pursue full implementation of the recommendation. This may include continued advocacy, requesting the Chief or designee to attend and brief the Board, and requesting data or reports from PPB to determine the level of progress towards implementation, or any other action the Board decides to take.</p>

**35E.030 Board Proposals Related to Federal and State Law**

<p><i>Proposed code drawn from multiple sources; see Areas of Agreement for more details.</i></p>	<p>A. The Board may officially endorse legislation/policy ideas and shall have the authority to testify in front of relevant government bodies and communicate its policy positions with employees and elected or appointed officials at any level of government.</p>
<p><i>Proposed code drawn from multiple sources; see Areas of Agreement for more details.</i></p>	<p>B. The Office of Government Relations shall consult directly with the Board as part of its development of the City’s legislative agenda, in a manner equivalent to any other top-level administrative division of the City government.</p>



### 35E.040 Collective Bargaining

<i>Proposed code drawn from multiple sources; see Areas of Agreement for more details.</i>	A. The Bureau of Human Resources shall reserve, during negotiations with collective bargaining units representing PPB sworn officers and their supervisors, at least two seats for representatives chosen by the Board.
<i>Proposed code drawn from multiple sources; see Areas of Agreement for more details.</i>	B. The City Attorney shall consult with the Board during collective bargaining processes and inform the Board as soon as practicable regarding any potential changes to the police contract(s).
<i>Proposed code drawn from multiple sources; see Areas of Agreement for more details.</i>	C. The Board's ability to make recommendations shall include proposals for collective bargaining.

**35E.050 PPB Budget Review**

*Proposed code drawn from multiple sources; see Areas of Agreement for more details.*

The Board may facilitate a public review of PPB's proposed budget requests before their official submission, and receive public comment to transmit to PPB and the City Council.

**35E.060 Relationship with Other Oversight Entities**

<i>Proposed code drawn from multiple sources; see Areas of Agreement for more details.</i>	A. The Board should seek to be a model for other jurisdictions that review and adapt their own oversight systems.
<i>Proposed code drawn from multiple sources; see Areas of Agreement for more details.</i>	B. The Board and Office shall maintain a working relationship with oversight entities outside of Portland, to exchange information, best practices, and solutions to barriers faced by entities working on law enforcement oversight.
<i>Proposed code drawn from multiple sources; see Areas of Agreement for more details.</i>	C. The Board and Office shall maintain a working relationship with regional, national, and international groups focused on law enforcement oversight, to have access to trainings and conferences that can help the Oversight System perform its duties more effectively.

**PAC Proposed Change to 3.20.050 Subordinate Officers.**

The Deputy Chiefs, Captains and other ranks or grades of police within the Bureau of Police shall possess like power and authority as the Chief of Police with respect to peace officer powers, except as herein provided. The Chief of Police shall have control over the Deputy Chiefs, Captains and all other employees of the Bureau of Police when they are on duty, and shall see that the City ordinances and rules, orders and regulations for the government of the police force are observed and enforced. He/she shall have power to recommend for suspension to the [Oversight Board and](#) Commissioner in Charge any subordinate officer, member or employee for a violation of the same as prescribed by the Civil Service rules.

## Appendix B: Meetings of the PAC

### By the Numbers:

- Community Engagement Events: 23
- Public Meetings: 124
- Private Events: 9
- Total: 155

December 2, 2021	(Private) Community-Building Session: Meet-and-Greet
December 9, 2021	Police Accountability Commission (Convening Meeting)
December 18, 2021	Police Accountability Commission
January 13, 2022	PAC Sub-Committee on Bylaws and Internal Processes
January 18, 2022	PAC Sub-Committee on Bylaws and Internal Processes
January 20, 2022	PAC Sub-Committee on Community Engagement Framework
January 27, 2022	Police Accountability Commission
February 3, 2022	(Private) Community-Building Session
February 12, 2022	PAC Sub-Committee on Bylaws and Internal Processes
February 24, 2022	PAC Sub-Committee on Community Engagement Framework
March 3, 2022	Police Accountability Commission
March 5, 2022	PAC Sub-Committee on Bylaws and Internal Processes
March 10, 2022	PAC Sub-Committee on Bylaws and Internal Processes
March 12, 2022	PAC Sub-Committee on Bylaws and Internal Processes
March 17, 2022	Police Accountability Commission
March 24, 2022	Police Accountability Commission
March 31, 2022	Police Accountability Commission
April 21, 2022	PAC Work Session on Community Engagement
April 26, 2022	PAC Meeting with Commissioner Hardesty
May 12, 2022	Private Community Building Session
May 16, 2022	PAC Work Session on Internal Processes
May 19, 2022	PAC Work Session on Internal Processes
May 23, 2022	PAC Work Session with Independent Police Review and the Citizen Review Committee
May 26, 2022	PAC Meeting with Mayor Wheeler
June 2, 2022	PAC Sub-Committee on Research
June 6, 2022	PAC Meeting with Commissioner Mapps
June 13, 2022	PAC Sub-Committee on Community Engagement Events
June 16, 2022	PAC Meeting with PPB Chief Lovell and Deputy Chief Frome
June 23, 2022	PAC Meeting with PPB Internal Affairs and PPB Professional Standards Division
June 27, 2022	PAC Sub-Committee on Research
June 30, 2022	PAC Meeting with PPB Police Review Board Coordinator

July 11, 2022	PAC Meeting with Mental Health Alliance and (private) briefing with City Attorney's Office
July 14, 2022	PAC Sub-Committee on Research
July 18, 2022	PAC Sub-Committee on Community Engagement Events
July 21, 2022	PAC Meeting with Commissioner Rubio and the Albina Ministerial Alliance Coalition for Justice and Police Reform
July 25, 2022	PAC Sub-Committee on Research
July 28, 2022	PAC Meeting with Commissioner Ryan and the Portland Police Association
August 1, 2022	PAC Sub-Committee on Research
August 4, 2022	PAC Work Session on Areas of Agreement
August 11, 2022	PAC Sub-Committee on Research
August 15, 2022	PAC Sub-Committee on Community Engagement Events
August 18, 2022	Police Accountability Commission Meeting
August 22, 2022	PAC Sub-Committee on Research
August 25, 2022	Police Accountability Commission Meeting
August 29, 2022	PAC Sub-Committee on Research
September 1, 2022	PAC Sub-Committee on Research
September 8, 2022	Police Accountability Commission Meeting
September 12, 2022	PAC Sub-Committee on Research
September 15, 2022	PAC Meeting with US Department of Justice
September 19, 2022	PAC Sub-Committee on Research
September 22, 2022	PAC Sub-Committee on Research
September 26, 2022	PAC Sub-Committee on Research
September 29, 2022	Police Accountability Commission Meeting
October 3, 2022	PAC Sub-Committee on Research
October 6, 2022	Police Accountability Commission Meeting
October 13, 2022	PAC Sub-Committee on Research
October 17, 2022	Police Accountability Commission Meeting
October 20, 2022	Police Accountability Commission Meeting
October 24, 2022	(Private) Community-Building Session
October 27, 2022	Police Accountability Commission with Charter 2-10 Authors (Derek Bradley and Heidi Brown)
November 3, 2022	PAC November Community Listening Session
November 10, 2022	Police Accountability Commission Meeting
November 17, 2022	PAC November Community Listening Session
November 21, 2022	PAC Sub-Committee on Officer Accountability
November 28, 2022	PAC Sub-Committee on Access to Information
December 1, 2022	PAC Sub-Committee on Structural Oversight
December 5, 2022	PAC Sub-Committee on Officer Accountability

December 8, 2022	Police Accountability Commission Meeting
December 10, 2022	PAC Work Session on Officer Accountability
December 12, 2022	PAC Sub-Committee on Access to Information with Ross Caldwell and Eric Berry, Independent Police Review
December 15, 2022	PAC Sub-Committee on Structural Oversight with Commissioner Jo Ann Hardesty
December 19, 2022	PAC Sub-Committee on Officer Accountability with Ross Caldwell and Eric Berry, Independent Police Review
December 29, 2022	PAC Sub-Committee on Access to Information
January 5, 2023	PAC Sub-Committee on Access to Information
January 9, 2023	PAC Sub-Committee on Officer Accountability
January 10, 2023	PAC January Community Listening Session + Q&A
January 12, 2023	PAC Sub-Committee on Structural Oversight
January 19, 2023	Police Accountability Commission Meeting
January 21, 2023	PAC Sub-Committee on Structural Oversight
January 26, 2023	Police Accountability Commission Meeting
January 30, 2023	PAC Sub-Committee on Officer Accountability
January 31, 2023	PAC January Community Listening Session + Q&A
February 2, 2023	PAC Sub-Committee on Officer Accountability
February 6, 2023	Police Accountability Commission Meeting
February 9, 2023	Police Accountability Commission Meeting
February 13, 2023	Police Accountability Commission Meeting
February 16, 2023	Community Engagement Event with the PAC Hosted by Oregon Justice Resource Center & Don't Shoot Portland
February 27, 2023	PAC Sub-Committee on Reporting and Transparency
March 2, 2023	PAC Joint Sub-Committee Meeting – Sub-Committees on Board Membership and Oversight Staff
March 6, 2023	PAC Sub-Committee on Reporting and Transparency
March 9, 2023	PAC Sub-Committee on Board Membership
March 13, 2023	PAC Sub-Committee on Oversight Staff
March 14, 2023	PAC March Community Listening Session
March 16, 2023	PAC Sub-Committee on Reporting and Transparency
March 20, 2023	PAC Private Community-Building Session
March 22, 2023	PAC Community Listening Session
March 23, 2023	PAC Sub-Committee on Reporting and Transparency
March 27, 2023	PAC Sub-Committee on Board Membership
March 30, 2023	Police Accountability Commission Meeting
April 3, 2023	PAC Sub-Committee on Oversight Staff
April 6, 2023	PAC Sub-Committee on Board Membership
April 8, 2023	PAC Community Listening Session
April 10, 2023	PAC Sub-Committee on Board Membership

April 11, 2023	Portland Business Alliance Private Listening Session
April 13, 2023	PAC Meeting with Commissioner Gonzales
April 17, 2023	PAC Sub-Committee on Oversight Staff
April 20, 2023	PAC Sub-Committee on Board Membership
April 24, 2023	Police Accountability Commission Meeting
April 27, 2023	Police Accountability Commission Meeting
May 1, 2023	PAC Executive Session
May 1, 2023	Police Accountability Commission Meeting
May 4, 2023	Police Accountability Commission Meeting
May 8, 2023	Police Accountability Commission Meeting
May 11, 2023	Police Accountability Commission Meeting
May 13, 2023	Pacific Northwest Family Circle Listening Session
May 15, 2023	PAC Sub-Committee on Transition Plan
May 18, 2023	PAC Sub-Committee on Broader System
May 23, 2023	PAC Work Session with City Council
May 25, 2023	PAC Sub-Committee on Transition Plan
May 30, 2023	PAC Sub-Committee on Broader System
June 1, 2023	Police Accountability Commission Meeting
June 5, 2023	PAC Sub-Committee on Transition Plan
June 7, 2023	PAC Community Information Session
June 8, 2023	BIPOC Caucus Event
June 8, 2023	PAC Sub-Committee on Broader System
June 12, 2023	PAC Sub-Committee on Transition Plan with CRC
June 13, 2023	PAC Sub-Committee on Broader System
June 15, 2023	Police Accountability Commission Meeting
June 20, 2023	PAC Sub-Committee on Broader System
June 22, 2023	PAC Sub-Committee on Transition Plan
June 26, 2023	PAC Sub-Committee on Transition Plan
June 27, 2023	PAC Community Information Session
June 29, 2023	Police Accountability Commission Meeting
July 10, 2023	Police Accountability Commission Meeting
July 11, 2023	PAC Community Information Session
July 13, 2023	Police Accountability Commission Meeting
July 20, 2023	Police Accountability Commission Meeting
July 24, 2023	Police Accountability Commission Meeting
July 26, 2023	PAC Community Information Session
July 27, 2023	Police Accountability Commission Meeting
July 31, 2023	PAC Executive Session
July 31, 2023	Police Accountability Commission Meeting
August 3, 2023	Multnomah County Latinx Mental Health Care Providers Information Session



August 3, 2023	PAC Executive Session
August 3, 2023	Police Accountability Commission Meeting
August 5, 2023	Portland Rotarians + Racial Justice Team Information Session
August 7, 2023	PAC Executive Session
August 8, 2023	Juntos Podemos Information Session
August 10, 2023	Police Accountability Commission Meeting
August 12, 2023	PAC Community Information Session
August 14, 2023	Police Accountability Commission Public Hearing / Meeting
August 17, 2023	IPAC Information Session
August 17, 2023	Police Accountability Commission Meeting
August 17, 2023	PAC Executive Session
August 18, 2023	Youth + Families Community Information Session
August 19, 2023	Spanish Speaking Business Owners Community Information Session
August 21, 2023	Police Accountability Commission Meeting
August 22, 2023	PAC Community Information Session
August 24, 2023	Police Accountability Commission Meeting
August 28, 2023	Police Accountability Commission Meeting
August 31, 2023	Final Police Accountability Commission Meeting

## Appendix C1: Community Input Tracker

During the summer of 2023 the Police Accountability Commission hired two community outreach consultants to help them with direct outreach to Portlanders, Four Forces Inc. and LD Consulting.

The LD Consulting team partnered with over 114 leaders, business owners, and healthcare professionals from the Latinx community to bring awareness of the PAC's mission, develop strong community advocates, and provide these community leaders with opportunities to represent those who do not have the opportunity to represent themselves or fear legal/racial discrimination when advocating for themselves. Partnering with LD Consulting in July and August of 2023, the PAC held three Latinx centered events throughout Portland: Latinx Mental Health Care Providers Meeting, Juntos Podemos Meeting, and a Latinx Small Business Owners Meeting.

### **The key takeaways from the Latinx community engagement events were:**

- 1.) Concerns for safety of undocumented individuals when filing a complaint
- 2.) Deep desire to connect the community with police officers on a human level
- 3.) Empathetic recognition of the need for mental health services for police officers

The Four Forces team, partnered with Love is Stronger, used multi-channel promotion, incentives, and diverse publicity methods to engage over 800 individuals in the work of the PAC in seven short weeks. They conducted 156 hours of grassroots education and outreach, engaged with 133 businesses primarily owned by people of color and collected 180 survey responses from the community.

Four Forces spread the awareness of the PAC's work, targeted strong community leaders as people to have at these events and engage with, and provided these communities with a space to show up, give input, and ask questions about what the new proposed complaint process will look like. Partnering with Four Forces and Love Is Stronger in July and August of 2023, the PAC held six centered events throughout Portland: Community Info Sessions in the Sellwood neighborhood, in Southwest Portland, in the Lents neighborhood, in the Mill Park neighborhood, and in the Delta Park area, and a Youth and Families Info Session in the Madison South neighborhood,

### **The key takeaways from these six community engagement events were:**

- 1.) Requests for broader marketing efforts for the new complaint process

- 2.) Deep concern around the current Police response time
- 3.) Need for officers to be a part of the community in which they are policing

**Key Geographic Takeaways:**

- 1.) High engagement in specific areas: Zip codes 97211 showed notably higher engagement with community ready to interact
- 2.) Broad reach: The outreach extended to areas well beyond the core Portland zip codes, indicating a widespread effort
- 3.) Room for growth: Certain areas, notably Downtown Portland and Montavilla, needed more investment within engagement

Overall the PAC cast a wide net with their community engagement efforts. They were able to meet with and talk to a large variety of Portlanders. The PAC believes their proposal is a fair representation of what the community in Portland wants: a fair, just, and transparent police accountability process and structure.

DATE	MEETING	NAME	COMMENT
1/26/2022	Advance Public Comment	Saron Nehf	<p>I'm a victim advocate working in this community for the past 20 years. Early on in my career I was the most proud supporter of the Police because I worked with amazing super hero's that showed up to serve the community with intent and integrity. As of late I've found myself so incredibly disappointed in what I hear the community saying about PPB and their lack of work ethic. I have survivors showing up to court to face "witnesses" that were actually the perpetrators. I have seen police reports with barely any information in them, there's no way to keep the community safe when you can't even prosecute an offender for what they have done. And I'm not talking about petty crimes, I'm talking about assaults', domestic violence assaults. Another alarming thing I've heard is that officers are not showing up for active assaults. So what's the point in having a police department that doesn't show up for active DV Assaults, Destruction of small business ATM's, not even calling survivors back after promising you will? I filed a grievance on behalf of a survivor I was working with, PPB's IA bent over backwards to not find fault in the way an officer treated a victim/survivor. Then sent me the outcome to my work during the pandemic. My "appeal response time" was 20 days (I believe). I did not get the mail until months later, too late to respond or appeal. What's the point? BOEC put out a report of calls and response times... I don't know how they got those numbers because, us advocates, with feet on the ground have NEVER seen those types of response times when we work with victims/survivors. If you are pissed at the community, or at the DA's Office, move on, find another job, go be happy. But please, when you put that uniform on every day, show up with integrity and with the mindset of SERVING the community.</p>
5/4/2022	Advance Public Comment	Pati Hall	<p>I attended Coffee with Cops and you need to change the place. Its too loud in there to hear. We need the Precinct meetings back. I would also like some info from Officer Hennesy if he is still with the force. I had a nice chat with him early last fall and he gave me some info that I would like confirmed. He answered a call on 118th Ave by Raymond Park. The info is not about the incident, its about something unrelated to the call he was there for. If he is gone I would still like to get the info verified by officers who have had dealings with the homeless camp(s) down on SE Flavel. I can be reached at 503-761-9362 as well.</p>

6/3/2022	Advance Public Comment	Regina Hannon	<p>I am concerned that there appears to be no one from the houseless community on the Commission. While it appears that there are representatives from agencies and organizations who work with and serve the houseless, this is not good enough. Only a person who has lived through being houseless can actually be the one or ones who represent this population.</p>
7/15/2022	Advance Public Comment	Mark Chasse	<p>I have long supported the need for a police oversight commission with real power. I wrote and spoke in favor of the ballot measure. I am also a member of the Mental Health Alliance. My brother James Chasse, Jr., was beaten to death by the Portland Police in 2006. Despite the unjust way he was killed, the public outrage about it, and my own family's best efforts to ensure that there would be real accountability for what the officers did to my brother, there was none. Some of the most offensive official reactions that come quickly to mind: 1) the DA refused to reopen the grand jury (even we pointed out that the officers likely lied in their testimony about the force they'd used on my brother); 2) during the investigation--in a signal of the bad faith investigation to come--the City actually hired onto the PPB the Multnomah County Deputy who had assisted in beating my brother; 3) the early police press release that my brother had been urinating in public was never even discussed between the officers and was fabricated by the same officer who called nearby bread crumbs (that were not in the evidence room) "crack cocaine"—but continues to serve as a myth reported in the media; and, 4) after nearly four years of waiting for a decision on discipline, the maximum that was meted out was a two week suspension—soon to be overturned in arbitration. So, after all of that, there was still no accountability. In the current system, to put it bluntly, there is no police accountability. Citizens not only should care about police oversight; it is their duty. This group finally provides that opportunity. I'll share my main observations and concerns.</p> <p>1) Put a Premium on Making Oversight Actions Enforceable  The group's foundations and its work should be guided by careful procedures to ensure that its work will withstand challenges. If the group's work is not enforced or enforceable, it would not be an improvement on the current system and would instead—in practice—be no better than yet another forum that is just process theater. This is about holding police accountable, when justified, to the standards that the public reasonably expects of its police.</p> <p>2) Do Not Rely on Police Investigators</p>

8/1/2022	Advance Public Comment	Sabrina Hickerson	The proposed set of conduct and discipline standards are insufficient to properly hold members of the police bureau accountable for harmful behavior. There are no "mitigating factors" for sexual assault. A written reprimand is an inappropriate form of discipline for sexual assault, excessive force, or intentionally targeting a protected class. The default penalties of termination are appropriate and should be left as they are. Allowing officers to join hate groups is absolutely terrifying. How are we, members of the community, supposed to trust our police force when they are allowed to do everything short of kill us and get off with just a written reprimand? How are we supposed to trust our police force knowing that they can join hate groups? If the standards of not assaulting members of the community are too high for members of the police force to meet, then perhaps the problem is not the standard, it's who is joining the force and why. Please do not allow these draft rules to take effect as they are written now. Please rewrite the rules to hold officers to a bare minimum of standards that keep the community safe.
11/3/2022	Community Listening Session	Michelle	Biggest hope would be advocating for people who have been sexually assaulted by police. Need a victim advocate system outside of the PPB. They currently aren't responding to crime victim compensation act. The person being hurt should be able to choose the gender of the person who is working with them. Police should not be writing letters to the victim. Someone who has been sexual assaulted by police should not have to talk to police. Period. When a victim is meeting with whoever they are telling their story to, they shouldn't have to pay for it. The City should pay for it, and go meet at their house.
11/3/2022	Community Listening Session	Michelle	Back to sexual assault victims of police assault. There are some people who want to come forward, who don't because the world is not kind to people who come forward. This is problematic, think of ways to have a safe space to share, and police need to be outted for these things. How do we make that victims life not completely incinerated. We need tangible changes. We need to make a safe system for victims to come forward.
11/3/2022	Community Listening Session	Sanga	I was assaulted and the police. The police knew who the officer was who assaulted me, and yet he walked away from the incident. He was drinking and the police officers still obtained him without killing him. He was on trial for three years.
11/3/2022	Community Listening Session	Jonathan Brown	MHA, have info about what is happening on the streets to be able to hold people accountable. Body worn cameras. More on this.

11/3/2022	Community Listening Session	Ashley Schofield	Need more mental health professionals.
11/3/2022	Community Listening Session	Paul Rippey	I am part of the St. John's neighborhood association. Transparency will go a long way.
11/3/2022	Community Listening Session	Jake Dockter	Various committees, witnessed an officer assault a community member and found out the officers weren't interviewed until six months afterwards. This is unacceptable.
11/3/2022	Community Listening Session	Sanga	The police are the oppressors. Police brutality through the mayor. The police need to quit their jobs. Need to unite in taking back the control that the police have. How much money is behind all this jailing of BIPOC people?
11/3/2022	Community Listening Session	Jason Wilder	Police accountability when it comes to follow through, when it comes to theft, they aren't helping you get the video footage. Looking for the police report, and no one at the police department can help with resolution of the issues. Why are things not being handled?
11/3/2022	Community Listening Session	Bryon Vaughn	What we are lacking is respect between the community and the police department. We need the right people in the right positions. We need someone being honest and keeping an eye on everything.
11/3/2022	Community Listening Session		It is concerning that PPD officers don't live in Portland, or even Multnomah County but in outlying counties and cities. Further, there are large numbers of police officers who are known affiliates of 1%ers and other white supremacist groups, which indicates a significant bias against most of our actual community. This is not public safety.
11/3/2022	Community Listening Session	Marc Poris	Get rid of bad cops.
11/3/2022	Community Listening Session	Betsy	Curious if the commission has any way to get data for any time a police officer discharges their weapon. I think that we can't work as a community to dismantle the violence that is happening in the system, until we understand how often the discharging of the firm arm.
11/3/2022	Community Listening Session	Jonathan Brown	On the PPB website they have a page about officer discharging their weapons, and other uses of force. These numbers are based on police reports though.

11/3/2022	Community Listening Session	Valerie Rea	I don't feel like I can call the police because they cause harm.
11/3/2022	Community Listening Session		I would like to know why programs aren't given as much time or resources.
11/3/2022	Community Listening Session	Sanga	Is anyone going to be addressing that the mayor is the police chief.
11/3/2022	Community Listening Session	Nikki	There are so many traffic stops for black males being pulled over for no reason.
11/3/2022	Community Listening Session	Michelle	My ex was an immigrant from Mexico and was told he'd be sent to jail if he called 911 for help while calling in an emergency.
11/3/2022	Community Listening Session		We need trainings and ongoing education for police. If they cross lines, they lose their job. We need that accountability for the police too. The training police receive are about asserting their dominance over a problem, how can we shift to a de-escalation approach? We ask police to respond to everything. How do we allow the work for police to investigate things? Funds need to be shifted to different programs.
11/17/2022	Community Listening Session		There was a shooting a few months back. I went up to a police officer and asked them why they don't have body cams. He told me to ask my representative. I asked Jo-Ann Hardesty. She told me they don't have body cams because they want to be in control of what the public view. Can the Mayor or anyone else say 'This isn't good, etc.'?



11/17/2022	Community Listening Session	<p>A long time ago, I was using substances. I was pulled over for a DUI. The officer put me in the front of his car and he had the dashboard light shining at my crotch, up my skirt. I asked him to move it but he wouldn't. He found a needle on me and made comments like, 'Oh you like needles so much?' before forcibly drawing blood from me. I asked him if I could please pee and he made suggestive comments like, 'Oh yeah, I'm gonna take you somewhere you can pee...' It scared me. The police report wrote that I tried to kick the wheel out of the car. That is not what happened. I kicked it to honk the horn because I was alone in the car with him and full of fear. I would like a woman to not be put up front with an officer, especially one who is scaring me. Also, I have just as many rights as anyone regardless of whether I have needles on me.</p>
11/17/2022	Community Listening Session	<p>I would like this new board to be able to identify and tell the community which officers are involved in gang related activity. We need to know if there are gang ties, or proud boys, or any ties to white supremacy within the PPB.</p>
11/17/2022	Community Listening Session	<p>I'm an epidemiologist, and what I feel would be useful to know: What are my current rights? And I would like to see data. How often is this happening, etc. Can we make the data easily accessible?</p>
11/17/2022	Community Listening Session	<p>There is one man I've heard has been on the force for over ten years now. Officer Oliphant. I had the unfortunate opportunity to meet him. I went into the liquor store and when I came out, there were at least 6 cop cars and people detained on the street. This officer had forced a femme-presenting, young person onto the ground and pushed all of their support down the street. He was saying "you have to take your mask off," to this person while not wearing a mask himself. Never in my life was I more in fear for my life, or the lives of the activists I was with, until I met this man. He acts as though he is above the law. I've seen him chase people down for pushing a garbage can over. If we're going to do something and hold them accountable, let's find a way to remove "bad apples" like this. I want to know how someone like Officer Oliphant still has their job. Never have I been more in fear than this night. I am afraid of being shot because if I'm bleeding out and they don't like me, they won't administer first aid for me. There was an incident where someone overdosed downtown. I suggested to a policeman, do you have Narcan? He said no. I don't believe they don't carry it. I believe they carry it for themselves. I have been more effective at giving out Narcan than the police have. It is disheartening and sad.</p>

11/17/2022	Community Listening Session		I am curious about the police's interest in this process. Will they be brought in? They need to answer to us, they need to respond to us. There is too much of a power difference. I sometimes stumble when I walk due to balance issues, and I have been questioned by officers before. Part of the equity is that we need to bring them in and involve them.
11/17/2022	Community Listening Session		One of the things that would be good would be to not only hold the individual officers accountable, but also hold accountable all the police. They will completely cover for one another in some cases. My step-parent is a cop so I have unique insight into this. They will go out of their way to make sure they're all covered. They must all be held accountable, or nothing will change. I've seen police get off for drunk driving. They don't consider themselves citizens.
11/17/2022	Community Listening Session		People want to be heard. If we want to take these things seriously, we need to understand the history and what has brought us here. My parents in the 60s and 70s fought police in the streets. My brother was almost murdered by police. I've seen police brutalize and beat my friends, stand by and watch as people die and do nothing about it, attempt to murder me and others I care about. I want to have faith in something community based but I feel disheartened. We must be invested.
11/17/2022	Community Listening Session		It points to the larger problem that these stories exist in people's heads. The don't exist in police reports. The police reports are inaccurate. There must be a better way to get these stories without the pressure of an audience. Maybe there is some data out there. We have touched a bit on internal affairs at PPB. I think the commission should not have to interact with internal affairs. There is a tendency for them to intimidate because they are still cops. There is a systemic problem here, sometimes they just don't show up at all. If the police feel criticized, will they just say, 'Okay we'll do that,' to your suggestions and do nothing? 90% of the police bureau does not even live in Portland.

11/17/2022	Community Listening Session		<p>Does anyone know when the first police force was created? 1854 to go retrieve runaway slaves. For me, no matter how you look at it, it has always been terrible. Now instead of freedom papers they ask for license and registration. It hasn't changed. When you fall below the poverty bracket you are a slave regardless of your skin color, and that's how they see it. What is happening in Iran is no different than what is happening here. Anybody that decides to put on a badge and tell another person what to do and how to do it, they are perpetuating slavery. Cops don't help people. Call a cop and they come with the mindset that they need to shoot someone. They see themselves as the judge and the executioner. Not just here in Portland. Everywhere in America. It's wrong and it hurts. One day I was walking downtown, to stretch my legs. I saw five to ten cop cars with one Caucasian guy restrained. I start recording and they say I am 'downrange.' I say why? It's because if he swings at the cops, they're going to shoot him. I want people to not just think about this in Portland, or America, but everywhere in the world where tyrants run free. I would love to see that we are making headway. People deal with police brutality on a day-to-day basis.</p>
11/17/2022	Community Listening Session		<p>I was born in Portland in the 60s and began paying attention to cops in the 70s. Police have never had accountability. Things have not changed. These things happen primarily to people of color, but I too have faced police brutality. My son was run over by a reckless driver. He was put in the hospital and police were called out. Bystanders had the driver's info. The police initially recognized the situation as bad. Someone had already called the police about this man. But nothing happened to the driver, only what was done legally to the company who owned his car. They didn't have time for this case so there was no accountability. We all want safety, and I don't see it coming from the police. I don't have the authority to hold them accountable. The institution should be able to hold them accountable. I personally think the institution of police should be abolished. Think about the institution having accountability, not just the individual cops.</p>
11/17/2022	Community Listening Session		<p>If we look at the gear they wear, they look like they're ready to go to war. Dress a kid like Superman and he'll act like he can fly. And that's what we provide to the police. They look like they just jumped out of a SWAT vehicle. It's ridiculous. We don't need that.</p>

11/17/2022	Community Listening Session		I'm a member of Portland copwatch. I've been to over half of the PAC meetings and I appreciate what you're doing. I am in a lawsuit against the police but I did not go to the IPR because I do not believe they'll do anything. I've seen the stats. I'd like a new discipline system to have teeth without city council and formal investigations and all these other processes. I want the board itself to have teeth. I'd like to see more legal representation from sources other than the city. A lot of city attorneys comment to say what the city can or cannot do, but it's a conflict of interest because they are there to protect the city from liability. It's ridiculous to have them there. We need outside representation.
11/17/2022	Community Listening Session		Whenever a crime is committed, nothing happens due to qualified immunity, police union, etc. I want a commission to have the power to say 'No, you have committed something that is illegal and there are real consequences.' We should analyze the evidence as they would in a trial against us, and determine 'this officer is failing at his duties and he cannot keep his job.' They should have the ability to say this officer has failed and should not be in a position of power over anyone in their community. That to me seems like goal number one.
11/19/2022	Advance Public Comment	Saskia Hostetler Lippy	I find it unconscionable that our practices around the criminalization of the houseless mentally ill have not been appropriately addressed.
11/19/2022	Advance Public Comment	Klairice Michelle	I believe policing needs to be revolutionized, not just reformed. Demilitarized police force, the first step. Police must have the same information about special needs conditions, mental health and behavior problems as Special Education teachers, Psychologists and Behavioral-Child Development Specialists. Prevention, prevention, prevention! Properly fund mental health and education. Eradicate poverty. It can be done. Law Enforcement should not hire combat veterans who have not received adequate, successful treatment and are properly vetted. Highly trained mental health professionals to respond to certain situations. Community policing is critical. Police should actually like the people in the communities they are sworn to protect.

11/19/2022	Advance Public Comment	Joerg Peter	Why does the police protect the fascists and Nazis 100% of all cases? Police always has their back to the same people that our fathers and grandfathers died to defeat. Police never confronts the fascists, while the police always faces the people that protest the fascists, the anti-fascists. Why did our grandfathers die to defeat the Nazis, when their sons and grandsons as police officers protect the same Nazis here at home while attacking the anti-fascists that fight the Nazis like their grandfathers did?
11/19/2022	Advance Public Comment	Erica Braman	The Portland police, in my experience and observations, I see a police force that gets away with anything they want to, they ignored a murder of a houseless trans woman, and the arrogance in their attitudes is cocky like they are able to get away with anything. I personally was backed into a set of stairs by them because I was recording an arrest to try and trip me so I would grab them to catch my fall so they can arrest me, I have video of this. They are out of control and they NEED to be watched over and be held accountable for their actions.
11/19/2022	Advance Public Comment	Jeri Jimenez	I have real lived experiences as a person of color being mistreated by ppb.
11/20/2022	Advance Public Comment	Jawad Fakhuri	Extend the statute of limitations for bringing civil and criminal suits against police departments to at least 30 years. The legislature should pass a law that compels the Department of Public Safety Standards & Training (DPSST) to develop a statewide discipline matrix — created with a broad group of empowered people most harmed by policing— that all police departments across the state will be required to use and follow. The disciplinary action should be permanently connected to their records and public, following them from one police department to another as long as they hold a Peace Officer’s License. For every family whose loved one is killed by police, resources for grief counseling, housing stabilization (houselessness is common right after Loved Ones are killed by police in Oregon), lawyers, and support groups should be made available to the families.

11/21/2022	Advance Public Comment	Beth Wilson	<p>To clarify: there seems to be virtually no police accountability currently. We need to redefine what the police union can do and block before any real accountability can happen. Suggestions for when it does: 1. Body cameras. If you are on duty for 6 hrs, you must come back with 6 hrs of recording. Non negotiable. 2. Quarterly mandatory random drug testing not to include cannabis. 3. A creation of an app where citizens can easily file a complaint about an officer. This app would not be for egregious misconduct, but for the every day disrespect intimidation and harassment people encounter when dealing with PPB. 10 complaints and an officer has to go through de escalation, racial profiling training. If an officer has to do the training more than 3 times, loses their badge. Just like any other business 4. Background checks on all current and incoming PPB. Any association with any hate group refers them unqualified to serve. I could go on, but all of this seems really obvious. What NEEDS TO CHANGE is the unions unilateral ability to protect the most dangerous thugs in Portland.</p>
11/23/2022	Advance Public Comment	Forrest Perkins	<p>It is too easy right now for the police to ignore these comments and policies. We need the police to actually be accountable to us. Please consider changes that give the review board actual control over hiring and firing of police.</p>
12/5/2022	Advance Public Comment	Jake Dockter	<p>OPB released this story: <a href="https://www.opb.org/article/2022/12/05/portland-oregon-shotspotter-gun-detection-choice/">https://www.opb.org/article/2022/12/05/portland-oregon-shotspotter-gun-detection-choice/</a>. The story details how Capt. Crooker colluded with a private company and violated PPB and city ethics and regulations. I hope the PAC would review incidents like this and discuss how our community can be better aware of actions and incidents like this. I would not be able to report this to IPR as I have not directly witnessed the misconduct but when we discover or are made aware of issues like this, how will investigations be initiated and will the public be made aware?</p>

12/15/2022	Advance Public Comment	Philip Chachka	<p>Katherine McDowell, on 12/15/2022, asked about the role of the new Board and possible overlap with Internal Affairs. I think it's important that the new Board has the power and ability to investigate and discipline for ALL misconduct. Internal misconduct should face external oversight, especially egregious misconduct or misconduct that affects the community. I believe currently the police will sometimes classify misconduct accusations as "internal" even when the misconduct was against a community member because another officer made the complaint. These types of complaints should be addressed by the new Board. For instance, if one officer reports sex abuse or theft or other misconduct of another officer, the community should be allowed to hold them accountable. Another related issue: If I file a complaint, I wouldn't want IA and the Board to investigate. I want one investigation team and it would create a barrier to making claims if two investigations are happening at the same time. I believe the police would also not appreciate being investigated twice and having to face two findings from two different boards with possibly conflicting findings and/or conflicting discipline. Would the community Board decision supersede the IA and police admin decision?</p>
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1/6/2023	Advance Public Comment	Marc Poris	<p>Hello Commissioners, thank you for your work on the Commission. I watched the Dan Ryan and Aaron Schmautz meeting and when Commissioner Ryan asked if you do this once a week or is it every other week I realized that he had absolutely no idea how much work you all are doing. Thank you! On to my comments which I'm specifying as being related to "PAC community engagement events, including town halls with specific partner groups and general listening sessions" on the webform, but which I would like to make sure all members get a chance to read. I initially sent this to the Commission staff email address but want to make sure it gets on the public record and that all of you are able to read it. Here is some feedback on the last in-person Listening Session, which I listened to thanks to the mp3 audio that Austin sent me. The audio is hard to hear at times and it is often nearly impossible to know who is speaking. I appreciate that there were 4 listening devices, however, it might be necessary to either have more listening devices or better ones in order to capture clear audio. For future sessions that are recorded, please consider also recording video. I understand that there are community members who might not want to be filmed, so it might be best to have the cameras always facing the Commission members so the community can see the impact that people's testimony is having on them. For community members who want to provide feedback but not have their voice recorded due to being afraid of retaliation from police, there should be a safe and secure way for these people to provide feedback to the Commission without fear of retaliation from the Portland Police Bureau. I understand that giving community members the opportunity to meet the Commissioners in person is incredibly valuable. Since we are also still in a situation where many of us are unable to meet in person due to the potential of catching Covid 19, the Commission and the community would be best served by having these in person meetings changed to hybrid meetings so more people can participate, both Commissioners and community members. It's important for every Commission and staff member to hear the community member who is speaking at 1:16:39 say: "I'm disappointed in the Commission right now because if there are 20 of you in this Commission and there are less than half of you here in attendance to hear the people that are in this space how can we have any faith [unintelligible] that you're actually going to</p>
1/10/2023	Community Q + A Session		If the police are hiding data, I want to know. If we don't know about people being shot, please share.
1/10/2023	Community Q + A Session		When there is an officer involved shooting, the data is quite accurate.



1/10/2023	Community Q + A Session		I'd love to know if the Commissioners have thought about shadowing the 911 office or police officers.
1/10/2023	Community Q + A Session		I shadowed a police officer and the 911 office, and I got a lot of insight into how they communicate, how they pass calls, and I saw things that I thought could be improved so I would encourage you all to do so.
1/10/2023	Community Q + A Session		When a person signs up to be an officer, it's to protect people that they don't know. They have to maintain composure and stay compassionate. Any job can be highly stressful, and cops have to show up on people's worst days every time they show up. They have to constantly be aware of not making mistakes and not getting hurt themselves. So I think those ride-alongs would be a super important idea for the Commissioners. It's a stressful job.
1/10/2023	Community Q + A Session		We often have cases over police misconduct. The word "murder," can be very upsetting, but sometimes people are shot and killed by police officers and the officer is not charged with murder. It is understandable to use "murder" in a case like this. I do not feel safe and protected by the police.
1/25/2023	Advance Public Comment	Javier Sodo	The spike in crime and violence in Portland is unacceptable. The "police hate" preached by the loud vocal minority is not serving our community well. Police officers are by and large caring individuals who want our communities to be safe so people can thrive. It's time to move forward in positive collaboration with our valuable law enforcement officers and work to make Portland once again the city that works, not the city that hates.
1/31/2023	Advance Public Comment	Dennis McBride	I'm tired of hearing about "police accountability". It's time to talk about citizen accountability. Every death at the hands of police began by the suspect running/fighting/ resisting arrest. Fix this before you start blaming police. Where is the PSA information campaign begging people NOT to resist arrest? Of course you won't do it, because you'll be attacked for blaming the victims. The truth is hard to take.
2/16/2023	DSP + OJRC Listening Session		Community members have had abusive experiences with officers who they believe to be confirmed white supremacist.
2/16/2023	DSP + OJRC Listening Session		Community members give personal experiences with civil suits against the county and City and the lack of being able to monitor the complaint process.

2/16/2023	DSP + OJRC Listening Session		Community members express concern with how police treat those struggling with mental health.
2/16/2023	DSP + OJRC Listening Session		It is important to have community control of the police. The people policing neighborhoods should reflect the people living in those neighborhoods.
2/16/2023	DSP + OJRC Listening Session		Community member expressed that there is no need for harsh consequences for police accountability, but the consequences should be clear.
2/16/2023	DSP + OJRC Listening Session		Officers are white supremacist will not be receptive to the new police accountability system or equity training.
2/16/2023	DSP + OJRC Listening Session		Community members expressed that the PAC should use its power to circumvent the obstacle posed by the current system.
2/16/2023	DSP + OJRC Listening Session		While to community recognizes the PAC's efforts, they doubt the commission's recommendations will enact any real change due to the deep-rooted racism of the system.
2/16/2023	DSP + OJRC Listening Session		Community members expressed frustration with dealing with IPR and lack of accountability in the current process.
2/16/2023	DSP + OJRC Listening Session		Community member voiced concern over the involvement of Police Unions in the police accountability process.
2/16/2023	DSP + OJRC Listening Session		Community members voiced support for unions in general as they are meant to protect members from wrongful termination.
2/16/2023	DSP + OJRC Listening Session		OJRC talked about the fundamental differences between police unions and working-class unions. Stated that police unions often work against the working class.

3/14/2023	Advance Public Comment	Clay	<p>This is a comment in response to the reporting and transparency notes document and the meeting.</p> <p>In regards to item B1 and J1, I think the commission can do better and update reporting data in much closer to real time on automatically updated dashboards that can be viewed by anyone. This would allow the board and city council to see if intended policies were having the effects they wanted (if those effects were reflected in the data) and reports could be dedicated to trend and issue investigation. As a bonus, in line with the city's open data initiative, you could make the row level data on case status totally open to the public so that citizens, reporters, or researchers could keep us accountable as well. The council should also decide what metrics might be important to measure. I think things like case processing time will be important to give to the public as a measure of how we're doing, but also to set goals. For example if the org has set a goal of average processing time of 90 days, but is actually averaging 180 days, then it should hire more reviewers, or get more volunteers, or reduce case load, etc. I also see there is an entry indicating the director should develop a data system to track all complaints. If transparency important, it should also be a priority to develop a user interface system that allows different types of users (public, city councilors, those submitting compliants, etc) to easily access the information they need. There's a big difference between just attaching a bunch of documents to a website and designing a dedicate interface. Not in response to a particular item in the doc, but I think anyone should be able to look at a case file and easily understand what happened to the individual case (maybe a timeline of events), who reviewed it, what happened, what decision was made and why. I'm thinking that not all information on a case will be able to be shared, but it should be enough for an average Joe to figure out what happened (finding that balance will probably be a huge point of contention). I think this is important for a number of reasons. Cops should be able to understand how their case was processed and what they did wrong and citizens should be able to see how complaints were processed and resolved. Publishing this information will also keep the commission accountable. If the commission is inconsistent in verdicts, or its values aren't aligned with the public, then it allows the relevant parties to step forward and voice their complaints with evidence. Standardizing the individual case</p>
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3/15/2023	Advance Public Comment	Collin Ferguson	<p>1.) How many community members should make up the oversight board and why? a. I recommend following the design of Portland's new governance model; three members for each soon-to-be-established city quadrant. b. Twelve members with all areas N/NE, S/SE, NW, and SW represented (similar to districting criteria approved by voters on 11/8/22 when Measure 26-228 passed). So agree with CF above. 2.) Should the oversight board have the authority to fire the board's director, and why? a. See my answer to question #5. 3.) How should the investigations be screened and assigned to the board members? a. See my answer to question #5. 4.) If you have used or been part of the current complaint system, what do you think can be done to improve the system in the future? a. I recommend following models like Seattle's Office of Professional Accountability, which provides online access to anonymous complaint forms and real-time complaint investigation results. Perhaps a PNW partnership can result. Let's get Vancouver, B.C. on board with a Portland-Seattle partnership. <a href="https://www.seattle.gov/opa">https://www.seattle.gov/opa</a> b. I also recommend partnering with the Code for America Automatic Record Clearance program: <a href="https://codeforamerica.org/programs/criminal-justice/automatic-record-clearance/">https://codeforamerica.org/programs/criminal-justice/automatic-record-clearance/</a>. Their code is open source and is available on GitHub: <a href="https://github.com/codeforamerica/comport">https://github.com/codeforamerica/comport</a>. c. I also recommend reading the On Police Oversight in the Council of Europe Countries by Jonny Byrne: <a href="https://rm.coe.int/police-oversight-mechanisms-in-the-coe-member-states/16807175dd">https://rm.coe.int/police-oversight-mechanisms-in-the-coe-member-states/16807175dd</a> 5.) What is a fair wage for the oversight board director, and why? Should this be a full-time position? a. This question is difficult for me to answer because I do not know enough about what you have accomplished and the organizational model you're proposing. I need to read a report about the organizational research you have completed to give you my opinion on this matter.</p>
3/16/2023	Advance Public Comment	Kala Franklin	<p>Members of the new Police Accountability Board shall not hold multiple positions within other community agencies to ensure new ideas and new community members.</p>
4/11/2023	Advance Public Comment	Philip Chachka	<p>The PAC is having a private meeting today, April 11, 2023, with an unlisted "Community-Based Organization." Why is the organization's name and not listed on the website? Why is the PAC willing and allowed to meet under a veil of secrecy? At least publish the name of the groups you are meeting with and publish notes on what was discussed. Who arranged the private meeting and why the lack of transparency?</p>

4/20/2023	Advance Public Comment	Yume Delegato	<p>Congratulations to the Board Member Subcommittee for concluding their phase of work. One thing that I would encourage the full board to consider when reviewing this section is the question of alternates, which has not yet been settled. Most advisory bodies define (via statute) the number of VOTING members on their body. Some agencies will also stipulate a fixed number of alternates, although I think most do not - in 2021, the Citizen Review Committee submitted 9 Alternates to City Council - a number that does not have any specific basis in City Code. I would suggest delineating between a fixed number of voting members and either a fixed or minimum number of Alternates.</p>
6/24/2023	Advance Public Comment	John Jackson	<p>It is important for the PPB to be 100% transparent in every way. When it involves spending tax payers dollars it is of the utmost importance. PPB has \$12 million in the budget to spend without close oversight. The discretionary fund should be transparent and have oversight. Having an open checkbook is not something that the constituents in the city of Portland have, so why should any bureau have that unrestrained luxury? I recommend a committee to oversee discretionary spending at this level. It is definitely in the Public interest and also the police departments interest.</p>
6/26/2023	Advance Public Comment	Brian Owendoff	<p>I would like to place a public comment regarding the formation of the Oversight Body to PPB by the PAC. I have lived and worked in the City of Portland since 2008 and have developed over \$1.5 billion of mixed use projects in downtown Portland that annually provide \$30 million in taxes to fund city and county government operations. I am also President of the Forest Height HOA, the largest HOA in the City of Portland with over 6,500 residents. Given the very large budget the Oversight Body (OB) will have at its disposal, and given Portland City code, the OB needs to have a Budget Advisory Committee (BAC) to oversee their budgetary decisions. The BAC membership should be appointed by a neutral party and should not be related, in any way, to the PAC and OB membership.</p>
7/10/2023	Advance Public Comment	C.H.	<p>I am a 39 year old blind man. I have been unable to navigate the streets of portland due to the infringement of my rights under the ADA to have access of up to 10 feet of sidewalk to travel around using my cane or guide dog. I have become a prisoner in my home because drug users have taken over the sidewalks and made accessibility impossible for me. This is a direct infringement of my civil rights and against Federal Law. Please up hold this ADA lawsuit that was unanimously adopted to insure my Federal right to safe and accessible travel on the sidewalks of Portland .</p>

7/10/2023	Advance Public Comment	SJ	I am a blind taxpaying citizens in Portland, Oregon. I will work in the world center area in the past five years has gone to work. Had to walk in the street because the tents are blocking the sidewalk. I've often found myself stepping on people sleeping on the sidewalks, or they're either intoxicated on the sidewalks. Being a blind individual having these obstacles is very very difficult when you're trying to go home or trying to go to work. I've also encountered other unfortunate things like garbage, feces, and things that people told me to watch out for like dirty needles. Makes me sad.
7/11/2023	Advance Public Comment	B.R.	I am a 93 year Portland native. I am disabled and use a walker or mobility scooter when I go out. I have lived in this city all my life and up to recent years loved walking our city streets. But when I go out now it is with great trepidation. Will the streets I want to walk be clear, or will I have to find a way around people who have made the streets their home. I have great empathy for the homeless and think the way we treat them is a disgrace. But the solution to helping those who have no homes is not to let them place themselves and their belongings where they may cause harm to others. I urge our city to find a way to help those who are homeless that does not put the disabled at risk. Thank you.
7/11/2023	Advance Public Comment	Jenni Mays York	In light of the very large budget the Oversight Board is entrusted with, I believe we need a Budget Advisory Committee that is, in no way related to the membership of the oversight board, to be a legitimate budgetary overseer and to follow city code.
7/11/2023	Advance Public Comment	Kelly	Accountability and compliance with applicable laws appear to require a separate budget committee to oversee the significant budget for the Police Accountability Commission.

7/11/2023	Advance Public Comment	GAC	<p>I have lived and worked in the City of Portland since 2001. I am I am fortunate to be able live and work from my house in Portland's central east side. Any Police "accountability" effort needs to be broader than just investigating specific instances of alleged misconduct. Accountability efforts should, broadly, consider ways to increase the effectiveness of safety officers. The City has seen an increase in drug use, dealing, and violent crime; crimes that disproportionately impact people of color and vulnerable residents such as the disabled, aged, and mentally ill. If you focus on specific instances of misconduct in a reactionary mode, you'll never solve root causes or improve methods of delivering safety services. A police department that has restored its public confidence can achieve adequate staffing and return to providing community policing, which will greatly improve trust among Portland residents. It has been reported that Oversight Board will be funded at \$12 million/year, equivalent to 5% of the police budget and a fourfold increase over funds currently allocated to the PAC. This seems inefficient given the reactionary nature of the Board's planned efforts. This money would be better spent delivering needed safety programs. Furthermore, at this funding level, and given Portland City code, these organizations need to have a Budget Advisory Committee (BAC) to oversee their budgetary decisions. The BAC membership should be appointed by a neutral party and should not be related, in any way, to the PAC and OB membership.</p>
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7/12/2023	Advance Public Comment	Adam Gregg	<p>I attended your community engagement meeting with OJRC and DSP, but had to leave before I could make any comments. The only thing that I wanted to add as far as ideas is the concept of a third party, like the PAC, creating a document that could serve as a Brady list. Based on recent reporting, it is clear that Multnomah County DA doesn't even keep what they call a Brady list, and only has 3 officers on it. It just seems like if there was some way to investigate dishonesty by police officers, even if it didn't rise to the level of a reprimand or demotion (since apparently nothing does) that could be used to impede an officers ability to testify in court or file reports that were used by the DA to prosecute people. I'm sure this would require a complicated agreement with the DA's office and is probably impossible given the systems that exist currently, but feels like it could be a meaningful step towards valuing honesty and devaluing lies by sworn officers.</p> <p>My personal experience is that Portland Police officers lie so often that it is hard to have any faith in them, and I believe this is a common experience that drives a wedge between police and the public. I assume this is not a novel idea, but just wanted to raise it as a potential avenue for accountability.</p>
7/23/2023	Advance Public Comment	Tiana Tozer	<p>I am writing to request a Budget Advisory Committee (BAC) that is completely unrelated/independent the PAC Board. Right now the plan for their BAC is the Board themselves. This is unacceptable. In accordance with City Code it is necessary to form an independent BAC for the Police Accountability Commission.</p>
7/25/2023	Advance Public Comment	Sahaune Randle	<p>It doesn't sound inviting. It reaffirms a feeling of not being heard. To use the word "oversight" says to me forgotten and as a community I want to feel included and not forgotten especially with the reason why this was put in place.</p>
7/25/2023	Advance Public Comment	Lamika Hall	<p>Will the police department ever list all mental health patients as such when police run their name</p>
7/25/2023	Advance Public Comment	Malika Reedy	<p>Maybe it would be a good idea to have trained volunteers or police officers that have more sympathy to help with more of the colored community homeless community and mental health community so that things won't escalate as fast or the community won't feel in so much danger just from the police.</p>



7/25/2023	Advance Public Comment	Daneija brown	I feel like in general we need a whole new staff or at least better training . I get that being a police officer is a hard and scary job but at the same time you should always prepare for the worst without violence being the #1 answer to handle things or different situations . No matter how someone looks or what color is their skin simple as that.
7/25/2023	Advance Public Comment	Ariez Clay	I feel the more the community is allowed to be involved with city thing the more solutions we can come up with to make a better life in the city.
7/25/2023	Advance Public Comment	Eboni Clay	I think the city of Portland needs to listen to the community and actively put laws that are taking action to better our city and create a safer environment.
7/25/2023	Advance Public Comment	Josiah	Police taking accountability is a big step in our police.
7/25/2023	Advance Public Comment	Kalan	It sounds like the Police Accountability Commission is in an important phase of its work, as it transitions to a new system and develops its oversight board and bureau. The focus on developing a strong and effective system that is responsive to the needs and concerns of the community is crucial, and I hope that the commission is able to successfully navigate this process.
7/25/2023	Advance Public Comment	Roylonte Bunn	Because of recent incidents involving racial profiling and discrimination by some police officers, how can we ensure that police departments prioritize diversity and inclusion in their ranks to better represent and understand the communities they serve? What steps can be taken to improve community-police relations and foster trust between law enforcement officers and the communities they serve when the oversight program has no representation of people who are affected by these tragedies day in and day out?
7/25/2023	Advance Public Comment	Jailyn	Will this be maintained as it should be and serve the citizens how it's supposed to? This system seems like a temporary fix to an ongoing problem. I would love if the power that were over us wasn't so powerful, it would work better but because there are so many people above us it doesn't seem like we'd be listened to.
7/25/2023	Advance Public Comment	Angel	Getting other people's view might be more helpful.

7/25/2023	Advance Public Comment	Jaydrese	This shouldn't be a thing, but I'm glad it's coming to be.
8/3/2023	LatinX Healthcare Providers Mtg		People are scared of police & many are undocumented. What does the bias toward undocumented/LatinX piece look like?
8/3/2023	LatinX Healthcare Providers Mtg		Community has been traumatized – protect & serve vs “enforcers”? When will this be a priority to serve the community instead of enforcing as a priority?
8/3/2023	LatinX Healthcare Providers Mtg		Need more of a street-outreach model, not policy initiatives. Existing fear factor, and unwillingness to report police activity. Lowest rate of complaints in LatinX community. Police need to be part of the community outreach process in a POSITIVE WAY. Come talk to us! Show a different perspective to create pathway to positive approaches. Create a different perspective of who they are to encourage positive interactions
8/3/2023	LatinX Healthcare Providers Mtg		We are all human, and we must treat each other as such. Policing began as slave control. We cannot have police justice without social justice. We must show that this is possible, even when the reality is distant. Must have our demands/voice heard until the wave to change hearts/minds/souls . Systems based in white-supremacy/racism. Would love to see police to an inventory of community experiences. However, this training does not exist. “Coffee w/a Cop” – individual cops might be good, but the “Blue Line of Loyalty” holds strong. Must focus on “harm-reduction”
8/3/2023	LatinX Healthcare Providers Mtg		We need cultural training for police. They need to have the option to identify bias/racism training. There might be a desire within police community to have this training. Can we enforce the completion of Continuing Education for law enforcement officers? Does this training exist?
8/3/2023	LatinX Healthcare Providers Mtg		When we define the SOW, and the community is giving their input, we need to be aware of what they want to be seen as part of the SOW, not how the SOW has been defined APART from them. Just b/c you have people of color involved, it doesn't mean that you have quality connections

8/3/2023	LatinX Healthcare Providers Mtg		Highly recommend creating opportunities to connect police with the communities so they can connect on a HUMAN level
8/3/2023	LatinX Healthcare Providers Mtg		Police are HIGHLY TRAUMATIZED – they are suffering trauma on a daily basis, and there is no action being taken to address their needs
8/3/2023	LatinX Healthcare Providers Mtg		The community is highly traumatized – they do not trust the authorities and will not come forward for fear of retaliation
8/3/2023	LatinX Healthcare Providers Mtg		Leaders must make space for marginalized community members to speak and have their traumas heard and recognized. How will things change if there are no opportunities for the people most affected to be heard?
8/3/2023	LatinX Healthcare Providers Mtg		If leaders will not create an opportunity for the communities to connect with police and with leaders, how will things ever change?
8/8/2023	Juntos Podemos Meeting		Some things will be transferred from the old system. What is it that will be transferred? Is it good? Who is making those decisions?
8/8/2023	Juntos Podemos Meeting		Will the process of firing will be publicly shared with the community? The process is confidential and delicate, but some parts of the process will be shared with the community
8/8/2023	Juntos Podemos Meeting		Questions related to DUI situation
8/8/2023	Juntos Podemos Meeting		Person lives in WA but works in Portland. How will changes in the system impact them? How can they contribute to the hiring process?

8/8/2023	Juntos Podemos Meeting		Are there informational announcements that we can share with others in the community? For example PCC students?
8/8/2023	Juntos Podemos Meeting		Can media attend these informational events? If so, are they sharing their information through their channels?
8/8/2023	Juntos Podemos Meeting		There is fear from the undocumented community that any interaction with law enforcement may lead to intimidation, prosecution, and deportation
8/8/2023	Juntos Podemos Meeting		Undocumented individuals will not report crimes or misconduct, even when they are personally victimized
8/8/2023	Juntos Podemos Meeting		How might the Commission ensure the safety and security of undocumented individuals if they had a desire to report unethical/illegal police activity?
8/8/2023	Juntos Podemos Meeting		How might the Commission ensure the safety and security of undocumented individuals if they had wanted to participate in community + leaders or community + police interactions?
8/8/2023	Juntos Podemos Meeting		How might the LatinX community help the PAC to drive training/education/connection with the police?
8/8/2023	Juntos Podemos Meeting		How might members of the undocumented LatinX community help to shape the SOW of PAC?
8/10/2023	Advance Public Comment	Adam Brabant	The Police Accountability Commission, or appropriate oversight body, should have the authority to randomly review the officers' body cameras, three times a month.
8/10/2023	Advance Public Comment	Jacy-Jeremiah Lonnell Joints	I think the police should do more community engagement.

8/19/2023	LatinX Small Business Owners	<p>Q: When there were complaints in the past and the police were found guilty, but the union never did anything. Is that going to change?</p> <p>A: Sameer, Yume and Sophia – the current system is in the shadows and there are times where the police doesn't get notified and no one knows what's happening. While the recommendations imposed by the PAC won't solve everything, we are hoping that by providing more transparency to the complaint process, will help people be aware of what is going on and have a chance to give input every step of the way.</p>
8/19/2023	LatinX Small Business Owners	<p>Q: How will this new system interact and be sure to connect the police with the community? A: Sophia – the new oversight board will have a member that is connected to the community and this member will have a seat at the union meetings. We need a system that is just. Sometimes, the police are equally as in the dark and the recommendations will help train and bring the police into the new system and ways of working.</p>
8/19/2023	LatinX Small Business Owners	<p>Q: Why is this measure created and how/who created the PAC?</p> <p>A: Sameer – this measure was passed in 2020 with 82% rate after the BLM movement. During this time, protests in Portland showed the police using brute force and misconduct to control the situation. The City is also under a settlement agreement with the USDOJ for not meeting the constitutional rights. PAC was created to enact an oversight system to keep police accountable but at the time the measure was created and passed, there was no outline and structure on how the PAC will help create the new system. This new system is for everyone.</p>
8/19/2023	LatinX Small Business Owners	<p>Q: What is the future of the PAC?</p> <p>A: Austin and Sameer – the PAC will disassemble after August and recommendations of this work will be brought to city council. The new board will consist of volunteer community members and there is a stipend for their time and involvement ranging from \$500 to \$7,000 annually. The police don't know right now of what they are accountable for but the new system will keep both the police and the community aware.</p>
8/19/2023	LatinX Small Business Owners	<p>Q: Are there psychological training and support for the police?</p> <p>A: Sameer and Sophia – there is competency training and trauma informed training. The city recently implemented a wellness program for the police and overall, has received good feedback. The new oversight board will also work to train the police on how the new system will work.</p>




**Police  
Accountability  
Commission**

# Overall Discussion Group Sessions for The New Oversight System

REPORT

August 2023

REPORT BY



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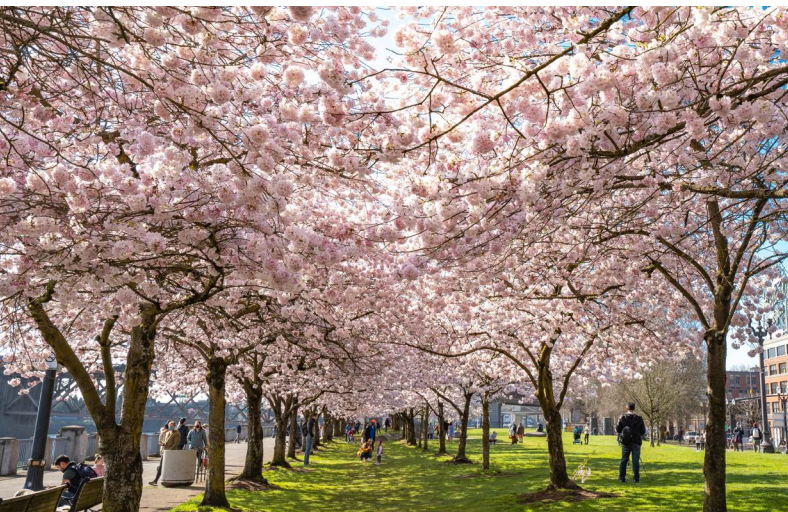
# INTRODUCTION

In 2020, Portlanders overwhelmingly passed a ballot measure that created the Police Accountability Commission (PAC). The Police Accountability Commission is a group of 20 community volunteers working since December of 2021 to create a new police oversight system for the City of Portland that will create transparency, promote justice, and ensure accountability from Portland's police force. The commission has drafted documents detailing the new system, which will be presented to the Portland City Council in September 2023.

To ensure that the proposed changes will benefit all Portland community members, the Police Accountability Commission is collaborating with Lara Media Services

(LMS) and Spears & Spears to expand community outreach and gather feedback from over-policed communities regarding the proposed changes to the policing system. Effective engagement requires a community-centered approach that considers the unique needs, concerns, and values of the communities served. PAC demonstrates a genuine commitment to understanding the communities experiences and perspectives by gathering their input. This undertaking builds trust between the community and this new commission, fostering a sense of legitimacy and cooperation.

Communities that experience over-policing often develop strained relationships with law enforcement and other government agencies that work with them.



**Amplifying these voices helps to bring attention to the disparities and inequities in our criminal justice system and fosters a more inclusive and equitable society.**

By listening to over-policed communities, PAC will better understand their priorities, perspectives, and desired outcomes. This information will then be used to influence the PAC documents that the commission has drafted.

LMS is a certified MBE, WBE, DBE, ESB firm (Certification #7923) and B-Corp that places people at the center of their approach to create authentic engagement tactics and strategies that are tailored to the needs of those who stand to benefit from them the most. This principle is based on the idea that those closest to the problem are often closest to the solutions. LMS is proud to be part of this critical project and to support the Police Accountability Commission in its efforts to create an equitable system that promotes accountability within the city's police department.



# METHODOLOGY

To gather honest and constructive community feedback on the systemic changes needed to build a safer and more just community for Portland's citizens, The Police Accountability Commission (PAC)\* hired Spears & Spears and LMS to identify communities that have been historically underrepresented in the City of Portland's Police department or who are vulnerable to police misconduct or discrimination. Communities and affinity groups were identified and invited to participate.

Due to their history of working with over-policed communities, LMS and Spears & Spears facilitated all Police Accountability discussion groups. LMS coordinated logistics and planned the discussion prompts to encourage engagement from all attendees. All participants completed a demographic survey. Twenty participants from the houseless community were invited by Bybee Lakes Hope Center. All discussion groups were virtual, with the exception of the discussion of participants for the houseless community.

In total, 168 individuals were invited to participate, and 124 attended.



Facilitators provided a safe space for participants to share their thoughts and ideas about the Police and Portland Police Bureau's (PPB's) current oversight systems.

Spears & Spears facilitated five virtual discussion groups:

- Small Businesses
- Equity Practitioners
- Neighborhood Associations and CBOs
- People between 18 and 25 years old
- Anyone Who has Witnessed or Experienced Police Misconduct and Filed a Complaint

LMS facilitated five virtual and one in-person discussion groups:

- Spanish Speakers
- People Living with Disabilities
- People Living with Mental Health Illnesses
- Community Members that have Dealt with the Police in the Last Year
- Houseless Communities (in-person)
- Community Members who have Witnessed or Experienced Police Misconduct but Chose not to File a Complaint

LMS also facilitated one in-person discussion group for houseless communities, offering childcare, refreshments, and paper demographic surveys to participants to accommodate their needs.



Two-hour discussion groups were held on June 27th, every Wednesday in July, and on Saturday July 22nd from 11:00 a.m. to 1:00 p.m., with two discussion groups each on July 11th, 12th and 19th.

All participants were offered accommodations for the discussion groups. The goal was to create a more inclusive and welcoming environment for all participants; providing accessible accommodations was essential to ensure everyone fully participated and contributed to the conversation. For these discussions, LMS made sure to have visual aids, captioning, and other tools as needed. Each participant was contacted in advance, asked for individual needs, and encouraged to communicate their needs beforehand.

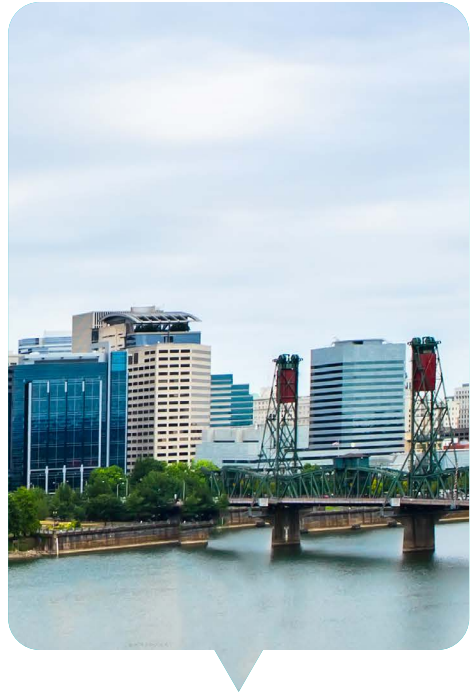
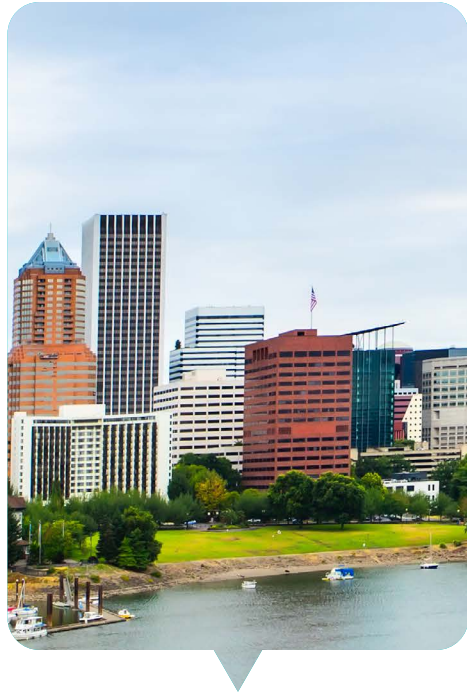
All participants were treated with respect and dignity, ensuring they felt valued and welcomed. Each participant received \$200 as a compensation for participating.

The following information highlights the demographic data from all Police Accountability discussion groups and their cumulative recommendations for the new system being implemented by PAC.

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\*The Police Accountability Commission is a group of 20 City Council-appointed community members serving Portland by developing a new investigatory, disciplinary, and oversight system for Portland police.

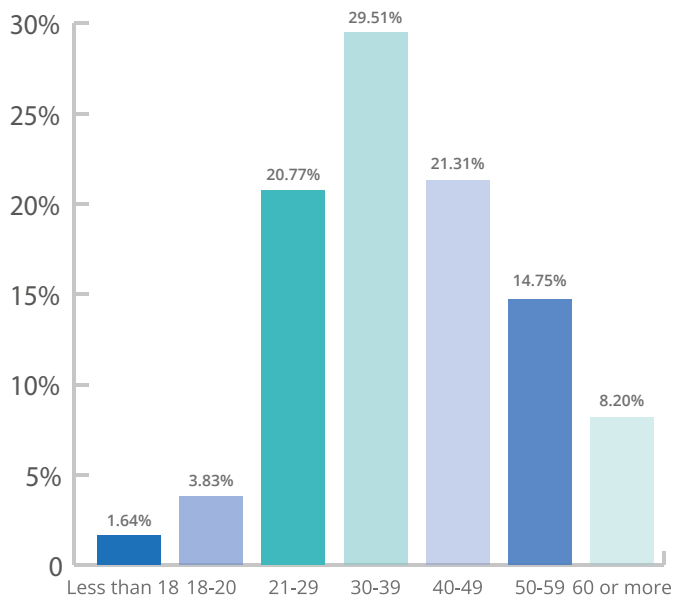




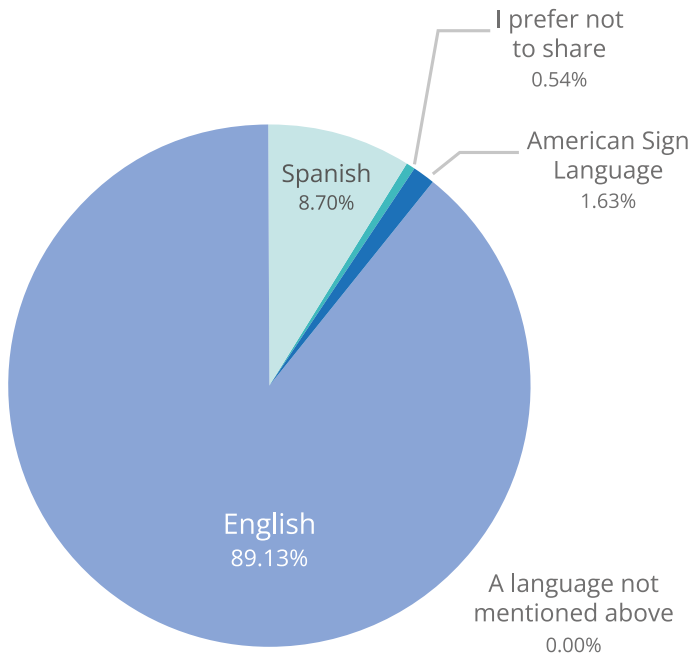
# DEMOGRAPHICS

Below is the demographic survey, which includes 186 responses; out of those, 124 participated in the discussion groups.

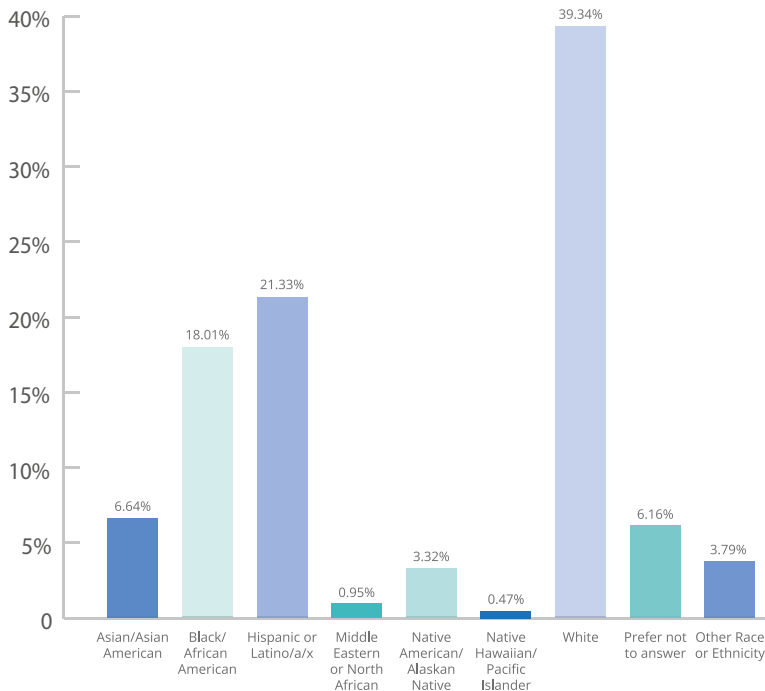
## 1 Which category below includes your age?



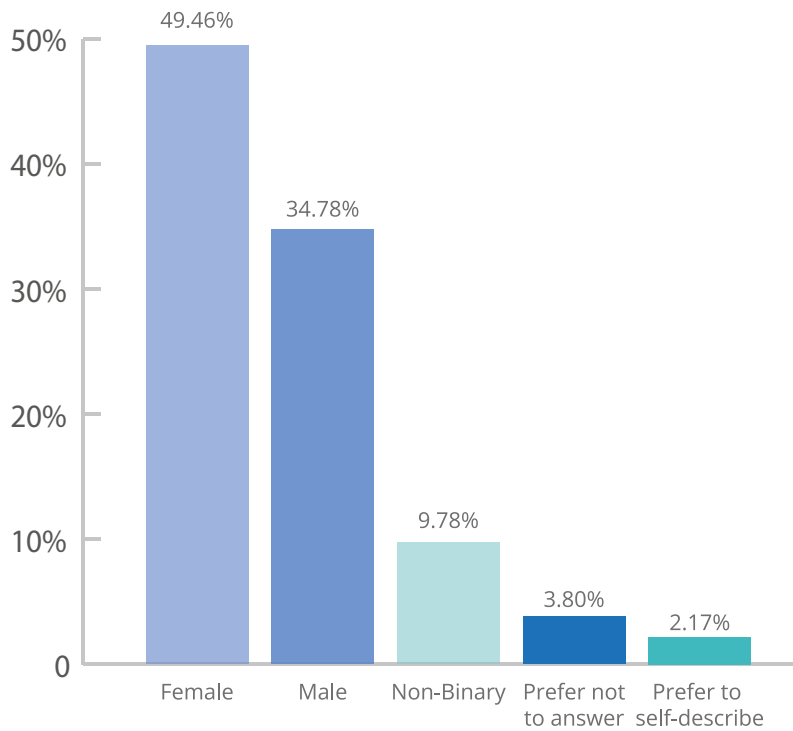
## 2 What is your preferred language?



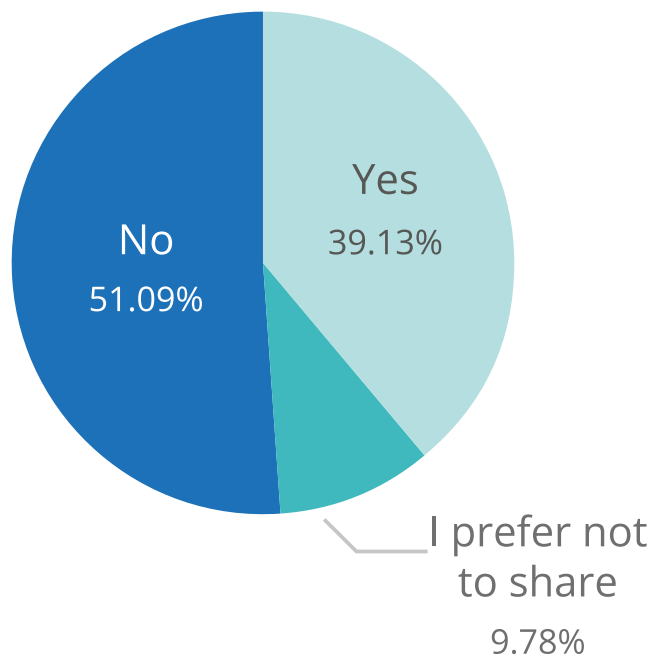
## 3 Which of the following racial and ethnic backgrounds best describes you? (Select all that apply)



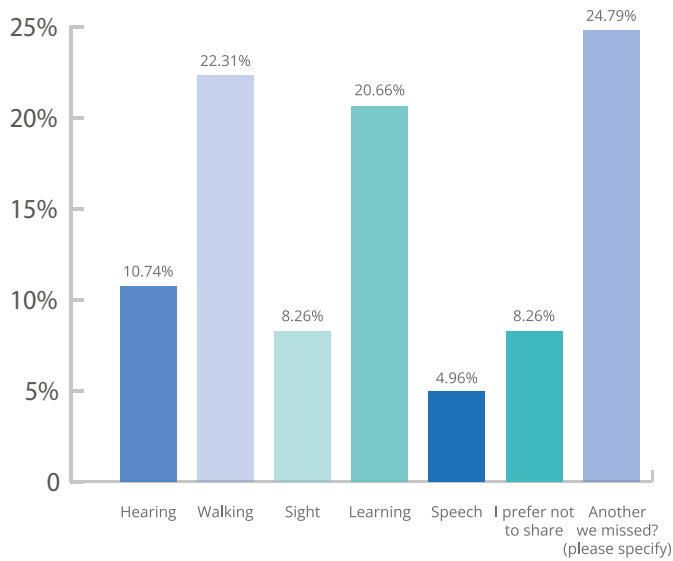
## 4 What best describes your gender?



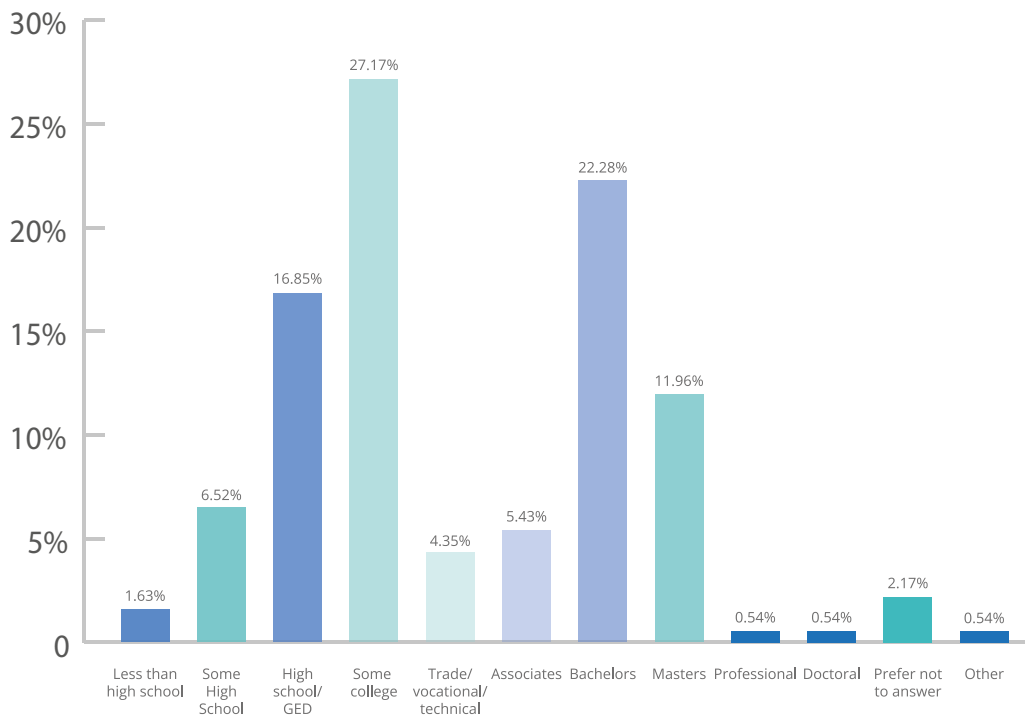
## 5 Does a disability impact you?



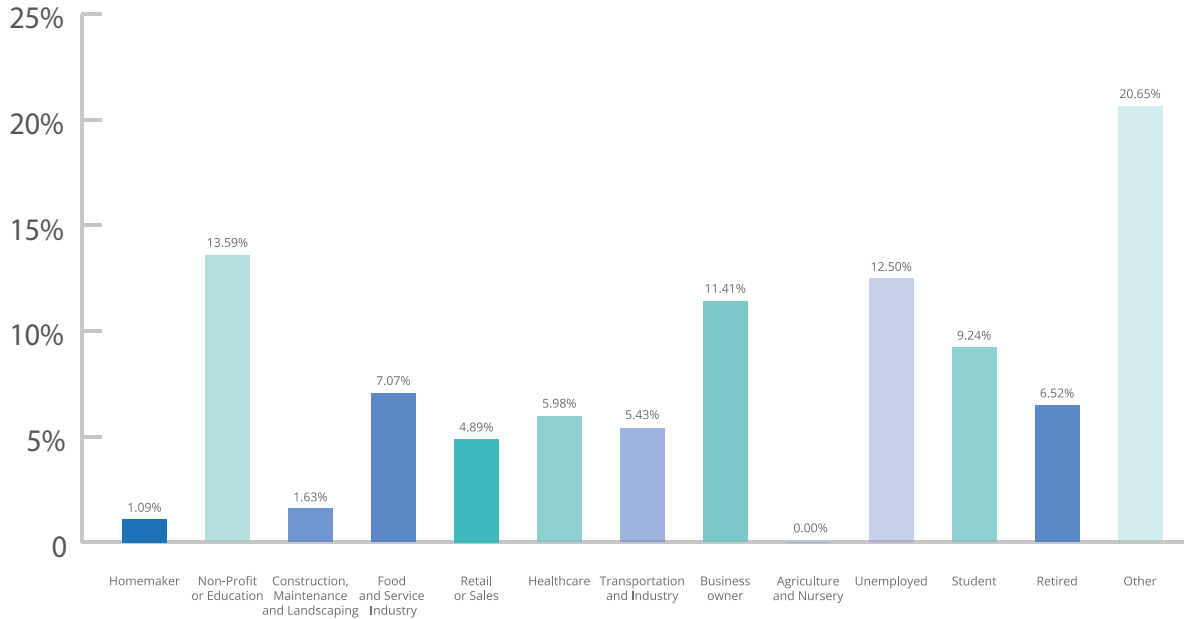
## 5.2 How do disabilities impact you? (Select all that apply)



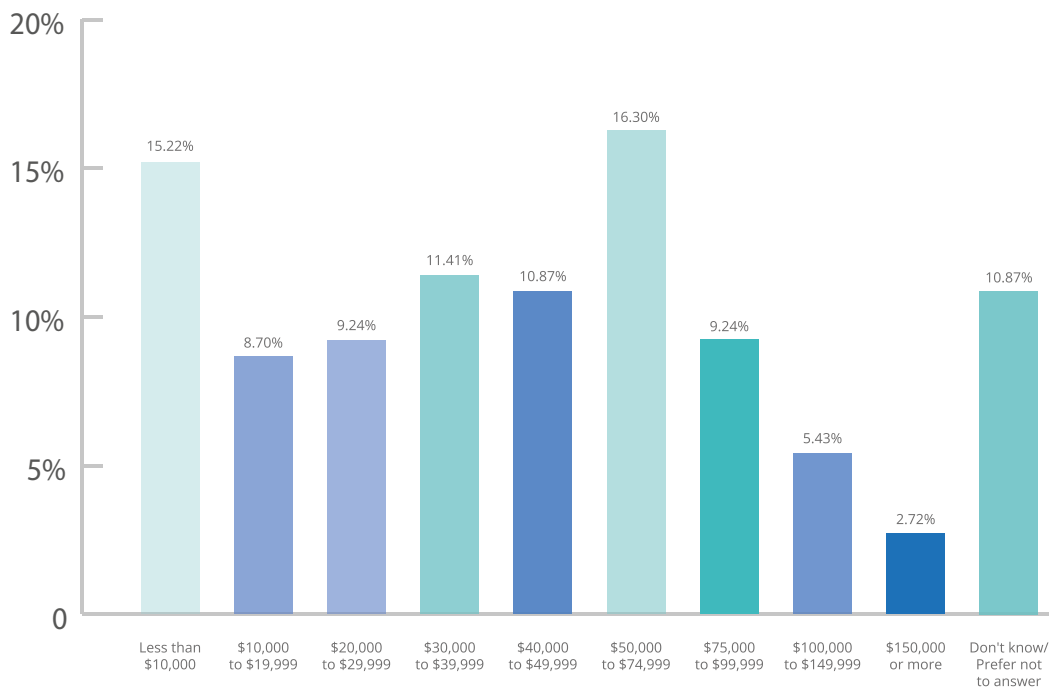
## 6 What is your highest level of education?



## 7 What is your occupation?



## 8 What is your household's annual income before taxes?





# RECOMMENDATIONS

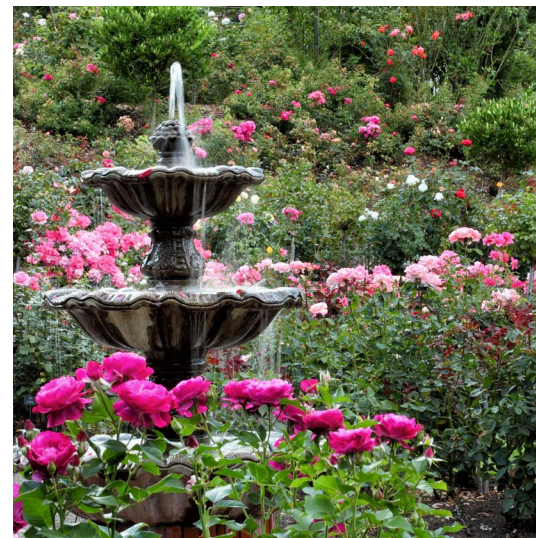
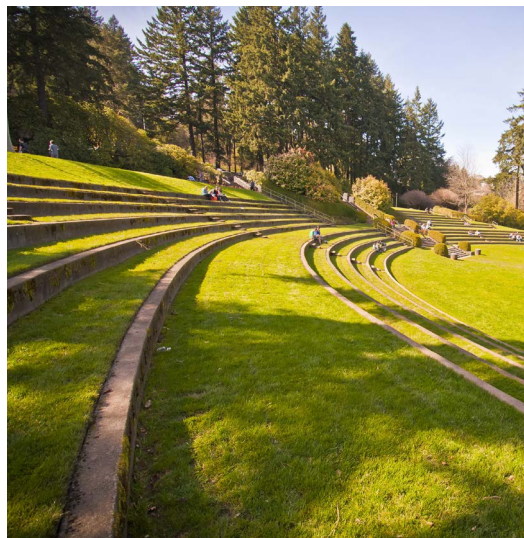
This section lists the recommendations from all discussion groups summed by themes.

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## Building Trust:

Highlighted by the following Discussion Groups: Spanish speakers, Houseless Communities, and Community Members who have Witnessed or Experienced Police Misconduct but chose not to File a Complaint.

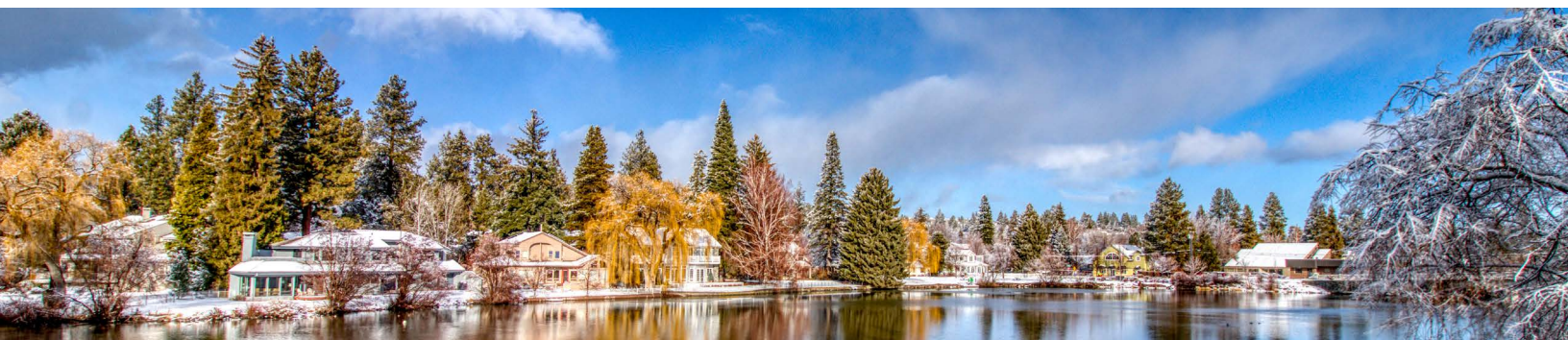
- Build trust between communities and police officers by creating opportunities for constant engagement through in-person events and community feedback sessions.
- Increase police visibility and engagement within communities.
- Establish policies that encourage community-based policing over reactive policing.
- Use social media and advertisement campaigns to educate and uplift real stories about community members' interactions with the police and the new system.



## Increasing Training for Officers to Minimize Forced and Violent Interactions:

Highlighted by the following Discussion Groups: Spanish speakers, Houseless Communities, Communities Living with Disabilities, Neighborhood Associations and Community Board Organization members, and Community Members who have Witnessed or Experienced Police Misconduct but chose not to File a Complaint.

- Mandate training for officers to minimize use of force and violent interactions with diverse and vulnerable communities including comprehensive equity training, implicit bias training, and culturally responsive training with focus on how to compassionately engage with people suffering from mental health illnesses.
- Hire mental health professionals to aid police officers in responding to individuals suffering from mental health crises.
- Ask for the use of a tracking system that uses simulation calls to evaluate officers' reaction times and responses to various scenarios to monitor officers' performance and observe how they handle incidents. Use a role play-based, hands-on approach with a focus on communication, de-escalation, and empathy.
- Create best practices for disciplinary processes for officers and for transparency, to inform civilians on potential outcomes of misconduct cases.
- Incorporate training on how to create more dialogue in difficult situations to de-escalate them with no or minimal violence.
- Implement tracking systems that monitor officer performance and incident handling, — support officers who handle interactions appropriately through positive reinforcement and other benefits.



## Expanding Outreach:

Highlighted by the following Discussion Groups: Spanish speakers, Community Members who have Witnessed or Experienced Police Misconduct but Chose not to File a Complaint, People Living with Mental Illness, Small Businesses, and Community Members who have Dealt with the Police in the Last Year.

- Utilize diverse communication methods to create further outreach to Spanish-speaking community members and communities of color about how to submit police complaints.
- Create a Q&A for the community that explains how the new system would work to benefit the community.
- Use a mix of communication methods to ensure the accessibility of the new system, focusing on those that had been over-policed. Communication methods should include videos, posters, newsletters, and social media, and media channels and content with accommodations for people living with disabilities and mental illnesses.

## Transparency:

Highlighted by the following Discussion Groups: Neighborhood Associations and Community Board Organization members, People between 18 and 25 years old, Community Members who have Dealt with the Police in the Last Year, and Equity Practitioners.

- Establish a “Bureau Advisory Committee” composed of citizens to oversee the new system budget. The organization’s budget and funding should be transparent through public reports or other accessible resources to all Portland community members.
- Ensure that all investigations are transparent about the charges being made against officers, the steps being taken to investigate the misconduct, and the outcomes of the issue.
- Track and record complaints and misconduct to develop a database to analyze trends in officers’ behavior.
- Create an accessible public database where investigation results and misconduct charges can be searched by officer’s badge number and name.
- Create a public database of accessible reports on past and recent misconduct charges by officer’s badge number and name can also increase transparency and promote accountability.

## Accessibility in the Complaint Navigation Process:

Highlighted by the following Discussion Groups: Spanish speakers, Communities Living with Disabilities, People Living with Mental Illness, Small Businesses, Houseless Communities, Neighborhood Associations and Community Board Organization members, Community Members that have Dealt with the Police in the Last Year, Community Members who have Witnessed or Experienced Police Misconduct but Chose not to File a Complaint.

- Create a system that allows civilians to anonymously make a complaint and upload evidence of misconduct without going through police systems.
- Make sure to investigate all complaints thoroughly.
- Make a safe system for complainants that protects them from retaliation from officers.
- Keep complainants informed about the status of their complaint and create a dashboard to supply investigation data to the public. Establish a system that alerts civilians when their evidence has been seen and the investigation process has started.
- Create a new system that is inclusive and accessible with cultural and linguistic resources including accommodations for people who don't speak English and come from diverse backgrounds.
- Create processes that offer accommodations and access for people with mental illnesses and people with disabilities.
- Have various locations for reporting complaints and several communication methods through which complainants can submit evidence such as videos, phone calls, complaint forms.

## Creating and Maintaining a Diverse and Inclusive Board:

Highlighted by the following Discussion Groups: Equity Practitioners, People Living with Mental Illness, Neighborhood Associations and Community Board Organization members, Small Businesses, People who are between 18 and 25 years old, Houseless Communities, Community Members who have Dealt with the Police in the Last Year.

- Consider the balance of expertise, beliefs, personal views, bias, and cultural experience to ensure diversity and equity on the board.
- Include mental and public health workers in the new organization to ensure the system is equitable and empathetic for individuals with mental illness.
- Clarify how to apply to be a part of the board and establish qualifications and requirements for serving in the new system.
- Clearly define the role of the Director.
- Establish a screening committee for board members to ensure that those with harmful or extremist ideologies against over-police communities are not elected to the board.
- Offer training to the organization's board members about dealing with biases and power dynamics.
- Establish a comprehensive process to ensure that all decisions the future board makes are fair, just, and legitimate.
- Compensate the board volunteers, especially those with lower financial means to serve, and structure it on a sliding scale. It is suggested that transportation and parking reimbursements be added, among other things that facilitate board members participation. Also include mental health support and resources for members of the board and volunteers.

## Investigation and Discipline within the Portland Police Bureau:

Highlighted by the following Discussion Groups: Equity Practitioners, Houseless Communities, Community Members who have Dealt with the Police in the Last Year, Community Members who have Witnessed or Experienced Police Misconduct and Filed a Complaint, Community Members who have Witnessed or Experienced Police Misconduct but Chose not to File a Complaint, Spanish speakers, Communities Living with Disabilities and People Living with Mental Illness.

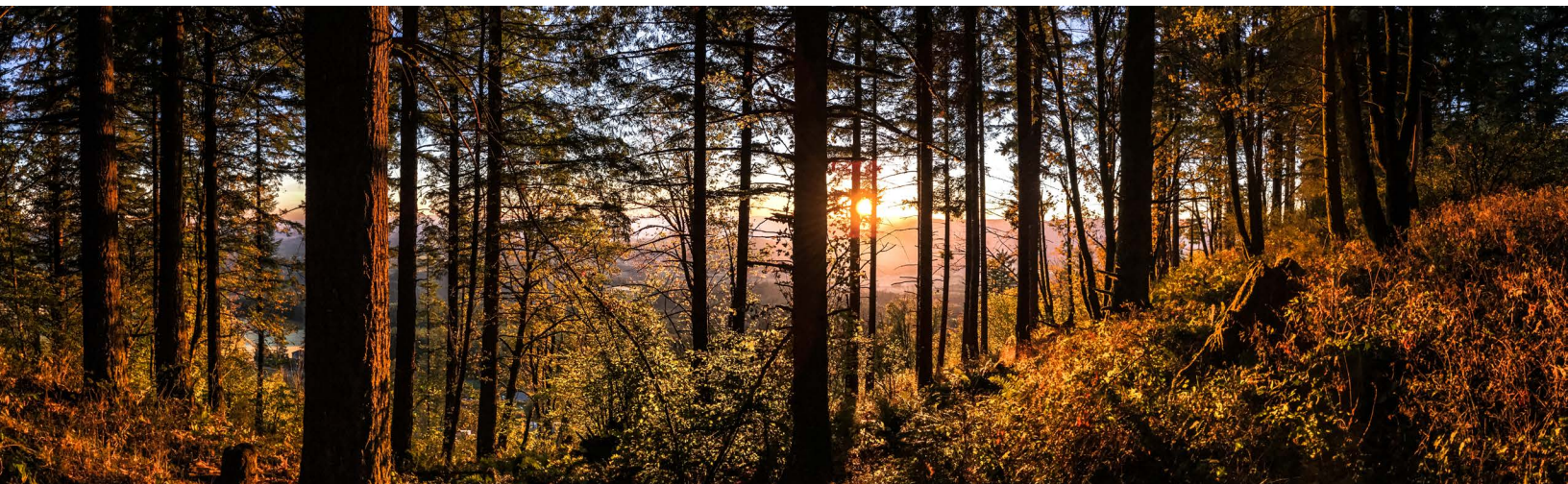
- Ensure the new accountability system's process can withstand potential legal challenges from the police union.
- Create stricter standards and expectations for officers' behavior and clear repercussions for misconduct.
- Provide oversight after an accountability determination is made, including information on who oversees discipline and potential penalties for non-compliance.
- Conduct thorough investigations into officers' backgrounds before hiring them and during investigations.
- Implement strict penalties for officer misconduct with people living with disabilities and for harming vulnerable communities, such as seniors or minors.
- Ensure that all misconduct is publicly acknowledged by the officer and the PPB.
- Implement repercussions for officers who fail to report misconduct from their colleagues.
- Provide resources such as therapy, support groups, and personal counseling to police.

## Creating Spaces & Reparations:

Highlighted by the following Discussion Groups: Equity Practitioners, Houseless Communities, Community Members who have Dealt with the Police in the Last Year, Community Members who have Witnessed or Experienced Police Misconduct but Chose not to File a Complaint, Spanish speakers, People Living with Mental Illness and Communities Living with Disabilities.

- Ensure that the new oversight system, including the board, continues learning from and listening to over-policed communities, using diverse insights and perspectives to create a more just and inclusive organization that meets the community's needs.
- Create a fund to provide resources for those who have experienced police trauma, including monetary reparations for those affected by police brutality and misconduct.

Throughout the discussion groups, participants had questions regarding the new police oversight system. Their questions were gathered in a document so PAC can refer to and answer them; see Appendix 1.



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# CONCLUSION

This study provided valuable insights into Portland's experiences, perspectives, and expectations regarding law enforcement and police accountability. Many participants have historical experiences of systemic discrimination, racial profiling, and police brutality. This history contributes to a deep-seated distrust of law enforcement agencies. These historical experiences continue to shape perceptions of police accountability, leading to participants expressing skepticism about genuine efforts to address misconduct.

Throughout the study, participants highlighted the need for robust, community-led and independent accountability mechanisms for law enforcement agencies, emphasizing the importance of civilian oversight boards, body cameras, and transparency in investigations of police misconduct.

Discussions also demonstrated the value of cultural sensitivity and training for police officers, as participants recounted instances where bias and a lack of cultural understanding have led to discriminatory treatment and harm done to them, indicating a need for ongoing education to reduce these incidents.

Numerous participants stressed the need to allocate funds towards social services, mental health resources, and community development initiatives to support the board. They also suggested creating resources specifically designed to assist individuals who speak different languages in navigating the complaint process and implementing follow-up procedures for cases to help people stay informed about the status of their complaints. Additionally, others expressed the importance of repairing harm caused by crime rather than solely punitive measures, expressing interest in seeing restorative justice approaches among people whom the lack of police accountability has harmed.

Finally, several participants highlighted the need for budget transparency, a diverse board that reflects the communities of the city of Portland, and increased community policing efforts where officers are actively engaged with the communities they serve. These discussions could highlight the potential for building trust through positive interactions, community partnerships, and programs that address the root causes of distrust among community members.

Even though they might be skeptical about the outcome, participants believe that the changes made by the new oversight system can profoundly impact the City of Portland's police accountability systems. They are grateful to have a chance to share their stories and opinions, and are hopeful that these new processes will create the change they need to build safer communities for themselves and their families.



# APPENDIX

## Questions heard from participants from all Discussion Groups

The following lists the questions that participants from various communities asked during the Discussion Group meetings.

### Spanish-speaking communities:

- Was the commission created because of the lack of accountability there is in the current system?
- Will the system be managed by a third party company? That could implement justice under the misconduct that police commit.
- Will police officers be disciplined in a way that the officer recognizes their misconduct?
- When making a complaint, what are the processes that will guarantee that is going through and not just being ignored?
- What can I do when I'm in the process of making a report but police officers do not take me seriously because I am Latino?
- I would like to know what is considered a valid thing to report? To whom can I report it to?
- When finishing training, do they not have any kind of obligation to continue for more training? What other kinds of training are required?
- How are the community members selected to join the commission?

## Small Business owners:

- Who is the authority over the Police Accountability Commission? Who holds the new oversight system accountable?
- How will the performance of the new oversight system be measured?
- How will the intake process be made accessible for people with different levels of ability? Will there be people to assist those that are deaf or hard of hearing?
- How will the intake process be made accessible for those that do not have phones or access to the internet?
- How will the intake process be made accessible to the immigrant community and those who speak languages other than English?
- Will those with undocumented status be protected from retaliation from making complaints against the police? Will other complainants be protected from retaliation from making a complaint against the police? How will this be a safe space to make complaints?
- What is the life cycle of a complaint from start to finish? How long would a complaint take to resolve from intake to disposition?
- How will the public be kept informed about the status of complaints?
- How will the Navigators be diverse and well-equipped to assist a multi-cultural community of varied socio-economic standing? How long will Navigators be trained?
- Will the Board reflect the diversity of the communities most impacted by police misconduct within Portland, and not just the overall demographic of Portland?
- Will the Board include members that identify as LGBTQIA+?
- How many Board members will be from the Small Business community?  
Is it possible to convert the Board positions from volunteer to paid to increase the pool of qualified applicants?
- When will the process for receiving complaints start? What is the timeline?
- How will the public be made aware of the new oversight system and of what changes are taking place?

## Equity Practitioners:

- What are the racial equity goals for inclusion? Will you over represent those who have been impacted the hardest?
- What is the total budget?
- What is the timing of the Five Steps when an investigation is still ongoing?
- How informal is the process?
- What is being or will be done to foster relationships and trust between the new oversight system and the public?
- What is the role of the Director?
- How will the new oversight system overcome qualified immunity?

## People who are between 18 and 25 years old:

- How will the volunteers be recruited?
- Is the board supervised? What person or entity ensures the board is conducting itself appropriately?
- What is the process to apply to serve on the board?
- Are board members compensated for transportation and parking?
- How far back can complaints go? Can someone make a new complaint even if they've made an old complaint under the previous system?
- Does the new system apply to public transport police? Does it apply to university police?
- Does the new oversight system board have to live in Portland full time?

## People Living with Disabilities:

- Will the investigation be public?
- How timely will it be, will there be adequate staffing, what consequences would there be if too much time has passed, who would oversee the investigation?
- Has the appeals process been figured out?
- Hearing. Since the goal is transparency, how can we conduct the program without inflicting trauma like the current system does? The program must create trust in the community to be successful
- I wonder if some sort of plan to review the new system to see if in practice it's working? ie: new system will be reviewed in X amount of time.
- Will there be audits to keep transparency in the new systems budget?
- And also for various cases if there's compensation and as like a civil suit. And does some of that fall back into this group?
- Is there a system to appoint alternates to the 33 member committee/council/etc?? Will it be able to function with only 32 members?



## People Living with Mental Illness:

- What happened if not enough people applied to volunteer?
- Is this system just the PAC? Where is power consolidated in the new system?
- What's the power structure within the committee?
- Will the new system actively listen to people's complaints? And what are the repercussions if they don't?
- Who would be doing the intakes? Would this be the new oversight system thing? Or do you think it would be folks calling the police station?
- What, if any, are the appeals?
- What is the role and authority of the new organization over external policing forces working in Portland, Oregon? Will they also be subject to these same rules? What happens if something happens with them?
- Is there anything that requires an officer to give you their card with these kinds of interactions or even calls they go on?
- Has the police union agreed to this program and the different disciplines that can happen?
- Will there be a union rep on the new board?
- Can we suggest that a few slots on the board be filled mandatorily by members of the Community Policing group?
- How many FTE will be devoted to the new system?
- How are the volunteers selected? Who chooses the volunteers?
- Can the community nominate people to the committee?  
If a decision gets appealed will officers get paid leave?
- What happens if not enough people volunteer/apply?
- What protects citizens from police officers if the officer is not found to be guilty (or even if they are) and the officer decides to retaliate?
- How does the committee interact with the structure of city government?



## Neighborhood Association & CBOs:

- Does the fact that the hearings are open mean that the investigations will also be open to the public?
- How will board members be selected?
- How do we ensure board members are not being targeted by police for their work?
- What is the timeline for complaints and appeals?
- Can the public see these written proposals anywhere?
- Is there a way to remove board members for cause if they misbehave?
- How are complaints vetted to prevent false or frivolous complaints? Are there consequences for making false or frivolous complaints?



## People who have dealt with the police in the last year:

- How much power/authority will the new organization actually have?
- How is this new dedicated budget going to be dedicated? Is it a percentage? Fixed amount?
- Will they be compelled to spend it all? That is a lot of money?
- Is there going to be a budget oversight committee?
- Has this been based on other programs (ex: around the country or in Europe) or was this put together? Where did this idea come from? And where did their tools come from to put this system together?
- Is there a stipend for volunteers?
- How much of this has been specced out?
- Is there a preliminary budget?
- Where is the money going? And what are they spending?
- Is there a difference between the initial budget and the ongoing budget? I would assume that the initial budget would be a lot higher.
- Will everything about the budget and oversight system be public information?
- When is the target date to have this operational?
- Is there a way to get the presentation to review it more?
- Is there a way to provide feedback outside of this meeting?

## Houseless Communities:

- Once a complaint is filed to an officer, what happens to the officer while this is being walked through?
- One participant asked if there's a DA accountability commission because they're allowed to run without supervision.
- One participant asked if the Department of Corrections will also be held accountable with the same system standards
- When the board is challenged with problems, who's going to support or question the board?
- Who watches the watchmen?
- "Who runs IA?"
- Will the Department of Corrections also be subject to this accountability? Or just police?
- What is the dollar benefit to the taxpayers and the dollar benefit to the board?
- What is the long-term goal of the new oversight system?
- A participant asked if it's only going to stay with police budget money or if there will be any outside money from grants or something else that could influence this new system?

## Anyone who has witnessed/experienced police misconduct and filed a complaint:

- If the PPB does not follow through with the recommended discipline, what are the penalties?
- How is the board held accountable?
- How can I serve on the board?
- How can we ensure diversity on the board?
- Will the board members be able to afford to serve based on the compensation?
- Can complaints be made anonymously given the fact the board can compel testimony?
- Will there be a method of tracking complaints such as a published database where the public can follow complaints and outcomes? Can multiple complaints against one officer be aggregated?





## Anyone who has witnessed/experienced police misconduct but chose not to file a complaint:

- Why 33 people?
- How long does the process take for the five steps? How long does an appeal happen? Does the police officer get put on administrative leave if they were dismissed/fired by the 33 members but appeal?
- The 33 members? Are they a mix of cultures or just a specific one?
- How can the community know about this new system?
- If an officer is found guilty of misconduct, are they under threat of jail time and fines or just losing their job?
- Are there any incentives for good cops who are never complained about?
- When they present these documents] How do we know the council will even accept the changes and not try to make absurd changes?
- Will there be representatives for racists who want to protect themselves?" How are conservatives represented, and who appoints this? How was this discussed, and why are the volunteers representing this bureau?
- How will we earn the people's trust even to use this machine (the new oversight system)?
- Is the system big enough?
- How are the members selected?
- What are the chances of the city council hiring a mole?



**Police  
Accountability  
Commission**

# **Overall Discussion Group Sessions for The New Oversight System**

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REPORT



**Lara Media Services**

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**Research Memo Re: Mental Health Support for Jurors**

- Federal judges are able to extend jury service in order to allow jurors to utilize the federal Employee Assistance Program (EAP):<sup>115</sup>
  - In 2008 Sherry Richter, the District of Idaho’s jury administrator, contacted EAP for juror counseling after a kidnapping and murder trial in which jurors had to view evidence that was “extremely difficult for them.” This led to EAP counseling services being extended to petit jurors serving in federal court.
  - In 2015 Judge George A. O’Toole, Jr. extended jury duty after the Boston Marathon Bombing trial of Dzhokhar Tsarnaev.
- 20<sup>th</sup> Judicial District of Colorado offers to pay for up to 3 counseling sessions after jurors have been dismissed from a trial due to vicarious trauma.<sup>116</sup>
- Texas Criminal Code allows courts to approve a program in which they may offer up to 10 hours of counseling to someone who serves as a juror in a grand jury investigation or criminal trial involving graphic evidence.<sup>117</sup>
- British Columbia, Canada has a Juror Support Program which offers free counseling services to any juror after they complete their service.<sup>118</sup>
- In 2002 Ohio Supreme Court Chief Justice Thomas Moyer appointed a task force to study and recommend reform to the jury system. The task force was made up of 25 members and included judges, attorneys, court administrators, clerks, and former jurors. In 2004, in a final report, the task force recommended that “counseling services be made available to jurors after especially stressful trials,” and argued that it would help them handle stress.<sup>119</sup>

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<sup>115</sup> *Who’s taking care of the jurors? helping jurors after traumatic trials.* United States Courts. May 20, 2015. Accessed May 9, 2023. <https://www.uscourts.gov/news/2015/05/20/whos-taking-care-jurors-helping-jurors-after-traumatic-trials>.

<sup>116</sup> *Maintaining Your Wellbeing During Difficult Jury Service.* Colorado Judicial Branch. May 2019. Accessed May 9, 2023.

[https://www.courts.state.co.us/userfiles/file/Court\\_Probation/20th\\_Judicial\\_District/Announcements/20th%20Difficult%20Jury%20Service%20trifold\(1\).pdf](https://www.courts.state.co.us/userfiles/file/Court_Probation/20th_Judicial_District/Announcements/20th%20Difficult%20Jury%20Service%20trifold(1).pdf)

<sup>117</sup> Tex. Crim. Code, Title I §56A.205 (2021) <https://statutes.capitol.texas.gov/Docs/CR/pdf/CR.56A.pdf>

<sup>118</sup> Juror Support Program. British Columbia. Accessed May 9, 2023 from <https://www2.gov.bc.ca/gov/content/justice/courthouse-services/jury-duty/juror-self-care/juror-support-program>

<sup>119</sup> Report and Recommendations of the Supreme Court of Ohio: Task Force on Jury Service. February 2004. Accessed May 9, 2023 from [https://www.supremecourt.ohio.gov/docs/Publications/juryTF/jurytf\\_proposal.pdf](https://www.supremecourt.ohio.gov/docs/Publications/juryTF/jurytf_proposal.pdf)

- Massachusetts has a statewide juror counseling service available to all jurors. They may receive up to three free confidential meetings with counselors.<sup>120,121</sup>

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<sup>120</sup> <https://www.mass.gov/doc/brochure-after-your-jury-service-readable-version/download>

<sup>121</sup> <https://learn.mindwise.org/ma-jurors>

Appendix C4: Staff Research Memo on Board Member Compensation

City / Board	Compensation	Amount Per Year
Louisville, KY <sup>122</sup> - Civilian Review and Accountability Board	\$50 per month when member attends meetings.  \$100 per full day of training <sup>123</sup>	<i>Assume 1 meeting per month: \$600 per year.</i>  Required training: 16 hours led by subject matter experts, 24 hours accompanying Louisville Metro Police Department (LMPD) on patrols, totaling 40 hours or 5 work days. <b>\$500 in 1st year</b> and <b>up to \$150 for following years</b> assuming they continue doing ride-alongs. <sup>124</sup>
Baltimore, MD – Police Accountability Board (PAB) & Administrative Charging Committee (ACC)	ACC: Meet once per week, \$1,500 paid every 2 weeks	ACC: <b>\$36,000 per year</b> <sup>125</sup>
Anne Arundel County, MD  Police Accountability Board (PAB) & Administrative Charging Committee (ACC)	PAB: \$2,500 distributed twice annually or \$6,250 for the member who is also on ACC ACC: \$5,000 distributed twice annually	PAB: <b>\$5,000</b> ACC: <b>\$10,000</b> Members of both: <b>\$12,500</b> <sup>126</sup>
Philadelphia, PA –Citizen Police Oversight Commission	\$125 per meeting or hearing each board member attends	\$125 per meeting, <sup>127</sup> 12 meetings per year = <b>\$1,500 per year</b> Including monthly town halls: <b>\$3,000 per year</b>
Cincinnati OH – Citizen Complaint Authority	Members: \$100 per meeting  Chairperson: \$125 per meeting	Members: <b>\$1,200 per year</b>  Chairperson <b>\$1,500 per year</b> <sup>128</sup>
Denver, CO – Citizen Oversight Board	\$100 per meeting attended <sup>129</sup>	Up to <b>\$1,200 per year</b>

<sup>122</sup> [City of Louisville Civilian Review and Accountability Board and Office of the Inspector General Establishing Ordinance §36.71](#)

<sup>123</sup> [City of Louisville Civilian Review and Accountability Board and Office of the Inspector General Establishing Ordinance §36.76](#)

<sup>124</sup> [Louisville/Jefferson County Metro Government, Title III, Ch. 36, §36.76](#)

<sup>125</sup> Information from a meeting with Mariel Shutinya, Esq., Chief of the Police Accountability Division in the Office of Equity and Civil Rights for the City of Baltimore, Maryland on 05/15/2023.

<sup>126</sup> Police Accountability Board Compensation Summary, emailed to PAC staff by Jennifer Rogers, Office of Police Accountability, Anne Arundel County, MD.

<sup>127</sup> [Philadelphia City Code §20-304](#)

<sup>128</sup> [Cincinnati, Ohio Ordinance 5a Art XXVIII §2-A.6](#)

<sup>129</sup> [Denver City Charter §2-378\(f\)](#)

D3B. Compensation for "public meetings and other regular public services"	Hours of Public Meetings/Week	3.5	Adjusted from PAC
	Hours of Coordination/Week	1.5	Adjusted from PAC
	Total Hours/Week	5	Sub-Total
	Max <b>STAFF</b> pay/hour	\$ 86.59	Current IPR Director Max
	Min <b>STAFF</b> pay/hour	\$ 33.76	Current IPR Investigator I Min
	Max <b>MEMBER</b> hourly rate	\$ 17.32	20% of IPR Director Max
	Min <b>MEMBER</b> hourly rate	\$ 6.75	20% of IPR Investigator I Min
	Total Hours/Year	260	Weekly Hours * 52
	Max Compensation under D3B.	\$ 4,502.68	
	Min Compensation under D3B.	\$ 1,755.52	
	D3C. Compensation for "serving in special or unique ways (including panels)"	Number of Complaints	400
Dismissed		120	Reduced from current system
Sent to Supervisor		56	Pre-2020 IPR Estimate
Sent to Mediation		28	Pre-2020 IPR Estimate
Hearings Panels		196	Remainder
Appeals Panels		19	10%
Due Process Panels		9	5%
Total Panels		224	Sum
Deadly Force Complaint %		10%	Will need 7+ panelists
Total Panelist Spots/Year		1164	
Number of Board Members		33	
Panels Per Board Member		35	Annually
Average Length / Panel		4	Hours
Panel-Hours Per Member		140	Annually
Max <b>MEMBER</b> hourly rate		\$ 17.32	20% of IPR Director Max
Min <b>MEMBER</b> hourly rate		\$ 6.75	20% of IPR Investigator I Min
Max Total Compensation		\$ 80,632.61	for all members combined
Min Total Compensation		\$ 31,437.31	for all members combined
Max Compensation under D3C.	\$ 2,424.52		
Min Compensation under D3C.	\$ 945.28		
D3A. Compensation for "support[ing] the board outside of meetings and hearings"	Stipend	\$500	Annually
	Max Compensation under D3A.	\$500	
	Min Compensation under D3A.	\$500	

Maximum Monetary Compensation	\$ 7,427.20
Minimum Monetary Compensation	\$ 3,200.80

## Appendix D1: Charter 2-10

### **Section 2-1001 City of Portland Community Police Oversight Board.**

A Board is hereby authorized and shall be established upon compliance with any legal obligations the City may have under the Public Employees Collective Bargaining Act, other state and federal laws, and upon adoption by City Council of an implementing Ordinance. The mission of the City of Portland Community Police Oversight Board (Board) is to independently investigate Portland Police Bureau sworn employees and supervisors thereof promptly, fairly, and impartially, to impose discipline as determined appropriate by the Board, and to make recommendations regarding police practices, policies and directives to the Portland Police Bureau and with a primary focus on community concerns. The final name of this Board will be established by City Code.

### **Section 2-1002 Nature of the Board.**

Board members shall be appointed by approval of Council to a term of years established in City Code. Members may not be removed from the Board prior to the completion of their term except for cause. Successors to an unexpired term shall be appointed by approval of Council for the remainder of the term. The Board shall make provisions to ensure its membership includes representation from diverse communities including those from diverse communities and with diverse lived experiences, particularly those who have experienced systemic racism and those who have experienced mental illness, addiction, or alcoholism.

### **Section 2-1003 Restrictions on Board Membership.**

People currently employed by a law enforcement agency and their immediate family members are not eligible for service on the Board. People who were formerly employed by a law enforcement agency are not eligible for service on the Board.

### **Section 2-1004 Budget of the Board.**

Funding for the Board shall be proportional to be no less than 5 percent of the Police Bureau's Annual Operational Budget.

### **Section 2-1005 Professional Staff of the Board.**

The Board shall hire a Director to manage the professional administrative staff and professional investigators, and to make operational and administrative decisions. The Director is a “Bureau Director” for purposes of Charter section 4-301 and shall be appointed by, and serve at the will and pleasure of, the Board. Professional staff of the Board, other than the Director, shall be appointed by and serve under the direction of the Director as classified employees.

#### **Section 2-1006 Independent Authority.**

The Board shall have authority to exercise independent judgment in performing all legally assigned powers and duties. The Mayor, City Council, Auditor, and City departments, bureaus and other administrative agencies shall not interfere in the exercise of the Board’s independent judgment. The physical office of the Board shall be located outside of a Portland Police Bureau facility.

#### **Section 2-1007 Powers of the Board.**

- (a)** The Board shall have the power to the full extent allowed by law to receive and investigate complaints including the power to subpoena and compel documents, and to issue disciplinary action up to and including termination for all sworn members and the supervisors thereof within the Portland Police Bureau.
- (b)** The Board shall have the authority to make policy and directive recommendations to the Portland Police Bureau and City Council. The Portland Police Bureau shall consider and accept or reject all policy or directive recommendations made by the Board. If the Portland Police Bureau rejects a policy or directive recommendation, then at the request of the Board, City Council must consider and vote to accept or reject the policy recommendations received from the Board. Council’s decision will be binding on the Portland Police Bureau.
- (c)** The Board shall have the authority and ability to gather and compel all evidence, to access all police records to the extent allowed by federal and state law, and the ability to compel statements from witnesses including officers. The Board shall make provisions for regular and open meetings, public transparency, and reporting on the Board’s activities. One of the goals of the Board will be to remove barriers for Board members to fully participate in the work of the Board.
- (d)** The Board shall have the power to compel sworn members of the Portland Police Bureau and their supervisors to participate in investigations and to completely and truthfully answer all questions. Refusal to truthfully and completely answer all questions may result in discipline up to and including termination.



### **Section 2-1008 Duties of the Board.**

The board shall have the authority to investigate certain Police actions, including but not limited to;

- (a) All deaths in custody and uses of deadly force.
- (b) All complaints of force that result in injury, discrimination against a protected class, violations of federal or state constitutional rights.
- (c) The Board may investigate other complaints or incidents of misconduct as they see fit or as mandated by City Code.

### **Section 2-1009 Severability.**

For the purpose of determining constitutionality, every section, subsection and subdivision thereof of this Section, at any level of subdivision, shall be evaluated separately. If any section, subsection or subdivision at any level is held invalid, the remaining sections, subsections and subdivisions shall not be affected and shall remain in full force and effect. The courts shall sever those sections, subsections and subdivisions necessary to render this Section consistent with the United States Constitution and with the Oregon Constitution. Each section, subsection and subdivision thereof, at any level of subdivision, shall be considered severable, individually or in any combination.

Source of Requirement	Excerpt	Required Method of Fulfilment	Status
Charter 2-1001	"A Board is hereby authorized and shall be established upon <b>compliance with any legal obligations the City may have under the Public Employees Collective Bargaining Act, other state and federal laws</b> , and upon adoption by City Council of an implementing Ordinance. "	Ensure all recommendations comply with federal law (incl. Settlement Agreement) and state law (incl. PECBA)	Complete
Charter 2-1001	"The mission of the City of Portland Community Police Oversight Board (Board) is to <b>independently investigate Portland Police Bureau sworn employees and supervisors thereof promptly, fairly, and impartially</b> , to impose discipline as determined appropriate by the Board, and to make recommendations regarding police practices, policies and directives to the Portland Police Bureau and with a primary focus on community concerns."	Include in Code Recommendation a system of independent investigation	Complete
Charter 2-1001	"The mission of the City of Portland Community Police Oversight Board (Board) is to independently investigate Portland Police Bureau sworn employees and supervisors thereof promptly, fairly, and impartially, <b>to impose discipline as determined appropriate by the Board</b> , and to make recommendations regarding police practices, policies and directives to the Portland Police Bureau and with a primary focus on community concerns."	Include in Code Recommendation a system of imposing discipline	Complete
Charter 2-1001	"The mission of the City of Portland Community Police Oversight Board (Board) is to independently investigate Portland Police Bureau sworn employees and supervisors thereof promptly, fairly, and impartially, to impose discipline as determined appropriate by the Board, and <b>to make recommendations regarding police practices, policies and directives to the Portland Police Bureau and with a primary focus on community concerns.</b> "	Include in Code recommendation a system of making recommendations on policing	Complete

Document(s)	Section(s)	Excerpt(s)
PAC City Code Proposal	Across entire document	Across entire document
PAC City Code Proposal	Across entire document, most notably 35A and 35D.	Across entire document, most notably 35A and 35D.
PAC City Code Proposal	Across entire document, most notably 35A and 35D.	Across entire document, most notably 35A and 35D.
PAC City Code Proposal	<p>Primarily in 35A.050 (G), 35D.210 (D), and <b>35E.010 and 35E.020.</b></p> <p>Also in 35A.050 (L, Q), 35D.130 (C), 35D.210 (C),</p>	<p>Across entire sections, including:</p> <p>"The Board shall have authority to make policy and directive recommendations including but not limited to the Portland Police Bureau and City Council as well as the inherent or implied authority to take other measures as necessary to effectuate this."</p>

Charter 2-1001	"The <b>final name</b> of this Board will be established by City Code."	Include in Code recommendation a name for the Board.	Complete
Charter 2-1002	"Board members shall be appointed by approval of Council to a <b>term of years</b> established in City Code."	Include in Code recommendation the length of a Board member term.	Complete
Charter 2-1007	"The Board shall make provisions for <b>regular and open meetings, public transparency, and reporting</b> on the Board's activities. One of the goals of the Board will be to remove barriers for Board members to fully participate in the work of the Board."	Include in Code recommendation information on open meetings, transparency, and reporting.	Complete
Charter 2-1007	"The Board shall make provisions for regular and open meetings, public transparency, and reporting on the Board's activities. <b>One of the goals of the Board will be to remove barriers for Board members to fully participate in the work of the Board.</b> "	Include in Code recommendation or report how to remove barriers	Complete
Charter 2-1008	<p>The board shall have the authority to investigate certain Police actions, including but not limited to;</p> <p>(a) All deaths in custody and uses of deadly force.</p> <p>(b) All complaints of force that result in injury, discrimination against a protected class, violations of federal or state constitutional rights.</p> <p>(c) The Board may investigate other complaints or incidents of misconduct <b>as they see fit or as mandated by City Code.</b></p>	Include in Code recommendation the types of complaints or incidents of misconduct the Board may investigate.	Complete

PAC City Code Proposal	35A.010 (A)	" The name of the Board shall be the 5 Community Board for Police Accountability ("Board" or "CBPA"). "
PAC City Code Proposal	35B.010 (F)	"Board members shall each serve a term of three years, subject to 800 reappointment by Council. "
PAC City Code Proposal	35A.050 (Q) on reporting, 35B.030 (B, F) on public meetings, 35D.190 (B, C), 35D.200 (E, I) on hearings	Across entire sections
PAC City Code Proposal	35B.010	Across entire section
PAC City Code Proposal	35D.060	Across entire section

Source of Requirement	Excerpt	Required Method of Fulfilment	Status
Council Resolution 37527	"the Commission is tasked with developing the structure and processes of the new oversight system and <b>ensuring that the requirements of the framework within the City Charter are met;</b> "	Ensure all Code recommendations fulfil City Charter.	Complete
Resolution 37527, Exhibit A.	"The Commission will meet at least <b>no less than once a month</b> and will conduct all meetings <b>in accordance with public meeting laws.</b> "	Hold public meetings at least once a month.	Complete
Resolution 37527, Exhibit A.	The Commission will <b>receive attorney-client privileged information in a private forum from the City Attorney's office</b> regarding any labor matters under the Public Employees Collective Bargaining Act and/or the collective bargaining agreements within the Portland Police Bureau as well as DOJ.	Meet with City Attorney's Office	Complete
Resolution 37527, Exhibit A.	The Commission will invite experts to testify and answer questions, research necessary topics, and allow for public testimony.	Public testimony at meetings, research, and public briefings from experts at meetings	Complete

Where/How Fulfilled?	Document Section(s)	Excerpt(s)
PAC City Code Proposal	Across entire document	Across entire document
PAC Meeting Calendar: <a href="https://www.portland.gov/police-accountability/events/past">https://www.portland.gov/police-accountability/events/past</a>	N/A	N/A
Attorney-Client Privileged Forum with Heidi Brown, July 11, 2022: <a href="https://www.portland.gov/police-accountability/documents/pac-07-11-2022-meeting-agenda/">https://www.portland.gov/police-accountability/documents/pac-07-11-2022-meeting-agenda/</a>	N/A	N/A
Invitations to briefers and direct research (listed in "Fact Finding and Research" section), full videos available at: <a href="https://www.portland.gov/police-accountability/events/past">https://www.portland.gov/police-accountability/events/past</a>	N/A	N/A

<p>Resolution 37527, Exhibit A.</p>	<p>The Commission will invite and seek out subject matter experts to inform their work including police officers and law enforcement experts. Current or former law enforcement officers are not eligible to serve on this Commission but shall be invited as subject matter experts to provide testimony as the Commission sees fit.</p>	<p>Public briefings from experts at meetings</p>	<p>Complete</p>
<p>Resolution 37527, Exhibit A.</p>	<p>The Commission will work with the City Attorney office and Office of Equity and Human Relations to ensure that recommendations consider the City's equity goals and comply with collective bargaining and other legal requirements.</p>	<p>Ensure legal review of recommendations for collective bargaining and other legal compliance.  OEHR review for City Equity goals.</p>	<p>Complete</p>



<p>Invitations to law enforcement experts including PPB Chief, PPB Deputy Chief, PPB Professional Standards Division Commander, PPB Internal Affairs Acting Captain, PPB Police Review Board Coordinator, PPA President, Police Commissioner (Mayor Wheeler), and USDOJ Representatives, full videos available at: <a href="https://www.portland.gov/police-accountability/events/past">https://www.portland.gov/police-accountability/events/past</a></p>	<p>N/A</p>	<p>N/A</p>
<p>Collaboration with CAO to hire OLC; OLC review and executive sessions held.</p> <p>OEHR submitted written comments to PAC.</p>	<p>N/A</p>	<p>N/A</p>

Source of Requirement	Excerpt	Required Method of Fulfilment	Status
Council Resolution 37548	"the Commission will be tasked with writing out procedures, powers, definitions, and other details outlined in Exhibit A, and referring this package to Council as a code change to establish a new Community Police Oversight Board and system"	Referring a Code Change to City Council that includes procedures, powers, definitions and other details	Complete
Resolution 37548, Exhibit A	The Commission will create a code change package to create a new police oversight system as reflected in the City of Portland charter amendment establishing a community police oversight board.	Ensure all Code recommendations fulfil City Charter.	Complete
Resolution 37548, Exhibit A	The Commission is required to seek out testimony and input from all stakeholders in the Federal Department of Justice settlement agreement, as well as other interested parties, impacted communities, and concerned constituents, and may seek out expertise from those they identify as beneficial to the process both within and outside of Portland.	Public briefings, outreach for and receipt of testimony, and community engagement events.	Complete
Resolution 37548, Exhibit A	Upon completion of their work the Commission will present this code change package to City Council for their consideration.	Presentation to City Council in September 2023	Will be complete September 21, 2023.

Where/How Fulfilled?	Document Section(s)	Excerpt(s)
See other items below	N/A	N/A
PAC City Code Proposal	Across entire document	Across entire document
<p>Invitations to briefers (listed in "Fact Finding and Research" section) and public testimony taken at meetings, full videos available at: <a href="https://www.portland.gov/police-accountability/events/past">https://www.portland.gov/police-accountability/events/past</a></p>	N/A	N/A
Scheduled Council presentation for September 21, 2023	N/A	N/A

<p>Resolution 37548, Exhibit A</p>	<p>The Commission must identify a manner and method of their choosing to provide quarterly briefings to City Council offices to provide them with updates about the work of the Commission.</p>	<p>No specific method required - PAC chose to issue written quarterly reports and present them to Council.</p>	<p>Complete</p>
<p>Resolution 37548, Exhibit A</p>	<p>The Commission will work with the City Attorney office and Bureau of Human Resources to ensure that recommendations comply with collective bargaining and other requirements.</p>	<p>Ensure legal review of recommendations for collective bargaining and other legal compliance.  BHR review for collective bargaining and other labor requirements.</p>	<p>Complete</p>
<p>Resolution 37548, Exhibit A</p>	<p>" The Commission shall define [...] Name: The name of the new oversight system."</p>	<p>Include in Code recommendation a name for the Board.</p>	<p>Complete</p>
<p>Resolution 37548, Exhibit A</p>	<p>" The Commission shall define [...] Operational Budget: The Charter Amendment requires that the oversight system have funding of at least 5% of the Portland Police Bureau's annual operational budget."</p>	<p>Include in Code recommendation the minimum budget allocation.</p>	<p>Complete</p>

<p>Quarterly reports issued for 2022 Q1-Q4 and 2023 Q1-Q2, and presented at Council.  More information at:  <a href="https://www.portland.gov/police-accountability/key-documents-and-information#toc-commission-quarterly-reports">https://www.portland.gov/police-accountability/key-documents-and-information#toc-commission-quarterly-reports</a></p>	<p>N/A</p>	<p>N/A</p>
<p>Collaboration with CAO to hire OLC; OLC review and executive sessions held.   BHR was sent all information to review CAO and OLC also reviewed for labor compliance.</p>	<p>N/A</p>	<p>N/A</p>
<p>PAC City Code Proposal</p>	<p>35A.010 (A)</p>	<p>" The name of the Board shall be the 5 Community Board for Police Accountability ("Board" or "CBPA"). "</p>
<p>PAC City Code Proposal</p>	<p>35B.040</p>	<p>Across entire section, including:  "As per Charter 2-1004, "funding for the Board shall be proportional to no 939 less than 5 percent of the Police Bureau's Annual Operations Budget." "</p>

<p>Resolution 37548, Exhibit A</p>	<p>" The Commission shall define [...] For Cause: For what reasons a Board member can be removed. "</p>	<p>Include in Code recommendation reasons for removal of Board members.</p>	<p>Complete</p>
<p>Resolution 37548, Exhibit A</p>	<p>" The Commission shall define [...] Independent Judgment: what constitutes independent judgment."</p>	<p>Include in Report a definition of Independent Judgment; include in Code recommendation practical application.</p>	<p>Complete</p>

<p>PAC City Code Proposal</p>	<p>35B.020 (B, C, D)</p>	<p>"3. Cause for removal includes but is not limited to:</p> <ul style="list-style-type: none"> <li>a. Official Misconduct (See ORS 162.405-162.415);</li> <li>b. Unexcused absence;</li> <li>c. Excessive excused absences (including unforeseen events, health reasons, being out of town, or missed meetings due to conflicts of interest);</li> <li>d. Failure to timely disclose an actual conflict of interest which prevents the Board member from performing their responsibilities;</li> <li>e. Loss of eligibility: No longer meeting any of the requirements such as live, work, play, attend school, or worship in the City of Portland (as outlined in Code section 35B.010[D]);</li> <li>f. Unmet minimum participation, or workload requirement;</li> <li>g. Breach of confidentiality agreement;</li> <li>h. Inactivity in Board activities including subcommittee work or hearing, appeals, misconduct, or due process panel participation;</li> <li>i. Failure to complete training within 6 months of appointment unless good cause exists to excuse this;</li> <li>j. Misconduct, such as harassment, discrimination, and retaliation; or</li> <li>k. Any other cause which impacts the Board's effective operations, standing or independence.</li> </ul> <p>4. Other reasons for removal could include death, or incapacitation."</p>
<p>PAC City Code Proposal and Report Appendix E12 (Definitions)</p>	<p>Short definition in 35A.020, full description in 35A.040.  Long definition in Report Appendix E12.</p>	<p>"Independent Judgment: A demonstrable absence of real or perceived influence from law enforcement, political actors, and other special interests looking to affect the operations of the Office."</p>

<p>Resolution 37548, Exhibit A</p>	<p>" The Commission shall define [...] Interference by other Bureaus/Commissioners: What level of involvement may other parts of the City Government have with the Board, and what types of interactions are forbidden. "</p>	<p>Include in Report a definition of Independent Judgment; include in Code recommendation practical application.</p>	<p>Complete</p>
<p>Resolution 37548, Exhibit A</p>	<p>" The Commission shall define [...] Existing Barriers: Identify current barriers that have stymied the work of Portland's police oversight systems. Make suggestions on how to overcome these barriers."</p>	<p>Include in Report a list of identified barriers. Include in Code and other recommendations suggestions on how to overcome barriers.</p>	<p>Complete</p>
<p>Resolution 37548, Exhibit A</p>	<p>" The Commission shall define [...] Duties of the Board: Other types of misconduct the Board should investigate, if any, outside of those included in the Charter amendment (i.e. deaths/deadly force, injury, discrimination, and constitutional violations). "</p>	<p>Include in Code a list of types of misconduct to investigate.</p>	<p>Complete</p>
<p>Resolution 37548, Exhibit A</p>	<p>" The Commission shall define [...] Accountability: Provide a working definition of accountability that includes the relationship between communities and the police. "</p>	<p>Include in Report a definition of Accountability; include in Code recommendation practical application.</p>	<p>Complete</p>
<p>Resolution 37548, Exhibit A</p>	<p>" The Commission shall define [...] Discipline: Describe and define the discipline procedure, with consideration of the existing procedure and the addition of the Community Police Oversight Board. "</p>	<p>Include in Code a description of the discipline procedure.</p>	<p>Complete</p>
<p>Resolution 37548, Exhibit A</p>	<p>" The Commission shall define [...] Any other terms that the Commission feels need to be defined."</p>	<p>Include in Code relevant definitions.</p>	<p>Complete</p>



<p>PAC City Code Proposal and Report Appendix E12 (Definitions)</p>	<p>Short definition in 35A.020, full description in 35A.040.  Long definition in Report Appendix E12.</p>	<p>"Independent Judgment: A demonstrable absence of real or perceived influence from law enforcement, political actors, and other special interests looking to affect the operations of the Office."</p>
<p>Identified Barriers in Report Appendix E1 (Barriers and Best Practices)  Suggestions in City Code Proposal and Appendices F1, F2, G1, G2, G3, G4</p>	<p>Across entire document</p>	<p>Across entire document</p>
<p>PAC City Code Proposal</p>	<p>35D.060</p>	<p>Across entire section</p>
<p>PAC City Code Proposal and Report Appendix E12 (Definitions)</p>	<p>Short definition in 35A.020, full description in 35D.  Long definition in Report Appendix E12.</p>	<p>"Accountability: A comprehensive system of checks and balances aimed at ensuring that when law enforcement fails to carry out their duties properly, including when their actions are damaging to other individuals or the community at large, they are held responsible through a fair and transparent process."</p>
<p>PAC City Code Proposal</p>	<p>Primarily in 35D.230, also in 35D.220</p>	<p>Across entire sections</p>
<p>PAC City Code Proposal</p>	<p>35A.020</p>	<p>Across entire section</p>

<p>Resolution 37548, Exhibit A</p>	<p>"A <b>transition plan</b> is required to switch from the current systems to the new system. The Transition Plan must include the following components [...] Council shall continue to fund the Independent Police Review to maintain the existing staffing and resources as needed for the transition."</p>	<p>Include in Transition Plan (Report Appendix F1) how IPR will continue operations as needed.</p>	<p>Complete</p>
<p>Resolution 37548, Exhibit A</p>	<p>"A <b>transition plan</b> is required to switch from the current systems to the new system. The Transition Plan must include the following components [...] Once the new system is adopted and operational, what should happen with existing police misconduct investigations and cases that will be covered by the new Oversight Board be handled."</p>	<p>Include in Transition Plan (Report Appendix F1) how cases in progress are handled during transition.</p>	<p>Complete</p>
<p>Resolution 37548, Exhibit A</p>	<p>"A <b>transition plan</b> is required to switch from the current systems to the new system. The Transition Plan must include the following components [...] How to incorporate current best practices and procedures into the new system, including how the different aspects of the current oversight system will function, or cease to function. "</p>	<p>Include in Code and Report how best practices are maintained. Include in Code and Report which parts of current oversight system will continue and which will cease.</p>	<p>Complete</p>
<p>Resolution 37548, Exhibit A</p>	<p>"A <b>transition plan</b> is required to switch from the current systems to the new system. The Transition Plan must include the following components [...] How to transfer existing files and institutional knowledge to the new system. "</p>	<p>Include in Transition Plan (Report Appendix F1) how information is transferred.</p>	<p>Complete</p>
<p>Resolution 37548, Exhibit A</p>	<p>"A <b>transition plan</b> is required to switch from the current systems to the new system. The Transition Plan must include the following components [...] Whether the existing human resources administrative rules that would provide a preference for employees of the current oversight system should apply to the Community Police Oversight Board? "</p>	<p>Include in Transition Plan (Report Appendix F1) if IPR staff would get preference to apply at new Office.</p>	<p>Complete</p>

PAC Report Appendix F1 (Transition Plan)	Section F	Across entire section
PAC Report Appendix F1 (Transition Plan)	Section F	Across entire section
PAC City Code Proposal and Report	Across entire document	Across entire document
PAC Report Appendix F1 (Transition Plan)	Section E	Across entire section
PAC Report Appendix F1 (Transition Plan)	Section F1	"C. The Director shall ensure that IPR staff have preference in hiring for employment at the new oversight bureau, as long as they meet all additional criteria for oversight bureau employment."

Resolution 37548, Exhibit A	"A <b>transition plan</b> is required to switch from the current systems to the new system. The Transition Plan must include the following components [...] How and when to wind down the current oversight systems. "	Include in Transition Plan (Report Appendix F1) how IPR and CRC will wind down (other parts addressed 3 items above this one).	Complete
Resolution 37548, Exhibit A	"A <b>transition plan</b> is required to switch from the current systems to the new system. The Transition Plan must include the following components [...] What parts of current police oversight code should be transferred to the new system."	Include in City Code Proposal maintenance / duplication of some parts of Code (see Appendix A for more information).	Complete
Resolution 37548, Exhibit A	"The Charter Amendment outlines various powers of the new oversight system which require a <b>more detailed explanation</b> of how these will function [...] Power to compel testimony and method of obtaining testimony."	Include in City Code Proposal details on compelling testimony.	Complete
Resolution 37548, Exhibit A	"The Charter Amendment outlines various powers of the new oversight system which require a <b>more detailed explanation</b> of how these will function [...] Access to Police records, evidence, and data, and access to police databases as authorized by federal and state law."	Include in City Code Proposal details on accessing records.	Complete
Resolution 37548, Exhibit A	"The Charter Amendment outlines various powers of the new oversight system which require a <b>more detailed explanation</b> of how these will function [...] How to propose direct changes to police policies and directives."	Include in City Code proposal details on policy recommendation proposal process.	Complete
Resolution 37548, Exhibit A	"The Charter Amendment outlines various powers of the new oversight system which require a <b>more detailed explanation</b> of how these will function [...] How the Board imposes discipline within any due process and/or just cause requirements."	Include in City Code information on imposing discipline and on due process/just cause requirements.	Complete

PAC Report Appendix F1 (Transition Plan)	Section F	Across entire section
PAC City Code Proposal and Report Appendix A	Across entire documents	Across entire documents
PAC City Code Proposal	35D.150 Also in 35A.050 (I2 and X5i), 35D.010(C), 35D.040, and 35D.240 (E5).	Across entire sections
PAC City Code Proposal	35A.050(J)	Across entire sections
PAC City Code Proposal	35E.010 Also in 35A.050(G) and 35D.210(D)	Across entire sections
PAC City Code Proposal	35D.230	Across entire section, beginning with: "The discipline process shall also be consistent with due process and just cause considerations, to the extent one or both of those terms applies to the involved officer [...]"

<p>Resolution 37548, Exhibit A</p>	<p>"<b>Other details</b> are required about how the system will be setup [...] Workflow of investigations and processes."</p>	<p>Include in City Code Proposal details on process of investigation. Also include in Report (Appendix E6).</p>	<p>Complete</p>
<p>Resolution 37548, Exhibit A</p>	<p>"<b>Other details</b> are required about how the system will be setup [...] Procedures after completion of investigation, including determination of validity of allegations, application of the preponderance of evidence standard, due process considerations, whether there is an appeal process for a complainant and the appeal process if one exists, whether or not City Council will have a role in appeals, and application of discipline guide and compliance with other State laws."</p>	<p>Include in City Code Proposal details on process of investigation. Also include in Report (Appendix E6).</p>	<p>Complete</p>
<p>Resolution 37548, Exhibit A</p>	<p>"<b>Other details</b> are required about how the system will be setup [...] Size of the Oversight Board, whether review and/or hearings will include all members of the board or a subset, and how to maintain diversity if the latter."</p>	<p>Include in City Code Proposal the size of the Board as well as panel size/formation methods.</p>	<p>Complete</p>
<p>Resolution 37548, Exhibit A</p>	<p>"<b>Other details</b> are required about how the system will be setup [...] Initial and replacement selection method for Board members, length of terms for board members, training requirements for board members, quorum requirements."</p>	<p>Include in City Code term lengths, "normal" (replacement) member selection, training, and quorum. Include in Transition Plan (Report Appendix F1) method for initial appointments.</p>	<p>Complete</p>

<p>PAC City Code Proposal and Report Appendix E6 (Flowchart)</p>	<p>35D (Administrative Investigation)</p>	<p>Across entire sections</p>
<p>PAC City Code Proposal and Report Appendix E6 (Flowchart)</p>	<p>35D (Administrative Investigation) beginning at 35D.180 and going through 35D.240</p>	<p>Across entire sections</p>
<p>PAC City Code Proposal</p>	<p>Panel definition in 35D.020 Full description in 35D.180</p>	<p>"Panel: A subset of the Board's full membership empowered to make decisions related directly to cases of potential administrative misconduct by PPB sworn officers and supervisors."  Full section (35D.180), beginning with: "The Board shall create panels ("Hearing Panels") to hear cases to determine findings about whether policies were violated. [...]"</p>
<p>PAC City Code Proposal and Report Appendix F1 (Transition Plan)</p>	<p>Replacement selection method, lengths of terms, training requirements, quorum in 35B.010,  Initial Member Appointment Process in Transition Plan Section C</p>	<p>Across entire sections</p>

<p>Resolution 37548, Exhibit A</p>	<p>"<b>Other details</b> are required about how the system will be setup [...] How initial staff will be hired and onboarded."</p>	<p>Include in Transition Plan (Report Appendix F1) method for initial appointments.</p>	<p>Complete</p>
<p>Resolution 37548, Exhibit A</p>	<p>"<b>Other details</b> are required about how the system will be setup [...] Method to ensure Board membership meets diversity goals outlined in the Charter Amendment."</p>	<p>Include in City Code Proposal the representation and diversity-related selection criteria for Board membership.</p>	<p>Complete</p>
<p>Resolution 37548, Exhibit A</p>	<p>"<b>Other details</b> are required about how the system will be setup [...] when will reports come back to Council, how will they be made, and what will they contain, will reports be made public, when will meetings be open to the public, and what information about individual investigations will be available to the public."</p>	<p>Include in City Code Proposal the reporting structure, openness of meetings, and openness of individual investigation information to the public.</p>	<p>Complete</p>
<p>Resolution 37548, Exhibit A</p>	<p>"<b>Other details</b> are required about how the system will be setup [...] Compensation: Should Board members be compensated for their participation on the Board? What is the expected workload of a Board member, and if they should be compensated at what level?"</p>	<p>Include in City Code Proposal and Report information about compensation. Include in Report (Appendix C4) details including expected workload.</p>	<p>Complete</p>



Report Appendix F1 (Transition Plan)	Section D	Across entire section
PAC City Code Proposal	35B.010	Across entire section
PAC City Code Proposal	35A.050 (Q) on reporting, 35B.030 (B, F) on public meetings, 35D.190 (B, C), 35D.200 (E, I) on hearings	Across entire sections
PAC City Code Proposal and Report Appendices C4, C5, and G2	35B.010 (G)	<p>"Board members shall be eligible for compensation subject to applicable law, City policy, and rulemaking. This compensation can be up to the maximum allowable for volunteers under applicable law. In addition, Board members shall be reimbursed for expenses associated with service on the Board. The Board may establish non-financial support systems within or outside of City structures to support Board members. The Board shall establish processes, systems, and applicable amounts and/or limits for member support and compensation in its Bylaws and Administrative Rules. The Board shall regularly review details of its member support and compensation, and revise as needed."</p>

Resolution 37548, Exhibit A	<b>"Optional Duties</b> [...] The Commission may choose to author a report to present to City Council to further explain their recommendations."	Not Required ("Optional" Duty) - if chosen, creation of a final report	Complete

PAC Approval of this Final Report on August 31	Across entire document	Across entire document

# City of Portland

## Police Accountability Commission

### Values and Goals

Below are the values and goals that the Police Accountability Commission commits to reflecting in its work (establishing a new accountability system and oversight board for police). These values include language from the City of Portland's core values because the new police accountability system should help the City fulfill its commitments and hold the City as a whole accountable to those commitments. The Police Accountability Commission is committed to putting these values in action by fulfilling the listed success criteria in its work establishing a new system which is fair, just, and reflects the concerns, needs, and desires of the community, including their criticisms of current accountability systems and structures.

We believe people that have been killed or harmed by police may have had their civil rights violated, their rights to liberty and life, by the very system that professes to protect and serve them. Every single one should be investigated openly and fully with full disclosure to the public. Every life has value.

#### Values:

1. Equity and Inclusion
2. Anti-Racism
3. Harm Reduction
4. Transparency and Trustworthiness
5. Community-Centered
6. Effectiveness

#	<b>Value</b> What do we want the new system we create to embody?	<b>Goal</b> What do we want the new system to achieve?	<b>Considerations / Success Criteria</b> What criteria will measure if the commission's proposed new system is successful at achieving the goal? Is the commission setting up a new system that fulfils the criteria below?
1	Equity and Inclusion	Ensure fair and just outcomes for all, irrespective of identity	<ol style="list-style-type: none"> <li>1. A police oversight system that is accessible to all members of the community (regardless of ability, language, etc.)</li> <li>2. An accountability system that is composed of residents which reflect the diversity of the community and those individuals directly affected by the criminal legal system</li> </ol>
2	Anti-Racism	<p>Reflect that racism is more than a personal belief system, but is rather an indoctrination system</p> <p>Dismantle institutional and systemic racism in the police accountability process</p>	<ol style="list-style-type: none"> <li>1. Center the concerns of BIPOC people who have experienced the greatest impacts of systemic racism</li> <li>2. Honor all points of view and value diverse racial experiences</li> <li>3. A Portland Police Bureau (PPB) that is not built on white supremacy</li> <li>4. An oversight system that will change systemically racist policies and practices in policing</li> </ol>
3	Harm Reduction	<p>Reduce harm caused by policing</p> <p>Become an avenue to heal the harm caused by policing in our communities</p>	<ol style="list-style-type: none"> <li>1. Incorporate a trauma-informed lens into the work of addressing reports of police misconduct from beginning to end</li> <li>2. Not retraumatizing people affected by police misconduct or the disposition of complaints</li> <li>3. A system which reduces police violence by PPB</li> </ol>

			<ol style="list-style-type: none"> <li>4. A system that ends impunity for misconduct</li> <li>5. A system that is humane both for the people going through it, and the people administering it</li> <li>6. A system that employs professionals skilled in harm reduction throughout the entire process of police accountability</li> </ol>
4	Transparency and Trustworthiness	Build and earn trust from the community	<ol style="list-style-type: none"> <li>1. The accountability system exercises independent judgment without external interference</li> <li>2. The public has access to information about complaints, processes, and outcomes</li> <li>3. An accountability system that has integrity and does not lie to, mislead, or withhold information from the public</li> <li>4. Meetings of the new system are open to the public and media</li> <li>5. A system that actively communicates with the public</li> <li>6. A system that publishes publicly accessible and searchable final findings and investigation outcomes</li> <li>7. A system that collects information from unbiased sources, and discloses and cites the sources of information used in investigation of complaints</li> <li>8. An accountability system that allows anonymous complainants and protects all sources of information from retaliation</li> </ol>
5	Community-Centered	Value the needs of the community above the needs of the City government or the PPB	<ol style="list-style-type: none"> <li>1. A system which is created and evolves with the input of community and which empowers communities</li> <li>2. A system that does not favor the officer accused of misconduct over the complainant</li> <li>3. A system whose public communication is neutral until a final decision on the complaint has been reached</li> </ol>

			<ul style="list-style-type: none"> <li>4. A system that creates space for community members to speak directly to decision-makers</li> <li>5. Portlanders' satisfaction with the new system is higher than the current system</li> </ul>
6	Continual Effectiveness	Have the flexibility to meet the changing needs of the community it serves	<ul style="list-style-type: none"> <li>1. A system that investigates every instance where a person is killed or harmed by police swiftly, openly, and fully</li> <li>2. The Board that has ways to measure its effectiveness, including based on rates of sustained complaints, satisfaction surveys, and other factors</li> <li>3. A system that regularly reviews itself and is able to respond and adapt if these measurements show areas in need of improvement</li> </ul>

**City of Portland**

**Police Accountability Commission  
Agenda and Scope**

This Agenda and Scope defines the phases of work for the Police Accountability Commission as it develops the new police oversight board and accountability system. This is a living document, designed to order the tasks of the commission to meet the needs, concerns, and desires of the communities most impacted by policing, overpolicing, and police misconduct.

**1. Organizational Phase**

- a. Build internal culture and collaboration models for Police Accountability Commission
- b. Begin internal / public education on equity and related concepts
- c. **Outcome Document:** Establish Values and Goals for the work of the Police Accountability Commission
- d. **Outcome Document:** Establish Bylaws for the Police Accountability Commission
- e. **Outcome Document:** Create Agenda and Scope (**this document**) for the work of the Police Accountability Commission
- f. **Outcome Document:** Develop a Community Engagement Framework for the Police Accountability Commission

**Ongoing Tasks (Phases 2-6)**

- a. Testimony and Engagement
  - i. DOJ stakeholders (City of Portland, US Department of Justice, amici Albina Ministerial Alliance Coalition for Justice and Police Reform and Mental Health Alliance, intervenor Portland Police Association)
  - ii. Impacted communities
  - iii. Concerned constituents
  - iv. Experts
- b. Report to City Council on progress
- c. Work with City Attorney, Bureau of Human Resources on Collective Bargaining and other issues
- d. Receive attorney-client privileged information in a private forum , as assigned by City Council in Resolution 37527
- e. Listen to any entity or individual who has interest in this issue



- f. Review of Charter 2-10 (Ballot Measure 26-217, adopted by voters in Nov. 2020)
    - i. Review of Charter structures as they relate to police, police accountability, and misconduct
  - g. Develop recommendations for Charter changes to send to Charter Review Commission
  - h. **Outcomes:** Suggested Charter changes to recommend to Charter Commission
- 2. Fact-Finding Phase**
- a. Internal / public education on different police-related entities in the City and what each does (e.g., IPR, CRC, PRB, TAC, LPSSC, PCCEP, FIT COG)
  - b. Internal / public education on how Independent Police Review and the Police Review Board (as well as the Citizen Review Committee) handle police misconduct cases now
  - c. Information from current system (IPR / CRC) on how issues that arise through investigations influence proposals to change/update policy and training.
  - d. Information from current board on shootings and deaths in custody – IPR and Police Bureau roles
  - e. Presentation from Internal Affairs and Police Review Board coordinator on how PPB handles conduct issues
  - f. Overview of different types of oversight systems, including with outside expert(s), with information suggesting how Portland’s new system could function
  - g. Investigate forms of governance to give the board the credibility of independence
  - h. Information from DOJ and collective bargaining expert outlining potential limitations imposed by the settlement agreement and/or the police union contract.
  - i. Meet with Portland Police Association and Portland Police Bureau leadership to discuss the design of the new system
  - j. Presentation from City Council members, in particular Police Commissioner
  - k. What is the current transition plan in place?
  - l. **Outcomes:** Identify how police are not being held accountable and other problems in the current system
  - m. **Outcomes:** Suggestions to consider from experts, other jurisdictions, etc.
- 3. Establishing Powers and Duties Phase**
- a. How the Board can receive and compel testimony

- b. Access to records and data within state and federal law, including subpoena power and access to police records
- c. Case handling and investigative processes, including workflow description
  - i. Types of conduct/complaints the new agency will investigate and determine outcomes
  - ii. Current model: bureau complaints vs community complaints
  - iii. Complaint process: community member vs. internal bureau complaints
  - iv. Determination process
  - v. How to impose discipline
    - 1. due process and just cause rules
    - 2. Appeal process – will police and community members be allowed to appeal their cases?
    - 3. Mediation options (community member and police officer)
- d. How to propose policy changes for PPB
  - i. Process for making policy and training recommendations from both community board and agency staff
  - ii. Chief and police commissioner's obligation to respond and follow oversight board's decisions and recommendations
- e. **Outcomes:** Areas of Agreement (Access to Information, records, testimony, etc.)
- f. **Outcomes:** Areas of Agreement (Complaint, Investigation, Determination, Discipline, etc. processes)
- g. **Outcomes:** Areas of Agreement (Policy recommendation development, delivery, follow-through, etc. processes)

#### 4. Structure and Details

- a. Board membership
  - i. Number of members in the board
  - ii. Qualifications of the new board members
  - iii. Recruitment
  - iv. Compensation and Support
  - v. Representation of specific impacted communities
  - vi. Onboarding process and training
- b. Selection and replacement of Board members
  - i. Appointment Process
  - ii. term lengths / renewability
  - iii. training requirements
  - iv. quorum
  - v. Removal requirements

- c. Staff of new Board
  - i. Agency director – qualifications, hiring process, authority, performance reviews
  - ii. Staff structure
  - iii. Inspector General or Police Auditor with full access to Bureau records, trainings, and staff
  - iv. Attorneys on staff with local, state, federal specializations
- d. Position within City
  - i. Budget – at least 5% of PPB budget
  - ii. Office location – How/where does it exist to be? free-standing?
  - iii. Where in the City org chart / bureau structure is the Board housed?
- e. New Board’s reports to Council and how they are made
  - i. what information will be in Reports
- f. Public access and transparency
  - i. what reports are public
  - ii. what meetings are open to public
  - iii. what info on investigations is public
- g. **Outcomes:** Areas of Agreement (Board Membership)
- h. **Outcomes:** Areas of Agreement (Staff, Office, Bureau, and Board/Agency Budget)
- i. **Outcomes:** Areas of Agreement (Reporting, transparency, and public access to information)

**5. Transition Plan and Broader System**

- a. Name of the Board and other details
- b. How the Board will relate to other City entities focused on police (PCCEP, FIT COG, etc.)
- c. Which entities within the City need to be adjusted to fit with the new Board? (Internal Affairs, etc.)
- d. How does the new Board relate to the County / State?
- e. How does the new Board relate to the DOJ and Settlement Agreement process?
- f. Transition Details
  - i. IPR continuing and concluding work on ongoing investigations
  - ii. Will existing staff (IPR/IA/etc.) get preference to apply?
  - iii. Key dates and transfer of responsibilities
- g. **Outcomes:** Areas of Agreement (Name and other Details)
- h. **Outcomes:** Areas of Agreement (Board relationship with other entities)

- i. **Outcomes:** Areas of Agreement (Changes to other City entities as part of Board implementation)
  - j. **Outcome Document:** Transition Plan
- 6. Concluding Phase(s)**
- a. Draft the language of the Code Change proposal to the City Council w/assistance from city attorney's office and/or outside counsel
  - b. Share final draft proposal with experts and affected parties and create community support, including taking public testimony
  - c. Final Commission vote(s) on Code Package
  - d. Develop Report(s)
  - e. Present to City Council
  - f. **Outcome Document:** Final Code Change Package
  - g. **Outcome Document:** Final Report(s) of Police Accountability Commission

Appendix E1: PAC Areas of Agreement on Barriers to Police Accountability, and Best Practices, in the Current System in Portland

**City of Portland**

**Police Accountability Commission  
Areas of Agreement on Barriers to Police Accountability,  
and Best Practices, in the Current System in Portland**

The Police Accountability Commission agrees that the following items are **barriers to police accountability** in Portland's current system. The Police Accountability Commission will, in future phases of its work, develop a proposal for a system that overcomes these barriers.

During the Fact-Finding Phase, the Police Accountability Commission heard from a number of individuals with key roles in the city's oversight and public safety systems:

1. Commissioner Jo Ann Hardesty (April 26)
2. Independent Police Review Director Ross Caldwell and Deputy Director Dana Walton-Macaulay (May 23)
3. Citizen Review Committee Chair Candace Avalos and Vice Chair Yume Delegato (May 23)
4. Mayor Ted Wheeler (May 26)
5. Commissioner Mingus Mapps (June 6)
6. Portland Police Bureau Chief Charles Lovell and Deputy Chief Mike Frome (June 16)
7. PPB Internal Affairs Acting Captain Greg Pashley and Professional Standards Division Commander Jeff Bell (June 23)
8. PPB Police Review Board Coordinator Christopher Paillé (June 30)
9. Mental Health Alliance spokespersons K.C. Lewis and Amanda Marshall (July 11)
10. Commissioner Carmen Rubio (July 21)

11. Albina Ministerial Alliance Coalition Chair Rev. Leroy Haynes and Steering Committee member Rev. Mark Knutson (July 21)
12. Portland Police Association President Aaron Schmautz (July 28)
13. Commissioner Dan Ryan (July 28)

This was required by City Council Resolutions 37527 and 37548. The following document summarizes the commission's reflections on what it heard, the conclusions it drew, and also includes members' own observations and ideas.

### **Lack of Transparency**

The system lacks transparency for complainants. There is little information available for complainants to understand how the system works, and to know where their complaint status is in the process. Further, full and necessary transparency for community accountability does not exist.

#### **1. Community members have difficulty understanding the administrative complaint process and receive little or no support from the current system.**

**Intake:** Complainants may not know when, where, or how to file a complaint. Prior to filing the complaint, complainants do not know how many times they will have to tell their story. Complainants are not offered access to an advocate during the intake process.

**Investigation:** Investigations do not follow transparent timelines, so it is impossible for complainants to know how this process will affect their schedules and day-to-day lives. Complainants, including families of victims filing on behalf of their loved ones, are not given regular updates about the status of their investigation; they have to go online to find such updates. Additionally, impacted communities are not given information about the status of an investigation which affected a member of their community directly and the community indirectly. Community members are not offered an advocate during the investigative process.

Complainants have difficulty getting real answers from knowledgeable staff about the status of their complaint investigation, or what they need to do next. When a complainant calls to get information about their case, they often must “start from the beginning” each time they call. Complainants encounter the equivalent of “poor customer service” when interacting with the current system.

"No one should have to wait months to receive word from the city about what the progress of their complaint is."(City Commissioner Rubio, 23:05)

"[T]he public deserve[s] to know what the investigation process is, and that it is firmly grounded in truth-seeking." (PPA President Schmutz, 14:15)

## **2. Important parts of the accountability process are inaccessible to the public.**

**Investigation:** Complainants are not given access to their case file. The case file may contain useful information, including information which can prove the complaint itself.

**Public Nature of Meetings:** The advisory process and deliberations of the Police Review Board are not open to the public. The complainant or survivor is not involved in the Police Review Board process. While officers can attend the PRB meetings, like the community, they are not allowed into PRB Executive Sessions. For the community this makes those sessions double-closed-door meetings.

**Law and Policy:** The PPA President, when asked directly, generally objected to public hearings in most misconduct and deadly force cases. These objections were made primarily on the basis of "Loudermill rights," "constitutional due process rights," and "internal procedural justice" for the subject officer, all of which are also barriers to transparency. (Schmutz, 19:25 – 24:24)

During administrative investigations, officers may be compelled to speak by their employer. If there is a reasonable prospect of criminal prosecution, the compulsion to speak renders the statement of the officer inadmissible in a criminal prosecution. Police officers and other public employees retain the fifth amendment right, incorporated to local and municipal governments through the 14<sup>th</sup> amendment, to be free from self-incrimination in criminal cases. *See Garrity v. New Jersey*, 385 U.S. 493 (1967). With some exceptions, compelled statements are not made public.

**Reporting of Administrative Outcomes:** It is unclear the extent to which complainants are informed about the findings from their complaint. Complainants do not receive any information regarding discipline imposed. Data reporting is inconsistent. Results of administrative investigations are not published, or if published, are heavily redacted.

The CRC Vice-Chair described the system, from an appellant's point of view, as "maddeningly opaque." (Delegato, 1:48:33)

**Reporting of Criminal Outcomes:** Criminal investigations of police misconduct rarely result in criminal charges or prosecutions, and the explanations for the failure to prosecute criminally

are unsatisfactory. The public cannot easily determine whether an event which triggered an administrative investigation has had any parallel criminal investigation, or criminal outcomes.

### **Complexity Within Current System**

The current system is far from easy to navigate. Multiple entities and reviewers can contribute to recommended findings at different phases. Complainants have little information to advocate for themselves and are not offered access to an advocate until the end of the process. Community and law enforcement, including both the PPA and PPB leadership, agree that the current system is too complex.

*"[It's] a very complex process and it tends to take a lot of time [...] If you draw a flowchart of our system, I think most people will just shake their heads [and ask] 'Why are there so many steps?'" - Deputy Chief Mike Frome, PPB (06/16/22, 23:00)*

*"I've always felt that [...] PPB's discipline system was [...] too complex and too layered [...] It seems like we are not ever removing any of the layers, we are just adding more [...] The length and complexity [of the process] deprives [the community] of closure." - PPA President Aaron Schmautz (07/28/22, 10:10)*

### **3. Some parts of the current system are duplicative, confusing, and contradictory.**

**Recommended Findings:** Multiple reviewers can recommend findings, and those recommendations sometimes contradict each other.

For example, unofficial recommended findings come from IA or IPR, then go to the commanding officer who makes the official recommended findings. Then the Branch Assistant Chief, the Internal Affairs Captain, and the IPR may choose to recommend findings that are different from the commanding officer (known as controverting). If the findings are controverted, or if the findings are sustained, or if the case involves deadly force, the Police Review Board then reviews the investigation and again recommends findings. PRB has no obligation to form a majority opinion, so the PRB may send multiple sets of recommended findings to the Chief. The case may then be appealed to CRC, which makes a majority-opinion recommendation on findings. If the Bureau disagrees with the CRC's recommendation, the appeal goes to City Council. With the exception of cases which go to City Council, as provided in City Code, the Police Chief or Commissioner-in-Charge makes the ultimate final decision on findings.

### **4. Complainants are not offered access to an official advocate to help them navigate the process until close to the end of the process, during the Appeals phase.**



**Complainant Experience:** The complaint process can move among up to five entities – Independent Police Review (IPR), PPB Internal Affairs (IA), Police Review Board (PRB), the Citizen Review Committee (CRC), and the Portland City Council. The entity that does the investigation and the entity that does the discipline are different, which creates complexity. Complainants may not know which part of the system to query regarding their complaint at any given time, because most of these entities do not give proactive updates to community members. There are also many steps within the process.

The process is so complex, there are multiple conflicting flowcharts attempting to explain it. The complainant is not offered an advocate at the beginning of the complaint process to help them navigate the complexities of the system, or to keep them abreast of updates. If the complainant can remain engaged with the system for long enough, they can eventually file an appeal with the CRC. CRC offers an “Appeals Process Advisor,” who is generally a former CRC member who has access to investigative files and who acts as an appellant advocate. While the matter is on appeal with CRC, the complainant may have an advocate and generally receives better communication and updates about their case. When a case moves from CRC back to PPB, the amount of information available decreases.

#### **5. Officer-involved shootings, and other deadly-force cases, are treated differently from other misconduct investigations.**

**Policy:** A person or surviving family member cannot file a complaint about a police shooting, nor can they file an appeal. Investigations of allegations of deadly force are called “reviews,” and have a different set of findings than other misconduct investigations. IPR cannot conduct investigations of deadly force cases. A person or surviving family cannot appeal a deadly force case. The Citizen Review Committee, which is an important part of many other administrative accountability processes, is not directly involved in officer-involved shootings and other deadly-force cases.

#### **Accessibility and Equity**

The system’s complexity and lack of transparency are already acknowledged barriers. These barriers are exacerbated for members of historically excluded communities, such as people with disabilities and those experiencing mental illness. The structural and logistical barriers create inequitable access.

#### **6. There are direct barriers to participation in all aspects of the current accountability system to people based on their ability, housing status, mental health, socioeconomic status, and more.**

*"[The current system] is broken from top to bottom." - K.C. Lewis, J.D., Mental Health Alliance (07/11/22, 18:25)*

**Usability:** People with disabilities and people experiencing mental illness in particular are failed by the system; they are faced with navigating a system that is not created to be “user friendly.”

**Logistical barriers:** The system has logistical barriers for many to navigate the system equitably. For example, if you don’t own a phone, you can’t get a call back.

**Public Involvement:** The public comment period window is two weeks to comment on PPB policy changes. This is not enough time for the public to engage. Members of the public have little opportunity to engage with the current system of accountability in meaningful ways.

**Hours of operation:** Most City offices, including most of the City’s current accountability system, operate between 8 AM-5 PM. For complainants with less flexible schedules, who often are lower- and middle-income individuals, this is a direct barrier to participation as well as to receiving information and updates.

## **7. Burdensome parts of the accountability system disproportionately impact community members who are part of historically excluded groups.**

**Policy:** The standards which officers are expected to maintain do not expect enough of law enforcement in their interactions with historically excluded groups, including based on mental health or illness, race, gender identity, socioeconomic status, and housing status. As a result, the standards police are held to on these issues are too low.

**Culture:** Police culture and history are rooted in racism, ableism, and discrimination towards historically excluded groups. As a result, current accountability systems structurally fail to address or even take seriously the impacts of policing on historically excluded groups or the disproportionate level of effort it takes for those community members to participate in the accountability system as they attempt to pursue individual misconduct complaints.

### **Perception and Trust**

The system does not work to repair community trust. Community members already experiencing harm by police must then attempt to navigate accountability in a system that prioritizes the protection of law enforcement. This deterrent results in many community members choosing not to interact with the accountability process at all.

## **8. There is a current perception by both community members and law enforcement that the accountability system is opaque, unfair, and unjust.**

**Community trust is broken:** The public has a sense that “the deck is already rigged” to favor law enforcement, resulting in the whole system feeling pointless to many. The current system does not earn the trust of the public because the public does not believe that officers are meaningfully held accountable. Additionally, there is minimally available public information, and a lack of communication to complainants.

**Investigative process:** If an investigator is former law enforcement, community members may still see them as members of the police department. Further, community members do not differentiate between civilian and sworn members of PPB. It is confusing, frustrating, and intimidating to discuss your complaint about PPB with a current or former employee of PPB.

### **Current Laws and Policies**

The system is deeply entangled by multiple levels of law and policy. This can be seen in the collective bargaining process between City government and the police collective bargaining units or associations (also known as “police unions”) as well as in the current standards of conduct and discipline.

### **9. The current system is governed and protected by several layers of local, state, and federal law and policy, including and especially labor law.**

**Collective bargaining:** The current system is subject to collective bargaining between the City government and the collective bargaining units. Most of the collective bargaining process is not open to the public. No representatives from either the volunteer or staff portions of the current community oversight system are part of collective bargaining processes. What currently exists is the result of many years of collective bargaining by the collective bargaining units.

**Law:** Current labor laws do not take into consideration the input of the community, but rather favor the police collective bargaining units' input.

**Policy:** Many investigations are closed by IPR because, even if true, the complaint is not a violation of policy. This is because the current standards of conduct are too lenient. Although new tools intended for accountability may be introduced, such as body-worn cameras, those tools cannot be used effectively to increase accountability without sufficient buy-in and coordination by multiple decision-makers at multiple levels to ensure law and policy align.

### **10. The standard of review is too deferential to police in the appeal process.**

**Appeal:** The Citizen Review Committee is required to look at the decision made by the commanding officer using a “reasonable person” standard, not a “preponderance of evidence”

standard. The Citizen Review Committee’s membership would like to see the standard of review for appeals changed to “preponderance of evidence.”

## **Effectiveness**

The system is unable to demonstrate that it is working. By design, the lack of transparency bleeds into the inability to monitor for effectiveness, improvement, or challenges. The data that are available are limited and do not summarize the impact made to accountability. A decrease in complaints does not necessarily mean the system is reducing misconduct; it could reflect the public’s aversion to the system.

### **11. The current system does not reduce misconduct.**

**Discipline:** Current options for discipline are limited, and due to definitions and requirements created in closed-door bargaining sessions, are often insufficient to reduce misconduct. The current system does not rely on evidence-based practices to reduce misconduct. Letters of reprimand, or suspensions without pay, are not always enough to alter behavior. Command counseling, when offered as a corrective action, does not necessarily alter behavior.

**Limitations of Discipline:** Discipline, while a form of accountability, only directly addresses the specific subject officer involved; it does not make systemic changes, nor change underlying culture.

### **12. The current civilian accountability system lacks the comprehensive power necessary to be effective at reducing misconduct.**

**Limitations of Scope:** Some complaints have no avenue for resolution outside of private litigation. Importantly, not everyone has the capability to pursue private litigation. The system’s limitations direct some potential complaints to be resolved in civil court, instead of through an administrative system. Civil courts focus on violations of rights, not of policy, and as a result are not the appropriate place for all types of complaints. For example, officer rudeness would not rise to the level of a civil rights violation but should be addressed by the administrative process. This results in some officer misconduct being excused that would not have been excused by a more comprehensive administrative accountability system.

**Participation and fact-finding:** The system does not encourage, compel or require officers to participate in hearings about misconduct they have allegedly committed or witnessed, nor does it provide consequences when officers do not participate. As a result, in the current system, officers generally don’t show up for public hearings; they have only attended CRC hearings 11 times in over twenty years.

### **13. The current system does not demonstrably meet its required timelines.**

**Investigations:** The Portland Police Bureau's presumptive deadline is 180 days from the date the complaint is assigned, but investigations often stretch out for months longer.

**Communication:** Complainants are not always notified of the outcomes of their complaints in a timely fashion. Additionally, the public is not aware of *when* complainants are notified.

#### **Conflicts of Interest / Bias**

The current system of accountability allows opportunity for bias and conflicts of interest. This is demonstrated by the prioritization of ensuring that police hold and maintain decision-making power in the investigative and discipline process. The system relies on PPB to investigate itself and upholds deference to involved officers.

### **14. Numerous parts of the system are designed to ensure police, rather than community members, can shape investigations and hold decision-making power.**

**Recommendation of Findings:** The Police Review Board, which is tasked with recommending findings and proposed officer discipline in certain cases, has more representation from PPB than from community members. One CRC volunteer along with one member from a volunteer pool may sit on the Police Review Board. There is also one other non-police representative (one IPR staff member), but the remaining members of the PRB are police officers. Since the PRB generally meets to hear and review cases during the day, this greatly limits the ability of community volunteers with daytime obligations to participate in the PRB process.

### **15. People who are making decisions about and within the system have a vested interest in the system being upheld.**

**Investigations:** The current system relies on the Portland Police Bureau to investigate itself in most cases for both administrative and criminal allegations. IPR was created in 2002 but didn't do their first investigation until 2013. IPR can't compel testimony and is still reliant on police to do so. This demonstrates that the police are still involved in nearly all cases.

**Internal Affairs:** PPB IA investigations give a tremendous amount of deference to involved officers. PPB officer judgement receives wide latitude from PPB IA investigators. PPB IA Investigations are not rigorous enough, especially when officer statements and physical evidence do not match up.

#### **Culture**

Multiple experts spoke on how the culture of policing creates a barrier to police accountability. Systems and culture work in relationship with one another. To understand the barriers in the system it is necessary to also investigate the culture of policing.

#### **16. Police culture values other police officers and the institution of police above the concept of accountability or community concerns.**

**Collective Bargaining:** Collective bargaining agreements related to police generally require the agreement of the PPA and PPCOA, which work to advance the interests of police and policing. The PPA and PPCOA's core functions include resistance to accountability for police, which causes decision-making processes to be biased towards defending the interests of police officers even when found to have committed misconduct.

**Investigations:** Portland police, like most police around the country, have a "blue wall of silence," which is a cultural norm that police do not talk about the misconduct or wrongdoing of other officers. This often leads to officers not serving as witnesses or reporting on other officers.

**Reprisal:** Community groups often report encountering intimidation, harassment, and retaliation by police when filing reports or asking for them to be held accountable. Calls for racial justice in policing have resulted in defensive posturing, which includes non-participation in accountability processes, and racial harassment and violence from police, which itself are acts that police are not held accountable for.

**History:** Because of a power imbalance, the requests of historically marginalized community members have often been ignored or overlooked. Calls for "restorative" justice between police and community is not possible because we cannot "restore" what we have never had. There has not historically been a perfect or even acceptable policing structure that can be identified as a target for achieving once more.

#### **17. There is an adversarial relationship between police and the public.**

**Service to institution:** Police culture views the public as separate, and often in conflict with, the police. This promotes an "Us vs. Them" relationship and valuing the institution of police over the rights of the public.

**Lack of bias reduction:** Despite officers receiving training on bias, there is no apparent reduction in disparate treatment and little change in officer behavior. Short mandatory trainings for people who already harbor biases may reinforce their already held bias.

#### **Inadequate Resources for Community Oversight**

The system has opportunity for civilian staff and community members to participate in holding police accountable. Volunteer members give their time, resources, and emotional labor without many resources offered in return. The commission heard from members of the Citizen Review Committee detailing the barriers they've experienced to participating meaningfully. The system also relies on City Council to make decisions when they are not specialists in this type of work.

**18. The current system relies heavily on volunteers, and then does not provide them with sufficient support.**

**Board Compensation:** Civilian oversight is provided by community members who serve on a volunteer basis, and do not receive compensation other than limited stipends.

**Time:** Civilian volunteers often have other commitments, but the system is not built around understanding their limited time. As a result, civilian volunteers are asked to handle large case files and large caseloads on short timelines. Additionally, the brief window for submitting comments on PPB policy/directives is also a barrier for advisory committees that meet only every month or two.

**Training:** Civilian volunteers have asked for more training, but training resources are not always available. As a result, civilian volunteers do not receive sufficient ongoing training.

**Mental Health:** Doing civilian oversight, including reviewing alleged police misconduct, is taxing on the emotional and mental health of volunteers. Community members who volunteer as part of Portland's current police accountability system do not receive adequate mental health support. This inadequacy is exacerbated for those who, due to their own lived experience, may be more affected by the work of civilian oversight.

**19. Community volunteers who participate in the current system often feel their work is ineffectual because it lacks real authority.**

**Final decision-making:** The final decision-making power is vested in entities other than the Citizen Review Committee, which makes members of that committee often feel their input is not heard when their recommendations are not taken. Community volunteers on the Police Review Board, which also only makes recommendations, are outnumbered by police.

**Lack of response and implementation:** Policy recommendations from community entities often do not receive a response from decision-makers in a timely fashion. Even when they are responded to, community input is regularly not taken. Public input and testimony from the Citizen Review Committee indicates that volunteers often feel like their work is meaningless because their recommendations are often ignored by the City and the police.

**Communication to volunteers in current system:** CRC reports that they do not receive updates about cases which have come before them on appeal. CRC reports that they only learn the outcome of a case when IPR publishes an annual report.

## **20. When cases go to City Council, City Council is underequipped to make effective decisions.**

**Expertise:** The City Council does not have the specialized knowledge necessary to make detailed decisions on administrative accountability cases.

"The City Council is not the right place to adjudicate these complex cases. It really is better served through bodies that have the technical knowledge, and the time and the energy, to focus on these cases, because they deserve that focus [...] The City Council does not have the capacity or the technical knowledge to do these cases justice. It's like sending circuit court appeals to the DMV. It's just the wrong place." (Mayor Wheeler, 1:24:10)

The Police Accountability Commission agrees that the following items are best practices in Portland's current system. The Police Accountability Commission will, in future phases of its work, develop a proposal for a system that retains the positive impacts of these best practices.

### **Transparency**

There are elements of the current system that prioritize transparency. First, the current system holds public meetings. Meetings of the CRC are open to the public and offer time for public comment. Additionally, CRC appeal hearings are done in public and allow for community input. The current system publishes data and regular reports (even if imperfect).

### **Accessibility and Equity**

The current system prioritizes access and equity through language access as investigators speak and can complete intake in multiple languages. As one of the multiple points of entry, employees of PPB may make complaints outside their chain of command. Finally, the current system has its own outreach coordinator.

### **Civilian Staff Involvement**

The current system has multiple avenues for frontline staff to be involved in the investigative process. For example, IPR staff can go directly to the scene of officer deadly force incidents. Additionally, civilian staff can complete intake and intake investigations. Staff can do (mostly) independent investigations and have nominal subpoena power for documents and people.



## **Qualifications of Investigators**

The current system has experienced investigators. IPR and Internal Affairs investigators collaborate, team up, advise, consult, share information, knowledge, and experience about how to conduct investigations. All of these investigators have prior investigative experience, including experience with sex abuse, homicides, criminal, personnel, and administrative investigations.

## **Review and Rigor**

The current system offers multiple points of review and opportunity for appeals. At any point, investigation can be sent back to investigator for further work. There is an appeals system in place for both employee (CRC appeal process and Loudermill hearing) and for community members (CRC appeal process).

There is rigor in the investigative process in the current system. IA always finishes the investigation, even if the employee accused of misconduct resigns while the investigation is ongoing. Further the separation of the investigation phase and corrective action/discipline phase can remediate potential conflicts of interest in investigation.

## **Mediation**

The system allows for voluntary mediation as an alternative to investigations for some complaints, and also allows for investigations to continue if mediation fails.

## **Outcomes**

Beyond discipline or corrective action for the subject officer, the current system has capacity for other outcomes. For example, there are "Supervisory investigations" for low-level complaints which cannot lead to officer discipline. Also, if mediation is chosen rather than investigation, the complaint does not lead to discipline. The current system can make policy recommendations.

## Appendix E2: PAC Areas of Agreement on Practices to Consider, or to Avoid, from Other Jurisdictions

### City of Portland

#### Police Accountability Commission Areas of Agreement on Best Practices, and Practices to Avoid, from Other Jurisdictions

##### Definitions:

- **Oversight Body:** The committee, commission, board, or other body, whose members are volunteer community members, that allows for community input into policing. This could include input into administrative investigation and discipline processes, policy and directives of the police, or other aspects of policing.
- **Oversight Agency:** The paid professional staff, employed by the jurisdiction's government, who work in support of the oversight body.

##### Standards of Review:

- The "Preponderance of the evidence" standard means that a majority of evidence supports an allegation.
- "Clear and convincing evidence": there has to be much more than 50% of evidence to prove misconduct.
- "Beyond a reasonable doubt": there is almost zero evidence disproving the allegation; this is used for criminal cases.
- The "Reasonable Person" standard means that a theoretical reasonable person, using the same evidence as the officer's commander or whoever made the original decision, could come to the same finding even if the new reviewers disagree with that finding.

Having conducted research in June and July, the Research Subcommittee of the Police Accountability Commission presents these possible best practices to the full Commission for consideration in designing Portland's new oversight system. These practices are not recommendations of the Police Accountability Commission, but will be considered by the PAC as it designs Portland's new police oversight system.

##### A. Policy

**A1. The oversight body is empowered to take input from community members on broad policing policy issues.**

Identified in: San Diego (City)

- In the City of San Diego, the Board is able to take input from community members on policy issues, and is not limited in the policy areas they can discuss by law, elected official limitation, or origination from a case or pattern of cases of alleged misconduct.

**A2. The oversight body can assess implications of alleged misconduct cases they review, including on policy, procedure, and training, and take action after this assessment.**

Identified in: San Diego (City), New York City, San Diego (County)

- In the City of San Diego, the Board can, as part of assessing cases, make recommendations to the Chief of Police on policy changes.
- In New York, these recommendations are on policy, procedure and training and are made to both the Chief and public.
- In San Diego County, the Board can make policy or rule change recommendations along with votes on findings on individual cases.

**A3. The oversight body has authority to make recommendations regarding policy and training with the potential to improve police department operations.**

Identified in: Maryland, San Diego County

- In San Diego County the oversight body regularly reviews policy, training, and protocols, and recommends changes to police as well as the Mayor and City Council.
- In Maryland, the civilian Police Accountability Board identifies trends and makes policy recommendations about the complaint process.

**A4. The oversight body sets policy for the police department.**

Identified in: San Francisco, Oakland

- In San Francisco, This authority encompasses a direct policy-setting authority, where the Police Commission sets policy for the police department.
- In Oakland, the Police Department must seek approval from the Police Commission for changes to policy, rules, practices, customs, and General Orders. The Police Commission is the primary policy approving authority in Oakland. Should the Commission disagree with the Police Department, the City Council has 120 days to overrule the Commission's

disagreement and confirm the changes proposed by the police department, but the Council is not obligated to do so and in the absence of Council action, the Police Commission decision is final.

**A5. The oversight body has a staff unit focused on policy.**

Identified in: New York

- In New York, the oversight body has a policy unit of paid staff members. The policy unit does data analysis, includes lawyers, and makes monthly, semi-annual and annual reports.

**A6. The oversight body conducts a public review of the police department budget.**

Identified in: Oakland

- In Oakland, the oversight body (the [Oakland Police Commission](#)) is the designated place for community input on decisions related to the police and oversight, including public review of and adjustments to the police department's annual budget.

**B. Oversight Body Jurisdiction and Authority**

**B1. The oversight agency fulfils an investigatory and disciplinary function, an auditing and monitoring function, and a review function, to ensure both individual and systematic police oversight, including overall agency practices and policies.**

Identified in: Chicago

- Chicago combines the three civilian accountability models: an investigatory and disciplinary function (Civilian Office of Police Accountability and the Police Board); an auditing/monitoring function (Public Safety Inspector General, which reviews patterns and practices for civil rights violations and fairness and consistency of officer discipline); and a review function (Community Commission for Public Safety--which drafts policies and can hire and fire leaders of police and accountability agencies).

**B2. The oversight body has authority to receive all complaints, even about items it may not have investigative authority over.**

Identified in: Chicago, Philadelphia, Maryland (State)

- Chicago has the Civilian Office of Police Accountability (COPA), which takes all complaints and forwards the complaints not under their jurisdiction to the proper body.

COPA is independent of the Police Bureau, and this type of process would show the public that the process is independent of police influence. Intake going through a non-police entity would also avoid the risk of discouraging community members from filing through police or at police buildings.

- Philadelphia's civilian oversight body receives all complaints except those related to tardiness/labor situations.
- In Maryland, the civilian Police Accountability Board touches all three layers of the process, including complaint, charging decision, and appeal. The civilian Board interacts directly with citizens making complaints, which increases both face time and credibility with the general public.

**B3. The oversight body has defined authority over, at minimum, alleged misconduct directly affecting the public.**

Identified in: San Diego (City), New York, San Francisco, San Diego (County), Denver

- In the City of San Diego, the Board has authority over officer-involved shootings, deaths in custody and other specific incidents: Force resulting in bodily injury; dishonesty including perjury, false reports & concealing evidence; cases of substantial public interest; where data shows pattern of inappropriate policies; sexual misconduct; physical assaults; domestic violence.
- In San Francisco, the oversight body investigates unlawful search/arrest, biased policing, dishonesty, sexual assaults, use of force with bodily injury/death, officer shootings, misconduct, improper performance including unwarranted action, neglect of duty, use of force, conduct unbecoming (like rudeness).
- In San Diego County, the list includes excessive force; discrimination; sexual harassment; improper discharge of firearm; illegal search/seizure; false arrest; false reporting; criminal conduct; death caused by law enforcement; misconduct, improper or illegal act, omission or decision that directly affects a person or property; violation of orders; unbecoming conduct including discourtesy, harassment, intimidation, procedure, retaliation, untruthfulness; use of force with injury; force used at protests.
- New York is a partial best practice, as the list is limited; their Board has authority over Force, Abuse of authority, Discourtesy, Offensive language (FADO cases). This includes improper search/seizure, failure to identify, untruthfulness, sexual misconduct. However, in New York it does not have authority over theft of money, neglect of duty, corruption, perjury and off duty criminal conduct.
- Denver's Independent Monitor may conduct investigations into serious offenses by uniformed personnel and citizen complaints regarding force, discrimination, retaliation, discourtesy, or in the best interest of the city. The oversight board may review closed

cases where the Monitor conducted the investigation. The case may be referred back to the agency with recommendations on the outcome and/or with recommendations related to policies or procedures.

The Police Accountability Commission also identified several counter-examples, which it considers practices to avoid:

- In New York, Internal Affairs has authority over theft of money, neglect of duty, corruption, perjury, and criminal conduct committed while off duty.
- In the City of San Diego, Internal Affairs does administrative investigations of Officer-Involved Shootings, with the oversight body only conducting an administrative review of completed Internal Affairs investigations. Additionally, following this review the case is examined by a “Police Department Shootings Review Board” for policy, tactics, and training issues, with the Commission on Police Practices only able to agree or disagree with the PDSRB’s determinations.
- In San Francisco, the oversight body has no authority if the officer was off-duty at the time of the alleged misconduct.

**B4. The oversight board oversees both the police department and the oversight agency investigating complaints.**

Identified in: San Francisco

- In San Francisco, the [Police Commission](#) oversees both the Department of Police Accountability and the Police Department.

**B5. Board has authority to send cases to the District Attorney, Grand Jury or other authority for criminal investigation.**

Identified in: San Diego (City)

- In San Diego, the oversight body has the authority to ask for a criminal investigation.

**C. Makeup of Oversight Board**

**C1. The oversight body is large enough to be representative of the City’s population.**

Identified in: Washington DC, San Diego (City), San Diego (County), San Francisco, New York

A larger board membership allows for more diversity, demographic, and geographics reflected in the community. It also allows the oversight body to create smaller panels for particular tasks and ability to have smaller panels.

- In the City of San Diego, the oversight body has 23 members.
- In New York, the oversight body has 15 members.
- In San Diego County, the board can have between 9 and 15 members. County code currently sets the number at 11.

The Police Accountability Commission also identified counterexamples in Washington DC and San Francisco, which it considers practices to avoid:

- Washington DC's oversight board only has five members and is expanding to 9.
- In San Francisco, there are only seven member positions on the oversight body.

## **C2. Board member makeup should reflect the demographic and geographic diversity of the community**

Identified in: Washington DC, San Diego City, New York

- The City of San Diego Charter requires "taking into consideration sex, race and geographical area so the membership [...] shall reflect the entire community."
- Washington, DC expanded from 5 to 9 members to increase geographic diversity.
- The New York Charter requires the "Board to reflect diversity of the City."
- In Denver, board membership must reflect the city's diversity: ethnic, racial, geographic, professional backgrounds.

## **C3. Selection criteria for membership includes subject matter expertise**

Identified in: Oakland, Denver, Seattle

Considered as a makeup of board members. Examples include people with trial experience, civil rights or public defense lawyers, police accountability experience, and lived experience.

- In Denver, board membership must reflect the city's diversity of professional backgrounds and expertise.

The Police Accountability Commission also identifies a partial best practice in Seattle:

- In Seattle, the mayor, city council, and Community Police Commission each appoint seven commissioners. Two positions are designated for public defense or civil liberties

lawyers. All of these are considered best practices. However, the Police Accountability Commission identifies as a practice to avoid that there is also one position reserved for a police union representative and one position for a member of the Police Management Association.

#### **C4. Designated alternates for oversight body**

Identified in: Oakland

Alternates are selected along with active commissioners and are available when openings occur. Alternates serve on ad hoc committees.

#### **D. Selection of Oversight Board**

##### **D1. The oversight body's members are appointed by City Council.**

Identified in: San Diego, San Francisco

- In San Diego City, the Council as a whole appoints members.
- In San Francisco, the Mayor and Board of Supervisors appoint members.

The PAC also identified counterexamples, which it considers practices to avoid:

- In Washington, DC, only the Mayor appoints members of the oversight body.
- In San Diego County, the County Chief Administrative Officer sends nominations to the Board of Supervisors, who appoint review board members.

##### **D2. Members of the oversight body have to agree to certain terms upon appointment and reappointment.**

Identified in: San Diego City

- In the City of San Diego, Board members take an oath and sign an affirmation upon appointment and reappointment.

##### **D3. Community members apply for oversight body membership, and applications are screened before passing them on to the appointing authority.**

Identified in: San Diego County, Denver, Philadelphia, Oakland

- In San Diego County, the applications are reviewed by staff, who conducts interviews and ensures the District Attorney does a background check on candidates.



- In Denver, applications are received and screened, with interviews conducted by a nominating committee.
- In Philadelphia, applications are received and sent to the appointing authority (City Commissioners), who select the appointees.
- In Oakland, responsibility for selecting commission members is shared between a community-based selection committee and City Council, who must accept or reject the entire slate recommended by the selection committee. However, this system does not apply to all members of the Police Commission; three members are chosen by the Mayor subject to City Council approval.

**D4. Oversight Body members are given training to exercise their duties on behalf of the public.**

Identified in: San Diego (County), San Diego (City), Los Angeles (County), Philadelphia

- In San Diego County, oversight board members are trained on government, code, rules, public meetings laws, state laws, officer rights, disciplinary process, police training, constitutional and civil rights law, collective bargaining agreements, diversity and inclusion, and community perspectives on law enforcement.
- In Philadelphia, the system in the process of being implemented requires Civilian Review Board members to receive training on police law, investigations, criminal justice partners, the District Attorney (DA)'s office, policies and procedures, state constitutional law, community and civil rights organizations.

**E. Terms and Removal of Oversight Board Members**

**E1. Members serve staggered, multi-year terms.**

Identified in: San Diego City, New York, San Diego County, Denver

- In the City of San Diego, members serve two-year terms, with terms staggered so 11 or 12 of the 23 members' terms expire at a time.
- In San Diego County, members serve three-year terms.
- In New York, members serve three-year terms.

**E2. Members may apply for renewal up to a total maximum length of service. Renewal applications are evaluated and considered by appointing authority.**

Identified in: San Diego City, New York, San Diego County, Denver

- In the City of San Diego, members may serve up to eight years, and then can apply again after two years.
- In San Diego County, board members may renew one time for an additional three years.
- In Denver, members may apply for another term and are considered by the nomination committee.

**E3. The oversight body has defined criteria for automatic member removal.**

Identified in: San Diego City, New York, San Diego County, Denver

- *Attendance/Membership Activity:* Predetermined number of unexcused absences (Denver, San Diego City-two consecutive, County San Diego-three consecutive), unmet minimum participation, or workload requirement, inactivity in board activities including subcommittee work (San Diego City). Excused absences can be for unforeseen event, health reasons, out of town, conflict of interest (San Diego City).
- *Administrative:* Currently incarcerated and unable to serve; financial or personal conflict of interest (San Diego City); death, resignation, no longer living in San Diego County, failing to complete training (San Diego County)
- *Ethical and Policy Violations:* unethical conduct, misuse of position/documents; violation of confidentiality (City of San Diego).

**E4. The oversight body has defined authority and criteria for discretionary removal or referral to the appointing authority for removal.**

Identified in: San Diego (City), San Diego (County)

- *Vote by board members:* removal recommendations forwarded to City Council for consideration, defense allowed (San Diego City).
- *Council:* Board Chair notifies Board of Supervisors, who can remove members at any time (San Diego County).

**E5. Members whose terms have expired continue to serve until their replacement is appointed.**

Identified in: San Diego (City), San Diego (County)

- In San Diego City, members can serve until the next person is appointed.
- In San Diego County, members can continue in seat until replacement is appointed.

**F. Staff**

**F1. The oversight body, manages, and conducts reviews, the Executive Director of the oversight agency, and in some cases can hire and fire that person.**

Identified in: Washington DC, San Diego City, New York, San Diego County, Denver, Oakland

- In Oakland, the oversight body can hire and fire the agency director.
- In Denver, with the assistance of a selection committee, the oversight board screens and selects three agency director candidates. A community process led by the oversight board concludes with the selection of a nominee who is confirmed by city council. The oversight board has the authority to fire the agency director.
- In San Diego County, the Executive Director serves at the pleasure of the Board. The Board conducts annual performance reviews and manages the Executive Director.

The Police Accountability Commission also identified several partial best practices:

- In Washington DC, the oversight body hires the Executive Director and conducts annual performance reviews. Contracts are for three years and may be renewed.
- In New York, the Board sets policy including personnel policy, and hires the agency director.
- In the City of San Diego, the oversight body conducts annual performance reviews of the Director. However, the City Council hires and fires the Director.

**F2. The oversight body hires, manages, and can choose to fire the top monitor or inspector-general.**

Identified in: Oakland

- In Oakland, the Police Commission hires and fires the Inspector-General.

**F3. The oversight body is directly involved in hiring and, if necessary, firing the police chief.**

Identified in: Oakland

- In Oakland, the Commission recommends four candidates for police chief to the Mayor, who chooses and hires the chief from among these candidates. It also has a key role to play in firing, and with enough votes can fire the police chief *independent of the Mayor*.

**F4. The oversight body has the authority to hire independent legal counsel.**

Identified in: Denver, Oakland, San Diego (County), San Diego (City)

City attorneys are responsible for representing the interests of the municipality, which sometimes conflicts with the interests of a civilian police oversight agency.

- In Denver and Oakland, the agencies have the authority to hire Independent counsel who gives civilian oversight agency the legal advice they need to carry out its duties.
- In San Diego County, the Board has independent legal counsel.
- In San Diego City, the Board is required to retain legal counsel on contract or as an employee.

The Police Accountability Commission also identifies a partial best practice in Washington DC:

- In Washington, DC, the board has independent legal counsel, but in court is represented by the US Attorney (this is unique to the District of Columbia, which is not in a state).

The Police Accountability Commission also identified a counter-example in New York, which it considers a practice to avoid:

- In New York, they have lawyers to support misconduct hearings but not legal counsel separate from the City's.

#### **F5. The oversight agency has staff to support agency operations.**

Identified in: Philadelphia, Washington, DC, San Diego (City), San Francisco, New York, San Diego (County)

- Philadelphia's new system, being implemented currently, will in addition to an Executive Director have staffers paid by the city to support the work of the Civilian Review Board.
- In Washington, DC, there are 22 staff: a Deputy Director, 11 investigators, 3 supervisors, administrative staff, and public affairs/community engagement staff.
- In San Francisco, staff work in Divisions: Audit, Mediation, Policy, Investigation, Records and Outreach.
- In New York, they have 180 staff, including specific units on Outreach, Intra-governmental affairs, Racial Profiling and more.
- In San Diego City, there are currently 6 staff who respond to public inquiries, take complaints, prepare reports, send meeting notices and prepare minutes.
- In San Diego County, they have 8 employees including at least one investigator and legal counsel.

The Police Accountability Commission also identified a counter-example in San Francisco:

- In San Francisco, the commission Secretary, which is a staff position, is a police sergeant, which the PAC identifies as a practice to avoid.

**F6. Oversight body staff are provided adequate training for their roles.**

Identified in: New York

- In New York, civilian investigators are trained on policies, interviewing, evidence, patrol mandates, operations, legal issues including stops, frisks and searches.

The Police Accountability Commission also identified counter-examples in New York, which may be considered practices to avoid:

- Also in New York, investigators must spend two days at the police academy and have 8 years of prior experience; it's not certain whether the police academy requirement is appropriate nor that 8 years is needed.
- Furthermore, the NY Police Department gives administrative and legal guidance to staff; it is not clear whether this is appropriate.

**F7. The oversight system may reach outside city structures to complete its work.**

Identified in: Albany NY

- In Albany, NY, the review system is supported by staff at the Government Law Center at Albany Law School.

**G. Public Nature of Meetings / Hearings**

**G1. The Oversight Body holds meetings which are open and accessible to the public.**

Identified in: San Diego City, New York, Oakland, San Francisco

Many jurisdictions include not only open public meetings of the oversight body, but written guarantees of communication about public notice, agenda item publication, etc.

- In San Diego (City), committee meetings are public and publicly noticed 72 hours in advance.
- In New York, meetings include public input and include publicly sharing information on agency operations, complaint activity, and disposition of cases.
- In Oakland, the meetings of both the oversight body and its sub-committees are open to the public with participation throughout. Names of those expected to attend Oakland Police Commission meetings are included on their meeting agendas.

- In San Francisco, meeting summaries are published after each meeting.

**G2. The oversight agency holds open evidentiary hearings on misconduct complaints and public investigative reports.**

Identified in: Oakland

- This is a previous practice of the oversight system in Oakland which ended in 2006. The public could follow the cases to understand exactly what the allegations of misconduct were against officers, how the complaints were investigated, and what the findings and recommendations for discipline were. A California court case ended this practice, but Oakland advocates point to it as a best practice even though it is no longer possible in California.

**G3. The oversight body has a set list of agenda items which are by default for meetings.**

Identified in: San Diego (City), San Diego (County)

- In the City of San Diego, their set agenda includes: business is transacted, presentations are heard, communicate with public, hear testimony but not on particular cases, training is given, Executive Director report, Police department report, committee and chair report, City attorney report, old business, new business.
- In San Diego County, agenda items include: Roll call; Approval of minutes; Work report by staff; Chair report; training for members; public input including from complainants up to three minutes; New Business; Unfinished Business; Board Member Comments; and Sheriff liaison “query”. Additional items may be filed with the Chair by members.

**G4. The oversight body meets regularly with the agency director, chief of police, and other officials.**

Identified in: Denver

- In Denver, the oversight board holds open public meetings with the police chief, manager of public safety, and oversight agency director where policy issues, etc. can be discussed. Open meetings with leaders in public safety and accountability give the oversight board and public the opportunity to discuss critical issues, ask questions, and consider policy issues.

The Police Accountability Commission also identifies a partial best practice in Los Angeles County:

- In Los Angeles County, the head of the law enforcement agency or their designee attends and participates, but has no vote, on the oversight body. This provides information and perspectives to the commission, but it has not yielded demonstrable buy-in from law enforcement.

**G5. The oversight body holds open meetings regularly and frequently.**

Identified in: San Diego (City), New York, San Diego (County)

- In the City of San Diego, open meetings are generally held once per month. The oversight board held 11 open meetings in 2021.
- In New York, the oversight body holds open meetings at least once a month, with exceptions for August and December.
- In San Diego County, open meetings are held 1-2 times per month.

**G6. Hearings on individual cases are generally open to the public, with limited, specific exceptions defined in the law.**

Identified in: Maryland, Seattle

- In Maryland, every county has a Trial Board, and its proceedings are open to the public with limited exceptions (such as to protect the identity of a victim).
- Seattle is a partial example of this practice, as in Seattle some appeal hearings are open to the public. If the officer chooses arbitration, then they are not.

The Police Accountability Commission also identified several counter-examples, which are considered practices to avoid:

- In the City of San Diego, closed meetings are held twice a month, and are confidential to hear cases and other matters not subject to disclosure. Presentations from the Shootings Review Board and discussions of discipline occur in closed meetings.
- In New York, hearings are not open to the public.
- In San Diego County, hearings are not open to the public. In closed session, Board, staff, and legal discussion is confidential.

**H. Budget**

**H1. The oversight body has a publicly disclosed budget.**

Identified in: New York, Philadelphia, Washington DC, San Diego (City)

In several cities, the budget is guaranteed at a certain level; it is not clear whether these budgets are sufficient to fund the agency in each jurisdiction.

- In New York, the annual budget is nearly \$39 million.
- In Philadelphia, the police oversight budget is limited to less than 1% of the police department's budget.
- In Washington, DC, the oversight budget is \$2.2 million, mostly for salaries.
- In the City of San Diego, the budget of the Citizens' Review Board on Police Practices, which existed from 1988-2016, was \$1,327,134 for three staff members. The Commission on Police Practices, which was created in 2020, has a budget of about \$2.5 million.

## **H2. The location of the office is independent and accessible to the community.**

Identified in: Washington DC, San Diego City, San Francisco, New York

- In Washington, DC, the office is located in a private office space.
- In the City of San Diego, the office is separate from where the Mayor and Internal Affairs are housed.
- In San Francisco, the office is separate from City Hall and the police.
- In New York, the Board has its own office space in Manhattan, and can do interviews in any of the five boroughs.
- The Oakland oversight agency is located in an office building that is part of the City Hall complex and also home to the City Permit Center, Finance Department, Housing Resource Center. The police department is located elsewhere.
- The Denver oversight agency is located in the Denver Post Building that also houses parks and public health departments, economic development office, and Civil Service Commission. The Denver city government leases space in this privately-owned office building.

The Police Accountability Commission also identified a partial best practice in San Diego County:

- In San Diego County, the office is located separate from the Sheriff's office. However, the oversight body's office may have security provided by the Sheriff's office, which is a practice to avoid.

## **I. Audit Functions**



**I1. The oversight agency reviews all misconduct investigations to ensure they are complete before findings and discipline are determined.**

Identified in: Seattle

- In Seattle, there is an Inspector-General who reviews investigations prior to findings and discipline being determined. This practice helps ensure investigators conduct thorough investigations, and inserts an added layer of oversight and review to the process.

**I2. The oversight agency audits closed cases alleging misconduct and may recommend policy changes.**

Identified in: San Francisco, New York, Oakland

- In San Francisco, the audit division reviews closed complaints.
- In New York, the Executive Director audits closed cases.
- In Oakland, the Inspector-General is responsible for ensuring allegations of misconduct are thoroughly investigated, and identifies systemic policies needing improvement. This continues oversight similar to the DOJ or court monitor.

**I3. The oversight body may conduct Sentinel Event Reviews, and/or reviews of undesirable police-related activities.**

Identified in: Seattle

[Sentinel Event Reviews](#) are in-depth, root cause analyses of significant and undesirable police-related events, with the goal of prevention rather than response. A broad review of incidents of concern to the community for the purpose of learning from past mistakes gives the community and police the opportunity to learn and develop new policies and practices that will lead to better outcomes.

- In Seattle, the Office of the Inspector-General oversees Sentinel Event Reviews, which are led by a select group of community members, police representatives, and OIG.

**J. Reporting**

**J1. The oversight body and agency are required to regularly and frequently issue public reports.**

Identified in: Washington DC, San Diego (City), San Francisco, Philadelphia, Seattle, Denver

- In Washington, DC, there is an annual report and a semi-annual review, as well as a use of force data report.
- The City of San Diego oversight body issues semi-annual reports to the Mayor and City Council.
- San Francisco’s oversight body issues annual reports.
- Philadelphia’s oversight body issues annual reports.
- In New York, the policy unit issues monthly, semi-annual, and annual reports on data (a total of 14 reports a year). The monthly statistical reports are generated before each meeting.
- In Seattle, City Code requires an annual report.
- In San Diego County, there is an annual report.
- In Denver, the oversight body issues an annual report, and has one of its meetings specifically designed for public comment on the report.

**J2. Annual reports of the oversight body and oversight agency have required contents which are defined by law. By listing specific reporting requirements in the code for agency and commission reports, it ensures the same type of information will be available to the public and others over time. This facilitates year-to-year comparisons and reliable access to information.**

Identified in: Seattle, San Diego (City), San Francisco, Philadelphia, New York, San Diego (County)

The Commission identifies the definition of required contents in law as a best practice.

- In Seattle, the required contents of agency and commission annual reports are defined in code.
- In the City of San Diego, the reports include duties and powers, redacted case summaries, and summaries of committee work. This is a partial best practice, as it is not required to include statistics on how the board voted on discipline (though reports often do include this information).
- In San Francisco, the annual report includes cases, allegations, and demographics, disaggregated by geographical area or district, as well as policy recommendations and their status, and a summary of outreach.
- In New York, reports include agency operations, complaint activity, case dispositions, and discipline.
- In San Diego County, the annual report includes Board activities, recommendations/outcomes, trends, Board mission, staff, members’ biographies, messages from Chair & Executive Director; complaints by year, quarter, allegations, by

unit, type and agency. Lists Board actions by case number, date and findings, lists death cases.

**J3. Reporting on closed cases includes all information, except complainant names in specific situations.**

Identified in: Washington DC, San Francisco, Philadelphia, Seattle

Several jurisdictions publish data on closed cases, with dates, facts of the case, officer names, and findings included. Sometimes, there are exceptions for complainant names, but these are specifically defined exceptions to open reporting.

- In San Francisco, data on officer-involved shootings includes names of officers and dates.
- In Philadelphia, data on officer involved shootings includes names of officers and dates. Every case reviewed is posted with detail on complaints/findings/outcomes with names (if complainant allows) as well as the names of the officers involved.

The Police Accountability Commission also identified several partial best practices:

- While investigations are still proceeding, Philadelphia publishes all the information in anonymous form (with names withheld), and republishes with identifying information after investigations are complete.
- In Washington, DC, case decisions are posted online without the officer or complainant's names, but with facts of the case supporting the findings.
- In Seattle, Closed Case Summaries are posted online. The document includes a summary of the incident and alleged misconduct, as well as the agency director's response to each allegation of misconduct. If discipline is imposed, the type and severity of discipline are also included. Closed Case Summaries do not list complainant names. However, Closed Case summaries also do not list employee names.

The Police Accountability Commission also identified a counter-example in New York, which it considers a practice to avoid:

- In New York, data on cases that went to mediation are not public.

**J4. The oversight body maintains an online tracker of commission policy recommendations, including their responses and implementation.**

Identified in: Seattle

- In Seattle, the Community Police Commission has a [tracker](#) that provides reasons for the recommendations by the commission, civilian agency, and the Inspector-General that have not been implemented, as well as responses and progress on implementation.

**J5. Online reporting includes complaints, findings, outcomes, and discipline, as well as aggregated data.**

Identified in: New York, San Francisco, Philadelphia

- In New York, online reporting includes sample cases, complaints, allegations, victims, and officers; data includes race, gender, age, and outcomes. In New York, discipline letters are posted online, and include officer names.
- In San Francisco, the online dashboard shows case statistics, open, closed, and sustained allegations, and findings.
- In Philadelphia, the online dashboard shows case statistics, open, closed, and sustained allegations, and findings

**J6. The oversight body can propose the release of otherwise-confidential information.**

Identified in: New York

- In New York City, the [Civilian Complaint Review Board](#) can propose the release of otherwise confidential information in certain circumstances.

**K. Appeal Process**

**K1. Police officers can appeal findings, or the dismissal of a case.**

Identified in: San Diego (City), New York

- In the City of San Diego, officers have 30 days to rebut findings, after which point appeals are not accepted. Supervisors cannot file on officers' behalf.
- In New York, officers may appeal findings.
- In San Diego County, officers may appeal the dismissal of a case.
- In Seattle, the police contract gives sworn employees the right to appeal through either the Public Safety Civil Service Commission or arbitration.
- In Oakland, officers are entitled to a Skelly (Loudermill) hearing when there is a sustained finding and recommended discipline is dismissal, demotion, fine, or suspension.

The PAC also identified a partial best practice in San Diego County:

- In San Diego County, officers may file appeals within 10 days, but must include new evidence. This may be too limited a reason to appeal as well as too limited of a timeline.

**K2. The complainant may appeal findings and/or dismissal or decision not to investigate.**

Identified in: New York, San Diego (County), San Francisco

- In New York, complainants can appeal findings. Appeals can be made even if case is not investigated, if there is new evidence or if it will “serve justice”. These complaints must generally be filed within 30 days, but exceptions can be made.
- In San Diego County, complainants can object to the dismissal of a case.
- In San Francisco, a community member may request an investigative hearing if they disagree with findings.

The PAC also identified a partial best practice in San Diego County:

- In San Diego County, complainants may file appeals within 10 days, but must include new evidence. This may be too limited a reason to appeal as well as too limited of a timeline.

**K3. The oversight body has independent authority to reopen cases.**

Identified in: San Diego (County)

- In San Diego County, the Board may reopen a case if it is “in the public interest” to do so.

**K4. Appeals are heard by the oversight body.**

Identified in: New York

- In New York, the oversight body holds decision-making authority.

The PAC identified partial best practices:

- In New York, the appeal is heard by the same panel that heard the original case, as the appeal must include new information. Exceptions are made if an oversight body member from the original panel has left the oversight board, in which case another member can be assigned to the appeal.

The PAC also identified two alternate examples which may be worth examining:

- In San Diego County, officer appeals are heard by the Civil Service Commission. The findings of the Civil Service Commission are final. The oversight body's involvement is limited to receiving a copy of the appeal and the ability to file a statement about misconduct and supporting evidence 15 days before the Civil Service hearing; the [oversight body](#) is able to attend the hearing, subpoena witnesses, present evidence, and cross-examine.
- In the City of San Diego, appeals are to the civil service commission, as defined in the city's Collective Bargaining Agreement.

#### **K5. The preponderance of the evidence standard is used on appeals.**

- In San Diego County, the Civil Service Commission, when hearing appeals, uses the preponderance of the evidence standard to adjudicate the appeal.

#### **L. City Council Involvement**

##### **L1. The City Council can send a case back to the oversight body for reconsideration.**

Identified in: San Diego (County)

- In San Diego County, the County Board of Supervisors can send a case back to the Board for reconsideration.

The PAC also identified a counterexample in the City of San Diego:

- In the City of San Diego, the Mayor can make a final decision if the police disagree with the Board's finding, instead of sending the dispute to the oversight body for reconsideration.

#### **M. Board Compensation**

##### **M1. Community members serving on the oversight board are compensated for their time and work.**

Identified in: New York, Chicago, Los Angeles (County). Philadelphia

- In New York, members of the oversight body are compensated per term. Some members decide to decline compensation and work *pro bono*.
- In Chicago, oversight board members are provided with a \$12k annual stipend; the chair is provided a \$15k annual stipend.

- In Los Angeles County, oversight board members receive a \$5k annual stipend.
- In Philadelphia, the Citizen Review Board which has been authorized, but has yet to be convened for the first time, will have members who receive a small stipend for their work.
- In Denver, compensation is limited to \$1,200 per year and members are also reimbursed for expenses.

The Police Accountability Commission also identified a counterexample in Washington DC:

- In Washington, DC, oversight body members are not compensated.

**M2. Community members serving on the oversight board are reimbursed for any expenses they incur as part of their public service.**

Identified in: San Diego (City), San Diego (County)

- In the City of San Diego, the Board is reimbursed for “authorized, reasonable, and necessary expenses.”
- In San Diego County, the Board is also reimbursed for expenses incurred as part of public service.

**N. Internal Structure**

**N1. The oversight body is able to set both its Bylaws and its other internal processes, within broad parameters established in law.**

Identified in: San Diego (City), San Diego (County)

- In the City of San Diego, the Commission on Police Practices is able to set its own internal processes. The CPP can amend Bylaws with support from a two-thirds majority of its membership, and other internal processes such as rules of order, administrative rules, and operational and standing rules by majority. Commissioners can submit proposals 10 days before a meeting to modify the rules.
- In San Diego County, the Board may adopt its working rules by majority vote, and must review them every four years.

The PAC also identified a counter-example in San Diego County:

- In San Diego County, the County Board of Supervisors must approve the oversight body’s working rules.

**N2. Quorum: The oversight body may meet and make decisions when a majority of seated members are present, subject to a minimum threshold defined by law.**

Identified in: San Diego (City), San Diego (County)

- In the City of San Diego, there are 23 positions on the oversight body, but quorum is a majority of the seats which are filled. However, quorum can never fall below 7, meaning that even if there are fewer than 13 positions filled, 7 members must be present for the oversight body to meet.
- In San Diego County, quorum is set to a majority of seated members. To ensure enough participation in each decision, votes require the support of a majority of seated members *regardless of how many attend a particular meeting*.

**N3. The oversight body may establish and define its own officer positions from among its voting membership.**

Identified in: San Diego (County), San Diego (City)

- In the City of San Diego, the oversight body determines its own leadership. There is a Chair of the oversight board who generally acts as the spokesperson, runs meetings, coordinates communications, appoints committee members, coordinates case review teams; a Vice Chair who leads in the absence of the Chair and trains new members, and a Second Vice Chair who leads in the absence of both other officers and acts as the parliamentarian. All may vote and join case review teams themselves.
- The City of San Diego's Parliamentarian advises the board to ensure they are properly following procedures, consulting with the chair before the chair makes a ruling.
- In San Diego County, the oversight body determines its officers. There is a Chair who presides, serves as a spokesperson, signs documents, designates subcommittees, and ensures lawful operation. There is a Vice Chair who serves as Chair in the Chair's absence; a Chair Pro Tempore who serves if both the Chair and Vice Chair are absent; and a Secretary who keeps records of proceedings, is the custodian of records, and keeps attendance and membership.

**N4. The oversight body may establish and define its own committees or sub-committees, which address different aspects of the oversight body's work.**

Identified in: San Diego (City), Oakland, Seattle



- In the City of San Diego, the oversight body determines its own committees.
  - Committees can be standing or ad hoc; sub-committee chairs remain for one year or for the duration of the ad hoc committee. Meetings are held at least quarterly.
  - Committees may have no more than roughly thirty percent of the overall oversight body’s membership (seven members maximum, with San Diego having 23-25 total members on its oversight board).
  - There is a defined list of standing committees which the oversight board may change over time and which address the various roles of the oversight body. For example, San Diego has a standing policy committee to evaluate police policy changes and present to the full oversight board for approval. Others are Executive (functioning of Board), Education (sets up presentations for board’s meetings), Outreach, Rules (bylaws and operating rules), Recruitment and training.
- The Oakland police commission has ad hoc committees that work on specific issues. Examples include: body worn camera policy, community outreach, militarized equipment.

The Seattle police commission has (or had, based on the 2019 Annual Report) the following subcommittees or workgroups: Strategy, Behavioral Health, Governance, Community Engagement, Police Practices, State Legislative Agenda, Complainant Appeals Process.

**N5. Oversight body members are encouraged to vote, with recusals in limited circumstances and/or abstentions discouraged**

Identified in: San Diego (City), New York, San Diego (County)

- In New York, members of the oversight body cannot abstain from votes, and can only recuse themselves for conflicts of interest.
- In the City of San Diego, votes are taken by roll call, with members obligated to explain if they abstain. Board members can ask to be removed from a case if they have a conflict of interest.
- In San Diego County, Board members cannot serve to hear a case if they have a conflict, such as being the family or friend of a party, a witness to the event, or having a financial interest or bias.

**P. Discipline and Corrective Action**

**P1. The oversight body has the final say on the minimum level of discipline.**

Identified in: Oakland

- In Oakland, the police commission has a discipline committee which makes the final decision when the oversight agency and the chief of police disagree on either findings or discipline.

The PAC identified a partial best practice in Washington, DC and in San Francisco:

- In Washington, DC, the Chief of Police is obligated to impose the discipline determination from the oversight body, but may appeal the ruling to three legally-trained complaint examiners. Additionally, discipline must be imposed based on findings by an administrative judge.
- In San Francisco, oversight agency staff makes a recommendation for discipline. The oversight board determines discipline only if the recommendation is greater than a 10-day unpaid suspension, with lesser disciplinary recommendations received and acted upon by the police chief.

The Police Accountability Commission identified several counter-examples, which are considered practices to avoid.

- In Philadelphia, the Citizen Review Board makes recommendations for discipline or corrective action, but they do not have the power to execute it; it is up to the Police Department to follow the recommendations. Although the police must say why they would deviate, this nonetheless removes final authority from the community oversight system.
- In New York, the police commissioner can accept, modify, or reject findings made by the panel that reviews cases, and can also refer the case to the full oversight board. Ultimately, the commissioner has final say on discipline. Additionally, the police commissioner can reduce recommended discipline, and decide not to pursue discipline if an officer has no disciplinary history or has criminal charges pending.
- In San Diego County, the oversight board's determinations on discipline are non-binding recommendations; when there is a sustained finding the oversight board can only recommend discipline.
- In the City of San Diego, the commanding officer of the officer found to have committed misconduct notifies the oversight body of proposed discipline, and the oversight body's role is limited to determining if this discipline is consistent with the discipline matrix.

**P2. Police leadership may deviate upward from the discipline chosen by the oversight agency, but not downwards.**

Identified in: Maryland (State)

- In Maryland, the Chief of Police is bound by the charging decisions made by the civilian charging committee. The civilian oversight process sets a “floor” below which discipline cannot fall, which can serve as a check on the disciplinary matrix, if the discipline required by the matrix is insufficient to the particular case. The Chief may impose greater discipline than that chosen by the oversight body.

The Police Accountability Commission also identified a counter-example in New York, which it considers a practice to avoid:

- In New York, the police commissioner can reduce recommended discipline, and decide not to pursue discipline if an officer has no disciplinary history or has criminal charges pending.

**P3. There is a defined discipline matrix, including defined options for discipline or corrective action and applicable to the same jurisdiction as the oversight body, with limited flexibility for application to individual cases.**

Identified in: New York, San Diego (County)

- In New York, there is a defined structure for discipline and corrective action, including options for: Instruction, training, unpaid leave for up to 10 days, warning and admonition, loss of vacation, suspension, dismissal probation, and termination. Additionally, giving false testimony to investigators as part of the original investigation can result in the officer being terminated even if the original complaint and findings would not have necessarily resulted in termination.
- In San Diego County, the Board’s recommended discipline can note trends and take into account the officer’s individual history.

## **Q. Hearings and Findings**

**Q1. The oversight body uses a standard set of four options for findings in all cases.**

Identified in: Washington DC, Seattle, San Diego (City), San Francisco

The PAC finds this standard set of four options to be a broad best practice, with several examples of identical or near-identical usage differing only in scope of application or terminology used: an option if the complaint is sustained, if the complaint is not sustained due to lack of information or evidence, if the complaint is not sustained due to the alleged events

not occurring, and if the complaint is not sustained due to the officer's actions being within law and policy.

- In Washington, DC, these options are labeled Sustained (out of policy), Exonerated (in policy), Unfounded (did not happen as alleged), and Insufficient Facts.
- In Seattle, these options are labeled Sustained and Not Sustained, with Not Sustained including Unfounded, Lawful and Proper, and Inconclusive.
- In the City of San Diego, all cases not involving Officer Involved Shootings can have one of the four findings, labeled Sustained (violation), Not Sustained (insufficient evidence), Unfounded (Act did not occur), and Exonerated (action justified, legal, and proper).
- In San Francisco, findings include Improper Conduct (sustained), Proper Conduct (in policy), Unfounded, and Insufficient Evidence.
- In New York, findings include Substantiated (out of policy), Within Guidelines (in policy), Unfounded (did not happen as alleged), and Unable to Determine (insufficient evidence).
- In San Diego County, findings include Sustained, Not Sustained (insufficient evidence), Unfounded (not true or did not occur), and Action Justified (lawful, justified, and proper).

The Police Accountability Commission also found partial best practices:

- The City of San Diego's oversight body, when assessing Officer Involved Shootings (OIS), can only find whether the officer was in or out of policy; the oversight body cannot use other options available to them in non-officer involved shooting complaints.

**Q2. The oversight body may add to the standard set of four individual-level findings options with additional findings regarding the police department to improve future conduct.**

Identified in: Seattle, San Francisco, Chicago

- In Seattle, there are two additional findings that may be applied to a complaint: Training Referral, and Management Action. Training Referral directs the department to issue corrective action other than discipline, usually training and counseling. Management Action is used when the Office of Police Accountability recommends that the police department should revise its policy or training.
- In San Francisco, the oversight body may also apply findings of Policy Failure, Supervisory Failure, and/or Training Failure.
- In Chicago, investigators can assess policy issues regarding how the incident could have been avoided, training could be changed, policy deficiencies, and more.

**Q3. The oversight body may dismiss cases in limited situations defined by law.**

Identified in: San Francisco

- In San Francisco, cases can be dismissed if the action is outside of the jurisdiction (e.g. an officer from another city is alleged to have committed misconduct), or if the complainant chooses to withdraw the complaint.

The PAC also identified a counterexample as a practice to avoid, also in San Francisco:

- In San Francisco, cases can be dismissed if the officer is no longer employed or cannot be identified.

**Q4. Findings are determined using the “Preponderance of the evidence” standard.**

Identified in: San Diego (County), New York

- In San Diego County, the preponderance of the evidence standard is used for Board findings based on evidence at a hearing, or the investigative record.
- In New York, the preponderance of the evidence standard is used for Board findings.

**Q5. The oversight body communicates the findings to the complainant.**

Identified in: San Diego (City), San Diego (County), San Francisco

- In the City of San Diego, formal and informal investigations lead to letters written to the complainant.
- In San Francisco, once a case is closed a letter goes to the complainant with the outcome.
- In San Diego County, the disposition of the complaint must be shared with the complainant.

**Q6. The oversight body may create panels to hear cases and determine violations of policy findings.**

Identified in: San Diego (City), New York, San Diego County, Maryland (state)

- In San Diego City, a three-member panel of Board members reviews evidence, and asks if the investigation is thorough, fair and impartial; they may agree with investigator-proposed findings. If they do not agree, the case is heard by the full oversight board.

- In New York, a panel of three reviews the investigation. As the full oversight body is made up of members appointed by the Mayor, Council, and Police Commissioner, the three-member panel has one member appointed by each. Panels can make findings or refer the case to the whole Board.
- In San Diego County, Investigative Hearing panels of three members may hear cases, which are then sent to the full Board. However, since its inception, the full board has held hearings with a minimum of six of 11 members.

The Police Accountability Commission also identified counter-examples in Maryland, New York, and Washington DC, which it considers practices to avoid:

- In Maryland, Trial Boards consisting of three members deliberate on the facts to determine findings. The Boards consist of three members: one officer of equal rank to the one under investigation (selected by Police Chief), one civilian chosen by the Board, and an administrative law judge selected by the Chief County Administrator. The Trial Board is the final step before state law requires that a party be allowed to appeal to the local circuit court.
- In New York, cases can be forwarded to an administrative trial involving a signed statement from the complainant, both of which are viewed as practices to avoid due to unnecessary complexity.
- In Washington, DC, complaints that are accepted are heard by an administrative judge, hired on a case-by-case basis, who can hold additional hearings and gather information.

#### **Q7. Information is distributed before the hearing.**

Identified in: New York, San Diego County

- In San Diego County, the investigative hearing report is sent to the complainant and officer before the hearing.
- Also in San Diego County, public notice of hearings is given 10 days in advance of the hearing.

The Police Accountability Commission also identified partial best practices in San Diego County and New York:

- In New York, the officer gets notice of hearings and can request supporting documents (if there are no sustained findings) or receives documents automatically (if there are sustained findings). The PAC identifies this as a best practice only when applied equally to complainants and officers.

- Also in San Diego County, officers can access evidence unless prohibited by law. The PAC identifies this as a best practice when applied equally to complainants and officers.

**Q8. The hearings process has accommodations to ensure accessibility for complainants.**

Identified in: San Diego County

- In San Diego County, the complainant can appear with a representative and/or an attorney.
- Also in San Diego County, interpreters can be provided (with 7 days advance notice).

**Q9. Hearings have consistent procedures.**

Identified in: San Diego County

- In San Diego County, there are clearly defined hearings procedures:
  - the Board decides on findings by majority vote. Those who disagree can include their dissenting information along with the findings if they submit their opinion within five days.
  - the officer and complainant can make opening statements; the Chair/presiding member begins questions of witnesses; officers/representatives and staff can ask questions; officer or complainant can ask for panel to ask more questions; Officer and complainant can make closing statements. Complainant or officer can call witnesses, introduce exhibits, cross-examine, impeach witnesses, rebut; officers can be called for cross examination even if they did not testify.
  - Hearings can be held even if parties fail to appear.
  - hearsay is admissible; evidence is allowed if "responsible persons are accustomed" to using such information in "serious affairs."

The Police Accountability Commission also identified a counter-example in San Diego County which it considers a practice to avoid:

- San Diego County requires testimony under oath; it's not clear what happens if the oath is violated, but this poses a potential barrier.

**Q10. The oversight body can take interim steps prior to findings being determined in specific cases.**

Identified in: New York

- In New York, a case can be expedited if an officer is retiring or being promoted.

- Also in New York, the Board can recommend suspending an officer while administrative charges are pending.

## **R. Investigations**

### **R1. The presumptive timeline to complete an investigation is 180 days or less.**

Identified in: Washington DC, San Diego (City)

- In Washington, DC, investigations are required to be completed within 180 days, and most are done more quickly.
- In the City of San Diego, formal complaints have to be completed within 90 days, and informal complaints have to be completed in 30 days, or 60 if they lead to a formal investigation.

The Police Accountability Commission also identified several counter-examples, which the PAC considers practices to avoid due to the length of the timelines:

- In San Francisco, investigations must be completed in one year.
- In San Diego County, complaints must be investigated within one year.

### **R2. The timeline to complete an investigation may be extended.**

Identified in: San Francisco, San Diego (County), New York

- In San Francisco, investigations can be extended beyond the presumptive timeline (1 year) if needed.
- In San Diego County, death investigations are both prioritized and allowed to extend beyond one year in length.
- In New York, if the complainant or their attorney wants to suspend investigation, the investigation can be halted and reopened later.

### **R3. Investigations must follow established guidelines.**

Identified in: San Diego (City), New York, San Diego (County)

- In San Diego, investigations must follow federal and state constitutions and laws, city charter, board rules and regulations, collective bargaining agreement, and NACOLE ethics code.
  - In complaints involving Officer Involved Shootings, officers receive Lybarger/Garrity warnings that they are being compelled to testify for



administrative investigation, and this interview cannot be used in a criminal proceeding.

- In New York, the Board determines investigative procedures to provide more guidance to staff operations.
- In San Diego County, investigations must be ethical, independent, thorough, timely, fair, and impartial.
  - Officers receive a Lybarger warning against self-incrimination.

#### **R4. Investigators must gather evidence, including video evidence, and conduct and record interviews.**

Identified in: San Diego (City), San Francisco, San Diego (County), New York

- In the City of San Diego, investigations include interviews of complainant, officer(s), and witness(es), as well as gathering evidence including photos, videos, and proof of injuries. Interviews with officers are all recorded; interviews with civilians are usually recorded, with documentation justifying when civilian interviews are not recorded. Civilian interviews can take place at locations other than the oversight body's office.
- In San Francisco, investigations include interviewing complainant, officer(s), witnesses, and gathering documents and videos.
- In San Diego County, investigations include interviews of witnesses, involved officers, gathering of reports, photos, and videos.
- In New York, investigators can review video and medical records, and conduct site visits. No "off the record" comments are allowed.
- In New York, investigators have access to roll calls, logs, assignments, and stop and frisk data from the police department.

The Police Accountability Commission also identified counter-examples it considers practices to avoid:

- In New York, while investigators are allowed to interview complainant, officer, and witnesses, as well as to record interviews, they have the latitude to choose not to do so. The PAC considers this ability to choose not to conduct or record interviews a practice to avoid.
- In San Diego County, interviews are not required to be recorded.

#### **R5. The investigative process is structured to be accessible for all involved, and supportive of complainants navigating the process.**

Identified in: San Diego (City), New York, San Diego (County)

- In the City of San Diego, civilians can have a support person who is not a witness to the incident. Officers are able to bring bargaining unit representatives.
- In New York, civilians can have up to two support people including counsel. Interviews are scheduled around civilians' work schedules, and can be rescheduled. Interviews include accommodations for people with disabilities, as well as interpreters if needed.
- In San Diego County, complainants may consult with an attorney and have a representative.

## **R6. Complainants have access to case information online.**

Identified in: New York

- In New York, civilians can check the status of their case online.

The Police Accountability Commission also identified a counter-example, which it identifies as a practice to avoid:

- In San Francisco, complainants are only told when their case is opened and closed. The PAC believes this level of communication is too minimal.

## **T. Complaint Process, Timeline, and Intake**

### **T1. The oversight system includes a broad definition of who can file complaints alleging police misconduct.**

Identified in: Washington DC, San Diego (City), San Francisco, New York, San Diego (County)

- In Washington DC, anyone can make a complaint. Parents of minors can make a complaint on behalf of a child.
- In the City of San Diego, anyone who experiences or witnesses alleged misconduct can file a complaint.
  - Police officers with city police, or with other police agencies, can file complaints, which in San Diego are called "department initiated".
- In San Francisco, complaints can come from those experiencing the incident or witnesses.
- In New York, the complainant pool is inclusive regardless of age, immigration status, or language used. Incarcerated people can file complaints, and investigators routinely visit jails.

- In San Diego County, the right to file a complaint is described as “absolute and unconditional.” Anyone can file regardless of age, citizenship, residence, criminal record, or other characteristics, including incarceration status.

**T2. The complaint process is inclusive and offers multiple methods, as well as accommodations, to ensure access.**

Identified in: San Francisco, San Diego (County), San Francisco, New York, San Diego (City)

- In San Francisco, translation is offered into various languages to be inclusive of people other than English speakers.
- In San Diego County, filing is offered by mail or phone to be inclusive of people without internet access, as well as incarcerated people. Complaints can also be filed by email, online, or fax, and collect calls are accepted.
- In San Francisco, complaints can be submitted via phone, in person, or by mail, with the form available in six languages.
- In New York, complaints can be filed by phone, online, by 311, in person at the agency, and by mail.
- In San Diego, complaints can be filed online, by phone, email, mail, or in person at the review agency.

The Police Accountability Commission also identified counterexamples in New York and San Francisco, which the PAC considers practices to avoid due to the limited hours:

- In New York, phone complaints can only be filed between 8 AM-5 PM, which reduces access.
- In San Francisco, the agency office is open only from 8 AM-5 PM to take complaints.

**T3. The oversight agency has provisions to accept anonymous complaints.**

Identified in: New York

- In New York, the oversight body’s Chair and agency Executive Director have the discretion to accept anonymous complaints depending on nature and severity of allegations, availability of evidence, and workload.

The Police Accountability Commission also identified counter-examples it considers practices to avoid:

- In San Diego County, anonymous complaints are not accepted.
- In Los Angeles County, anonymous complaints are not referred for investigation.

**T4. The allowable time after an incident in which a civilian can file a complaint is large enough to ensure access to community, and able to be extended.**

Identified in: New York, Washington DC, San Diego (County), Denver, Oakland

- In New York, community members have 18 months after an incident to file a complaint, and the oversight body chair and executive director are able to extend this deadline.
- In San Diego County, complaints can be filed within 1 year of an incident, with time that a prospective complainant is incarcerated or incapacitated not counting towards this time.
- In Washington DC, the oversight agency Executive Director can extend the timeline if a complainant is in jail or fears retaliation.
- In Denver, there is no deadline to file complaints, although the oversight agency encourages filing within 60 days.
- In Oakland, there is no oversight agency deadline for complaint filing.

The Police Accountability Commission also identified a counter-example in Washington DC, which the PAC considers a practice to avoid:

- In Washington DC, complainants have 90 days to file a complaint unless extended as noted above.

**T5. Complainants receive a record of their complaint, including a notice of completion of investigation.**

Identified in: Chicago, San Diego (County)

- In Chicago, the oversight agency is required to promptly confirm receipt of complaint, provide notice to complainant if investigation cannot be completed in their required timeframe, and deliver final report to complainant.
- In San Diego County, the oversight body sends the complainant a summarized complaint, brochure, customer survey, medical release form, and confidentiality notice.

The Police Accountability Commission also identified a counter-example in San Diego County, which the PAC considers a practice to avoid:

- In San Diego County, complainants do not automatically receive staff recommendations of findings, the oversight board's meeting notes and decision, or have their original documents returned, but must submit a request to receive this. Additionally, they cannot receive investigative files.

**T6. Incomplete or unverified complaints can be investigated if the oversight body determines investigation is warranted.**

Identified in: Chicago

- To address the fact that many complaints were not being investigated due to the lack of verification, Chicago created an override system that allows the oversight agency to investigate complaint and recommend an exception to the head of Internal Affairs.

The Police Accountability Commission also identified a partial best practice in Los Angeles County:

- In Los Angeles County, anonymous complaints, though not investigated, are reviewed and maintained for purposes of monitoring patterns and systems of misconduct.

**V. Mediation**

**V1. The oversight body has the authority to conduct voluntary mediation between community members and law enforcement.**

Identified in: San Francisco, New York, Chicago

San Francisco, New York, and Chicago all have mediation programs run by their oversight bodies.

- In San Francisco, there is a mediation division of the oversight body, which has 130 volunteers and whose mission includes both improving relationships with community and improving policy.

The Police Accountability Commission also identified counter-examples in the City of San Diego and San Diego County, which the PAC considers practices to avoid:

- In the City of San Diego, the mediation program used to be run by the Police Department, which may have been a factor the program did not succeed and no longer exists.
- In San Diego County, there is no authority in the County Charter to conduct mediation.

**V2. Mediation is offered in more minor cases, but not in more serious cases.**

Identified in: San Francisco, New York, Chicago

- In San Francisco, only complaints for conduct unbecoming an officer, unwarranted action, and neglect of duty are eligible for mediation.
- In New York, complaints are eligible for mediation unless there is a civil lawsuit or criminal case, or if the complaint alleges physical injury or property damage.
- In Chicago, all complaints where (if sustained) discipline would be a suspension of 30 days or a lesser discipline are eligible for voluntary mediation.

**V3. Mediation is accessible and open to affected individuals, in some cases to people other than complainants.**

Identified in: New York

- In New York, mediation includes accommodation for people with disabilities, as well as interpreters as needed. To accommodate schedules, complainants can fail to show up twice before failure is declared.
- Also in New York, mediation is open to complainants, as well as to family members of victims even if complainants do not themselves participate.

**V4. Mediation for minor cases, when successful, can be an alternative to investigation.**

Identified in: San Francisco, New York

- In San Francisco, mediation (for minor cases in which mediation is allowable) is an alternative to investigation.
- In New York, successful mediation results in the complaint not being investigated. Either party to the mediation can determine that mediation is not successful, and ask for an investigation if mediation fails. Additionally, if either party rejects mediation, the case is sent to investigation.

**W. Oversight Agency Community Engagement**

**W1. The oversight body conducts public education on the role of the oversight system and community members' rights.**

Identified in: Washington DC, San Diego (City), San Francisco, New York

- In Washington DC, oversight agency public affairs staff does outreach to youth and community partners, including “know your rights” talks.
- In San Diego City, the oversight body must keep community informed of activities and receive input, including how to file a complaint without fear of retaliation.
- In San Francisco, the oversight body conducts “Know your rights” trainings.

- In New York, oversight agency outreach unit teaches about the oversight board, civilians' rights, de-escalation, and filing complaints. Outreach is conducted at schools, libraries, community organizations, neighborhood meetings, housing authority.

**W2. The oversight body engages with the community on how to improve police practices and policy.**

Identified in: Chicago, Los Angeles County

- In Chicago and in Los Angeles County, the oversight commission solicits community input and conducts engagement on use-of-force incidents and civil rights issues, and functions as a bridge between community and law enforcement.

**W3. The oversight body conducts education on their activities for new law enforcement personnel and bargaining unit representatives.**

Identified in: Washington DC

- In Washington DC, oversight agency public affairs staff conducts a training for new officers, as well as presentations for bargaining unit representatives.

**X. Collective Bargaining**

**X1. The oversight agency has representation in the room during collective bargaining.**

Identified in: Seattle

- In Seattle, a representative from the police commission has a seat at the bargaining table during negotiations with the police collective bargaining units.

**Y. Access to Information**

**Y1. The oversight body has the ability to subpoena evidence.**

Identified in: New York, Washington DC, San Diego (City), San Diego (County), Philadelphia, Oakland, Chicago

- In Washington DC, investigators have subpoena power.
- In the City of San Diego, the oversight board can subpoena witnesses and documents.
- In San Diego County, the oversight board can subpoena evidence and reports. The Charter allows the Board to require witness attendance.

- Philadelphia’s Citizen Review Board has subpoena powers and access to all files and evidence, and is allowed to go to the crime scene and gather information independently.
- Oakland’s oversight system has subpoena power.
- Chicago’s oversight body has broad subpoena power.

The Police Accountability Commission also identified counter-examples in Washington DC and New York, which the PAC considers practices to avoid:

- In Washington DC, despite having subpoena power, investigators rarely use it. Additionally, they do not have access to police records and must request them from the police.
- In New York, the oversight body does not have direct access to body camera footage, although the manufacturer (AXON) allows for this access to be given to the oversight body.

**Y2. The oversight body has the ability to compel officer participation and testimony.**

Identified in: San Francisco, New York, Philadelphia

- In San Francisco, officers are issued a notice and order to appear before the oversight body; failure to appear it itself grounds for discipline.
- In New York, officers are notified of their constitutional right against self-incrimination, but are also notified that failure to answer questions can result in termination.
- In Philadelphia, officers are required to be present at hearings, proceedings, and participate in investigations if requested.

The Police Accountability Commission also partial best practices in San Diego County:

- In San Diego County, the Charter’s text allows the oversight body to require officers to respond to written questions and appear at interviews and hearings, but staff state that 99% of officers refuse to give written statements. The PAC considers the Charter authority to be a best practice, but the failure to receive statements from 99% of officers to be a practice to avoid.

The Police Accountability Commission also identified counter-examples in Washington DC and Maryland, which the PAC considers practices to avoid:



- In Washington DC, compelling police testimony requires a police order. Additionally, the oversight body must use the court notification system to request and schedule police appearances.
- In Maryland, the subject officer may not be compelled to testify in the Trial Board system.

## **Z. Continuous Improvement**

### **Z1. The oversight body is required to self-evaluate and recommend changes to its structure on an ongoing basis and through regularly-scheduled self-evaluations.**

Identified in: Los Angeles County, San Diego (City), Seattle

- In Los Angeles County, the oversight commission is required to conduct a self-evaluation every three years and recommend changes or continuations or practice, including of structure. This allows for the agency to evolved in response to changing circumstances.
  - Also in Los Angeles County, if the commission’s charter is changed, it is required to report on that change after one year.
- In Seattle, the oversight agency conducts periodic complainant experience surveys, [reports on the results](#), and develops recommendations for improving the system based on the information gathered.

The Police Accountability Commission also partial best practices in the City of San Diego:

- In San Diego, the Mayor reviews procedures, surveys complainants and witnesses, reviews statistics and interviews staff. The Commission considers these activities to be best practices, and the fact that the responsibility rests with the Mayor rather than the oversight agency a practice to avoid.

### **The Police Accountability Commission agrees that the following items are practices to avoid from other jurisdictions:**

#### **1. Statute of limitations on completing investigation processes**

Identified in: California (State Law), San Diego (County)

- According to sources in Oakland, there is a California state law that places a statute of limitations on completing complaint disciplinary processes within one year. If this deadline is not met, the complaint investigation and disciplinary process is terminated.

- In San Diego County, if investigations are not completed by the presumptive timeline of one year, they are closed.

## **2. Civilian board and internal affairs running parallel investigations**

Identified in: Oakland

- The civilian board and the police internal affairs conduct investigations at the same time, then decide on discipline together. This process appears to be very ineffective.

## **3. Officers are provided with the names of investigators, complainants, and witnesses.**

Identified in: New York

- During active investigations in New York by its oversight body, officers are provided with information including the names of the lead investigator, other investigators, complainants, and witnesses. Because they are also told the nature of the allegations and if they are a subject of the investigation or a witness, the disclosure of names creates a concern for retaliation against civilians.

## **4. The same agency that accepts complaints also accepts officer commendations.**

Identified in: San Diego (City)

- In San Diego, community members can file commendations at the same civilian oversight agency that accepts and investigates complaints, as opposed to a system that has commendations filed directly with the police.

## **5. The process of filing a complaint about the police involves an interaction with the police.**

Identified in: San Diego (City), Maryland, New York

- In the City of San Diego, complaints may be filed directly with the police. It is unknown if there are any provisions to ensure the police turn cases over to the civilian agency tasked with investigation, or to ensure that they do not discourage complaints.
- Also in the City of San Diego, after a complaint is filed the officer's supervisor calls the complainant to "explain policy", and only if the complainant is not satisfied with the explanation does the complaint move to an investigation. This both prevents an investigation from potentially revealing other issues worth addressing beyond the initial complaint, and forces an interaction with the police for the complainant.

- In Maryland, civilians may file complaints at the law enforcement agency (although they may also file them at the civilian oversight agency).
- In New York, complaints may be filed at police stations.

#### **6. Complaints must be signed under penalty of perjury.**

Identified in: San Diego (County), New York

- In San Diego County, complaints have to be written and signed under penalty of perjury, creating a hurdle for complainants. Although San Diego County has not ever prosecuted someone for allegedly filing a false report, the potential penalty of perjury exists nonetheless.
- In New York, if the Board refers a case to a hearing, the complainant has to sign a statement; this could be a barrier to participation.

**City of Portland**

**Police Accountability Commission  
Areas of Agreement on Proposals to Consider,  
and to Avoid, from Subject Matter Experts**

**Proposals to Consider**

The Police Accountability Commission, having evaluated proposals given to the Commission or the City from experts and academics, agrees that the following items are proposals worth considering for implementation in Portland.

**A. Structure**

**A1. The oversight body should have the ability to proactively provide structural oversight, not solely react to misconduct by individual officers.**

Proposed by: National Association for Civilian Oversight of Law Enforcement

- [NACOLE](#) proposes that oversight bodies should not solely be reactive entities like “civilian review boards”. The term “Civilian Review Board” indicates that the only power an Oversight Body has is to “review” individual complaints. These structures often cannot engage in work focused on systemic problems and development of structural solutions. NACOLE’s examples of proactivity include independent analysis of police data related to Use of Force, Stop-and-Frisk, or other procedures; financial auditing and recommendations; review of policies, independent investigations, and proposals to address systemic issues.

**A2. The oversight body should be independent of the police department.**

Proposed by: NACOLE

- Oversight bodies should be independent of the police department in all ways. NACOLE proposes that they have independent authority, be independent from political process, and not keep secrets for law enforcement. NACOLE specifically suggests that the police department should not be involved in member selection in any way.

**A3. The oversight body should be the final decision-making authority on disciplinary matters, adjudicating use of force, recruiting practices, and policy development.**

Proposed by: NACOLE

- NACOLE proposes these powers as part of ensuring that the oversight body is sufficiently empowered to provide civilian oversight of law enforcement. State laws already afford extraordinary protections to law enforcement officers and conceal extensive information regarding their work from the public. Civilian oversight bodies must be given real power or else they risk being performative political statements with no actual “teeth” or power.

**A4. The oversight body should be individualized to the local jurisdiction, with a structure and rules meeting their unique needs.**

Proposed by: NACOLE

- NACOLE proposes individualized civilian oversight, for each locality based on specific needs of the community. This requires broad (not prescriptive) enabling legislation for each municipality to establish a structure that meets their unique needs.

**B. Reporting**

**B1. The oversight body should present annual reports to City Council each year.**

Proposed by: Eileen Luna Firebaugh

- Eileen Luna Firebaugh proposes that annual reports from the oversight body be presented to City Council. Public reporting on oversight keeps elected leaders and community members informed on an ongoing basis.

**B2. The statistical definition of “sustain rate” in oversight agency reports should be sustained complaints out of all complaints received, not just those investigated.**

Proposed by: Eileen Luna Firebaugh

- Portland calculated its sustain rate, at the time of Eileen Luna Firebaugh’s 2008 IPR assessment, based on the number of *investigated* cases, which makes the percentage seem higher by removing cases that were never investigated. The sustain rate calculation should show sustained complaints out of *all complaints received*, including those never referred to another agency, and be presented alongside the rates by which

cases are dismissed or declined; referred to Internal Affairs; and those received by Internal Affairs regardless of the disposition decision made by IA.

## **C. Access to Information**

### **C1. The oversight body should have direct access to police files.**

Proposed By: Washington DC Oversight System Staff Support, NACOLE

- Washington DC's oversight system does not have direct access to police files, and receives them only upon request. Staff from that agency ([Police Complaints Board](#)) suggests that Portland's oversight board should get direct access to police files.
- NACOLE proposes empowered civilian oversight systems which can subpoena duces tecum (or compel documents). They also propose the repeal of laws at the city or state level that prevent public access to and publication of police records on discipline and other matters of public concern.

### **C2. The oversight body should be able to compel testimony from police officers, as a condition of continued employment.**

Proposed By: Eileen Luna Firebaugh, NACOLE

- In her 2008 IPR assessment, Eileen Luna Firebaugh suggested that PPB members should be ordered by City Council to testify as a condition of employment. This is one possible mechanism to ensure the power to compel testimony is vested in the oversight body.
- NACOLE proposes empowered civilian oversight systems which can subpoena witnesses, and compel testimony from police officers.

## **D. Staff and Budget**

### **D1. The oversight body should have support from paid staff across the range of duties the oversight body is expected to perform.**

Proposed By: NACOLE, City of San Diego oversight body staff

- NACOLE proposes that staff be hired by localities, with statewide and/or local permanent financial structures for staff.
- City of San Diego oversight staff ([Commission on Police Practices](#)), when contacted regarding current practices, suggested that they hoped to create positions in analysis, communications, and personnel management. They also suggested these as practices

for Portland, as these functions may be essential to the new oversight system in Portland.

**D2. The oversight body should have permanent guarantees of sufficient funding.**

Proposed By: NACOLE

- NACOLE proposes that as a prerequisite for independence, oversight bodies must be permanently secured and supported financially. Financial and administrative support (as requested by the individual oversight body) by municipalities is critical to the success of police oversight.

**D3. The oversight agency should include as a preference in staff recruitment that candidates have experience working with community.**

Proposed By: Oakland oversight body staff

- The interim director of the Oakland Community Police Review Agency suggested that candidates with public defense or civil rights backgrounds might be better suited to lead oversight agencies because it is important for them to know how to connect to the community. This would be a desired qualification alongside investigative, policy, and/or management skills.

**E. Continual Improvement**

**E1. The oversight system should be able to be improved by City Council, or independently, over time.**

Proposed By: NACOLE, Eileen Luna Firebaugh

- NACOLE defines as a principle the idea that oversight is an iterative process that is fluid and changes over time, and learns from its experiences. The oversight system should be built to work within existing legal structures that guarantee overwhelming protection to law enforcement officers, including statutory procedural guarantees when faced with discipline or firing, qualified immunity and more. It should also be able to change and grow as these legal structures change and hurdles to meaningful civilian oversight from those structures are reduced.
- Eileen Luna Firebaugh, in her 2008 IPR assessment, proposes that the City Council use its authority to make changes to improve the system if it is not meeting the community's needs. Her assessment indicates that the City was unwilling to make any changes to IPR's structures for the first 8-9 years of IPR's existence.

## **F. Findings and Standard of Review**

### **F1. Use the standard four options for “findings” after investigation for clarity, and allow the addition of other findings for systemic solutions.**

Proposed By: Eileen Luna Firebaugh

- Eileen Luna Firebaugh, in her 2008 IPR assessment, proposed that the City of Portland adopt the standard four findings used by most other jurisdictions, using language that is clear to the public. These findings are Sustained, Exonerated, Insufficient Evidence, and Unfounded.
- In the same assessment, Firebaugh recommended creating three additional options to add on to the option selected from the four standard findings. These additional options were: Policy Failure, Supervisory Failure, and Training Failure. Having findings which are not specific to the officer’s behavior can provide the possibility of systemic change.

### **F2. The oversight body should use the “preponderance of the evidence” standard, not the “reasonable person” standard.**

Proposed By: Eileen Luna Firebaugh

- Eileen Luna Firebaugh, in her 2008 IPR assessment, proposed that the City of Portland change the standard of review. Preponderance of the evidence seems to be standard in most oversight decision making. The “reasonable person” standard is too difficult to understand, and the more commonly used “preponderance of the evidence” is easier.

## **G. Mediation**

### **G1. Mediation should be offered in more minor cases, but not in more serious cases.**

Proposed By: Eileen Luna Firebaugh, Mental Health Alliance

- Eileen Luna Firebaugh, in her 2008 IPR assessment, proposed that mediation be offered on all discourtesy and procedural complaints, but not for use of force, legal violations such as improper stop, detention, search, or arrest, or for officers with a pattern of misconduct.
- The Mental Health Alliance, in briefing the full Police Accountability Commission, also supported mediation, cautioning that complainants should not be pushed to accept mediation as a way of avoiding investigation of the complaint.\

## **H. Board Jurisdiction and Case Authority**



## **H1. Some categories of cases should be defined for automatic investigation by the oversight body.**

Proposed By: Oakland oversight body support staff

- Acting Community Police Review Agency Director Aaron Zisser suggested that Portland adopt a practice under consideration in Oakland: designating cases related to use of force, in-custody deaths, profiling protected classes, untruthfulness, and First Amendment violations, as categories for automatic investigation by the civilian review agency. This suggestion would apply regardless of the potential role of Internal Affairs. Zisser suggested that this approach would be a good way to ensure that serious cases were always investigated by the civilian agency.

## **I. Transparency and Public Access**

### **I1. All meetings and reports should be public, and all operations should be transparent.**

Proposed By: NACOLE, Eileen Luna Firebaugh

- NACOLE defines civilian oversight of law enforcement as a public-facing process, and proposes that all efforts should be made by the locality as well as the state legislature to ensure that policing matters are able to be discussed in public settings and all reports are made public.
- Eileen Luna Firebaugh, in her 2008 assessment of IPR, promotes transparency as well, saying that “transparency is about ‘the public’s right to know the public’s business’”.

## **J. Oversight Body Membership Selection**

### **J1. Oversight body selection criteria should reflect those most affected by policing.**

Proposed By: NACOLE

- NACOLE proposes community-driven civilian oversight, in which localities are both empowered and encouraged to create membership criteria for the oversight of law enforcement. These criteria should be based on the history and patterns of local policing to ensure that communities most impacted by policing are represented. Oversight should be conducted – in part or in whole – by the people most impacted by policing in their communities.

## **Proposals for City, State, and Federal Consideration**

The Police Accountability Commission, having evaluated proposals given to the Commission or the City from subject matter experts, agrees that the following items are proposals to consider. The Police Accountability Commission's mandate from City Council does not include addressing these items. Nonetheless, these proposals support the community police oversight board's ability to function.

### **1. Eliminate Qualified Immunity for police officers**

Proposed by: [National Police Accountability Project](#)

- Qualified immunity is a court doctrine that prevents many lawsuits against police officers unless the officer is found to have violated "clearly established statutory or constitutional rights of which a reasonable person would have known." When applied, qualified immunity results in cases being thrown out before being heard, which prevents the community member filing the lawsuit from being heard or presenting evidence.

### **2. Eliminate Absolute Immunity for prosecutors**

Proposed by: National Police Accountability Project (NPAP)

- NPAP states that prosecutors are protected by law from liability if they falsify evidence, coerce witnesses into guilty pleas, soliciting and knowingly sponsor perjured testimony, withholding exculpatory evidence (evidence of innocence), introducing evidence that has been illegally seized, initiating a prosecution in bad faith. They recommend the elimination of this prosecutorial immunity.

### **3. Change Police Employer Liability**

Proposed by: National Police Accountability Project

- NPAP states that a municipality can only be held liable if the actions of their "official policy" caused a constitutional violation. This avoids police departments and municipalities being held liable for many actions. If their actions were not in keeping with their "official policy" the officer may be held liable but not the municipality- which has deeper pockets and is able to provide more compensation for victims of violence/abuse of power. In addition, if a police officer for example has a long history of abuse and the police department was aware of this, this can be used to hold them liable. But police records are most often kept private and not shared so the public is kept unaware of this history or have no access to it, so they can't use it to prove the pattern of misbehavior.

#### **4. Eliminate Civil Asset Forfeiture**

Proposed by: National Police Accountability Project

- Forfeiture of civil assets can be done before a person is found guilty of a crime- all that needs to be said is that the person is a suspect of a crime, and the department can seize all of your property in the name of "their investigation". This has caused a major issue especially for communities with economic barriers and as a result communities of color, who are disproportionately affected. It is one of the many ways that the system perpetuates poverty and systemic oppression and disadvantage.

#### **5. Sue federal officers for constitutional violations**

Proposed by: National Police Accountability Project

- The National Police Accountability Project recommends that jurisdictions in which federal law enforcement (FBI, ATF, DHS, etc.) operates sue federal officers for their constitutional violations.

#### **Proposals to Avoid**

The Police Accountability Commission, having evaluated proposals given to the Commission or the City from subject matter experts, agrees that the following items are proposals to avoid for implementation in Portland.

#### **1. The community oversight agency should limit community involvement where it “interferes with the ability to get work done.”**

Proposed By: San Diego (City) oversight agency staff

- In research on the City of San Diego’s practices, PAC members heard concerns from an oversight agency staff member that community member involvement, including by those who helped put the system on the ballot, interfered with the ability to get work done. An example was having to go start a search for a staff position a second time. The PAC believes that community members should have a voice in how things move forward, for a community-driven oversight system.

**City of Portland**

**Police Accountability Commission  
Areas of Agreement on Access to Information**

**Definitions**

Garrity warning            An advisement given to a member who is the subject of an internal administrative investigation or review. A Garrity warning apprises the member that they are required to answer questions asked by investigators and are subject to discipline, up to and including termination, for failing or refusing to answer the questions.

The Police Accountability Commission is tasked with developing the functions of the new police accountability system in Portland, including the new community police oversight board. As part of ensuring the oversight board and staff shall be able to complete their other duties, the commission was also tasked with ensuring the oversight board and staff have sufficient access to information to complete their duties.

The Police Accountability Commission has developed the following Areas of Agreement on Access to Information. These agreements are not formal recommendations of the Police Accountability Commission, but will be built upon by the commission to create City Code recommendations for Council.

**The oversight board shall have the authority to obtain information to administratively respond to allegations of misconduct, and conduct structural oversight effectively.**

City Charter 2-10<sup>130</sup> requires the oversight board to meet certain obligations it has to the City and the residents of Portland, including receiving complaints of officer misconduct and

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<sup>130</sup> [Portland City Charter §2-10](#) states that the board has:

- “the power to the full extent by law [...] to subpoena and compel documents” (Section 2-1007a)
- “the authority and ability to gather and compel all evidence” (Section 2-1007c)
- “the authority and ability [...] to access all police records to the extent allowed by federal and state law” (Section 2-1007c)
- “the ability to compel statements from witnesses including officers” (Section 2-1007c)

responding to them as well as structural oversight such as policy and directive recommendations. To effectively fulfil these obligations, the board must have sufficient information to make decisions.

### **A. Compelling Testimony**

**A1. The Board shall have the authority and ability to compel all evidence during the course of an investigation. The Board shall have the power to compel sworn members of the Portland Police Bureau and their supervisors to participate in investigations and to completely and truthfully answer all questions. The Board is authorized to direct Bureau members to cooperate with administrative investigations.<sup>131</sup>**

- **If necessary, the Bureau of Human Resources shall act on the Board’s behalf to compel the officer.**

The Charter (Section 2-1006) requires the City government to support the oversight board’s ability to access enough information to exercise independent judgment.<sup>132</sup>

**A2. A Bureau employee whose testimony is requested or compelled shall attend investigative interviews conducted by the Board, cooperate with and answer questions asked by the investigators, truthfully, during an administrative investigation. Officers who are compelled to testify shall receive a Garrity warning prior to [their/compelled] testimony, and provide a signature confirming they have received the warning.<sup>133</sup>**

- If an employee refuses to attend an investigative interview after being notified to do so, or refuses to answer a question or questions asked during an investigative interview, the

- 
- “the power to compel sworn members of the Portland Police Bureau, and their supervisors to participate in investigations and to completely and truthfully answer all questions. Refusal to truthfully and completely answer all questions may result in discipline up to and including termination.” (Section 2-1007d)
  - “The Board shall have authority to exercise independent judgment in performing all legally assigned powers and duties. The Mayor, City Council, Auditor, and City departments, bureaus and other administrative agencies shall not interfere in the exercise of the Board’s independent judgment.” (Section 2-1006)

<sup>131</sup> See [Portland City Code §3.21.210](#), language would be amended to reflect the change from IPR to the new oversight board.

<sup>132</sup> [Portland City Charter §2-1006](#) “The Mayor, City Council, Auditor, and City departments, bureaus and other administrative agencies shall not interfere in the exercise of the Board’s independent judgment.”

<sup>133</sup> See [Portland City Code §3.21.220-A](#), language would be amended to reflect the change from IPT to the new oversight board

Police Chief or appropriate City authority shall direct the employee to attend the interview and answer the question or questions asked.<sup>134</sup>

**A3. Refusal to truthfully and completely answer all questions may result in discipline up to and including termination.**<sup>135</sup>

**A4. As a separate source of information for the Board's administrative investigations, the Board shall have access to Bureau members' statements from any criminal investigation, as well as relevant police reports.**

**A5. Compelled or requested testimony may be done in an in-person or in a virtual setting when the Board deems it appropriate.**

**A6. In addition to investigator interviews, compelled testimony of sworn officers may also be done in a hearing of the Board, in which the community members on the board will have direct access to the officer.**

- If necessary, the Bureau of Human Resources shall act on the Board's behalf to compel the officer.

**A7. Prior to being interviewed, a Bureau employee whose testimony is requested or compelled will:**<sup>136</sup>

- a. Be notified of the time, date, and location of the interview and that this is an administrative investigation.
- b. Be informed of the right to bring a collective bargaining unit representative and other support persons as allowed to observe, but not take part in, the interview.
- c. Be read a statement, that the employee is directed to attend the interview, cooperate during the interview and answer all questions fully and truthfully.
  - if the employee fails to attend the interview, cooperate during the interview or answer any questions fully and truthfully, the employee will be subject to discipline or discharge.

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<sup>134</sup> See [Portland City Code §3.21.220-A](#), language would be amended to reflect the change from IPR to the new oversight board

<sup>135</sup> [Portland City Charter §2-1007\(d\)](#)

<sup>136</sup> See [Portland City Code §3.21.220-C](#) for similar language regarding interviews of Bureau employees; language would be amended to reflect the change from IPR to the new oversight system

- d. Receive a Garrity warning prior to compelled testimony, and provide a signature confirming they have received the warning.
- e. Be provided with any other information or protections required by any applicable collective bargaining agreement.<sup>137</sup>

**A8. The Bureau employee shall comply with a request for compelled testimony within 48 hours.**<sup>138</sup>

**A9. In use of deadly force and death in custody cases, administrative investigators shall have the ability to compel testimony once either the criminal investigators have completed their interview, or the officer has postponed their interview with criminal investigators.**

## **B. Subpoena Power**

**B1. The oversight board shall have the authority to issue subpoenas for the purpose of compelling *witness* testimony to fully and thoroughly investigate a complaint or conduct a review.**<sup>139</sup>

**B2. The board shall have the authority to issue subpoenas for the testimony and the production of records, including and not limited to *video recordings, audio, reports and all evidence pertinent to an investigation.***<sup>140,141</sup>

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<sup>137</sup> See [PPA CBA, Article 61](#) and [PPCOA CBA, Article 29](#).

<sup>138</sup> These policies currently exist under [Portland Police Bureau Directive 1010.10](#) (“Deadly Force and In-Custody Death”):

“2.2.5.1. The PSD Captain or designee shall ensure that the involved member(s) provides a compelled statement as soon as practicable, but no later than within 48 hours of the event, unless the member is physically incapacitated and unable to provide a statement.

2.2.5.2.1. If an involved member provides a voluntary statement to the Homicide Detective within 48 hours of the event, the PSD Captain shall determine when any further administrative interviews will be scheduled.

2.2.5.3.1. The PSD Captain or designee shall schedule an interview with the involved member as soon as practicable, but no later than within 48 hours of the event, unless the member is physically incapacitated and unable to provide a statement.”

This agreement is to expand the scope of these requirements within City Code to all oversight board requests for compelled testimony.

<sup>139</sup> [Portland City Code §Code 3.21.210](#), language would be amended to reflect the change from IPR to the oversight board

<sup>140</sup> [Portland City Charter §2-1007a](#)

<sup>141</sup> Currently practiced in San Francisco; see [San Francisco Administrative Code §96.6](#)

**B3. The oversight board, with the assistance of legal counsel, shall have the authority to subpoena witnesses, administer oaths and require the production of evidence. Through legal counsel, the board shall apply to Multnomah County Courthouse (or to the appropriate court) for the enforcement of a subpoena or to impose the penalties for failure to obey a subpoena or order.<sup>142</sup>**

**B4. In general, initial efforts to compel officer testimony shall be made through the administrative process. At its discretion, the oversight board can subpoena a sworn Bureau member.**

**B5. The oversight board shall maintain confidentiality where required to do so, and support transparency where allowable. All members of the oversight board shall not disclose confidential or legally privileged information or records and shall be subject to the same penalties as the legal custodian of the information or records for any unlawful or unauthorized disclosure.<sup>143</sup>**

**B6. Any *person* who fails to comply with a subpoena may be subject to contempt proceedings as prescribed by State law; provided that such persons shall not be required to answer any question or act in violation of rights under the constitutions of the State or of the United States.<sup>144</sup>**

The Board may take into consideration the repercussions of a contempt finding after a person refuses to cooperate.

### **C. Access to Police Records**

C1. The oversight board shall have direct access to all bureau information and records, including confidential and legally privileged information so long as the Board ensures that privilege is not waived as to third parties.<sup>145</sup>

Currently, IPR has a protected right, under City Code, to access police records. The oversight board should expand that right to make it clear that it is a right to direct access.

This would include the amendment of City Code 3.21.070J in a manner similar to:

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<sup>142</sup> Currently practiced in Cambridge, MA; [Cambridge Municipal Code 2.74.040.o](#)

<sup>143</sup> [Portland City Code §3.21.070\(j\)](#), language would be amended to reflect the change from IPR to the oversight board.

<sup>144</sup> [Portland City Code §3.21.210](#).

<sup>145</sup> [Portland City Code §3.21.070](#), language would be amended to reflect the change from IPR to the new oversight system.



“Notwithstanding any other provision of City law, the Board shall have **direct** access to and be authorized to examine and copy, without payment of a fee, any bureau information and records, including confidential and legally privileged information and records so long as privilege is not waived as to third parties, and police databases, subject to any applicable state or federal laws.”

C2. In performing their duties, the Board shall have access to Bureau data and records, including but not limited to, raw data, tabulated summary statistics, other source materials, and any other format source necessary for the board to perform its duties. The oversight board shall also have direct access to original database sources as permitted by state and federal law.<sup>146</sup>

C3. For the improvement of both the efficiency of the oversight board as well as the police bureau, direct access should be available to the Board and its staff in situations where the Bureau is the custodian of record. This includes, but is not limited to:

- a. Police Reports
- b. Digital Information Management System (DIMS)
- c. Versaterm Computer-Aided Dispatch (VCAD), or other, future CAD systems
- d. After Action Reports
- e. Training Records
- f. Global Positioning System (GPS) data
- g. Discipline and complaint history of individual officers

C4. To the extent allowable under state and federal law, the oversight board shall have direct access to all relevant database networks to which the Bureau subscribes. This includes, but is not limited to:

- a. Regional Justice Information System (RegJIN)
- b. Criminal Justice Information Systems (CJIS)

C5. The Bureau shall prioritize the oversight board’s requests over pending public records requests and should respond within five (5) business days with either records or a notice of why records have not been sent.

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<sup>146</sup> [Portland City Code §3.21.070\(b\)](#), language would be amended to reflect the change from IPR to the new oversight system.

- In the event that requests for records or other evidence are not complied with, the oversight board may issue a subpoena.<sup>147</sup>

C6. For records accessed within the Portland Police Bureau system, the oversight board shall not be required to submit a fee.<sup>148</sup>

C7. The Board shall allot adequate funding from the Board's budget, using the best estimate available, to fully pay for any fees the oversight board incurs when accessing information from a non-PPB source.

C8. The oversight board shall establish a standard by which the PPB reports data to the board, including required aggregated information (e.g. use of force cases) and frequency (e.g. monthly, quarterly, annually).<sup>149</sup>

#### **D. Data**

D1. If the Board requests medical information of any individual in an investigation, the requested information shall be limited to the scope of the complaint. All requests shall comply with federal HIPAA laws, as well as state laws.

D2. The Board shall be provided with means of safely securing both physical and electronic information during its consideration of complaints. Electronic access to sensitive materials should have a security or encryption that abides by city, state, and federal standards. The members of the Board will abide by the applicable retention schedule set for sensitive information acquired throughout the course of an investigation, as well as after an investigation has been completed.

D3. Information given to the Board: The Board will become the custodian of information given directly to the oversight board by external sources (e.g. volunteered testimony, electronic information), and will set their own retention schedules for safe disposal of the information based on state and city laws.

D4. Other information: Information that the Board acquires from external media sources (uploaded videos, images, social media) that has not discretely been given by the owner will be treated as public records with the understanding that the Board does not own or have the

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<sup>147</sup> [Portland City Charter Section 2-1007\(a\)](#)

<sup>148</sup> [Portland City Code §3.21.070\(i\)](#); language would be amended to reflect the change from IPR to the oversight board.

<sup>149</sup> Adapted from [Philadelphia, PA Municipal Code §21-1212 \(5\)](#). and [Berkeley, CA Municipal Code Article XVIII, §125, 24](#).

ability to grant further publication rights to media not generated by the city or obtained through the above-mentioned process. Such information will be verified for authenticity.

### **E. Body Camera Footage**

The Police Accountability Commission is aware that the City has not currently implemented police body cameras, but anticipates that the City will have fully implemented or be close to fully implementing police body cameras by the time the oversight board begins its work.

E1. The oversight board shall have automatic access to all body camera video footage, without having to make a special request for it.

E2. The oversight board shall have immediate access to all body camera footage.

The Charter (Section 2-1006) requires the City government to support the oversight board's ability to access enough information to exercise independent judgment.<sup>150</sup>

E3. All body camera footage of every event that comes to the oversight board for review shall be available in full without any editing or tampering and will be verified for authenticity.

The Police Accountability Commission, having evaluated body camera structures and proposals, agrees that the following items are necessary to ensure the community police oversight board's success. The Police Accountability Commission's mandate from City Council does not include addressing these items. Nonetheless, these proposals support the oversight board's ability to fulfil its mandate.

- 1. The oversight board should be the owners of the body camera footage, and ensure that the Bureau has access to view footage.** This will limit misuse, and presumably focus the body camera program on its main intent: police accountability. There should not be a presumed use for prosecuting community members or conducting surveillance.
- 2.** If the oversight board is unable to be the owner of the body camera footage, at a minimum the board should be co-owners with the bureau, and digital access to the body camera footage will always be turned on for the board and its staff.
- 3.** The retention schedule for body camera footage should be at least as long as the timeline to make and resolve a complaint and resolve any civil action.

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<sup>150</sup> [Portland City Charter §2-1006](#): "The Mayor, City Council, Auditor, and City departments, bureaus and other administrative agencies shall not interfere in the exercise of the Board's independent judgment."

The new body camera system for the City of Portland should ensure that if a possible complainant has a certain amount of time to file and resolve a complaint (including any appeals or civil actions), that relevant body camera footage is maintained by the City for at least the same length of time, in instances that could reasonably be interpreted to include potential misconduct. This ensures that investigations always have access to relevant body camera footage.

**4. The police officers involved in the incident should write their report or have given a full and thorough statement about the incident or the event before viewing the video footage.**<sup>151</sup>

The PAC agrees that having multiple independent sources of information for consideration during evaluation of misconduct complaints will help the oversight board more effectively investigate and make findings on those complaints. This would ensure the report is the most accurate representation of the officers' memory of the events being recorded.

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<sup>151</sup> This policy was cited as a best practice by the US Department of Justice for Portland for incidents involving uses of force: <https://www.documentcloud.org/documents/21108416-letter-re-bwc-policy-principles-11-15-21-1>. See also: *Graham v. Connor*.

- Also identified by the PAC in:
  - Parker, CO [Parker Police Department Policy and Procedures Manual](#) §3.25F
  - Washington, DC in cases involving a police shooting. [District of Columbia Metropolitan Police General Order §V.D](#)

**City of Portland**

**Police Accountability Commission  
Areas of Agreement on Officer Accountability**

The Police Accountability Commission was asked to complete the following tasks which were assigned to the Sub-Committee on Officer Accountability:

- Describe case handling and investigative processes (“Complaint, Investigation, Determination, Discipline, etc. processes”), including workflow description.
- Compliance with State laws.
- Consideration of the existing procedure and the addition of the Community Police Oversight Board.

The Portland City Charter indicates the new Board will be made up of community members who are authorized to hire the Board's director, ensure investigations are conducted into misconduct allegations, and to discipline officers who have violated policy.<sup>152</sup>

In accordance with Portland Police Association Contract Section 62.7<sup>153</sup> and US Department of Justice Section VIII and Paragraph 195c,<sup>154</sup> the Police Accountability Commission has designed

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<sup>152</sup> [Portland City Charter §2-10](#).

<sup>153</sup> PPA Contract 62.7:

“62.7 The parties acknowledge that when the City is prepared to present the terms that will commence the Portland Community Police Oversight Board, the City will provide notice to the Association prior to implementation. The City and the Association will comply with any bargaining obligations that may exist under the PECBA consistent with the procedures of ORS 243.698.”

<sup>154</sup> [United States of America vs. City of Portland](#) Settlement Agreement Section VIII:

“PPB and the City shall ensure that all complaints regarding officer conduct are fairly addressed; that all investigative findings are supported by a preponderance of the evidence and documents in writing; that officers and complainants receive a fair and expeditious resolution of complaints; and that all officers who commit misconduct are held accountable pursuant to a disciplinary system that is fair and consistent. The City and PPB seek to retain and strengthen the citizen and civilian employee input mechanisms that already exist in the PPB's misconduct investigations by retaining and enhancing IPR and CRC as provided in this Agreement.”

Paragraph 195c:

“The City will comply with any collective bargaining obligations it may have related to the

the following outline of a system, from the time an incident occurs to the time discipline, if any, is imposed.

In designing this outline, we have kept in mind the Values of the PAC:<sup>155</sup>

1. Equity and Inclusion
2. Anti-Racism
3. Harm Reduction
4. Transparency and Trustworthiness
5. Community-Centered
6. Effectiveness

## Definitions

Case	An incident or situation involving potential misconduct. Cases are either complaints, which are filed by a community member or a PPB officer, or are incidents which the Board is required by law to investigate.
Complainant	"Complainant" may mean a person who has filed a complaint about misconduct, or has been the recipient of alleged misconduct even if they did not file a complaint.
Preponderance of the Evidence	The "Preponderance of the evidence" standard means that a majority of evidence supports a finding on an allegation (applies to In Policy, Out of Policy and Unfounded findings).
Effective/Constructive Custody	Effective/Constructive Custody refers to the custody of a person who is not under direct physical control but whose freedom is controlled by legal authority.

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Oversight Board, which the City agrees to fulfill expeditiously and in compliance with its obligation to bargain in good faith."

<sup>155</sup> [Police Accountability Commission Values and Goals \(03-24-2022\)](#)

Responsibility Unit Manager	A commanding officer or manager of a Bureau division, unit or precinct. <sup>156</sup>
Lybarger/Garrity Notice	An advisement given to a member who is the subject of an internal administrative investigation or review. A Garrity warning apprises the member that they are required to answer questions asked by investigators and are subject to discipline, up to and including termination, for failing or refusing to answer the questions.
Just Cause	A cause reasonably related to the public safety officer’s ability to perform required work. The term includes a willful violation of reasonable work rules, regulations or written policies.

## A. Intake of Complaints

### A1. Complaint Navigators and Interview Process<sup>157</sup>

- A. The new Board will provide an complaint navigator (or "advocate") for each complainant.<sup>158</sup>
  - i. To the extent possible, the complaint navigator will be appropriately culturally attuned to the complainant's needs.

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<sup>156</sup> [Portland City Code §3.21.020R](#)

<sup>157</sup> Includes references to these documents, among others:

[PAC Areas of Agreement on Best Practices, and Practices to Avoid, from Other Jurisdictions B, R5, I](#)

[PAC Areas of Agreement on Proposals to Consider, and to Avoid, from Subject Matter Experts, section H](#)

[PAC Areas of Agreement on Barriers to Police Accountability, and Best Practices, in Portland; “Accessibility & Equity”](#)

[PAC Areas of Agreement on Barriers and Best Practices, “Accessibility & Equity”](#)

<sup>158</sup> [From PAC Areas of Agreement on Barriers to Police Accountability, and Best Practices, in Portland](#)

"Lack of Transparency" section: "Complainants are not offered access to an advocate during the intake process."

- B. Civilians can additionally have two support people including an attorney for a total of up to three support people.<sup>159, 160</sup> However, the support person cannot be a witness to the incident.
  - i. If the complainant is an officer, who already has the automatic ability to have a bargaining unit representative and an attorney, they can also bring a peer officer or community member of their choosing (who is not a witness to the incident). This means they may also have as many as three support people.
  - ii. If the officer is not a part of the bargaining unit, they will be assigned an complaint navigator from the pool for community members. The officer can decline this option.
- C. Interviews will be scheduled around civilians' work schedules and can be rescheduled if need be.<sup>161</sup>
  - i. Interviews will include accommodations for people with disabilities, and interpreters if needed.

## A2. Timelines to File

- A. The timeline to file a complaint shall be 12 months after the incident.<sup>162</sup>
  - i. The timeline can be extended by the Board chair and/or Director for good cause.<sup>163</sup>
  - ii. The time limit on filing a complaint will be extended until a civil case has concluded and/or for the term of the involved community member's incarceration, to a maximum of five years.<sup>164</sup>

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<sup>159</sup> Adapted from San Diego County [Citizens' Law Enforcement Review Board Rules and Regulations](#), section 14.2; "Each party...shall have the right to have a representative of his or her choice present at all times during his or her own fact-finding interviews or Investigative Hearings..."

<sup>160</sup> Adapted from [New York City Civilian Complaint Review Board, Rules of the City of New York, Title 38A, Ch 1, Subchapter C, §1-24\(c\)](#): "All persons interviewed may be accompanied by up to two representatives, including counsel."

<sup>161</sup> [Adapted From New York Civilian Complaint Review Board, Rules of the City of New York, Title 38A, Chapter 1, Sub-chapter C, §1-24\(e\)](#)

<sup>162</sup> Adapted from County of San Diego [Citizens' Law Enforcement Review Board Rules and Regulations §5.4](#): "All complaints shall be received within one year after the date of the incident..."

<sup>163</sup> Adapted from [Washington DC Code §5-1107\(d\)](#)

<sup>164</sup> Adapted from [County of San Diego Citizens' Law Enforcement Review Board Rules and Regulations §4.12](#): "...if the person filing the Complaint was incarcerated...the time duration of such incarceration or incapacity shall not be counted..."



- iii. Good cause for extending the timeline may include (but is not limited to) fear of retaliation, or if an officer who was not previously identified has their identity become known after the 12-month deadline.<sup>165</sup>

### **A3. Who can file**

- A. Anyone who experiences or witnesses alleged misconduct can file a complaint. The right to file a complaint is absolute and unconditional.<sup>166</sup>
  - i. Parents and guardians should be able to file complaints on behalf of minors up to the age of 18. <sup>167</sup> Youth can file complaints on their own beginning at age 15.
  - ii. The complainant pool is inclusive regardless of age, immigration status, residence, criminal record, or language used. Incarcerated people can file complaints.<sup>168</sup>
  - iii. Anonymous complaints will be accepted, and will be prioritized depending on the nature and severity of allegations and, for more minor complaints, the Board's workload.<sup>169</sup>
  - iv. Complaints involving any community members can be filed by third parties - individuals or organizations.
- B. Police officers with city police, or with other agencies, can file complaints against Portland police officers.<sup>170</sup>
- C. No member of the community or the Police Bureau shall face retaliation, intimidation, coercion, or any adverse action for filing a complaint, reporting misconduct, or cooperating with a misconduct investigation.<sup>171</sup>

### **A4. Ways to File Complaints**

- A. The complaint process is inclusive and offers multiple methods and accommodations to ensure access.<sup>172</sup>

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<sup>165</sup> Adapted from Washington, DC.

<sup>166</sup> From San Diego County [Citizens' Law Enforcement Review Board Rules and Regulations, §5.1\(f\)](#)

<sup>167</sup> From [New York City Citizen Complaint Review Board, Title 38-A, Ch 1, Subchapter B, §1-11\(a\)](#)

<sup>168</sup> From [San Diego County Citizens' Law Enforcement Review Board Rules and Regulations, §5.2\(e\)](#)

<sup>169</sup> Adapted from [New York City Citizen Complaint Review Board, Title 38-A, Ch 1, Subchapter B, §1-11\(a\)](#)

<sup>170</sup> Adapted from the City of San Diego Commission on Police Practices; *Filing a Complaint or Commendation*, retrieved from: <https://www.sandiego.gov/cpp/filing>

<sup>171</sup> From [Portland City Code §3.21.110 D](#)

<sup>172</sup> [Police Accountability Commission Areas of Agreement on Best Practices, and Practices to Avoid, from Other Jurisdictions §T2](#)

- i. Filing will be offered in person or by mail, phone, email, online, texting, or by other common technological means of communication. Collect calls will be accepted.<sup>173</sup>
  - ii. Translation for documents and for verbal communications shall be offered with appropriate interpretation to be inclusive of people for whom English is not their preferred language, and people with disabilities.<sup>174</sup>
  - iii. The complainant shall be asked to state their preferred method of communication at the beginning of the process.
- B. Complaints called in to members of the Police Bureau (including Internal Affairs or the appropriate City investigatory body) or to the City's information lines (such as 311) shall be directed to the Board's staff.<sup>175</sup>
- C. The Board's offices shall be open to accept complaints for longer hours than M-F 9 AM-5 PM, including early mornings, weekend times, and evenings.<sup>176</sup>
- D. The Bureau shall inform the Board immediately upon their knowledge that a member has engaged in conduct that may be subject to criminal and/or administrative investigation.<sup>177</sup>
- E. The Board shall work with staff to be sure complaint forms are widely available.<sup>178</sup>

#### **A5. Providing information to complainants**

(for providing information to officers, see "Investigations")

- A. During intake, the complainant shall be informed of any obligations the Board may have to report something that is stated to them as part of a complaint and to provide the complaint itself to the involved officer. It is important that the Board not turn over any admission of civil violations, criminal conduct, or criminal intent unless there is an imminent threat of harm to the complainant or others. That part of the investigation or interview which could incriminate the complainant in criminal proceedings will be considered confidential.
  - i. During intake, staff shall not express opinions about the complainant or the truth or merit of their allegations.

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<sup>173</sup> Adapted from San Diego County [Citizens' Law Enforcement Review Board Rules and Regulations §5.2](#); see also [Chicago Civilian Office of Police Accountability Rules, Art II §2.1.1](#)

<sup>174</sup> Adapted from San Francisco.

<sup>175</sup> Adapted in part from [New York City Civilian Complaint Review Board Rules §1.12](#), see also: [Portland City Code 3.21.110A1b](#).

<sup>176</sup> Expanded from [New York City Civilian Complaint Review Board Rules §1-13](#) and San Francisco Department of Police Accountability

<sup>177</sup> Adapted from [Portland City Code 3.21.110 A3](#).

<sup>178</sup> Adapted from [Portland City Code 3.21.090A1](#).

- ii. However, if the staff conducting intake has some kind of bias or conflict regarding the complaint, complainant or nature of the allegations, they shall reveal that bias. At that point, another staff member shall complete the intake.
  - iii. If they perceive bias, complainants may request another staff person to complete the intake.
- B. Complainants shall receive records of their complaint, including:<sup>179</sup>
  - i. confirmation of the receipt of the complaint<sup>180</sup> including a summary of the allegations;
  - ii. literature about the Board and its process including explanation of confidentiality issues;
  - iii. as appropriate, a medical release form for records related to the complaint;
  - iv. notice if the investigation cannot be completed in the ordinary timeline;
  - v. notification of completion of the investigation in a final report; and
  - vi. a survey about their experience with the complaint system.
- C. Information for the complainant about the complaint shall be made available online.<sup>181</sup>
- D. The complainant should have access to as much information about their complaint as legally possible, even if some material has to be redacted.
  - i. The complaint navigator shall have access to all available records in order to best advise the complainant, even information the complainant or their community representatives are not legally authorized to access. Such materials may also be redacted to comply with privacy laws.
- E. The complainant shall not incur costs for access to information about their complaint.<sup>182</sup>
- F. Communication shall not be made by postcard or other means of written communication that jeopardizes privacy.

#### **A6. Types of conduct/cases the board will address**

- A. The Board shall investigate certain Police actions, including but not limited to:<sup>183</sup>
  - i. All deaths in custody (including effective/constructive custody) and uses of deadly force;

<sup>179</sup> Adapted from: [San Diego County Citizens' Law Enforcement Review Board Rules and Regulations §9.11](#); [New York Civilian Complaint Review Board Rules, Title 38-A §1-35](#)

<sup>180</sup> [Chicago Civilian Office of Police Accountability Rules, Art II §2.3](#)

<sup>181</sup> From New York Civilian Complaint Review Board, <https://www.nyc.gov/site/ccrb/complaints/complaint-status/check-complaint-status.page>. See also *USA v City of Portland* Paragraphs 138-140).

<sup>182</sup> Adapted from [Portland City Code 3.21.070J](#)

<sup>183</sup> With the exception of "effective/constructive custody," language is from [Portland City Charter Section 2-1008](#).

- ii. All complaints of force that result in injury, discrimination against a protected class, violations of federal or state constitutional rights.
- B. The Board shall also investigate allegations of:<sup>184</sup>
- i. dishonesty/untruthfulness including perjury;
  - ii. false reports & concealing evidence;
  - iii. sexual assaults, sexual misconduct, or sexual harassment;
  - iv. domestic violence;
  - v. unlawful search/arrest;
  - vi. neglect of duty;<sup>185</sup>
  - vii. discourtesy, including use of profanity;
  - viii. improper discharge of a firearm;
  - ix. criminal conduct, including off-duty criminal conduct;
  - x. improper or illegal act, omission or decision that directly affects a person or property;
  - xi. violation of orders which affect a community member;
  - xii. harassment;
  - xiii. intimidation;
  - xiv. retaliation;
  - xv. force used at protests;
  - xvi. abuse of authority (such as use of police credentials in a personal dispute);
  - xvii. officer failure to identify;
  - xviii. theft of money;
  - xix. corruption;
  - xx. allegations of affiliation with white supremacist groups;
  - xxi. cases of substantial public interest; and
  - xxii. where data show a pattern of inappropriate policies.
- C. The Board may also investigate:
- i. Any alleged misconduct directly affecting the public, including work-related allegations such as tardiness if they affect a community member;<sup>186</sup>

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<sup>184</sup> With the exception of “allegations of affiliation with white supremacist groups,” language comes from: [San Diego City Charter Art V §41.2](#), [San Diego County Citizens’ Law Enforcement Review Board](#), [Denver Office of the Independent Monitor Ordinance Art. XVIII §2-373\(a\)](#), and [New York Civilian Complaint Review Board Rules Title 38-A §1-02](#).

<sup>185</sup> From San Francisco Department of Police Accountability, “Investigations of Police Services,” retrieved from <https://sf.gov/information/investigations-police-services>

<sup>186</sup> Expanded from Philadelphia.

- ii. Other cases which do not originate from a complaint, at the discretion of the Board.<sup>187</sup>
- D. If the involved officer is within their 18-month probationary period and is fired by the Bureau, the Board shall complete the investigation.
- E. When the only officers involved are from another jurisdiction, the Board shall ask permission from the complainant to forward their complaint to the proper investigating authority.<sup>188</sup>
- F. If a complainant asks the Board not to investigate a case that falls under the Board's mandate in the Charter, the Board shall weigh the interests of community concerns and the need for justice against the wishes of the complainant (and/or their attorney if there is one).

#### **A7. Complaints not involving community members**

- A. The appropriate City investigatory body (such as Internal Affairs) should investigate violations that do not impact the community.
  - i. For example, taking home a police car for personal use would not be investigated by the Board, unless that vehicle then runs into another car or person or is used for intimidation.
- B. Officers who file complaints against other officers should have the ability to ask the Board to investigate to ensure an impartial review.
  - i. However, when Bureau supervisors generate complainants about poor member performance or other work rule violations, Responsible Unit managers are responsible for intake and investigation.<sup>189</sup>

#### **A8. Preliminary investigations**

- A. When the Board receives a complaint involving a Bureau member, or a case not originating a complaint (as in A6A and A6Cii), the staff shall:<sup>190</sup>
  - i. Assign a case number;
  - ii. Conduct a preliminary investigation, including gathering information about the complaint, if there is one, through an intake interview;

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<sup>187</sup> [Portland City Charter 2-1008 \(c\)](#): "The Board may investigate other complaints or incidents of misconduct as they see fit or as mandated by City Code." See also: [County of San Diego Citizens' Law Enforcement Review Board Rules and Regulations §4.3](#)

<sup>188</sup> Added by Commissioners to ensure community member input, so that they have the option whether or not to participate in a system where, unlike in Portland, police investigate other police.

<sup>189</sup> [Portland City Code 3.21.120 B4](#)

<sup>190</sup> Adapted from [Portland City Code 3.21.120 C](#)

- iii. Make a decision about whether the case should be investigated, suggested for mediation, addressed by some other means, or dismissed;
  - iv. If appropriate for a full investigation, identify the complainant's allegations or possible types of misconduct; and
  - v. Communicate to the complainant, if there is one, summarizing the complaint and the case handling decision.
- B. Informal Complaint: If the complainant expresses an interest in resolving the complaint informally through discussion with the officer's supervisor, the Board shall determine whether such resolution is appropriate.
- i. The supervisor shall make a determination whether to resolve the case informally or send it back to the Board for full investigation.
  - ii. Once approved, a case can be resolved this way without formal investigation and the complainant will be informed of this decision.<sup>191</sup>
  - iii. If the case is sent on for full investigation, the Board will inform the complainant.

## A9. Dismissals

- A. After a preliminary investigation, the Board may dismiss the case.<sup>192</sup>
- i. If the case is dismissed, the Board will provide notification to the complainant.
  - ii. The Board will also notify the involved officer(s) and their commanding officer once the appeal deadline has passed (see "Appeals" section).
- B. The Board may dismiss a case for the following reasons (but may wish to initiate potential policy recommendations from dismissed cases):<sup>193</sup>
- i. The complaint is only related to criminal charges or alleged violations against the complainant, and does not allege misconduct;
  - ii. The complainant delayed too long in filing the complaint to justify initiating an investigation (see "Timelines to file");
  - iii. Even if all aspects of the complaint were true, no act of misconduct would have occurred or it would be so minor that it would not justify the time spent investigating;
  - iv. The complainant withdraws their complaint or fails to complete necessary steps to continue with the complaint. It may benefit the community to finish the investigation. However, lack of cooperation and lack of consent from a complainant may make it impossible or inappropriate to complete the investigation.

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<sup>191</sup> Proposed by Commissioners to replace Supervisory Investigation with a more informal resolution. Based on conversation with IPR.

<sup>192</sup> [Portland City Code 3.21.120C4](#)

<sup>193</sup> Adapted from [Portland City Code 3.21.120C4](#)

- v. Lack of jurisdiction (see A6e).
- vi. For the duration of the *US DOJ v. City of Portland* Settlement Agreement, cases alleging excessive force shall only be dismissed when there is "clear and convincing evidence" that the allegation has "no basis in fact."

## **B. Investigations**

### **B1. Referral of criminal investigations**

- A. The Board has the authority to refer cases to the District Attorney or other authority for criminal investigation when the incident or allegations indicate possible criminal activity by the officer(s).<sup>194</sup>

### **B2. Basic elements of a misconduct investigation**

- A. Beyond the basic elements listed here, the Board shall determine investigative procedures to provide guidance for staff operations.<sup>195</sup>
- B. Investigations shall follow federal and state constitutions and laws, city charter, Board rules and regulations, relevant collective bargaining agreements, and the National Association for Civilian Oversight of Law Enforcement (NACOLE) ethics code regarding Personal Integrity, Independent and Thorough Oversight, Transparency and Confidentiality, Respectful and Unbiased Treatment, Outreach and Relationships with Stakeholders, Agency Self-examination and Commitment to Policy Review, Professional Excellence, and Primary Obligation to the Community.<sup>196</sup>
- C. In all investigations involving Officer Involved Shootings and other cases which may involve criminal misconduct, officers shall receive Lybarger/Garrity warnings that they are being compelled to testify for administrative investigation, and the content of the interview cannot be used in a criminal proceeding.<sup>197</sup>
- D. Investigations must be ethical, independent, thorough, timely, fair, and impartial.<sup>198</sup>
- E. Investigations shall include, if these elements exist and are reasonably available:<sup>199</sup>
  - i. interviews of the complainant, officer(s), and witness(es);
  - ii. gathering evidence including photos, videos, proof of injuries and other relevant medical records;

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<sup>194</sup> From [City of San Diego Charter Article V, §42.1 "Commission on Police Practices"](#)

<sup>195</sup> From the [New York City Charter, Ch. 18-A, §440\(c\)2](#)

<sup>196</sup> [National Association for Civilian Oversight of Law Enforcement Code of Ethics](#)

<sup>197</sup> From [San Diego County Citizens' Law Enforcement Review Board Rules and Regulations §9.2](#)

<sup>198</sup> From [San Diego County Citizens' Law Enforcement Review Board Rules and Regulations §5.1](#)

<sup>199</sup> From [San Diego County Citizens' Law Enforcement Review Board Rules and Regulations §9.2](#)

- iii. examining police roll calls, logs, assignments, and other relevant information; and
  - iv. site visits as deemed appropriate.
- F. Interviews with officers are all recorded.<sup>200</sup>
- G. Interviews with community members will be recorded, unless the community member requests not to be recorded. In these instances, the request by the community member shall be documented, and a stenographer will be enlisted to ensure the interviewee's answers are captured accurately.<sup>201</sup>
  - i. However, a community member concerned about confidentiality of certain information may request that parts of their transcript be redacted for confidentiality purposes, so long as the redaction does not interfere with the ability to fully investigate or the due process rights of the officer.
- H. Civilian interviews can take place at locations other than the oversight body's office.<sup>202</sup>
- I. Incomplete complaints can be investigated if the oversight body determines investigation is warranted.<sup>203</sup>
- J. Investigations shall be completed even if an officer retires, resigns, or is fired.<sup>204,205</sup>
- K. Anonymous complaints and complaints with unidentified officers will be investigated to the full extent possible, and if necessary left open pending identifying the persons involved as needed.<sup>206</sup>
- L. Investigators shall have access to and be authorized to examine and copy, without payment of a fee, any Bureau information and records, including confidential and legally privileged information and records so long as privilege is not waived as to third parties, and police databases, subject to any applicable state or federal laws.
- M. All Bureau employees shall be truthful, professional and courteous in all interactions with the Board. No member shall conceal, impede or interfere with the filing, investigation or determination of findings of a case.<sup>207</sup>
- N. The Oversight Board may compel officer testimony, issue subpoenas, access police records, and obtain and handle confidential information to conduct an investigation.<sup>208</sup>

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<sup>200</sup> Adapted from [New York City Civilian Complaint Review Board, Ch1, Subchapter C, §1-24](#)

<sup>201</sup> Adapted from San Diego City.

<sup>202</sup> Adapted from [New York City Civilian Complaint Review Board, Ch1, Subchapter C, §1-24](#)

<sup>203</sup> From Chicago.

<sup>204</sup> [Police Accountability Commission Areas of Agreement on Barriers to Police Accountability, and Best Practices, in the Current System in Portland](#)

<sup>205</sup> Adapted from [County of San Diego Citizens' Law Enforcement Review Board Rules and Regulations §5.8](#)

<sup>206</sup> Suggested by Commissioners to give guidance on anonymous complaints.

<sup>207</sup> [Adapted from Portland City Code 3.21.070\(J\)](#) to transfer IPR's access to the new oversight system

<sup>208</sup> [Portland City Charter §2-1007](#)



- O. If for any reason during the process, investigators come to a decision that there is not enough information to finish the investigation, the complainant has the right to appeal that decision by providing further information.

### **B3. Timelines to complete investigations**

- A. Investigations shall be completed in 180 days or less.<sup>209</sup> An investigation reaching the 180-day timeline will continue until resolved.
  - i. If investigators are unable to meet these timeframe targets, the staff shall undertake and provide a written review of the process for the Board to identify the source of the delays and implement an action plan for reducing future delays.<sup>210</sup>
  - ii. Informal complaints shall be resolved in 60 days or less.
  - iii. These timelines may be extended if more time is needed, including at the request of a complainant and/or their attorney.<sup>211</sup>
  - iv. The investigative staff shall inform the Board, the complainant (and their complaint navigators) and the officer(s) (and their complaint navigators) if an investigation goes beyond the mandated timeline. They shall also inform the officer's supervisor, the Chief and Commissioner of Police should those parties still be involved in the discipline process.<sup>212</sup>
- B. Use of deadly force, and death investigations are prioritized for completion.<sup>213</sup>

### **B4. Investigations of deadly force / deaths in custody**

- A. When an incident involves police use of deadly force or a death in custody, the Board shall follow these procedures:
  - i. Board staff investigators head to the scene and collect evidence alongside criminal investigators.
  - ii. Board investigators sit in on interviews conducted for the criminal investigation.
  - iii. Administrative investigators shall have the ability to compel testimony once either the criminal investigators have completed their interview, or the officer has postponed their interview with criminal investigators.
  - iv. If there are questions about possible administrative violations, board investigators will ask questions of witnesses.

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<sup>209</sup> [USA v City of Portland](#) DOJ Settlement Agreement, §VIII A-121

<sup>210</sup> [USA v City of Portland DOJ Settlement Agreement, §VIII A-123.](#)

<sup>211</sup> Adapted from [San Francisco City Charter §4.136\(d\)](#)

<sup>212</sup> Adapted from [Portland City Code §3.21.170A](#)

<sup>213</sup> From County of San Diego Citizens' Law Enforcement Review Board, "CLERB FAQs," retrieved from [https://www.sandiegocounty.gov/content/sdc/clerb/faqs/faqs\\_page.html](https://www.sandiegocounty.gov/content/sdc/clerb/faqs/faqs_page.html)

- v. The investigations shall include:
  - a. A review of the supervisors and others who were on the scene, including officers who used force or may have precipitated the use of deadly force.<sup>214</sup>
  - b. The final investigation will also be sent to the PPB Training Division for an analysis to be presented to the Board at the hearing on the deadly force incident.<sup>215</sup>
- B. The community member subjected to use of deadly force, or their survivors if the interaction resulted in death, shall be considered as complainants and shall have full rights to appeal.
  - i. In cases in which survivors choose not to file a complaint, the investigation shall still be handled in the same way as all other misconduct investigations.

## **B5. Information provided to officers**

- A. When an investigation begins, an officer shall be informed in writing:<sup>216</sup>
  - i. of the nature of the investigation;
  - ii. whether the member is a witness or an involved member; and
  - iii. other information necessary to reasonably inform the involved member of the nature of the allegations, including the time, date, and location of the incident (if known).
  - iv. No information that would compromise the integrity of the investigation shall be shared with the involved officer.

## **C. Findings**

### **C1. Determination process and findings**

- A. Findings are determined using the "Preponderance of the Evidence" Standard.<sup>217</sup>

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<sup>214</sup> Adapted from [Portland Police Bureau Directive 1010.10 §2.1.2](#)

<sup>215</sup> Adapted from [Portland Police Bureau Directive 1010.10 §7](#)  
<https://www.portlandoregon.gov/police/article/656780>

<sup>216</sup> Section adapted from [City of Portland Collective Bargaining Agreement with Portland Police Association Section 61.2.1](#)

<sup>217</sup> See: [County of San Diego Citizens' Law Enforcement Review Board Rules and Regulations §14.8](#); New York City Civilian Complaint Review Board, [The Rules of the City of New York Title 38-A, Subchapter D §1-33](#); and the recommendation of Consultant Eileen Luna Firebaugh's 2008 [Performance Review of the Independent Police Review Division](#).

- B. The oversight body uses a standard set of four options for findings in all cases:<sup>218</sup>
  - i. “Out of Policy,” meaning the action is found to have violated policy. In some jurisdictions, this is known as “sustained;”
  - ii. “In Policy,” meaning the officer's actions were within the law and policy. In some jurisdictions, this is known as “exonerated;”
  - iii. "Unfounded," meaning the evidence shows the alleged events did not occur; and
  - iv. "Insufficient Evidence," meaning there is not enough information or evidence to attach any of the other findings.
- C. The Board may also add these additional findings related to systemic aspects of the case which led to the interaction that prompted the investigation:<sup>219</sup>
  - i. Policy Failure, meaning the Board recommends that the Bureau revise its policy;
  - ii. Training Failure, meaning the Board recommends that the Bureau revise its training;
  - iii. Supervisory Failure, meaning someone in the chain of command supervising the officer engaged in an action that led to the incident;
  - iv. Communication Failure, meaning officers did not communicate well among themselves or information was otherwise not properly relayed to the involved officer(s); and
  - v. Equipment Failure, meaning the equipment provided did not function properly or was not adequate.
- D. All of these findings shall be applied whether the case is generated by a complaint or if the Board investigates as required by City Code and Charter.
  - i. These findings shall also be used for consistency by any other body or supervisor who investigates officer complaints which do not involve community members.

## **C2. Hearings, preliminary hearings, and panels**

- A. The Board may create panels to hear cases to determine findings about whether policies were violated.<sup>220</sup>

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<sup>218</sup> Similar to current practice found in [Portland Police Bureau Directive 332.00](#); Washington, DC Office of Police Complaints: [District of Columbia Official Code §5-1111\(h\)](#), [New York City Civilian Complaint Review Board, Ch1, Subchapter C, §1-33](#), City of San Diego Commission on Police Practices: [San Diego Municipal Code Art. 6 §26.1102](#), and County of San Diego [Citizens’ Law Enforcement Review Board Rules and Regulations §16.2](#).

<sup>219</sup> Adapted from the recommendation of Consultant Eileen Luna Firebaugh’s [Performance Review of the Independent Police Review Division](#) (2008) and [Seattle Office of Police Accountability Internal Operations and Training Manual §7.2](#)

<sup>220</sup> Adapted from [City of San Diego Commission on Police Practices Interim Standard Operating Procedures §2](#); New York City Civilian Complaint Review Board: [Rules of the City of New York §1-32](#); and [County of San Diego Citizens’ Law Enforcement Review Board §12](#).

- i. Panels shall be no smaller than five Board members.
  - ii. In more serious cases, these panels shall have more members than in other cases.<sup>221</sup>
  - iii. The panels shall be created to ensure diversity based on life experience, race, gender, and other factors, including, if appropriate, whether members are nominated by different people or entities.
  - iv. Each panel shall have a presiding individual over each hearing.
- B. The Board can take interim steps prior to findings being determined in specific cases.<sup>222</sup>
  - i. A case can be prioritized if an officer is retiring or being promoted.
  - ii. The Board can recommend suspending an officer, or delaying promotion, while administrative charges are pending.
- C. Members of the hearing panel shall review all investigative materials.<sup>223</sup>
  - i. In reviewing the case, the panel may examine any supporting documents, the file and report of the staff, and any documents accumulated during the investigation. They may also listen to and/or watch the recordings of all interviews.<sup>224</sup>
- D. The panel shall hold a preliminary hearing to assess the completeness and readiness of the investigation for a full hearing.<sup>225</sup>
  - i. The complainant and officer will be notified of the date of the preliminary hearing, but are not required to attend. They may appear with any or all of their support persons.<sup>226</sup>
  - ii. Public comment on the readiness of the investigation will be taken before the panel makes a decision whether to proceed.<sup>227</sup>
- E. The panel will decide whether to:<sup>228</sup>

Send the case back for further investigation, specifying the information sought; or send the case forward to a full Hearing.

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<sup>221</sup> [Portland City Code §3.20.140C.2](#)

<sup>222</sup> Adapted from New York City Civilian Complaint Review Board: [Rules of New York City Title 38-A, Subchapter E, §1-42](#)

<sup>223</sup> Adapted from [Citizen Review Committee Appeals Procedures, PSF 5.03\(6\)](#): "Only Committee members who have reviewed the complete administrative case file will participate in the appeal."

<sup>224</sup> From [Portland City Code 3.21.160.B](#), language would be amended to reflect the shift from IPR to OCPA and CBPA

<sup>225</sup> Adapted from [Portland City Code 3.21.150.B](#)

<sup>226</sup> This is current practice for the Citizen Review Committee but is not in City Code.

<sup>227</sup> From [Portland City Code 3.21.150.B](#)

<sup>228</sup> Adapted from [Portland City Code 3.21.150.C-D](#).

### C3. Hearings Process

The Board will decide whether some or all of the preliminary hearing will be held in open session or executive session in accordance with existing legal standards and considering the public interest, the officer's preference (see ORS 192.660[2][b]), the complainant's preference, precedents set by the existing oversight system, and other relevant factors.

- A. The Board will hold hearings on misconduct cases and investigations.<sup>229</sup> The hearings shall be recorded.
  - i. Public notice of hearings shall be posted at least seven business days before the hearing date.<sup>230</sup>
  - ii. While details protected in executive session are confidential, decisions shall be made publicly.<sup>231</sup>
  - iii. Throughout the hearing process, the Chair or presiding individual shall remind the audience of the seriousness of the employment matter being discussed while acknowledging community responses.<sup>232</sup>
  - iv. A person from the upper management of the Bureau's Training Division shall attend all hearings to answer questions about police policy, training, or procedure.<sup>233</sup>
- B. The hearings process has accommodations to ensure accessibility.
  - i. The complainant can appear with their complaint navigator, as well as a support person and/or an attorney.
  - ii. The officer can appear with their bargaining unit representative/complaint navigator, and/or their attorney and/or support person.
  - iii. Interpreters shall be provided with adequate advance notice for arrangements to be made.
  - iv. Other accommodations shall be made for people with disabilities.
- C. Procedure for the hearings (Note: throughout this subsection, "complainant" and "officer" may include their representatives.)<sup>234</sup>

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<sup>229</sup> Based on Citizen Review Committee hearings outlined in [Portland City Code 3.21.160A](#), Baltimore, MD [Civilian Review Board Bylaws §V](#); and [County of San Diego Citizens' Law Enforcement Review Board Rules and Regulations §13](#).

<sup>230</sup> Adapted from [County of San Diego Citizens' Law Enforcement Review Board Rules and Regulations §13.2](#)

<sup>231</sup> From [ORS 192.660\(6\)](#).

<sup>232</sup> Addresses concerns raised in the "embarrassment clause" in the [City of Portland Collective Bargaining Agreement with Portland Police Association, 2021-2025, §20.2](#).

<sup>233</sup> From [Portland City Code 3.20.140 C.1\(b\)\(7\)](#).

<sup>234</sup> Except as noted, steps listed in section C3c are from [PSF 5.03 Citizen Review Committee – Independent Police Review Division – Appeals Procedures](#).

- i. The basic circumstances of the case and allegations shall be read into the record at the beginning of the hearing.<sup>235</sup>
- ii. The complainant and officer can make opening statements; the complainant can choose whether to provide their statement before or after the officer.<sup>236</sup>
- iii. The presiding individual begins questions of witnesses, followed by other panel members.<sup>237</sup>
- iv. Board staff can ask questions at the invitation of the presiding individual.
- v. The officer or complainant can request specific items about which the panel may ask more questions.
- vi. Once recognized by the presiding individual, the complainant and officers have the ability to ask questions, request additional questions, call witnesses, introduce exhibits, cross-examine witnesses, and suggest that the panel impeach witnesses. The Oversight Board shall establish guidelines and methods for these processes.
- vii. The complainant and officer can offer rebuttals.<sup>238</sup>
- viii. The officer and complainant can make closing statements.<sup>239</sup>
- ix. The panel deliberates on the evidence.<sup>240</sup>
- x. Public input shall be taken before the panel's final deliberation and decision.<sup>241</sup>
- xi. Should there still be outstanding issues regarding evidence that can be obtained, the panel may decide to send the case back for further investigation, specifying the information sought.<sup>242</sup>
- xii. The panel decides findings, with each member explaining their position.<sup>243</sup>
- xiii. Those who disagree can include their dissenting information along with the findings.<sup>244</sup>
- xiv. When a decision is made at the end of a hearing, the presiding individual should explain the next steps, including the appeal process.<sup>245</sup> If any finding is made

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<sup>235</sup> From [PSF 5.03 7b](#).

<sup>236</sup> From [PSF 5.03 7c&d](#)

<sup>237</sup> Sections C3c3 to C3c6 adapted from [County of San Diego Citizens' Law Enforcement Review Board Rules and Regulations §13.5](#).

<sup>238</sup> From [PSF 5.03 §7j](#) and County of [San Diego Citizens' Law Enforcement Review Board Rules and Regulations §14.1\(a\)](#).

<sup>239</sup> From [County of San Diego Citizens' Law Enforcement Review Board Rules and Regulations §13.5](#)

<sup>240</sup> Adapted from [PSF 5.03 7i](#).

<sup>241</sup> From [PSF 5.03 7i](#).

<sup>242</sup> From [Portland City Code §3.21.160 A1a](#) and ARB-[PSF 5.03 I-i](#).

<sup>243</sup> From [ARB-PSF 5.03m](#).

<sup>244</sup> From [Portland City Code §3.20.140 F1\(b\)](#) and County of [San Diego Citizens' Law Enforcement Review Board Rules and Regulations §13.7](#).

<sup>245</sup> Adapted from [ARB-PSF 5.03-12](#).

outside the public hearing process where an appeal is still possible, or the complainant does not appear at the hearing, a Board representative can explain the process or delegate that responsibility to staff.

- D. Should the panel decide that one or more allegation is in violation of Bureau policy, they will move to a decision on the discipline for the involved officer, which shall also be decided.
- E. Hearings can be held even if parties fail to appear.<sup>246</sup>
- F. The panel may receive any oral or written statements volunteered by the complainant, the involved member, other officers involved, or any other person.<sup>247</sup>
- G. Hearsay is admissible; evidence is allowed if "responsible persons are accustomed" to using such information in "serious affairs."<sup>248</sup>
- H. When the Hearing process develops new information, the panel may consider the new information when determining if additional investigation is warranted, but the panel may not use the new information to determine findings.<sup>249</sup>

#### **C4. Providing information to complainants and officers**

- A. Board staff shall distribute information to involved parties before the hearing.<sup>250</sup>
- B. An investigative report will be sent to the complainant, officer, and their identified support persons no less than fourteen business days before the hearing.
  - i. The complainant and officer shall be given access to the same information as allowable by law.<sup>251</sup>
  - ii. Any information that is provided to the officer but not the complainant shall be shared with confidentiality protections with the complainant's complaint navigator.<sup>252</sup>

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<sup>246</sup> From [County of San Diego Citizens' Law Enforcement Review Board §14.5](#)

<sup>247</sup> From [Portland City Code 3.21.160B](#).

<sup>248</sup> Adapted From [County of San Diego Citizens' Law Enforcement Review Board §14.1](#)

<sup>249</sup> From [Portland City Code §3.21.160B](#).

<sup>250</sup> C4A and B adapted from [County of San Diego Citizens' Law Enforcement Review Board §9.11](#).

<sup>251</sup> Note: the [City of Portland Collective Bargaining Agreement with Portland Police Association](#)

guarantees the officer rights to:

§61.2.3.2 A copy of all materials developed in the investigation which will contain all material facts of the matter, including witness statements relied on to make findings. And;

§61.2.3.3 The names of all witnesses and complainants who will appear against the member and/or whose statements will be used against the member.

<sup>252</sup> Adapted From [ARB-PSF 5.21\(4\)](#)

- C. Following the decision of the Board, the findings shall be shared in writing (or other means if requested) with the complainant and officer(s).<sup>253</sup>

## **C5. Stipulated discipline**

- A. To expedite the process, officers can admit to misconduct and accept the proposed discipline.<sup>254</sup> Stipulating to discipline will not reduce the level of discipline imposed.
- B. The officer may have up to 7 days to inform the Board that they stipulate to the Findings and Discipline, thus waiving all four possible avenues of appeal (to an Appeals Panel of the Oversight Board, to the Portland Civil Service Board, through a grievance or through a due process hearing).
- C. The following categories of cases are not eligible for stipulated discipline:<sup>255</sup>
  - i. cases involving alleged use of excessive force including officer shootings and deaths in custody;
  - ii. cases involving alleged discrimination, disparate treatment or retaliation;
  - iii. cases in which the body which determines discipline does not agree to accept the member's proposed stipulation to findings and recommended discipline.
- D. The following categories of investigations are eligible for stipulated discipline:
  - i. First time offenses that would not ordinarily lead to discipline of more than one day off without pay;
  - ii. Second time offenses that would only lead to command counseling or a letter of reprimand.
- E. In an investigation involving multiple potential violations, the violation with the highest category from the City's Corrective Action Guide will be used to determine whether the case qualifies for stipulated discipline.
- F. Stipulating to out-of-policy findings and discipline does not remove the complainant's ability to appeal any other finding.

## **D. Discipline / Corrective Action**

### **D1. How to impose discipline / application of the discipline guide**

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<sup>253</sup> From the City of San Diego Commission on Police Practices Investigation Process, retrieved from: <https://www.sandiego.gov/communityreviewboard/filing/process>; , [County of San Diego Citizens' Law Enforcement Review Board §16.4](#); and San Francisco Department of Police Accountability, "Investigation or Mediation of Complaints against a Police Officer," retrieved from: <https://sf.gov/information/investigation-or-mediation-complaints-against-police-officer>.

<sup>254</sup> Adapted from *United States v. City of Portland Settlement Agreement, Paragraph 131.d*

<sup>255</sup> Adapted from [Portland City Code §3.20.140 J](#)



- A. The Board has the authority to issue disciplinary action up to and including termination for all sworn members and the supervisors thereof within the Portland Police Bureau.<sup>256</sup>
  - i. Because the Bureau of Human Resources has authority over every city employee, if for some reason the Board is unable to directly impose discipline/corrective action, the Bureau of Human Resources shall enact the will of the Board.<sup>257</sup>
  - ii. Discipline may include various consequences for the officer, as well as education-based alternatives to promote a positive outcome and avoid employee embitterment.<sup>258</sup>
- B. The discipline imposed must be consistent with the City's corrective action guide, including exceptions that are written into the guide.
- C. The discipline can note trends and take into account the officer's individual history.<sup>259</sup>
- D. The Police Bureau may not issue discipline less than what the Board chooses to impose.<sup>260</sup>
  - i. If the Bureau wants to increase discipline, they need to appear before the Board to discuss the reasoning. The Chief or representative will have to describe the aggravating factors informing their proposal.<sup>261</sup>
  - ii. The Board has the authority to accept or reject the Bureau's proposal.

## D2. Due process and just cause rules

- A. The discipline process shall be consistent with due process and just cause considerations as they apply to the specific employees in question.<sup>262</sup>
  - i. The state of Oregon defines "just cause" as "a cause reasonably related to the public safety officer's ability to perform required work. The term includes a willful violation of reasonable work rules, regulations or written policies."<sup>263</sup>

<sup>256</sup> [Portland City Charter §2-1007\(a\)](#).

See also: The 2021-2025 City of Portland Collective Bargaining Agreement with Portland Police Association §2.1 states "The City shall retain the exclusive right to exercise the customary functions of management including [...] the right to hire, lay off, transfer and promote; to discipline or discharge for cause" and the new Board is part of the City infrastructure.

<sup>257</sup> [Portland City Charter §2-1006](#) states: "The Mayor, City Council, Auditor, and City departments, bureaus and other administrative agencies shall not interfere in the exercise of the Board's independent judgment."

<sup>258</sup> Language from [City of Portland Collective Bargaining Agreement with Portland Police Association](#), Appendix A: Corrective Action Guide.

<sup>259</sup> From [County of San Diego Citizens' Law Enforcement Review Board §16.3](#).

<sup>260</sup> The Board decides discipline according to [Portland City Charter §2-1007](#); in Oakland the Police Commission can make a final determination, see: [Oakland City Council Resolution 88237 §g](#).

<sup>261</sup> Adapted from [Portland City Code 3.20.140 H4](#)

<sup>262</sup> From [Portland City Council Resolution 37548, Exhibit A](#).

<sup>263</sup> From [ORS 236.350](#).

- ii. Due process includes:<sup>264</sup>
  - a. The right to a hearing, which includes the right to present one's case and submit evidence;
  - b. The decision-makers must consider the evidence presented;
  - c. The decision must be supported by the evidence;
  - d. The evidence must be substantial, in this process defined as a preponderance of the evidence;<sup>265</sup>
  - e. The decision must be made based on the evidence presented at the hearing, or on evidence contained in the record and disclosed to the parties affected;
  - f. The decision-makers (in this case, the Board<sup>266</sup>) must act on their own independent consideration of the law and facts and not simply accept the views of a subordinate (such as the staff) in arriving at a decision; and
  - g. The board or body should, in all controversial questions, make its decision in such a manner that the parties to the proceeding can know the various issues involved, and the reason for the decision made.
- B. Due process includes the officer's right to a separate due process ("Loudermill") hearing as it applies to the specific employees in question. These hearings are required to be administered by the body imposing the discipline, which in this case is the Board.<sup>267</sup>
  - i. When discipline is imposed by the Board, a panel made up of Board members shall hold the due process hearing.
  - ii. When discipline is imposed by the Bureau of Human Resources, one or more representatives of the Board's panel shall attend the due process hearing to aid in deliberations.

## E. Appeals

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<sup>264</sup> from Supreme Court case *Ang Tibay v. CIR*

<sup>265</sup> Note that "substantial" does not actually have to be a preponderance so the proposed standard is higher than required.

<sup>266</sup> [Portland City Charter §2-1007.](#)

<sup>267</sup> [Cleveland Board of Education v. Loudermill](#), 470 US. 532 (1985)

Due process is guaranteed by court decisions in cases of dismissal, demotion, fine, or suspension. In Portland this also applies to Letters of Reprimand (see PPA 20.1). Because this is a constitutional right, the code should be specific but not prevent contract changes. (In other words, the law may not apply automatically to Letters of Reprimand.)

## **E1. Both the complainant and the officer have rights to appeal their cases.<sup>268</sup>**

- A. The complainant may appeal findings, dismissals, or decisions not to investigate.<sup>269</sup>
- B. Police officers may also appeal findings, dismissals, or decisions not to investigate.<sup>270</sup>
  - i. Supervisors cannot file appeals on behalf of officers.
  - ii. Officers may alternately file appeals with the Civil Service Board (E3b)<sup>271</sup> or initiate a grievance procedure, which may lead to arbitration (E3c).<sup>272</sup>
- C. The request for an appeal will include the name of the complainant or officer filing, date of the incident, and reason for the appeal.<sup>273</sup>
  - i. The complaint navigator provided by the Board shall assist the complainant in filing the appeal form.<sup>274</sup>
- D. The Board has independent authority to reopen cases when it is in the public interest; reasons may be due to written, verbal or other community opposition to a decision.<sup>275</sup>
  - i. Suggestions for the Board to reconsider a case may be made by a vote of City Council.<sup>276</sup>
- E. A request to end an appeal may be made at any time,<sup>277</sup> but withdrawal should be done in consultation with the complaint navigator and may include confidential information. If practical and appropriate the appeal might still proceed without the complainant.

## **E2. Timelines for appeals**

- A. Community members have 30 days to appeal, but exceptions can be made to extend the timeline.<sup>278</sup>
  - i. The Board may adopt rules for permitting late filings for a total of no more than

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<sup>268</sup> [Portland City Code §3.21.140A](#), see also: [The Rules of the City of New York Title 38-A, Ch 1, Subchapter A, §1-36](#); [County of San Diego Citizens' Law Enforcement Review Board §16.5](#)

<sup>269</sup> Adapted from [The Rules of the City of New York Title 38-A, Ch 1, Subchapter A, §1-36](#); [Portland City Code 3.21.140A](#)

<sup>270</sup> Adapted from [The Rules of the City of New York Title 38-A, Ch 1, Subchapter A, §1-36](#); [Portland City Code 3.21.140A](#); [Seattle Office of Police Accountability Internal Operations and Training Manual §8.8](#), County of San Diego Citizens' Law Enforcement Review Board, [San Diego Civil Service Rule XV](#)

<sup>271</sup> [Portland City Charter §4-400](#).

<sup>272</sup> [City of Portland Collective Bargaining Agreement with Portland Police Association §20.1.1.2](#)

<sup>273</sup> [Portland City Code §3.21.140 D](#).

<sup>274</sup> Added by Commissioners.

<sup>275</sup> Adapted from [County of San Diego Citizens' Law Enforcement Review Board §16.5](#) and [The Rules of the City of New York Title 38-A, Ch 1, Subchapter A, §1-36](#).

<sup>276</sup> Adapted from [County of San Diego Citizens' Law Enforcement Review Board Rules and Regulations §16.5](#)

<sup>277</sup> Adapted from [Portland City Code §3.21.140E](#).

<sup>278</sup> From [The Rules of the City of New York Title 38-A, Ch 1, Subchapter A, §1-36](#)

60 days, for reasons including, but not limited to:<sup>279</sup>

- a. The complainant has limited English language proficiency.
  - b. The complainant needs physical, mental, or educational accommodations.
- B. The timeline for officers to appeal is 30 days, with only limited exceptions allowing up to a total of no more than 60 days if they are incapacitated or unable to receive or send information to the Board.
- C. Until the appeal period has expired, and if an appeal is filed, until there is a final decision by the Board, the City may not enact proposed discipline.<sup>280</sup>

### **E3. Appeals Hearings**

- A. Appeals will be heard by a different panel of Board members than heard the original case, except in cases in which the basis for the appeal is the discovery of new information. In either situation, this will be referred to as an Appeals Panel.
- i. A certain number of Board members may be assigned to a Board Appeals Committee whose main function is to hear appeals.
  - ii. If a member of the original panel is unavailable, a Board member or Appeals Committee member who was not part of the original hearing may be assigned to the hearing.<sup>281</sup>
  - iii. If there are not enough members of the Appeals Committee for a quorum, members of the full Board who did not hear the original case may be assigned to the hearing.<sup>282</sup>
  - iv. In the case that an appeal is based on the discovery of new evidence, investigators will confirm the validity of the evidence prior to an appeal hearing.
  - v. The Board may select a subset of between 2-5 members to process appeals of dismissals or decisions not to investigate.
- B. If an officer chooses to appeal to the City's Civil Service Board, the Hearings panel shall receive a copy of the appeal and provide a written statement about the misconduct and supporting evidence.<sup>283</sup>

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<sup>279</sup> [Portland City Code §3.21.140B](#).

<sup>280</sup> [Portland City Code §3.20.140 G2](#).

<sup>281</sup> Adapted from [The Rules of the City of New York Title 38-A, Ch 1, Subchapter A, §1-36](#) (d).

<sup>282</sup> Adapted from [The Rules of the City of New York Title 38-A, Ch 1, Subchapter A, §1-36](#) (d).

<sup>283</sup> Adapted from [San Diego County Civil Service Rule XV §15.1.3](#).

The Portland Civil Service Board consists of three commissioners appointed to voluntary positions by the Mayor under the [City Charter, Chapter 4 - Civil Service](#). The commissioners are appointed to reflect the perspectives of labor, management and the general public.

- i. One or more Hearings panel members may attend the Civil Service Board hearing, subpoena witnesses, present evidence, and cross-examine.
- C. If an officer chooses to file a grievance and an arbitration hearing is held, the Hearings panel shall receive a copy of the grievance and provide a written statement about the misconduct and supporting evidence.<sup>284</sup>
  - i. The Hearings panel may have one or more representatives attend the arbitration hearing to present evidence and answer questions about the findings.
- D. To the extent possible, the complainant will be allowed to attend, or at least remain apprised of appeals held outside of the Board's direct scope and authority, with their complaint navigator assigned until a final decision is made.<sup>285</sup>
- E. At an appeal hearing, decisions on the findings shall be made on a preponderance of the evidence.<sup>286</sup>
- F. All members of the Appeals Panel shall review recordings and all records of the original hearing.<sup>287</sup>
- G. Appeals hearings shall follow the same procedure described in the Findings section on Hearings, including for disciplinary decisions; the panel may expedite matters by not repeating information already in the record.
  - i. At the start of the hearing, the basic circumstances of the case, allegations and original findings shall be read into the record.<sup>288</sup>
  - ii. At the end of the hearing, the Appeals Panel may decide:<sup>289</sup>
    - a. To recommend further investigation; or
    - b. To affirm the original findings, after which the Board staff shall close the case based on those findings; or

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Their charge is to "Review the suspension, demotion or discharge of a permanent employee, where the employee alleges that the discipline was for a political or religious reason, or was not made in good faith for the purpose of improving the public service."

<sup>284</sup> Adapted from [San Diego County Civil Service Rule XV §15.1.3](#).

<sup>285</sup> Addresses the [Police Accountability Commission Areas of Agreement on Barriers to Police Accountability, and Best Practices, in the Current System in Portland](#), §2: "Important parts of the accountability process are inaccessible to the public."

<sup>286</sup> From [City of San Diego Municipal Code Art. 6, Division 11: Commission on Police Practices, County of San Diego Citizens' Law Enforcement Review Board Rules and Regulations](#) §14.8, and [Police Accountability Commission Areas of Agreement on Proposals to Consider, and to Avoid, from Subject Matter Experts](#) §F2, Luna-Firebaugh, E. (2008, January 23). Performance Review of the Independent Police Review Division. City of Portland. <https://www.portlandoregon.gov/auditor/article/245276> (p. 104)

<sup>287</sup> From [Portland ARB-PSF 5.03\(6\)](#).

<sup>288</sup> Adapted from [Portland ARB-PSF 5.03 \(5\)](#).

<sup>289</sup> Adapted from [Portland City Code §3.21.160.A.1](#).

- c. To determine a different finding based on the evidence, and make disciplinary decisions if there are findings that the officer violated policy.
- H. Members of the Appeals Panel shall have the same authority to compel officer testimony and subpoena witnesses or documents as the original Hearings Panel.<sup>290</sup>
- I. Notifications of the appeal outcomes to complainants and officers shall be the same as under the Hearings process with the exception that no further appeals are allowed through the Board.
- J. The Board staff shall schedule appeals in consultation with the Board leadership or designee.<sup>291</sup>

## F. Mediation

### F1. Voluntary Mediation

There shall be a voluntary mediation program between complainants and officers.<sup>292</sup>

- A. The Board has the authority to provide for voluntary mediation between community members and law enforcement.<sup>293</sup>
  - i. Goals of mediation include improving police-community relations and building better policies.<sup>294</sup>
  - ii. The Board shall determine whether the case is eligible for mediation based on substance the nature of the allegations and the officer's history.<sup>295</sup>
    - a. The community member shall be able to consult with their complaint navigator and/or their other support persons before making a decision whether to agree to mediation.

<sup>290</sup> Adapted from [Portland City Code §3.21.160.B](#).

<sup>291</sup> Adapted from [Portland City Code §3.21.070G](#).

<sup>292</sup> From San Francisco Department of Police Accountability "Investigation or Mediation of Complaints against a Police officer, retrieved from: <https://sf.gov/information/investigation-or-mediation-complaints-against-police-officer>, [The Rules of the City of New York Title 38-A, Ch 1, Subchapter F, §1-47](#), [Chicago Civilian Office of Police Accountability Rules & Regulations Art. IV §4.2](#), and [Portland City Code §3.21.120A](#).

<sup>293</sup> From San Francisco Department of Police Accountability "Investigation or Mediation of Complaints against a Police officer, retrieved from: <https://sf.gov/information/investigation-or-mediation-complaints-against-police-officer>, [The Rules of the City of New York Title 38-A, Ch 1, Subchapter F, §1-47](#), [Chicago Civilian Office of Police Accountability Rules & Regulations Art. IV §4.2](#), and [Portland City Code §3.21.120A](#).

<sup>294</sup> From San Francisco Department of Police Accountability, "Mediation Division," retrieved from: <https://sf.gov/information/mediation-division>.

<sup>295</sup> Luna-Firebaugh, E. (2008, January 23). Performance Review of the Independent Police Review Division. City of Portland. <https://www.portlandoregon.gov/auditor/article/245276> (p. 13)

- b. Complainants shall not be unduly pressured to choose mediation if they prefer an investigation to take place.
    - c. An officer's supervisor must clear them for approval before the officer can agree to mediation.<sup>296</sup>
- B. Mediation is not offered for complaints involving use of force, profiling, legal violations such as improper stop, detention, search, or arrest, or for officers with a pattern of misconduct. No case identified as an automatic investigation by the Charter shall be eligible for mediation.<sup>297</sup>
  - i. Mediation is offered for complaints involving discourtesy and procedural complaints including unwarranted action other than those described in section F1b, and neglect of duty.<sup>298</sup>
  - ii. If the complainant filed the misconduct complaint based on actions during an incident in which the officer filed criminal charges or citations against the community member, once those criminal allegations have been resolved, mediation about the misconduct complaint can still proceed.<sup>299</sup>
  - iii. Mediation Cost to Participants: There is no cost to utilize the mediation option.
  - iv. Mediation shall take place in a neutral environment and location.
  - v. If there is a civil lawsuit or criminal case pending against the officer about the incident, mediation cannot proceed.<sup>300</sup>
- C. The discussions that take place in the mediation are confidential unless the parties agree otherwise.<sup>301</sup>
- D. Mediators shall be screened and trained properly about power dynamics, cultural awareness, racial bias, and other issues which may underlie the incident.
- E. For eligible cases, mediation is an alternative to full investigation.<sup>302</sup>

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<sup>296</sup> Adapted from Portland [ARB-PSF 5.09 \(5b\)](#).

<sup>297</sup> From [Chicago Civilian Office of Police Accountability Internal Guidance Policy](#); Luna-Firebaugh, E. (2008, January 23). Performance Review of the Independent Police Review Division. City of Portland; [Seattle Office of Police Accountability Internal Operations and Training Manual §8.4](#) <https://www.portlandoregon.gov/auditor/article/245276> (p. 118); and Portland [ARB-PSF 5.09 \(4\)](#).

<sup>298</sup> From San Francisco Department of Police Accountability, "Mediation Division," retrieved from: <https://sf.gov/information/mediation-division>.

<sup>299</sup> Adapted from [Portland ARB-PSF 5.09 \(4\)](#).

<sup>300</sup> From New York City Civilian Complaint Review Board, "Mediation," retrieved from: <https://www.nyc.gov/site/ccrb/complaints/complaint-process/mediation.page>.

<sup>301</sup> Adapted from [Portland ARB-PSF 5.09 \(10\)](#).

<sup>302</sup> From New York City Civilian Complaint Review Board, "Mediation," retrieved from: <https://www.nyc.gov/site/ccrb/complaints/complaint-process/mediation.page>; San Francisco Department of Police Accountability, "Mediation Division," retrieved from: <https://sf.gov/information/mediation-division>; and adapted from [Portland City Code §3.21.120A](#).

- i. If either party rejects mediation, the case is sent to a full investigation.<sup>303</sup>
- ii. Either party to the mediation, or the mediator, can determine that mediation is not successful, and ask for a full investigation if mediation fails.<sup>304</sup>
- iii. Successful mediation will conclude with a signed mediation agreement by all parties. Violation of the agreement may result in the case proceeding to a full investigation and/or other next steps as outlined in the agreement itself. Portions of the mediation agreement which could incriminate any party in criminal or administrative proceedings will be considered confidential to the extent allowed by law. The parties may mutually agree to publicly disclose the substance of the mediation as part of the agreement.

## **F2. Openness and Accessibility of Mediation**

Mediation is accessible and open to affected individuals, and in some cases to people other than complainants.

- A. Mediation includes accommodation for people with disabilities, as well as interpreters as needed.<sup>305</sup>
- B. To accommodate schedules, complainants can provide adequate notice of cancellation on as many as two separate occasions before mediation is abandoned.<sup>306</sup>
- C. Mediation is available to complainants, as well as to family members of people subjected to alleged police misconduct or other community members, with the complainant's permission, even if complainants do not themselves participate.<sup>307</sup>
- D. Upon agreeing to the confidentiality of the mediation, one support person of each party's choosing may attend, but not engage in the mediation, to provide moral support and consult during breaks.

The Police Accountability Commission's mandate from City Council does not require addressing these items. Nonetheless, these proposals support the oversight board's ability to fulfil its mandate.

- 1. The City should ensure that nothing in collective bargaining agreements with the Portland Police Association (PPA) or Portland Police Commanding Officers Association (PPCOA) contradict or undermine City Code related to police accountability and oversight. This includes:

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<sup>303</sup> From [The Rules of the City of New York Title 38-A, Ch 1, Subchapter F, §1-47](#)

<sup>304</sup> From [The Rules of the City of New York Title 38-A, Ch 1, Subchapter F, §1-47](#)

<sup>305</sup> From [The Rules of the City of New York Title 38-A, Ch 1, Subchapter F, §1-47](#)

<sup>306</sup> From [The Rules of the City of New York Title 38-A, Ch 1, Subchapter F, §1-47](#)

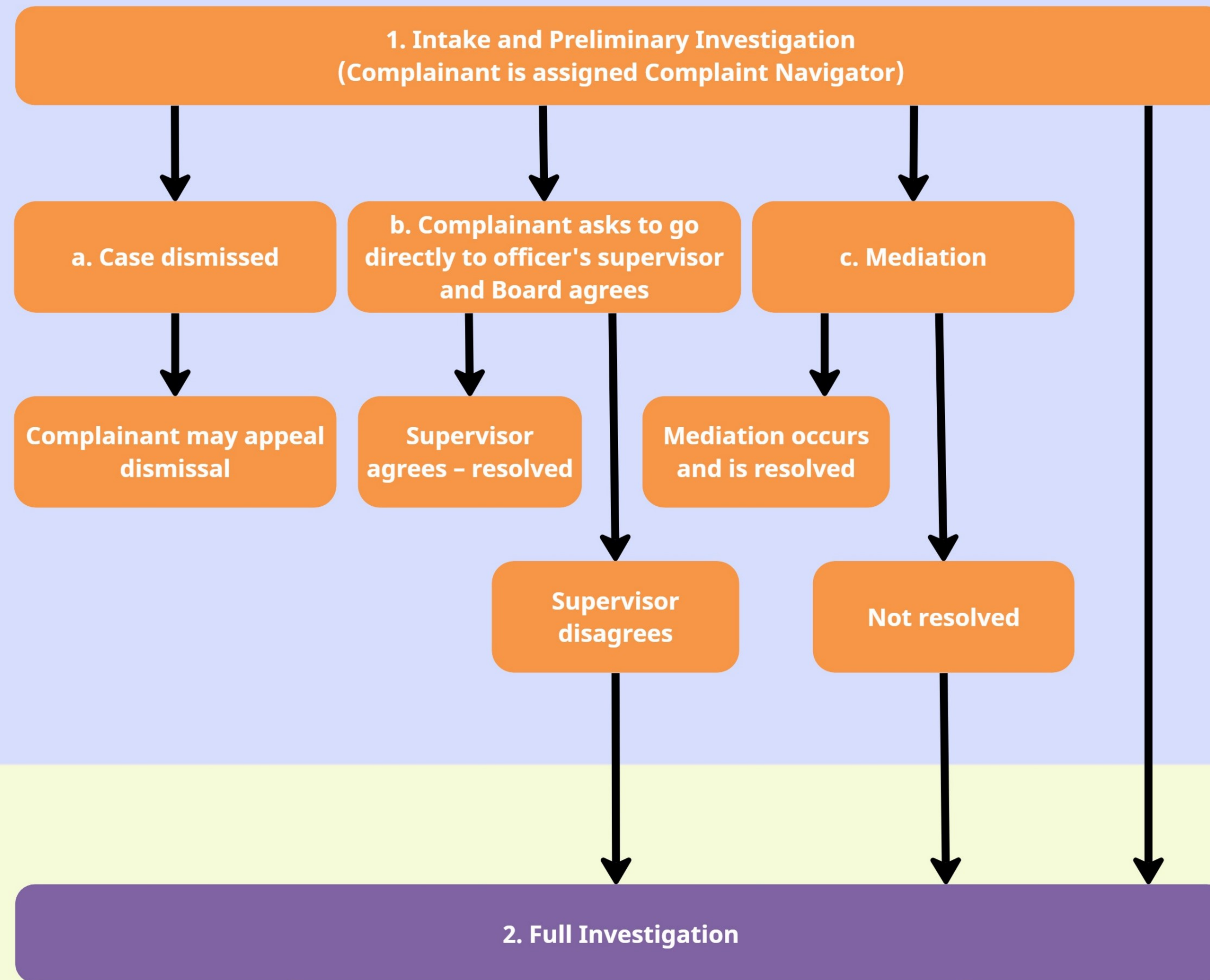
<sup>307</sup> From [The Rules of the City of New York Title 38-A, Ch 1, Subchapter F, §1-47](#)



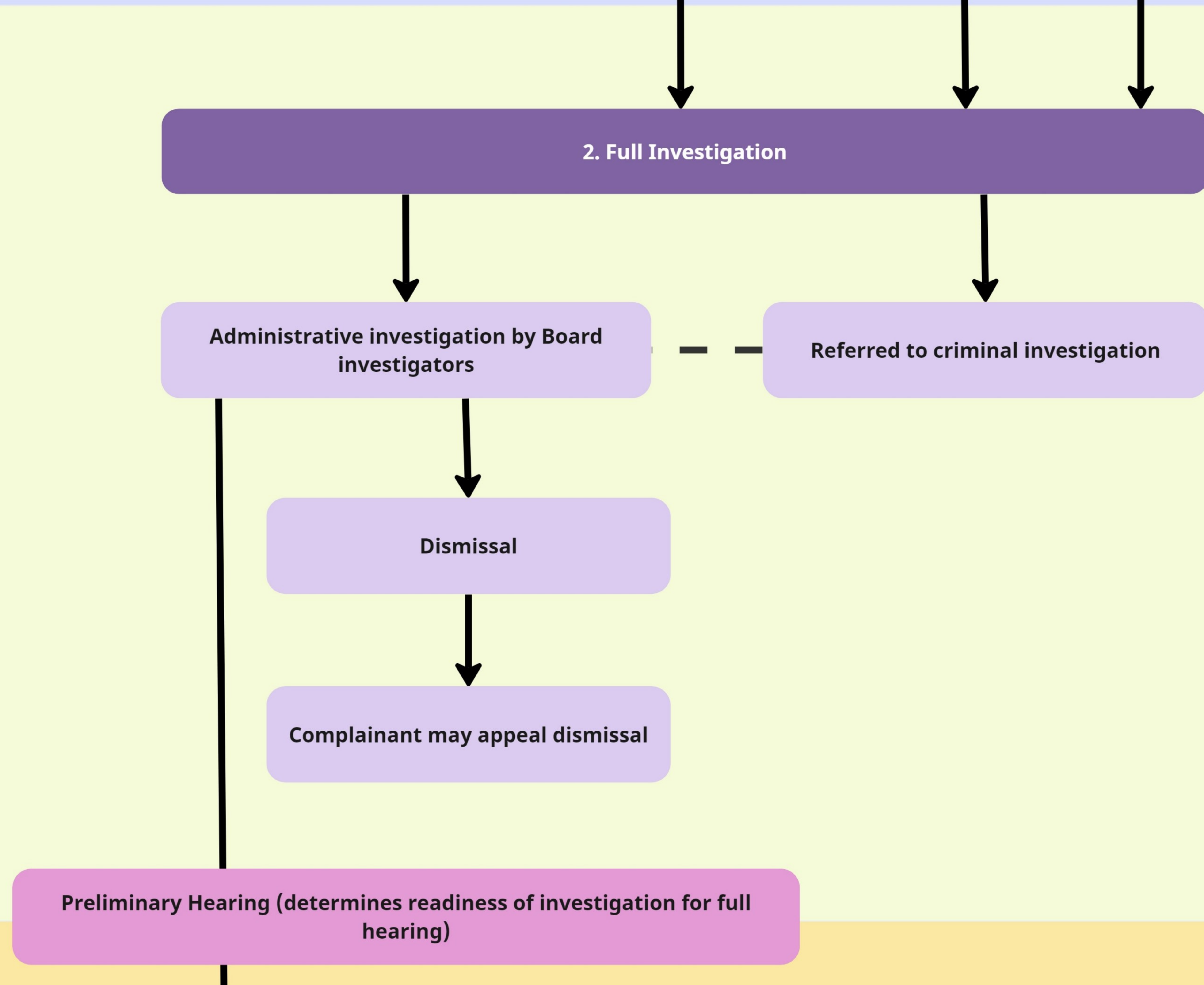
- a. In New York, disciplinary options include putting an officer on probation. The PPCOA contract allows for vacation time or non-Fair Labor Standards Act compensation time to be taken away for discipline, but the PPA contract does not. These may be worth adding to the corrective action guide.
  - b. The current PPA contract (20.5) says that stipulated findings and discipline can be enacted in cases of use of force where the issue is about report writing (for instance); however, if the lack of a report indicates an effort to cover up the force that was used, this should not be allowed.
  - c. Community members are not paid to be part of an interview. The obligation that officers have to be interviewed while on duty may be worth removing from the PPA contract (61.2.2.1).
  - d. Conducting interviews in police facilities (PPA Contract 61.2.2.2) should specify this is only an option when no community member is involved in the case and investigation is **conducted** by the appropriate City investigatory body (such as Internal Affairs).
  - e. We propose that the City renegotiate to make sure the Board can address, at **minimum**, Deadly Force incidents: PPA Contract 61.2.3 "The parties recognize that IPR has no authority or responsibility relating to Articles 59 [Performance Evaluations], 61.6 [Personnel File], 61.7 [Deadly Force Incidents], and 61.8 [Criminal Investigations]"
2. The City should also pursue amending the *US DOJ v. City of Portland* Settlement Agreement to allow the agreements in this document to be implemented successfully:
    - a. Paragraph 140 should include methods to communicate to the complainant other than mail, email/text, and fax.
    - b. The timeline to complete an investigation should be extended from 180 days to 183 days since that is actually how long half of a year lasts. IPR's investigative timeline runs to 182 days. The PAC proposed timeline is 179 days but the two months we have proposed to hold the Preliminary Hearing and Full Hearing should be 63 days rather than 60.



Intake



**Investigation**



Hearing and Findings

Preliminary Hearing (determines readiness of investigation for full hearing)

3. Investigation and Case File goes to Hearings Panel

Full hearing

One or more allegations substantiated  
Panel drafts recommendations for discipline/corrective action

Panel may also determine additional (systemic) findings

Non-substantiated allegations

Officer stipulates to findings and discipline/corrective action and waives right to appeal

Due process hearing

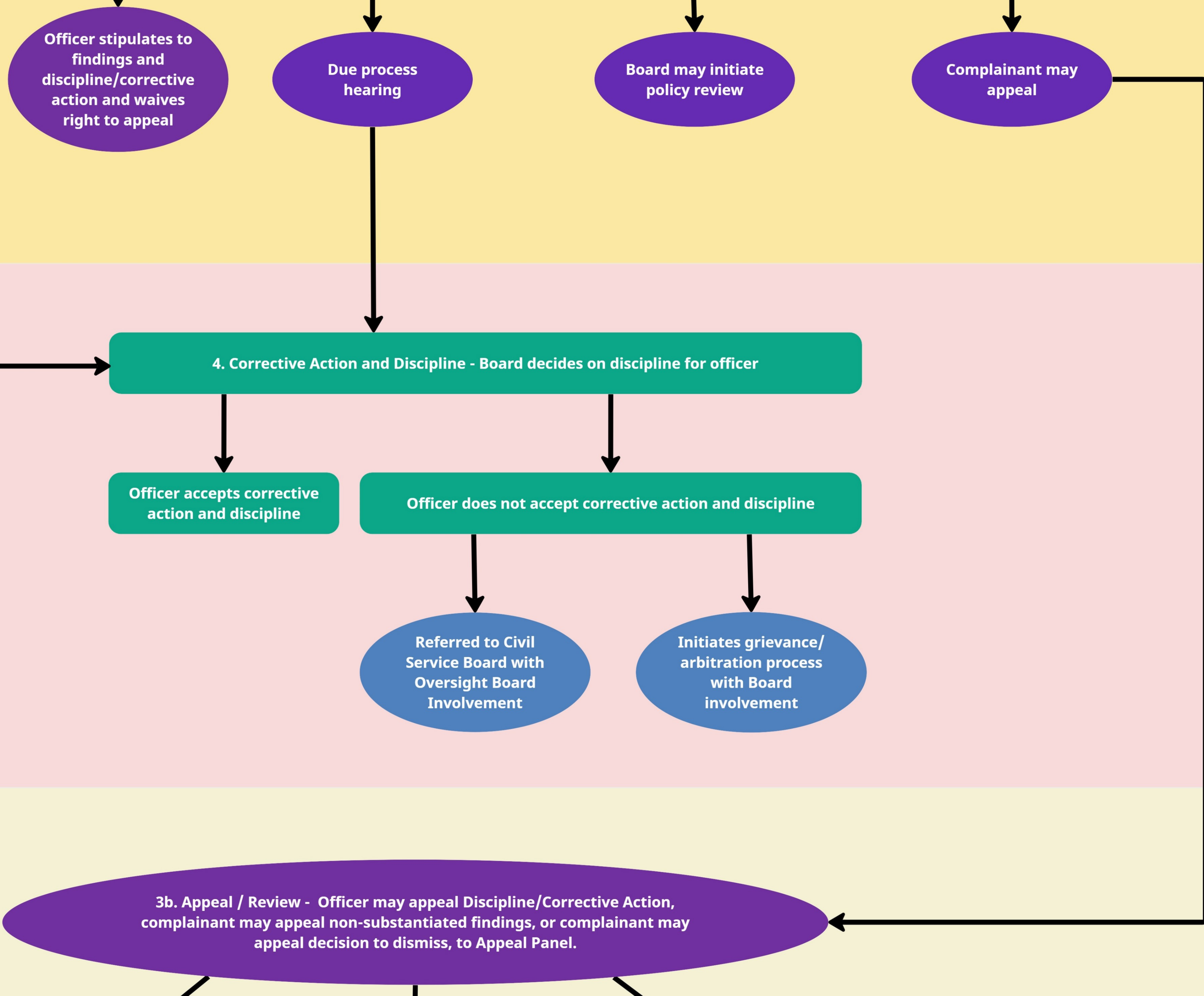
Board may initiate policy review

Complainant may appeal

Discipline

4. Corrective Action and Discipline - Board decides on discipline for officer

**Corrective Action and Discipline**



Officer stipulates to findings and discipline/corrective action and waives right to appeal

Due process hearing

Board may initiate policy review

Complainant may appeal

4. Corrective Action and Discipline - Board decides on discipline for officer

Officer accepts corrective action and discipline

Officer does not accept corrective action and discipline

Referred to Civil Service Board with Oversight Board Involvement

Initiates grievance/arbitration process with Board involvement

3b. Appeal / Review - Officer may appeal Discipline/Corrective Action, complainant may appeal non-substantiated findings, or complainant may appeal decision to dismiss, to Appeal Panel.

**Corrective /**

Referred to Civil Service Board with Oversight Board Involvement

Initiates grievance/ arbitration process with Board involvement

**Appeal / Review**

3b. Appeal / Review - Officer may appeal Discipline/Corrective Action, complainant may appeal non-substantiated findings, or complainant may appeal decision to dismiss, to Appeal Panel.

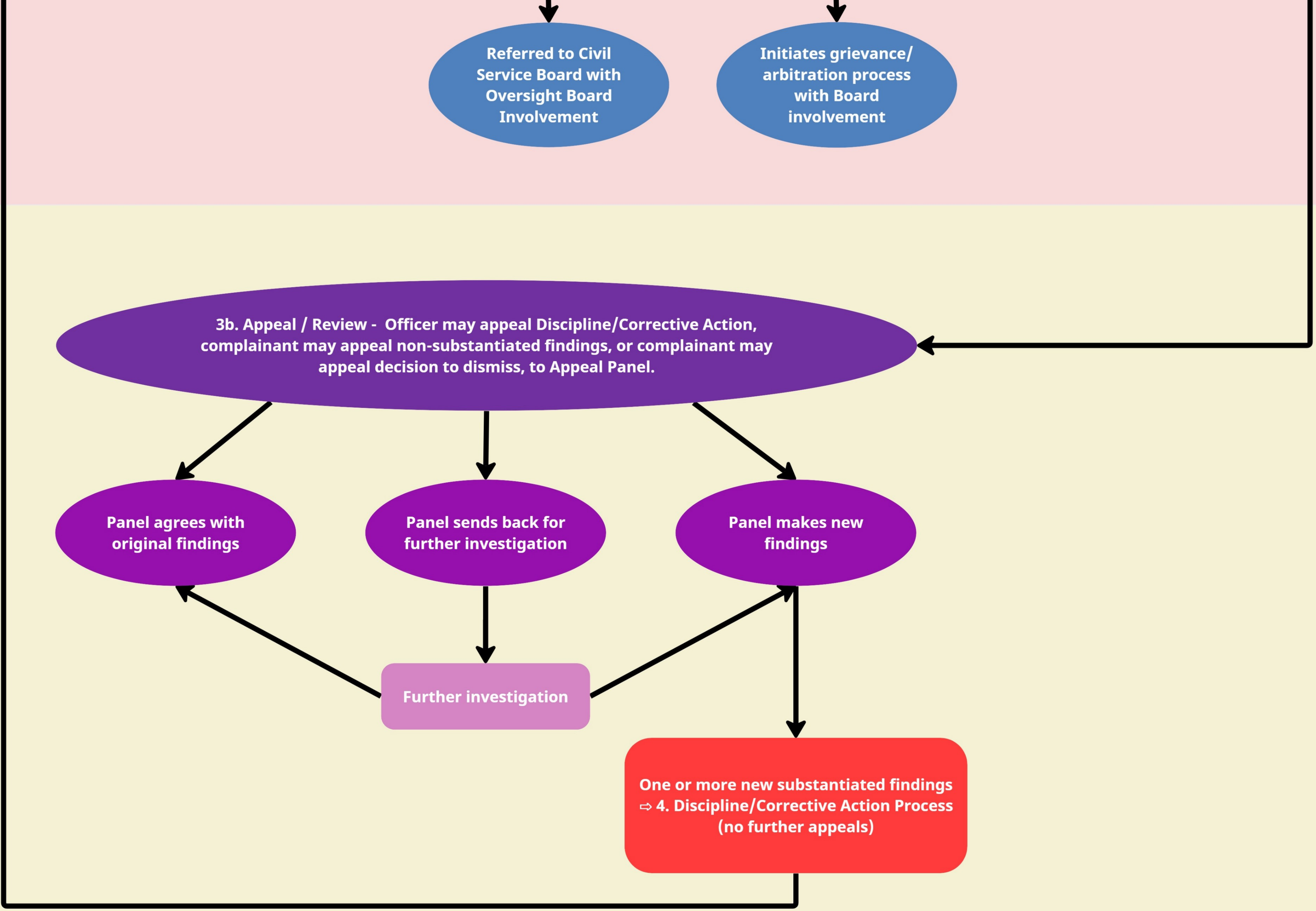
Panel agrees with original findings

Panel sends back for further investigation

Panel makes new findings

Further investigation

One or more new substantiated findings  
⇒ 4. Discipline/Corrective Action Process (no further appeals)



Officer Accountability Timeline

Action	Current time (in days) (*1)	Projected time	Difference
Intake Investigation	14	14	0
Case assigned to investigators	7	7	0
Investigation	70	70	0
Review, approval of investigation & prepare for findings	21	14	-7
Supervisor makes findings	14	0	-14
IPR, IA and Assistant Chief review to agree/disagree	7	0	-7
Time for Police Review Board to be held	28	63	+35
Disposition letter and review of findings	14	7	-7
Case closing paperwork	7	7	0
Chief/Police Commissioner to make final findings? (*2)			
TOTAL	182	182	0
	(*3) (*4)	(*3) (*4)	
*1) Timelines for current investigations from PPB Directives 330 series and from the Independent Police Review.			
*2) It is not clear from the current timeline how long the Chief/Commissioner have to make a final decision after the 7 days an officer has to respond to a predetermination letter.			
*3) The timelines include time for preliminary and full hearings, but not appeals. Per the USDOJ Agreement Paragraph 121: "PPB and the City shall complete all administrative investigations of officer misconduct within one-hundred eighty (180) days of receipt of a complaint of misconduct, or discovery of misconduct by other means. For the purposes of this provision, completion of administrative investigations includes all steps from intake of allegations through approval of recommended findings by the Chief, excluding appeals, if any, to CRC. Appeals to CRC should be resolved within 90 days."			
*4) The timelines exclude any time taken to fulfill requests for further investigation, per USDOJ Agreement Paragraph 122: "All administrative investigations shall be subject to appropriate tolling periods as necessary to conduct a concurrent criminal investigation, or as otherwise provided by law, or as necessary to meet the CRC or PRB recommendation to further investigate."			

**City of Portland**

**Police Accountability Commission  
Areas of Agreement on Structural Oversight**

**Definitions**

Sentinel Event Reviews	Forward-looking root cause reviews of undesirable police-related outcomes designed to allow for the development of recommendations for preventing reoccurrence through continuous process improvements
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**The Oversight Board (the Board) shall have the authority to make recommendations to the Portland Police Bureau and City Council on Bureau policies, practices, directives, and training. To facilitate this work, the Oversight Board shall have staff dedicated to policy work. This document outlines how policy recommendations are initiated, presented, adopted, and implemented. The public will have the opportunity to comment on all policy recommendations during development and before adoption.**

**A. Initiation of Policy Recommendation Process**

**A1. Policy Recommendation Contents**

A Policy Recommendation shall identify the body to which the policy change is being recommended (e.g. the Portland Police Bureau, the City Council, the Mayor).

A recommendation will include an outline of the new policy or policy change being recommended.

The recommendation will direct the Board staff on any additional action it considers necessary to advocate for the policy change (e.g. advocating with elected officials, convening stakeholder groups, etc.).

**A2. Scope of Authority in Formulating Policy Recommendations**

The Oversight Board shall have the authority to engage in independent analysis of police data related to any police practices or procedures.

The Board may access city audit records.



The Board may review current policies and propose new policies or modifications to existing policies based on any information or materials they deem relevant.

The Board may make policy recommendations based on individual misconduct cases.

The Board may make policy recommendations based on its review of complaints and closed misconduct investigations.

The Board will have the authority to hire independent experts when needed.

The Board shall have the authority to review training materials and attend trainings for Bureau employees for the purposes of formulating recommendations. The number of Board members observing training sessions should be fewer than a quorum.

**B. Policy Recommendations may be initiated through at least six processes. The Board may also identify additional entry points.**

#### **B1. Board Member Proposal**

A Board member may suggest a proposed Policy Recommendation. With the support of at least one other Board member, Board members and/or staff shall prepare a proposed Policy Recommendation for consideration by the Board.

#### **B2. Community Member Proposals**

The Board will have methods for members of the public to suggest proposed Policy Recommendations to the Board for its consideration. With the support of at least two total Board members, Board members and/or staff shall prepare a proposed Policy Recommendation for consideration by the Board.

#### **B3. Agency Policy Review Initiation and Auditing**

Board staff may also initiate policy review, including through auditing completed misconduct cases. If the Board staff initiates a policy review on its own, it shall inform the Board and invite participation throughout the process, including submitting a proposed Policy Recommendation to the Board for approval.

#### **B4. Systemic Findings in Misconduct Cases**

During its investigations of complaints and determination of Findings, the Board may (in addition to findings specific to the officer and complaint) determine systemic findings (e.g. “policy failure”). When the Board finds a systemic issue, the Board will automatically initiate a

policy review, in which Board members and/or staff shall prepare a proposed Policy Recommendation for consideration by the Board. When the Board finds a policy in need of prompt attention, it may forward its recommendation directly to the Bureau.

#### **B5. Reviews of Undesirable Police-Related Incidents (Sentinel Event Reviews)**

Separate from an investigation regarding individual officer misconduct and any related disciplinary action being proposed, the Board may initiate forward-looking root cause systemic reviews of undesirable police-related outcomes and develop recommendations for preventing reoccurrence through continuous process improvements. The review may involve representatives from law enforcement, the judicial branch, forensics, Board members, civil rights lawyers, members of the public, and other relevant participants. The panel will take public comment throughout the process. The Board will issue a report at the conclusion of the review, which may include proposed Policy Recommendations. The Board may consider provisions to require participation in these reviews.

#### **B6. Directive Review**

The Oversight Board may facilitate a process for Board and community review and development of Portland Police Bureau policies and directives. This includes engagement in the Bureau's directive review and development process. The Board should schedule timelines compatible with the PPB's processes. The Board will transmit recommendations on revised and newly proposed policies and directives to PPB for their consideration, with City Council having the final say.

### **C. Process for Board Approval of Policy Recommendations**

Potential policy recommendations identified for review are presented for the Board for consideration, discussion, and potential adoption.

A proposed Policy Recommendation shall be placed on the Board's agenda for consideration at the next meeting and may be considered or referred to a sub-committee.

The Board will take input from community members on policy matters while they are under development and before the Board votes.

#### **C1. Presentation of Policy Recommendations**

Proposed Policy Recommendations shall be presented to the Board, as well as any findings regarding independent analysis, review of training materials, directives, investigations, Sentinel

Event Reviews, and agreements that may be necessary to inform the Board’s decision on the proposed Policy Recommendation.

The Board may request whatever additional materials and research it believes is necessary to help make an informed decision on the proposed Policy Recommendation.

## **C2. Adopting and Rescinding Policy Recommendations**

The Board shall make a formal decision to adopt or not adopt any proposed Policy Recommendation that is put before it. The Board may also make a formal decision to rescind or not rescind previous Policy Recommendations.

## **C3. Communication of Approved Policy Recommendations**

The Board shall publish policy recommendations on the Board’s website and other relevant platforms.

## **D. Implementation of Policy Recommendations**

When the Board adopts a policy recommendation, the Board shall collaborate with staff to coordinate necessary next steps towards implementation.

### **D1. Required Response from Portland Police Bureau**

When the Board recommends a change to Portland Police Bureau policy, the Chief, after reviewing a policy recommendation, shall respond promptly to the Board in writing, but in no event more than 60 days after receipt of the recommendation. The response shall indicate what, if any, policy or procedural changes are to be made.

“The Portland Police Bureau shall consider and accept or reject all policy or directive recommendations made by the Board. If the Portland Police Bureau rejects a policy or directive recommendation, then at the request of the Board, City Council must consider and vote to accept or reject the policy recommendations received from the Board. Council’s decision will be binding on the Portland Police Bureau.” (Charter 2-1007)

### **D2. City Council Consideration of Policy Recommendations**

If the Chief rejects a recommendation, or a portion of a recommendation, or fails to respond within 60 days after its receipt, at the direction of the Board, staff shall within 15 days thereafter place the matter on the Council Calendar, for consideration and a decision by City Council.

If the Board recommends a change to City of Portland policy, the Board or staff shall within 15 days thereafter place the recommended change on the Council Calendar, for consideration and a decision by City Council.

The City Council shall consider and hold a vote on either kind of recommendation no more than three months after it has been presented.

### **D3. Follow-Up**

If a Board recommendation is approved by either PPB or the City Council, the Board shall monitor and pursue full implementation of the recommendation. This may include continued advocacy, requesting the Chief or designee to attend and brief the Board, and requesting data or reports from PPB to determine the level of progress towards implementation, or any other action the Board decides to take.

### **E. Collective Bargaining**

The Bureau of Human Resources shall reserve, during negotiations with collective bargaining units representing PPB sworn officers and their supervisors, at least two seats for representatives chosen by the Board.

The City Attorney shall consult with the Oversight Board during the collective bargaining process and inform the Board as soon as practicable regarding any potential changes to the police contract(s).

The Board's ability to make recommendations shall include proposals for the collective bargaining contracts.

### **F. PPB Budget Review**

The Oversight Board may facilitate a public review, of PPB proposed budget requests before their official submission, and receive public comment to transmit to PPB and the City Council.

### **G. Oversight of Accountability Systems**

#### **G1. Review of Deadly Force Investigations**

The Board shall hire qualified staff, a team, or independent expert(s) to review closed investigations pertaining to officer-involved shootings and deaths in custody on an ongoing basis.

The completed reviews shall be described in periodic reports available to the public and include case and investigative summaries, policy implications, recommendations for improvements in police and Oversight Board policies or practices.

The Portland Police Bureau shall respond to recommendations related to PPB and the Board and Director or designee shall address any policy-related or quality of investigation issues that warrant further review.

The reports shall be presented to the City Council, with contemporaneous public testimony allowed.

## **G2. Continual Improvement**

The Board shall ensure qualified staff, a team or independent expert(s) examine Oversight Board performance, the Charter, City Code and Board policies/protocols on an ongoing basis. The Board may make recommendations for improvement to the appropriate decision-making bodies.

## **H. Board Proposals Related to Federal/State Law**

The Board may officially endorse legislation/policy ideas and shall have the authority to testify in front of relevant government bodies and communicate its policy positions with employees and elected or appointed officials at any level of government. The Office of Government Relations shall consult directly with the Board as part of its development of the City's legislative agenda, in a manner equivalent to any top-level administrative division of the City government.

## Appendix E9: PAC Areas of Agreement on Board Membership

### **City of Portland Police Accountability Commission Areas of Agreement on Board Membership**

#### **Definitions**

Panel	A subset of the oversight board’s full membership empowered to make decisions related directly to complaints alleging administrative misconduct by PPB sworn officers and supervisors.
Sub-Committee	A subset of the oversight board’s membership empowered to take actions as defined in the oversight board’s bylaws, subject to review by the full oversight board.
Law Enforcement Agency	<p>Agencies that primarily employ police officers, corrections officers, or prosecutors.</p> <p>This includes county sheriffs, municipal police departments, police departments established by a university, state police, tribal police, and law enforcement agencies of the federal government.<sup>308</sup> It also includes district attorney’s offices.<sup>309</sup> Finally, it includes correctional departments.</p> <p>Agencies which perform duties related to investigating allegations of officer misconduct or reviewing police policies and practices, whose main function is not to engage in policing activities, are not considered law enforcement agencies under this definition.<sup>310</sup></p>

#### **A. Size of the Board, and Panel Sizes**

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<sup>308</sup> From [ORS 181A.010](#).

<sup>309</sup> From [ORS 131.915](#).

<sup>310</sup> Terminology taken from [ORS181A.010](#), which defines such “civilian or community oversight boards, agencies or review bodies” as a “criminal justice agency”.

## **A1. Size of the Board**

The initial oversight board shall have 33 members. The board may request a change to this number at any time.

## **A2. Alternates**

The board shall have no less than 5 alternates, recruited from qualified board member applicants and from former members of the oversight board.

Alternates shall provide historical context, institutional memory, lived experience, and institutional or other expertise to the discussions of the oversight board.

Alternates may not serve on panels reviewing complaints, nor may they vote at the full oversight board. The oversight board may define other responsibilities and rights of alternates in its Bylaws.

## **A3. Panels**

The oversight board may create panels for Hearings, for Due Process, and for Appeals.

### **1. Hearings Panels**

- a. Panels shall be no smaller than five board members.
- b. In more serious cases, including deadly force, these panels shall have no less than seven members.
- c. The panels shall be created to ensure diversity based on life experience, race, gender, ability, and other factors, including, if appropriate, whether members are nominated by different people or entities.

### **2. Due Process ("Loudermill hearings")**

When discipline is imposed by the board, a panel made up of board members shall hold a separate due process ("Loudermill") hearing at the request of the involved officer. This panel shall be no smaller than five board members.

### **3. Appeals Panels**

Appeals will be heard by a different panel of board members than heard the original complaint, except in cases in which the basis for the appeal is the discovery of new information. In either situation, this will be referred to as an Appeals Panel.

- a. If the basis for the appeal is the discovery of new information, members of the original Hearings Panel will form the Appeals Panel. If a member of the original panel is unavailable, a board member who was not part of the original hearing may be assigned to the hearing.
- b. If there is any other basis for the appeal, the oversight board shall create a new Appeals Panel, consisting of at least five members not on the Hearings Panel.

#### **A4. Sub-Committees**

The oversight board shall be empowered to create Bylaws that allow for the creation, management, and elimination of sub-committees.

Sub-committees must include at least five full members of the oversight board.

#### **B. Qualifications and Selection Criteria**

##### **B1. Makeup of the Board**

1. The Board shall make provisions to ensure its membership includes representation from diverse communities including those from diverse communities and with diverse lived experiences, particularly those who have experienced systemic racism and those who have experienced mental illness, addiction, or alcoholism.<sup>311</sup>
2. Applicants who are members of communities that have been impacted by over-policing practices shall have preference in selection.
3. The board shall have community members that have worked with populations directly affected by over-policing.<sup>312</sup>
4. Membership must reflect the diversity of Portland: ethnic, racial, age, gender identity, ability, professional and socioeconomic backgrounds. Geographic diversity may also be considered.

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<sup>311</sup> [Portland City Charter §2-1002](#).

<sup>312</sup> Vitoroulis, Michael, Cameron McElhiney, and Liana Perez. 2021. Civilian Oversight of Law Enforcement: Report on the State of the Field and Effective Oversight Practices. Washington, DC: Office of Community Oriented Policing Services (p. 93). Retrieved from: <https://cops.usdoj.gov/RIC/Publications/cops-w0952-pub.pdf>



5. The board shall have members who have experience doing community outreach. It is important to center the voices of the community when implementing the oversight board.

## **B2. Subject Matter Expertise**

1. The board shall include people experienced with the police accountability experience, legal knowledge (public defense lawyers, civil rights lawyers), and with advocating for and providing services to houseless community members.
2. The board may include members who have experience with conducting investigations, case review and auditing.
3. Other professional expertise shall also be considered.

## **B3. Restrictions**

1. People currently employed by a law enforcement agency and their immediate family members are not eligible for service on the board. People who were formerly employed by a law enforcement agency are not eligible for service on the board.<sup>313</sup>
2. Board Members cannot simultaneously be members of any other government run advisory group related to police or policing.<sup>314</sup>
3. Board Members must have demonstrated support for police accountability and racial justice.

## **C. Recruitment and Appointment Process, including Representation**

1. Members of the board shall live, work, play, attend school, or worship in the City of Portland for at least 12 months prior to their appointment.<sup>315</sup>
2. Board members, assisted by a community outreach staff member, shall be available to advance recruitment efforts for vacant board positions.
3. Successors to an unexpired term shall be appointed by approval of Council for the remainder of the term.<sup>316</sup>

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<sup>313</sup> [Portland City Charter §2-1003](#)

<sup>314</sup> Added by Commissioners based in part on public comment on 03-27-2023.

<sup>315</sup> From City of Rochester Police Accountability Board, [Rochester City Charter Art. XVIII §18-4 A](#). The definition of an eligible Portland volunteer taken from <https://www.portlandoregon.gov/civic/76209> - Office of Civic Life

<sup>316</sup> [Portland City Charter Section 2-1002](#).

4. Recruitment efforts for the board should include, but not be limited to, free or paid advertisements on television, radio, print, or digital media directed at the eligible public. Recruitment information should clearly state that these are not police bureau or full-time City of Portland positions.
5. At minimum, staff shall solicit applications to fill vacancies in the board's membership with help from the Office of Equity and Human Rights, the Office of Community & Civic Life, Neighborhood Coalition offices, Mayor and Council offices, other police-focused advisory committees, community organizations working on racial justice, mental health advocacy, and houseless organizing, nonprofits, other grassroots organizations, and the general public.<sup>317</sup> The applications of board applicants shall remain confidential to the extent allowable by law.
6. The board may create a nominating committee to refer applicants for board membership to the City Council for appointing.<sup>318</sup> The nominating committee may include people other than current board members.
7. Applicants shall be screened for potential conflicts of interest.
8. The board's members shall be appointed by City Council. The Mayor, while not directly voting for the appointment of nominees, can forward any suggestions or concerns to the City Council.<sup>319</sup>
9. Council shall review applications of nominees to the board and vote whether to approve each appointment within 45 days of receiving the nomination.<sup>320</sup>

## **D. Member Support and Compensation**

### **D1. Support for Individual Board Members**

- A. The Oversight Board will be a unique type of volunteer service, different from most volunteer boards, committees, and commissions. Individual members shall face unique challenges, including time commitment, exposure to trauma, and risks to privacy and safety, associated with their service. The Board shall create systems supporting and protecting individual members.

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<sup>317</sup> Adapted from [Portland City Code §3.21.080 A 1.](#)

<sup>318</sup> Adapted from [Portland City Code §3.21.080 A 2.](#)

<sup>319</sup> From San Diego Commission on Police Practices, [City of San Diego Municipal Code, Art. 6 §26.1103](#)

<sup>320</sup> Adapted from [Portland City Code §3.21.100.](#)

- B. Members of the oversight board shall receive compensation for their services, to promote equity, access to membership, and ensure that the board is representative of the community at large.
- C. The oversight board shall allocate roughly 10% of its annual budget to individual board member support and compensation.<sup>321</sup>
- D. The board shall regularly review details of its member support and compensation and revise as needed.

## **D2. Reimbursement for Expenses**

The Board shall ensure that expenses associated with service on the board are not borne by individual Board members. This may include reimbursements or per diems. It may also include the Board directly providing the item or service.

- A. Reimbursable expenses, or up front expenses to the extent allowable by law, may include at minimum:
  - i. Travel
  - ii. Food
  - iii. Training, including Board-approved self-selected trainings by individual members
  - iv. Care services, including for child, adult, elder, and other care
  - v. Technology

## **D3. Financial Compensation**

- A. Members shall receive a stipend, no less than the maximum allowed under the federal Volunteer Protection Act (currently \$500/year), reflecting their duties and activities to support the board outside of meetings and hearings.
- B. The board shall provide financial compensation, in the form of a nominal fee, to board members on a per-hour basis for public meetings and other regular public services.

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<sup>321</sup> See [Portland City Charter §2-1002](#), “The board shall make provisions to ensure its membership includes representation from diverse communities [...] and with diverse lived experiences...”

- i. In accordance with the US Department of Labor’s Wage and Hour Division (WHD) , the hourly compensation for volunteer board members cannot be equivalent to a professional wage.<sup>322</sup> Accordingly, the hourly nominal fee shall not exceed 20% of the hourly compensation rate of City employees identified by the board as conducting the same type of work.<sup>323</sup>
  - ii. The board shall review the rate of compensation annually, following the annual release of City compensation plans.
- C. The board shall ensure at least the same level of compensation for members serving in special or unique ways (including panels).
- D. Each member of the board may decline to receive financial compensation, or to receive a lesser amount, at their individual discretion.

#### **D4. Other Support for Board Members**

- Mental Health Support
  - i. Mental health support and services shall be provided free of charge to all board members.
  - ii. The board shall have access to the City employee assistance program, or choose other mental health service providers.

#### **D5. Protection and Safety**

The board shall ensure personal protection for individual board members.<sup>324</sup>

- A. The board shall work to ensure that its meetings, hearings, and other activities are secure.
- B. The board may also provide, as needed, additional protection services to individual members upon request.

#### **D6. Support and protections for Oversight Board service**

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<sup>322</sup> U.S. Department of Labor Wage and Hour Division opinion letter, FLSA2007-3NA (Sept. 17, 2007), retrieved from:

[https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/2007\\_09\\_17\\_03NA\\_FLSA.pdf](https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/2007_09_17_03NA_FLSA.pdf)

<sup>323</sup> “The Department will presume the fee paid is nominal as long as it does not exceed 20 percent of what the public agency would otherwise pay to hire a full-time coach or advisor for the same services.” US Department of Labor, Wage and Hour Division. FLSA2007-3NA, citing FLSA2005-51.

<sup>324</sup> See [Portland City Charter §2-1002](#), “The board shall make provisions to ensure its membership includes representation from diverse communities [...] and with diverse lived experiences...”

The Oversight Board shall be empowered to advocate to other governmental entities (including the State of Oregon) for protections for oversight board members.<sup>325</sup> These protections may include, but are not limited to:

- A. The services provided by the board members being recognized by the State of Oregon as official services for excused absences from work as a service to the state/local government akin to jury duty.
- B. The board members being protected from prohibited acts by employers against board members.<sup>326</sup>
- C. The ability to receive other benefits, such as health insurance (including medical, dental, and vision), life and disability insurance, and retirement support
- D. Board members being protected from unlawful employment practices regarding insurance.<sup>327</sup>
- E. Personal security, including protection of confidentiality of personal data and privacy for board members and applicants, as well as protection from harassment and threats.

## **E. Onboarding Process and Training**

After Council appointment, members and alternates shall go through both training organized by staff and peer training with more experienced members.

1. Training organized by staff may be delivered by staff and/or by experts and affected parties, and may be combined as appropriate. Topics shall include, at minimum:
  - a. City training applicable to all members of City advisory groups
  - b. Training on public meetings and public records law
  - c. Training on confidentiality
  - d. Training about the Portland Police Bureau, including history
  - e. Training about the oversight board and staff, including history
  - f. Training about the oversight board's internal structure, including its Bylaws and other internal processes

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<sup>325</sup> See [Portland City Charter §2-1002](#), "The board shall make provisions to ensure its membership includes representation from diverse communities [...] and with diverse lived experiences..."

<sup>326</sup> Based on [ORS 10.090 "Prohibited acts by employers against jurors"](#)

<sup>327</sup> Including if employers cease to provide health, disability, life, or other insurance coverage for an employee during times when the employee serves or is scheduled to serve on the board. Akin [to ORS 10.092 \(1\)\(a\)\(b\) "Insurance coverage for employee during jury service, unlawful employment practices."](#)

- g. Training about civilian oversight of law enforcement
  - h. Training about local history of over-policing, including geographically specific training
  - i. Paperwork necessary to ensure access to City resources, including compensation and other support services
- 2. Peer Training
  - a. Appointees shall be assigned to one or more current full board members for peer training.
  - b. The oversight board shall establish a list of responsibilities and topics to be covered during peer training.
- 3. The oversight board shall review its own training structures and curriculum and is empowered to revise these on a regular basis.

#### **F. Term Lengths and Renewability**

- 1. Members of the oversight board shall serve terms of 3 years.
- 2. The oversight board will serve staggered terms.
  - a. New members can be onboarded by existing members.
  - b. The work of existing members is not interrupted, as one-third of members will onboard while two-thirds will continue to serve their terms.
- 3. Members whose term will expire can apply to renew their term ~3 months prior to the expiration date.
  - a. Three months gives the board and necessary staff time to plan to fill the vacancy.
- 4. Existing members can apply to renew their term twice, and will be considered for the position.
  - a. Applying will allow the board and necessary staff to evaluate the board member's renewal application.
- 5. To prevent a number of vacancies at a time, members whose terms have expired are welcomed to serve on the board until their replacement is appointed.
  - a. Members shall wait no more than three months until their replacement is found.
  - b. These members shall be given a definite timeline by necessary staff/board members.
- 6. Leave of Absence
  - Leave of absence time shall be granted, if needed, for good cause, including for issues related to physical or mental health.

#### **G. Removal Requirements and Process**

1. The board may request that the City Council remove a board member for good cause.<sup>328</sup>
  - a. Good cause for removal includes:
    - i. Unexcused absences<sup>329</sup>
    - ii. Excessive excused absences. Excused absences include unforeseen events, health reasons, being out of town, or missed meetings due to conflicts of interest
    - iii. Major, undisclosed conflicts of interest
    - iv. Loss of eligibility: No longer meeting any of the requirements such as live, work, play, attend school, or worship in the City of Portland (as outlined in section C1).
    - v. Unmet minimum participation, or workload requirement
    - vi. Breach of confidentiality<sup>330</sup>
    - vii. Inactivity in board activities including subcommittee work or hearing, appeals, misconduct, or due process panel participation
    - viii. Failure to proactively engage in mandatory training within 6 months of appointment<sup>331</sup>
    - ix. Misconduct such as harassment, discrimination, and retaliation<sup>332</sup>
  - b. Other reasons for removal could include resignation, death, or incapacitation.
2. The Bureau of Human Resources shall investigate allegations of misconduct regarding board members, and communicate their findings to the oversight board. The Bureau of Human Resources may remove a member following their investigation and finding of misconduct.
3. Removal of a board member prior to the end of their term requires a vote of City Council or a decision of the Bureau of Human Resources.
4. A board member seeking public office shall resign their seat at the time they announce their candidacy or file their petitions, whichever happens first.<sup>333</sup> The individual can choose to apply for the board if they no longer run for office or end their terms in elected office.

## H. Internal Processes, including Quorum

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<sup>328</sup> [Portland City Charter §2-1002](#).

<sup>329</sup> Adapted San Diego Commission on Police Practices, [City of San Diego Municipal Code, Art. 6, §26.1106\(c\)](#), as well as [Portland City Code §3.20.140 C1a\(1\)\(c\)](#).

<sup>330</sup> Adapted from [Portland City Code §3.20.140 C1a\(1\)\(c\)](#).

<sup>331</sup> Adapted from [Portland City Code §3.20.140 C1a\(1\)\(c\)](#) and [County of San Diego Citizens' Law Enforcement Review Board Rules and Regulations §3.6](#)

<sup>332</sup> Adapted from [City of Portland HRAR 2.02](#).

<sup>333</sup> From the City of Rochester Police Accountability Board, [Rochester City Charter Art. XVIII §18-4 L](#).

1. The oversight board is empowered to write its own Bylaws covering its internal processes not addressed in law.
2. When making decisions about procedures, protocols, or other decisions affecting the full board, quorum shall be defined as a majority of seated members of the board.
3. For adoption of bylaws and other significant matters (including proposed removal of members), the quorum shall be two-thirds of the seated members of the board.<sup>334</sup>
4. Individual sub-committees of the board shall have a defined number of members, with quorum defined as a majority of said subcommittee members.
5. Quorum for panels of the board shall be a majority of the members of the panel.

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<sup>334</sup> Adapted from: County of [San Diego Citizens' Law Enforcement Review Board Rules and Regulations §3.7\(d\)](#); [City of San Diego Commission on Police Practices Interim Bylaws, Art. V, §5](#); [Portland City Code §3.21.080 A](#).



## Appendix E10: PAC Areas of Agreement on Oversight Staff

### **City of Portland Police Accountability Commission Areas of Agreement on Oversight Staff**

The Police Accountability Commission is tasked with developing the functions of the new police accountability system in Portland, including the new community police oversight board.<sup>335</sup> As part of ensuring the oversight board is able to complete its duties, the commission was tasked with defining the role of the Director and staff, budget, and position within the City.

The Police Accountability Commission has developed the following Areas of Agreement on Oversight Staff. These agreements are not formal recommendations of the Police Accountability Commission, but will be built upon by the commission to create City Code recommendations for Council.

#### **A. Bureau Director**

##### **A1. Qualifications / hiring process**

A1a. The Board shall hire a Director [who] shall be appointed by, and serve at the will and pleasure of, the Board.<sup>336</sup>

A1b. Hiring process<sup>337</sup>

A1b1. Selection of the Director shall be done through a “community process led by the oversight board.”<sup>338</sup>

A1b2. The Board shall select the Director, in accordance with the City's human resource policies and rules and any other applicable laws, by the following process:

A1b2i. A subset of the Board (“Hiring committee,” which could be made up of Board leadership and/or others) shall work with the Director of the Bureau of Human Resources (BHR) or designee to create a job posting that comports with the necessary and desired qualifications for a Director;

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<sup>335</sup> [Portland City Council Resolution 37548, Ex. A](#)

<sup>336</sup> [Portland City Charter §2-1005](#).

<sup>337</sup> Adapted from [Portland City Code §3.21.040](#).

<sup>338</sup> From Denver Citizen Oversight Board, [Denver City Charter, Art. XVIII, §2-371](#).

A1b2ii. The Hiring committee shall work with selected community members to assess minimum qualifications by screening applications and resumes, and the committee shall select at least three candidates best qualified to interview;<sup>339</sup>

A1b2iii. The full Board shall interview the candidates and the top scoring candidate will be moved forward;

A1b2iv. At that meeting or the next appropriate meeting, the full Board shall vote whether to hire the top scoring candidate.

A1b2v. If the top candidate is not appointed, then the Hiring Committee shall present the next top scoring candidate to the Board for consideration and a vote. The selection process shall continue as stated until the Board votes to appoint a candidate as the Director; this shall include reopening the recruitment process if none of the interviewed candidates are appointed.

## **A2. Authority / Duties**

A2a. The Director shall manage the professional administrative staff and professional investigators, and make operational and administrative decisions.<sup>340</sup>

A2a1. The Director may appoint other personnel necessary to carry out the duties of the oversight bureau, keeping within the adopted budget.<sup>341</sup>

A2a2. The Director may delegate any or all appropriate duties or responsibilities to a designee.<sup>342</sup>

A2a3. The Director or designee shall conduct outreach to create a pipeline of employees for the Board by engaging people in impacted communities.

A2b. The Director shall ensure that a qualified staff person goes directly to the scene of officer deadly force incidents and other incidents which may involve police misconduct needing immediate attention.<sup>343</sup>

A2c. The Director shall adopt, make public, amend, and rescind rules and procedures required for the discharge of duties, including policies and procedures for receiving and processing

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<sup>339</sup> From Denver Citizen Oversight Board, [Denver City Charter, Art. XVIII, §2-371](#).

<sup>340</sup> [Portland City Charter §2-1005](#)

<sup>341</sup> From [Portland City Code §3.21.050](#)

<sup>342</sup> From [Portland City Code §3.21.050](#)

<sup>343</sup> Adapted from "Civilian Staff Involvement" in [Police Accountability Commission Barriers to Police Accountability, and Best Practices, in Portland](#).

complaints, conducting investigations, and reporting findings, conclusions and recommendations.<sup>344</sup> All such policies shall be sent to the Board for review and feedback before adoption.<sup>345</sup>

A2c1. The Director may provide input to the Board when the Board is writing its Bylaws, but the Board is not required to get approval from the Director.

### **A3. Performance reviews of the Director and other staff including removal**

A3a. The Board shall conduct annual performance reviews<sup>346</sup> and manage the Director.<sup>347</sup>

A3a1. The Board shall participate in performance reviews for the auditor/monitor/inspector-general and legal counsel, and may also participate in other reviews.

A3b. The Director shall serve at will and may be removed from office by a supermajority of the board.<sup>348</sup> The decision of whether to remove the Director shall be at the Board's sole discretion and may be made for any reason.

### **A4. Qualifications**

A4a. The Director shall be a person who is well-equipped to analyze problems of administration, and public policy, and shall have a working knowledge in criminal justice sufficient for the powers and duties of the office.<sup>349</sup> Experience and knowledge should also include working with communities impacted by police misconduct.

## **B. Staff Structure, qualifications, duties, and Board involvement in hiring**

### **B1. Restrictions on Hiring**

To maintain independence between the Board and the police, the Board shall not hire current

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<sup>344</sup> These would most likely be Administrative Rules issued by Bureau.

<sup>345</sup> From [Portland City Code §3.21.070 K](#) and [§3.21.080 A](#).

<sup>346</sup> Also found in the [City of San Diego Commission on Police Practices Bylaws Art. VII §1, County of San Diego Citizens' Law Enforcement Review Board Rules and Regulations §3.9](#)

<sup>347</sup> From San Diego County.

<sup>348</sup> [Portland City Charter §2-1005](#)

<sup>349</sup> Adapted from [Portland City Code 3.21.040 B](#).

and former police officers as staff.<sup>350</sup>

## **B2. Auditor, Monitor, or Inspector-General with full access to Bureau records, training, and staff**

B2a. The Director shall hire an auditor/monitor/inspector-general, who will be in charge of auditing records and other aspects of the accountability system.<sup>351</sup>

B2b. Audits conducted by staff will include police practices, policies, training, and directives, including regular audits of police communications with the public (news releases, social media, etc.).

## **B3. Attorney(s) with local, state, and federal specializations**

The Director shall hire legal counsel to provide legal advice for the Board and staff separate from the City Attorney's office.<sup>352</sup>

## **B4. Other positions recommended for the Board Staff**

B4a. Professional staff of the Board, other than the Director, shall be appointed by and serve under the direction of the Director.<sup>353</sup>

B4b. The Director shall hire part or full time staff members focusing exclusively or in combination on:

B4b-i. Policy work: Note that New York's policy unit does data analysis, includes lawyers, and makes monthly, semi-annual and annual reports.

B4b-ii. Mediation,<sup>354</sup>

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<sup>350</sup> Adapted from the following: [District of Columbia Official Code §5-1106](#), [San Francisco City Charter §4.136](#), [Metro Nashville Community Oversight Board Bylaws, Art 9](#), and [Denver City Ordinance Art XVIII §2-371\(6\)](#)

<sup>351</sup> Proposed in [Police Accountability Commission Agenda and Scope §4](#), see also: [Oakland City Council Resolution 88237 §e1](#) and [Seattle City Ordinance 125315](#).

<sup>352</sup> [Police Accountability Commission Areas of Agreement on Best Practices, and Practices to Avoid, from Other Jurisdictions §F4](#), see also: [Denver City Charter §12.1.1](#), [Oakland City Council Res. 88237 §604\(b\)12](#), County of San Diego [Citizens' Law Enforcement Review Board Rules and Regulations §3-3.9](#), City of San Diego [Commission on Police Practices Interim Bylaws Art VII §2](#), and [Portland City Code §3.21.070 \(P\)](#).

<sup>353</sup> [Portland City Charter §2-1005](#)

<sup>354</sup> From [San Francisco Department of Police Accountability](#) and New York City Civilian Complaint Review Board Title 38-A Subchapter F §1-47.

B4b-iii. Investigation,

B4b-iv. Hearings support.

B4b-v. Records.<sup>355</sup>

B4b-vi. Outreach/Community Engagement.<sup>356</sup>

B4b-vii. Intra-governmental affairs.<sup>357</sup>

B4b-viii. Data analysis:<sup>358</sup> to include demographics and disparities.<sup>359</sup>

B4b-ix. Equity and Inclusion.<sup>360</sup>

B4b-x. Public affairs/communications<sup>361</sup>

B4b-xi. Personnel<sup>362</sup>

B4b-xii. Administrative Staff.<sup>363</sup>

B4c. Hiring of the following staff positions shall involve the Board members:

B4c-i Auditor/monitor/inspector-general.<sup>364</sup>

B4c-ii Legal counsel

B4d. The oversight system may reach outside city structures to complete its work.

B4d-i The Board or staff may consider working with law school faculty and/or students or other

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<sup>355</sup> From [San Francisco Department of Police Accountability](#).

<sup>356</sup> From [San Francisco Department of Police Accountability](#) and [New York Civilian Complaint Review Board](#).

<sup>357</sup> From [New York City Civilian Complaint Review Board](#).

<sup>358</sup> From [New York City Civilian Complaint Review Board](#).

<sup>359</sup> Based on [New York City Civilian Complaint Review Board Racial Profiling & Bias-Based Policing Investigations Unit](#).

<sup>360</sup> Suggested by San Diego City staff.

<sup>361</sup> From [Police Accountability Commission Public Meeting](#) (March, 13, 2023)

<sup>362</sup> Suggested by San Diego City staff.

<sup>363</sup> [Portland City Charter §2-1005](#).

<sup>364</sup> Adapted From: [Oakland City Council Resolution 88237 §e6](#); In Oakland, the board hires the Inspector General

community resources.<sup>365</sup>

**B4e. Advocates:**

B4e1. The Board shall hire advocates to help complainants navigate their complaints.

B4e2. All advocates shall be trained both on culturally sensitive / competent support for complainants, AND on sexual assault / survivorship for community members, so that even if someone from the relevant group isn't available when a person calls in everyone can provide support.

B4e2i. The structure may involve paid staff with the above skills, mixed with volunteers. Complainants can call in and ask for culturally competent / sensitive intake.<sup>366</sup>

B4e3. Advocates are required to receive continuing education.

B4e4. Advocates will assist the staff in delivering community education about the complaint process.

**B4f. Investigators:**

The Board shall hire an appropriate number of investigators to conduct intake investigations, full investigations and follow-up investigations as necessary. Workload shall be distributed to ensure timely investigations of all complaints.

**B4g. Mediators**

The Board shall arrange for paid professional mediators on an on-call, part-time or full-time basis.

**B4h. Administrative Staff:**

B4h1. The Director shall hire administrative staff as necessary for the Board's functioning, including to assist Board members.<sup>367</sup>

**B5. Staff Training**

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<sup>365</sup> From [Albany, NY Community Police Review Board](#) where the Government Law Center at Albany Law School provide support.

<sup>366</sup> Based on [Lines for Life](#).

<sup>367</sup> Adapted from [Portland City Charter §Charter 2-1005](#).

B5a. Staff shall be trained on issues specific to their roles, such as:

B5a-i. PPB and Board policies and directives,

B5a-ii. Interviewing,

B5a-iii. Evidence,

B5a-iv. PPB patrol training and tactics,

B5a-v. PPB and Board operations,

B5a-vi. Legal issues including stops, frisks, and searches.<sup>368</sup>

B5a-vii. Trauma-informed service delivery, focused on interviewing and other community interactions.

B5a-viii. Cultural competency, anti-racism, anti-bias, and collaborative decision-making.

B5b. As a general matter, staff shall not seek administrative and legal guidance from the Police Bureau, unless necessary to perform their duties.<sup>369</sup>

B5c. As a general matter, staff shall not be trained alongside administrative investigators at the Police Bureau, unless necessary to perform their duties.

## **B6. Staff qualifications**

B6a. There may be a minimum number of years of experience required for positions such as investigators; it is not appropriate for that number to be more than five years.<sup>370</sup>

B6b. The oversight bureau should include as a preference in staff recruitment that candidates have experience working with community.<sup>371</sup>

B6b-i. Other preferred background qualifications include candidates with public defense or civil rights backgrounds, investigative, policy, and/or management skills.<sup>372</sup> Investigative background can include Child Services, personnel, safety, housing, medical and insurance

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<sup>368</sup> Each of these six items from New York.

<sup>369</sup> Adapted from New York.

<sup>370</sup> Adapted from New York.

<sup>371</sup> Suggested by Oakland oversight staff.

<sup>372</sup> Suggested by Oakland oversight staff.

investigations, and other non-police agencies.

B6b-ii. Staff should also be versed in contemporary legal topics related to policing such as Critical Race Theory.

## **B7. Staff duties**

B7a. Staff shall review all misconduct investigations to ensure they are complete before they are sent to the Board to make findings and determine discipline.<sup>373</sup>

B7b. Staff and community engagement

B7b-i. The oversight board shall conduct public education on the role of the oversight system and community members' rights,<sup>374</sup> keeping the community informed of activities, how to file complaints and seek recourse in case of retaliation, and receive input.<sup>375</sup>

B7b-ii. A participatory public process is the goal, not a check-box. The public's input needs to be integrated into the Board's outcomes. Where appropriate, oversight staff shall train trainers who can go into specific communities and train in ways that work for those groups, in addition to the Board training the public at large directly.

B7b-iii. Staff shall set up community engagement events which may involve the Board members when available.

B7b-iv. The outreach shall be conducted in ways that are accessible in terms of language, abilities, and other considerations.

B7b-v. Communities to engage should include youth and community partners,<sup>376</sup> immigrant communities including people of undocumented status, people with mental illness, and others negatively affected by policing.

B7b-vi. Outreach locations should include but not be limited to schools, libraries, community organizations, neighborhood meetings, and organizations serving the houseless population.<sup>377</sup>

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<sup>373</sup> Adapted from [Seattle City Ordinance 125315 §3.29.260](#) where this is the job of the Inspector General.

<sup>374</sup> Constitutional rights trainings are done in [New York](#) and [San Francisco](#).

<sup>375</sup> From [City of San Diego Commission on Police Practices Interim Bylaws §4](#).

<sup>376</sup> From Washington, DC [Office of Police Complaints, Community Outreach](#)

<sup>377</sup> Adapted from [New York Civilian Complaint Review Board](#), which includes "housing authority"



B7b-vii. Community engagement includes discussions on how to improve police practices and policy which include soliciting community input.<sup>378</sup> Policy discussion should also include local, state, and federal laws which are not necessarily police bureau policies.

B7b-viii. The oversight system shall conduct education on their activities for law enforcement personnel and bargaining unit representatives.<sup>379</sup>

B7c. Alone or in cooperation with other city agencies/bureaus, Board staff will also audit police surveillance and other technologies.

B7d. Relevant data from audits will be posted online including on online dashboards.

B7e. Staff shall train new Board members on bylaws and basic information and expectations using an organized curriculum. Continuing Board members will train the new members on other areas and mentor them as they get up to speed.

B7f. Appropriate investigative staff shall be available on-call to go directly to the scene of officer deadly force incidents and other incidents which may involve police misconduct needing immediate attention.<sup>380</sup>

## **B8. Supportive Services for Staffers:**

B8a. Because police misconduct investigations are taxing emotionally and mentally, staff will be provided with mental health services.

## **C. Position and other logistics within the City**

### **C1. Budget**

C1a. The oversight body shall have a publicly disclosed budget. As per Charter 2-1004, “funding for the Board shall be proportional to be no less than 5 percent of the Police Bureau’s Annual Operational Budget.”

C1b. The board will have discussions in public about how to allocate its budget, and, at its discretion, may appoint an independent budget advisory committee from the community.

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<sup>378</sup> From [Chicago Civilian Office of Police Accountability](#)

<sup>379</sup> From Washington, DC.

<sup>380</sup> Adapted from current IPR powers as noted in [Police Accountability Commission Areas of Agreement on Barriers to Police Accountability, and Best Practices, in the Current System in Portland](#) (2022).

C1c. After evaluation of the budget, the oversight board/staff shall be able to request a larger budget allocation as part of the annual budget process.

C1c. The Director shall comply with the City's purchasing procedures but shall have sole discretion in choosing staff persons, contractors and other employees and making other decisions about expenses.<sup>381</sup> The Board may require that the Director make certain hiring/purchasing decisions only with the Board's approval.

## **C2. Office Location**

C2a. The physical office of the Board shall be located outside of a Portland Police Bureau facility.<sup>382</sup>

C2b. The office shall not be in the same building as the Mayor, City Council, Portland police bureau employees, and any other agency that has a law enforcement or public safety component as part of its function.

C2c. The office shall not be in a space where security is provided by law enforcement.

C2d. The office shall be in a location convenient for the public, including accessibility to public transit.<sup>383</sup>

C2d. The offices may be located in a private office space.

## **C3. Where in the city's organizational chart is the Board housed?**

C3a. The Board will be a standalone Bureau similar to Prosper Portland. It will not be housed in any other Bureau.<sup>384</sup>

## **C4. Suggested hours of operation**

C4a. The Board's offices shall be open to accept complaints for longer hours than M-F 9 AM-5 PM, including early mornings, weekend times, and evenings.<sup>385</sup>

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<sup>381</sup> Adapted from [Portland City Code §3.21.060 B](#).

<sup>382</sup> [Portland City Charter §2-1006](#).

<sup>383</sup> [Portland City Code §3.21.060 A](#)

<sup>384</sup> Independent Police Review is also a standalone bureau (since July 2022). It will not exist after the new oversight board is fully functional.

<sup>385</sup> Most City offices, including most of the City's current accountability system, operate between 8 AM-5 PM. For complainants with less flexible schedules, who often are lower- and middle-income individuals, this is a direct barrier to participation as well as to receiving information and

C4b. The Staff's working hours may be staggered to avoid overlong days but accommodate hours both for complaint intake and potential evening/weekend meetings of the Board.

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updates. (from Barriers and best practices document, not needed as footnote, just here as a reference?) Expanded from New York/San Francisco-- from Officer Accountability areas of agreement.

## Appendix E11: PAC Areas of Agreement on Reporting and Transparency

### City of Portland

#### Police Accountability Commission Areas of Agreement on Reporting and Transparency

City Charter requires that:

“The Board shall make provisions for regular and open meetings, public transparency and reporting on the Board’s activities.”<sup>386</sup>

In the context of public bodies, transparency is about “the public’s right to know the public’s business.”<sup>387</sup>

The Police Accountability Commission understands & uplifts the importance of transparency. Transparency builds trust between the agencies and the community. Transparency allows for the community to be engaged and support the work and evolution of the agencies. Transparency ensures that police, the state, and governing bodies are held accountable and actionable to the community’s standards. Transparency invites all to participate and have access to the work and issues at hand.

The Police Accountability Commission identified several barriers to police accountability in Portland in 2022, including that “there is a current perception by both community members and law enforcement that the accountability system is opaque, unfair, and unjust.”<sup>388</sup>

In the current system, “by design, the lack of transparency bleeds into the inability to monitor for effectiveness, improvement, or challenges. The data that are available are limited and do not summarize the impact made to accountability.”

The PAC also considered the National Association for Civilian Oversight of Law Enforcement’s observation that “state laws already afford extraordinary protections to law enforcement officers and conceal extensive information regarding their work from the public,” and NACOLE’s

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<sup>386</sup> [Portland City Charter §2-1007](#)

<sup>387</sup> Firebaugh, E.L. (2008, January 23). Performance Review of the Independent Police Review Division. (p. 75). Retrieved from: <https://www.portlandoregon.gov/ipr/article/245276>

<sup>388</sup> [Police Accountability Commission Areas of Agreement on Barriers to Police Accountability, and Best Practices, in Portland #8.](#)

recommendation for oversight independence, including that “oversight [bodies] should not keep secrets for law enforcement.”<sup>389</sup>

The City Council mandated that the Police Accountability Commission define, in its organizational details:

“7. Transparency of the process: when will reports come back to Council, how will they be made, and what will they contain, will reports be made public, when will meetings be open to the public, and what information about individual investigations will be available to the public.”<sup>390</sup>

The Commission’s recommendations, if implemented, will improve upon the current system by ensuring transparency in meetings, public ability to give input before decisions are made, regular reporting, access for the public to information about policing and police accountability (including raw data), and confidentiality where necessary for safety.

#### **A. Transparency in Meetings and Hearings**

All meetings of the oversight board shall be open to the public, except when otherwise required. Meetings and hearings of the Oversight Board shall be subject to the Oregon Public Meetings Law, ORS 192.610 through 192.710.<sup>391</sup> Proper notice, agendas, meeting summaries, and meeting materials will be made available to the public in a timely way.

##### **A1. Public Participation in Meetings**

As stated above, the full oversight board will hold regular public meetings and offer time for community input, including through public comment, testimony or other means. Special meetings of the full oversight board or sub-committees may also be held. Consistent with relevant laws and the rules of the Board, hearings and meetings will be open to the public.<sup>392</sup> Public comment will be allowed, at minimum, before key decisions are made.

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<sup>389</sup> National Association for Civilian Oversight of Law Enforcement, “Community Oversight Paves the Road to Police Accountability.” Retrieved from: [https://www.nacole.org/community\\_oversight\\_paves\\_the\\_road\\_to\\_police\\_accountability; Police Accountability Commission Areas of Agreement on Barriers to Police Accountability and Best Practices in the Current System in Portland, 2022](https://www.nacole.org/community_oversight_paves_the_road_to_police_accountability;Police_Accountability_Commission_Areas_of_Agreement_on_Barriers_to_Police_Accountability_and_Best_Practices_in_the_Current_System_in_Portland,2022)

<sup>390</sup> [Portland City Council Resolution 37548, Ex. A](#)

<sup>391</sup> Modified from [Portland City Code §3.21.090 A 1](#)

<sup>392</sup> Adapted from [Police Accountability Commission Areas of Agreement on Barriers to Police Accountability, and Best Practices, in Portland](#)

## **A2. Oversight Board Support for Policing and Accountability Transparency**

The Oversight Board will meet regularly with the staff Director, including during public meetings. The Oversight Board will regularly host the Chief of Police, Mayor, and other relevant officials at its public meetings.<sup>393</sup>

The agency Director will provide written updates at each full Oversight Board meeting with information on the status of agency investigations and of those conducted by the police bureau, if any, and other relevant updates about the Board and staff.

### **B. Reporting to the Public and City Council**

#### **B1. Regular Reporting to City Council**

The oversight board and agency will publish a written annual report with Executive Summary by a consistent date each year. The report will be presented at a public oversight board meeting with public comment and questions encouraged. Annual reports will also be presented at a public City Council session with oral testimony accepted.

The oversight board may also issue quarterly reports.

The Board shall hire a qualified staff member, a team, or independent expert(s) to review closed investigations on an ongoing basis pertaining to officer-involved shootings, deaths in custody, and uses of deadly force that do not result in death.<sup>394</sup>

The completed reviews shall be described in periodic reports available to the public and include case and investigative summaries, policy implications, recommendations for improvements in police and Oversight Board policies or practices.<sup>395</sup>

These deadly force reports will be presented to the public and City Council. Contemporaneous public testimony, including oral testimony, will be accepted at City Council sessions.

#### **B2. Annual Report Required Contents**

##### Overview

- Overview of the accountability system

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<sup>393</sup> Adapted from [Police Accountability Commission Areas of Agreement on Best Practices, and Practices to Avoid, from Other Jurisdictions](#), G4.

<sup>394</sup> Adapted from [Police Accountability Commission Areas of Agreement on Structural Oversight](#), G1.

<sup>395</sup> From [Police Accountability Commission Areas of Agreement on Structural Oversight](#), G1.

- Vision, mission, and values
- Message from Board leadership or officers
- Message from executive director

#### About the Oversight Board and Agency

- Information and resources about oversight board
- Duties and powers of oversight board
- Processes, procedures, and definitions relevant to the agency's work, such as how complaints are processed and adjudicated
- Stages of complaint handling
- Member biographies
- Agency staff
- Training and Professional Development
- Organizational structure
- Board activities
- Summary of committee work

#### Policy

- Policy recommendations related to policies and practices, collective bargaining agreements, City ordinances, and state law
- The status and outcomes of any previous recommendations
- For any recommendations that have not been implemented, the reasons, with an emphasis on persistent issues not yet addressed by PPB and the City Council
- Analysis of closed cases for policy implications

#### Complaints of Alleged Officer Misconduct

- Complaints by year, quarter, allegations by unit, type
- Employees named in complaints, to the extent allowed by law and policy
- Information regarding uniformed personnel who were the subject of multiple complaints, complainants who filed multiple complaints, and issues that were raised by multiple complaints, to the extent allowed by law and policy;
- The number of named employees who have received two or more sustained complaints within one year, to the extent allowed by law and policy
- Cases, allegations, officer and complainant demographics, disaggregated by geographic area
- Investigations – full, expedited, etc.

- Findings, overturned findings
- Discipline imposed
- The number and percentage of cases that were appealed or otherwise challenged, and the number and percentage of these cases in which findings and/or discipline determinations were changed, and the nature of those changes
- The number and percentage of all complaints handled directly by frontline supervisors, referred for Supervisor Action, Management Action, training, or alternative resolution
- The number of times a Police Bureau employee failed to comply with the agency's request for an interview or for the production of documents, and the number of times a Police Bureau sworn employee failed to comply with a valid subpoena, and whether discipline was imposed for any such non-compliance
- The number, nature, and settlement amount of civil suits against PPB officers regardless of whether the City is a defendant in the litigation<sup>396</sup>
- Timeliness of complaint resolution
- Redacted case summaries
- Board actions by case number, date, and findings
- Trends related to officer history and complaint type as well as frequency, consistency, and adequacy of discipline imposed.
- Overall patterns and trends
- Death cases
- Mediations

#### Outreach / Satisfaction

- Information on outreach efforts including feedback received at community events, engagement with the public and with the Police Bureau
- Complainant satisfaction survey results

### **B3. Raw Data**

Raw data shall be available for download, inspection, and analyses by members of the public. Publishing raw data on a regular basis promotes transparency and public confidence in both the law enforcement and civilian oversight agencies. Raw data shall include complaints, intake decisions, closure reasons, findings, discipline, complainant demographics, and complaint geographies.

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<sup>396</sup> Required in [United States of America v. City of Portland](#) Settlement Agreement.



Data sharing shall adhere to standards that prioritize the protection of Personal Identifiable Information (PII) of the complainant and applicable community members. Raw data available for download shall include an appendix describing data sources, data definitions, and other pertinent contextual information.

The Board will publicly report its findings, conclusions and recommendations coming out of misconduct case hearings.<sup>397</sup>

#### **B4. Dashboards**

Interactive dashboards shall be developed around the oversight data so that it can be visualized in different ways. Dashboards may display case statistics, open, closed statuses, sustained allegations, findings, and discipline. Dashboards shall provide filters to disaggregate data by race, ethnicity, geography, and other important categories to offer a nuanced look at the data. Communication through data dashboards shall prioritize accessibility and usability. When applicable, the Board and/or staff shall provide technical assistance, trainings, or webinars to help understand the data.

The Board may also display policy recommendations in a dashboard.<sup>398</sup>

#### **B5. Accessibility**

Any communications by the Oversight Board shall be written and archived with attention to accessibility and organization. Communication shall prioritize sharing with the public in language that is as clear and simple as possible. While language will be clear and concise, it will not come at the expense of omitting essential details. When appropriate, communication shall follow best practice in inclusive writing which can be referenced in the Office of Equity and Human Rights' writing guide.<sup>399</sup> If necessary, this information may be stored on a website other than the City's website.

Populations most at risk of harm at the hands of police shall be prioritized in communication that is culturally specific, relevant, and easily digestible. These priority populations include (but are not limited to):

- People experiencing mental illness

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<sup>397</sup> Adapted from [Portland City Code §3.21.090 A 5](#).

<sup>398</sup> See also: Seattle dashboard for policy recommendations - <https://www.seattle.gov/community-police-commission/our-work/recommendations-tracker>

<sup>399</sup> <https://www.portland.gov/officeofequity/documents/inclusive-writing-guide-2/download>

- People with disabilities
- Black, Brown, Indigenous and people of color

These accessibility standards also apply to the storage, categorization, and archiving of information on the Oversight Board's website.

## **B6. Confidentiality**

The Director shall protect the confidentiality of Board members, complainants, officers, or witnesses consistent with the requirements of the Oregon Public Records Law, except insofar as disclosures may be necessary to enable the Director to carry out their duties, or to comply with applicable collective bargaining agreements, or the disclosure of records is directed by the District Attorney. Any party can waive their right to confidentiality upon request.

When considering a request for public records, the Director shall consult with appropriate Police Bureau personnel and obtain approval from the Police Bureau prior to disclosure of PPB records as required under the Oregon Public Records Law.

The Board can propose the release of otherwise-confidential information.<sup>400</sup>

## **C. Information Distribution and Community Engagement**

Agency staff and board members will widely distribute complaint forms in languages and formats accessible to the public, provide education on the importance of reporting complaints, and hold public meetings to hear general concerns about police and agency services.

Police Bureau member business cards distributed to community members during police actions/encounters must include oversight agency contact information so that the public will know where to file complaints.

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<sup>400</sup> From [Police Accountability Commission Areas of Agreement on Best Practices, and Practices to Avoid, from Other Jurisdictions](#), J6.

## Appendix E12: PAC Definitions

### **Accountability**

#### **Short Definition**

Accountability is a comprehensive system of checks and balances aimed at ensuring that when law enforcement fails to carry out their duties properly, including when their actions are damaging to other individuals or the community at large, they are held responsible through a fair and transparent process.

#### **When is there accountability?**

Accountability for a harm done to an individual and/or community occurs when:

- The harm that has been done is accurately described and addressed
- The person or entity that has caused the harm takes whatever steps are possible to heal the harm
- The person or entity that has caused the harm takes whatever steps are possible to prevent the harm from reoccurring in the future

#### **Goals of Accountability**

- To actively create and foster an environment where every member of the community is served equitably by the police, and the police work in an environment where misconduct is unacceptable and comes with clear and known consequences
- Ensuring the future safety and healing of the victim and the community by repairing the harm that has been caused, and deterring future harm from being caused;
- Creating an environment where policies which allow for inequitable policing are examined and changed to ensure true community safety

The goal of accountability is not punishment or retribution; accountability requires a fair, transparent, independent, and impartial system that all parties trust.

### **Independent Judgment**

#### **Short Definition**

A demonstrable absence of real or perceived influence from law enforcement, political actors, and other special interests looking to affect the operations of the civilian oversight agency.

When is there independent judgment?

The oversight board will have independent judgment to make internal policy changes, as well as discipline decisions and policy recommendations for PPB, apart from the influence of any person or entity within or without the City of Portland.

This means that the Board shall not be influenced in its decision-making except in an advisory capacity by any other official or entity, including the Police Bureau, the City Attorney's office, the Risk Management Division, the Bureau of Human Resources, and the Portland Police Association.

The non-interference clause means that when the Board makes a decision under the authority of the Charter, other City officials and entities shall enact the will of the Board and refrain from any attempt to thwart the Board's decision. This non-interference clause extends to all people beyond the Board members themselves.

### **Goals of Independent Judgment**

To enact the will of the voters, who approved Charter Section 2-1006: "The Board shall have authority to exercise independent judgment in performing all legally assigned powers and duties. The Mayor, City Council, Auditor, and City departments, bureaus and other administrative agencies shall not interfere in the exercise of the Board's independent judgment."

In order to maintain legitimacy, an agency must be able to demonstrate the extent and impact of its independence from the overseen law enforcement agency — especially in the face of high-profile issues or incidents.

## Appendix E13: PAC Areas of Agreement on Broader System

### **City of Portland Police Accountability Commission Areas of Agreement on Broader System**

The Police Accountability Commission is tasked with developing the new police accountability system in Portland, including the new community police oversight board. As part of ensuring the oversight board and bureau can be effective in completing their duties, the commission was also tasked with determining appropriate involvement between the new system and other parts of City government, as well as relationships with other levels of government. The commission was also tasked with determining how implementation of the new system will impact parts of the current police oversight system in the City, including determining which parts will continue or cease to function, and how.

The PAC's proposed system will be bound by all relevant law and regulations, including at the federal, state, county, and city levels. It will be a part of the City of Portland government, with independent judgment guaranteed in the Charter.

It will also strive to have strong working relationships with many other layers of government as described below. As per the Areas of Agreement on Structural Oversight:

“The Board may officially endorse legislation/policy ideas and shall have the authority to testify in front of relevant government bodies and communicate its policy positions with employees and elected or appointed officials at any level of government.”

The oversight board will make clear in its discussions with any level of government that it is representing its own views, and not serving as a representative of the City government.

#### **A. The Oversight Board and City Government**

##### **A1. General Relationship with other parts of City government**

- A. The oversight board will be a part of City government, subject to all laws, rules, and policies which affect City government generally, including the City Charter, City Code, and administrative rules such as Human Resources policy.
- B. The oversight board will supervise an independent bureau as part of its Charter-mandated “independent judgment,” which includes non-interference in its required

duties and roles from other parts of City government.<sup>401</sup> The Director will be a “Bureau Director” as defined by the Charter.<sup>402</sup>

- C. The board will strive to develop working relationships with other parts of City government to ensure its ability to participate in relevant City processes related to the tasks required of the oversight board by law or regulation. These include the Portland Police Bureau, Mayor, City Council, Bureau of Human Resources, City Attorney’s Office, and Office of Government Relations.<sup>403</sup>
- D. The oversight board shall strive to maintain a working relationship with other parts of the City government, and work with those entities to ensure there is no duplication of names and titles, processes, and terminology. This process shall seek to avoid confusion and create clarity for the community.

## **A2. Impact of Oversight Board implementation on City advisory entities**

- A. Many of the current advisory groups related to police and policing will not be directly impacted by implementation of the oversight board.
- B. The City has already determined that two of the remaining advisory groups related to police and policing, the Police Accountability Commission itself and the Citizen Review Committee, will conclude as part of oversight board implementation.<sup>404</sup>
- C. The oversight board and bureau shall strive to maintain a working relationship with other advisory committees related to police and policing. Representatives from the oversight board and other advisory committees will meet periodically in public to discuss emerging issues and policy concerns they have encountered in the course of their work. If meetings are not practical, at a minimum they will share by email or other means information on those topics among themselves. This information will be reported back to members of the various advisory committees. They may choose to

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<sup>401</sup> [Portland City Charter § 2-1006 Independent Authority](#), See also: [Police Accountability Definitions](#)

<sup>402</sup> [Portland City Charter § 2-1005 Professional Staff of the Board](#), See also: [Police Accountability Commission Areas of Agreement on Oversight Staff § C3a](#)

<sup>403</sup> From [Areas of Agreement on Structural Oversight](#):

“The Office of Government Relations shall consult directly with the Board as part of its development of the City’s legislative agenda, in a manner equivalent to any top-level administrative division of the City government.”

“The Bureau of Human Resources shall reserve, during negotiations with collective bargaining units representing PPB sworn officers and their supervisors, at least two seats for representatives chosen by the Board. The City Attorney shall consult with the Oversight Board during the collective bargaining process and inform the Board as soon as practicable regarding any potential changes to the police contract(s). The Board’s ability to make recommendations shall include proposals for the collective bargaining contracts.”

<sup>404</sup> The CRC will conclude on a schedule to be defined in the PAC-proposed Transition Plan.

create joint study committees to research those issues and develop joint recommendations.

D. Framework for independent and voluntary incorporation

Other advisory groups related to police and policing, whose functions incorporate officer accountability and/or policy recommendations, may independently and voluntarily seek to conclude operations and request that the oversight board assume their duties.

- i. This process would be initiated through mutual consent by the advisory group, the oversight board, and the bureau associated with the advisory group.
- ii. Other details would be developed between the incorporated group, following their voluntary choice to pursue incorporation, and the oversight board.

E. After the oversight board has been implemented, no sooner than two years after the Board has begun taking on complaints from the public (Transition Plan “Post-Transition Phase Day One”) it may undertake a review of all advisory groups related to oversight of police and policing, including communicating directly and transparently with volunteers serving on those groups, and may make recommendations to the Mayor and/or City Council regarding “how the different aspects of the current oversight system will function, or cease to function,” including “how and when to wind down the current oversight systems.”<sup>405</sup>

F. Prior to establishing any new advisory groups related to police or policing, the Mayor and/or City Council shall discuss the proposal with the oversight board and give sufficient time for a response.<sup>406</sup>

### **A3. Impact of Oversight Board implementation on City staff entities**

A. Portland Police Bureau (PPB) Internal Affairs

- i. The oversight board will investigate most complaint types which currently are handled by PPB Internal Affairs.<sup>407</sup>
- ii. The only complaint types which currently go to PPB Internal Affairs that would not go to the oversight board are complaints filed by Bureau employees, about conduct not affecting any community member, where the complainant officer does not choose to have the board investigate.

B. Other parts of the Portland Police Bureau

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<sup>405</sup> [Portland City Council Resolution 37548, Exhibit A, Transition Plan](#)

<sup>406</sup> Portland City Charter, [Ballot Measure 26-228 § 2-103](#), (effective January 1, 2025).

<sup>407</sup> [Police Accountability Commission Areas of Agreement on Officer Accountability, §A6](#)

- i. The oversight board and bureau will strive to maintain a working relationship with the PPB Professional Standards Division, including staff working on the Employee Information System (EIS).

## **B. Relationship with County Government**

### **B1. District Attorney**

- A. The board shall interact as needed to the extent allowable under law with the Multnomah, Clackamas, and Washington County District Attorneys' Offices, including information sharing where appropriate. To ensure officers' constitutional rights, in no case shall compelled testimony from officers be transferred to DAs' offices.
- B. In the rare event that the Board or staff issue a subpoena which needs to be enforced, the board shall apply to the appropriate County authority for the enforcement of a subpoena or to impose the penalties for failure to obey a subpoena or order.<sup>408,409</sup>
- C. The oversight board and bureau shall exchange information with the District Attorneys' Offices, including seeking access to court records and case information pertinent to complaints under investigation.
- D. The oversight board, through legal counsel shall work with the District Attorneys' Offices to determine appropriate disclosure of public records, and protection of confidential information, including through clarifying or appealing to the DAs' offices.

### **B2. Exchange of Information With / About Other Law Enforcement Agencies**

The oversight board and bureau shall strive to maintain a working relationship, to the extent it benefits the board's mission, with Multnomah, Clackamas, and Washington Counties' Sheriff's Offices, (county-run) jails, and with oversight groups for these entities.

### **B3. Other County Relationships**

- A. The oversight board and bureau shall exchange information pertinent to complaints under investigation with the counties' Medical Examiners' Offices.
- B. The oversight board and bureau may seek membership for a representative in Multnomah County's Local Public Safety Coordinating Council (LPSCC), to assist with

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<sup>408</sup> [Portland City Charter § 2-1007\(a\) Powers of the Board](#)

<sup>409</sup> [Police Accountability Commission Areas of Agreement on Officer Accountability, §B2N](#)



developing working relationships and exchanging information in pursuit of oversight goals and responsibilities.

## **C. Relationship with State Government**

### **C1. Obligation to Follow State Law**

The oversight board is obligated to follow all applicable state laws and rules, including the Oregon Constitution (and protecting the rights of all parties under the state constitution), collective bargaining agreements (as per the Public Employees Collective Bargaining Act), public records and public meetings law, and as of July 1, 2025, statewide discipline guides.<sup>410</sup>

### **C2. Exchange of Information With / About Other Law Enforcement Agencies**

- A. The oversight board and bureau shall strive to maintain a working relationship, to the extent it benefits the board's mission, with the Oregon State Police (OSP), including the State Medical Examiners Office, as well as the Department of Corrections (DOC), (state-run) jails, prisons, and detention centers, and with oversight groups for these entities.
- B. The oversight board and bureau shall also strive to maintain a working relationship with the Department of Public Safety Standards and Training (DPSST), including sharing information about cases in which officers were found to have committed misconduct and cases in which a finding of "training failure" was reached.<sup>411</sup> This relationship shall benefit the community by promoting improvement in training and performance of officers.

### **C3. Employment Relations Board**

The oversight board and bureau shall strive to maintain a working relationship, to the extent it benefits the board's mission, with the state Employment Relations Board (ERB), to understand arbitration and its role in the process of addressing allegations of officer misconduct.

### **C4. Support of state court consideration of cases involving officers or incidents subject to complaint**

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<sup>410</sup> The City of Portland's current discipline guide was bargained with the Portland Police Association.

The state determined that statewide discipline guides created by the LESC would take effect after the expiration of current bargained discipline guides in each jurisdiction that had bargained one. Portland's collective bargaining agreement with the PPA expires on June 30, 2025.

<sup>411</sup> [Police Accountability Commission Areas of Agreement on Officer Accountability, § C1\(B\)\(i\) and C1\(C\)\(ii\).](#)

The board shall interact as needed to the extent allowable under law with State courts and prosecutors, including information sharing where appropriate. To ensure officers' constitutional rights, in no case shall compelled testimony from officers be transferred by the oversight board.

## **D. Relationship with Federal Government**

### **D1. Obligation to Follow Federal Law**

The oversight board and bureau are obligated to follow all federal laws, including the United States Constitution (and protecting the rights of all parties under the US Constitution), and the *USDOJ v. City of Portland* Settlement Agreement, including any amendments. Implementation of the oversight board is obligated to follow the Settlement Agreement, Paragraph 195.

### **D2. Exchange of Information With / About Other Law Enforcement Agencies**

The oversight board and bureau shall strive to maintain a working relationship, to the extent it benefits the board's mission, with federal law enforcement agencies, including the US Marshals or any (federal-run) jails, prisons, and detention centers, and with oversight groups for these entities,

### **D3. Support of federal court consideration of cases involving officers or incidents subject to complaint**

The board shall interact as needed to the extent allowable under law with federal courts and prosecutors, including information sharing where appropriate. To ensure officers' constitutional rights, in no case shall compelled testimony from officers be transferred by the oversight board.

## **E. Relationship with other municipalities and governments**

For those agencies not addressed in other sections of this plan, the oversight board and bureau shall also strive to maintain a working relationship with law enforcement entities outside of Portland, including but not limited to those municipalities whose law enforcement officers may interact with community members in Portland, TriMet police, and private security agencies serving in public spaces while acting in an official or unofficial law enforcement capacity.

## **F. Relationship with Other Oversight Entities**

The oversight board should seek to be a model for other jurisdictions that review and adapt their own oversight systems.

The oversight board and bureau shall also strive to maintain a working relationship with oversight entities outside of Portland, to exchange information, best practices, and solutions to barriers faced by entities working on law enforcement oversight.

The oversight board and bureau shall strive to maintain a working relationship with regional, national, and international groups focused on law enforcement oversight, to have access to trainings and conferences that can help the oversight board perform its duties more effectively.<sup>412</sup>

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<sup>412</sup> [Police Accountability Commission Areas of Agreement on Board Membership, §D2\(A\)\(iii\)](#)

## Appendix E14: PAC Areas of Agreement on Board and Bureau Name

### **City of Portland Police Accountability Commission Areas of Agreement on Board and Bureau Name**

#### **Name of the community police oversight board**

The City of Portland Charter (Section 2-10) authorizes and creates a community police oversight board, and notes that the name of the Board will be established in City Code.<sup>413</sup>

The name of the oversight board created under Charter 2-10 is the **Community Board for Police Accountability (CBPA)**.

#### **Name of the bureau**

The City of Portland Charter (Section 2-10) authorizes and creates a staff reporting to the community police oversight board, headed by a Director who is a Bureau Director. The Director and all other staff shall comprise a City Bureau.<sup>414</sup>

The name of the oversight bureau reporting to the Director authorized under Charter 2-10, is the **Office of Community-based Police Accountability (OCPA)**.

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<sup>413</sup> [Portland City Charter §2-1001](#).

<sup>414</sup> [Portland City Charter §2-1005](#).

**City of Portland**

**Police Accountability Commission**

**Transition Plan**

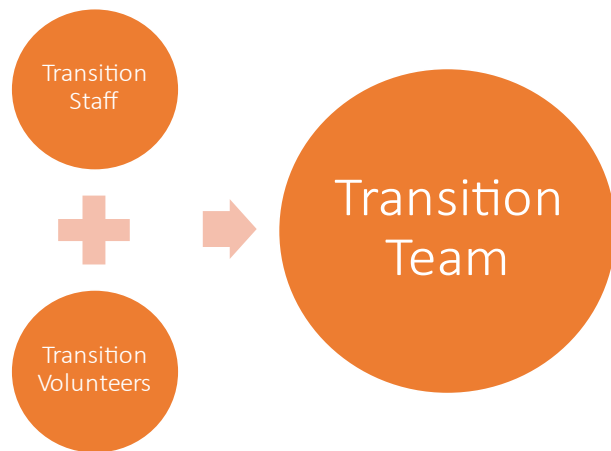
**A. Definitions and Overview of Timeline**

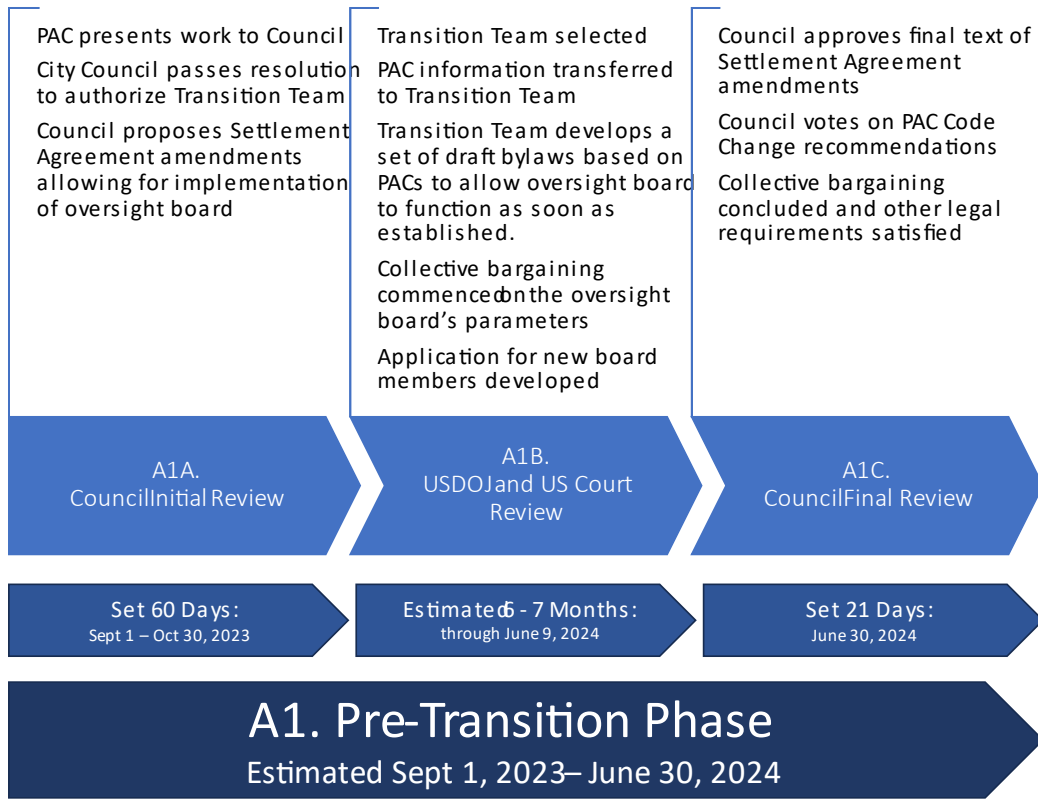
# Transition Team

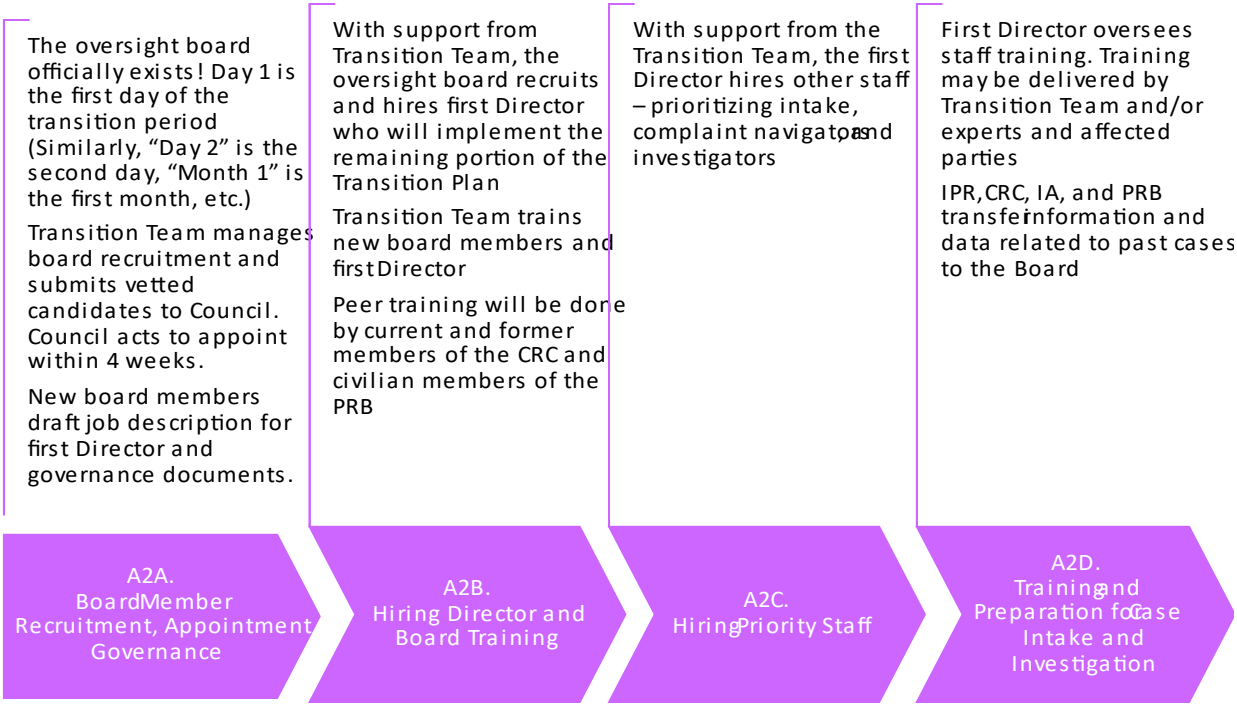
**Transition Team** – the collective term for transition staff and transition volunteers.

- **Transition Volunteers** – Up to twelve volunteers working on setting up the Oversight Board prior to the appointment and training of the initial 33 board members

- **Transition Staff** – At least three paid City of Portland employees, led by a transition manager, working on setting up the oversight board and bureau prior to the hiring and training of its first Director

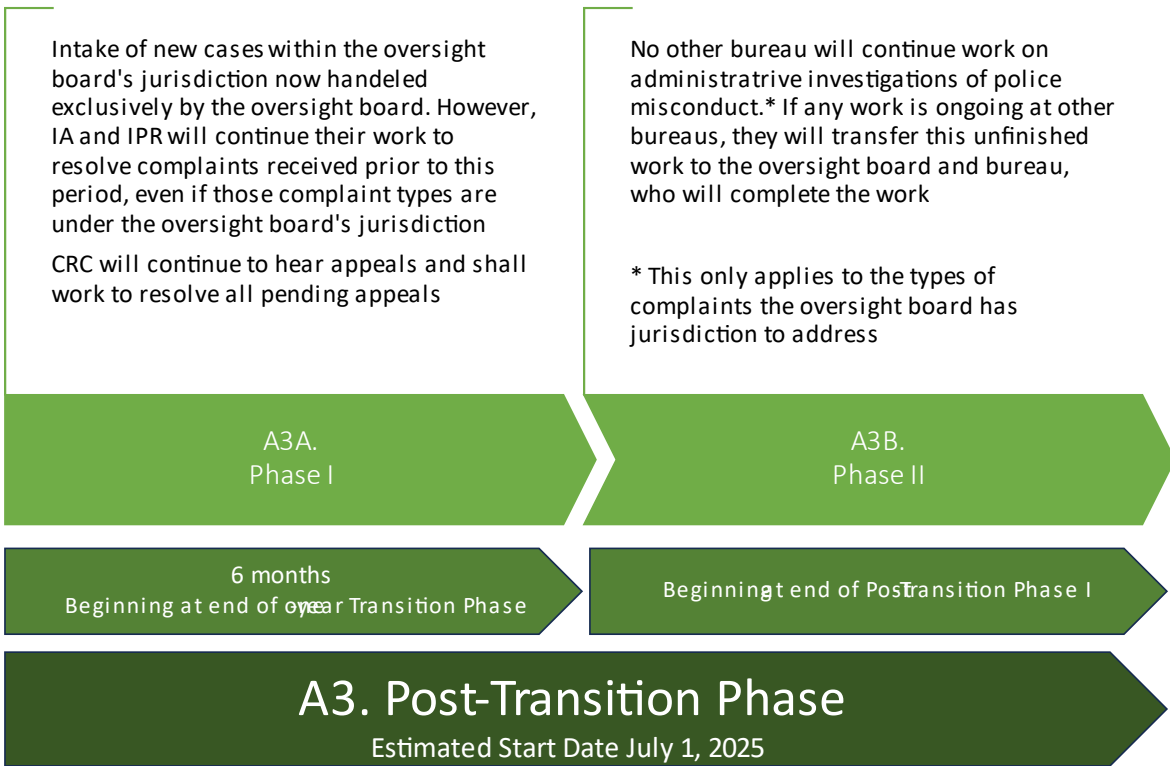






## A2. Transition Phase

Set 1 - Year Maximum; Estimated Start Date July 1, 2024



## B. Transition Team and Budget Access

### B1. General

- A. The initial implementation of the Transition Plan will be managed by a Transition Team that includes staff and volunteers.
- B. The Transition Team shall assist in initial Oversight Board staff and member training and initial organizational tasks. The Transition Team shall, as outlined below, coordinate City Council appointment of the initial 33 Oversight Board members and alternates, so that appointments may be made promptly upon creation of the Oversight Board.
- C. Many of the necessary tasks for board implementation can begin prior to the beginning of the Transition period. These tasks may include:
  - i. Developing internal City capacity for the recruitment process, drafting board application, ensuring legal compliance
  - ii. Coordination among bureaus



- iii. Creating necessary City infrastructure for future board members (having IT permissions, protocols, and files in place)
- D. The Transition Team shall be selected during the second part of the Pre-Transition phase defined in Section A1B.
- E. The City Attorney's Office shall ensure that member(s) of the Transition Team are present for any mediation with the US Department of Justice related to the implementation of the Oversight Board. The Bureau of Human Resources shall ensure that member(s) of the Transition Team are present for any negotiation and mediation with collective bargaining units related to the implementation of the Oversight Board. These responsibilities will be transferred to the Director upon their hiring and completion of training, and Board members, upon their appointment and completion of training.
- F. The Transition Team shall provide a set of draft bylaws based on the PAC's to allow the new Board to function as soon as it is established. Once the Board has approved the Director's job description, they shall adapt these documents as desired or create new ones.

## **B2. Transition Staff**

- A. During the first part of the Pre-Transition phase defined in Section A1A, the City Council or its designee shall create a transition staff of at least three people to facilitate the early stages of the Transition period, prior to a Director being hired. This transition staff shall be managed by a City of Portland employee, referred to as the "transition manager," who is preferably someone familiar with the work of the Police Accountability Commission (PAC).
- B. At the Director's discretion, transition staff positions may be transferred to the Oversight Bureau following the hiring and training of the Director. Remaining transition staff positions will conclude after the appointment and training of the Director.

## **B3. Transition Volunteers**

- A. The transition staff shall appoint a group of up to 12 transition volunteers who recuse themselves from the initial appointment of board members. These volunteers will be drawn from former members of the PAC and current or former members of the CRC and any other volunteer entity being concluded as part of Board implementation.

- B. The transition volunteer group shall conclude after the appointment and completion of training of the first Oversight Board members, but these volunteers should remain available as a resource to new Oversight Board members.

#### **B4. Budget Access**

- A. To accomplish the timeline outlined in this document, several factors are reliant on having necessary budget available to staff the transition. The Oversight Board will have access to its budget on Day One of the Transition period (Section A2A), but due to potential delays in the timeline if funding is delayed, the transition would be more feasible if a budget allocation is available prior to that date. If funding is not in place, work cannot begin until Day One, and the work outlined here will be significantly delayed. These delays could place the City out of compliance with the Charter and potentially the Settlement Agreement.
- B. The timeline outlined in the recommendations of this document assume that necessary budget and support will be in place to accomplish the transition. "Necessary budget and support" includes, at a minimum:
  - i. Authorization for three staff positions including the transition manager.
  - ii. Funding for outreach, recruitment, technology, and transition staff, of at least \$700,000 of the Oversight Board's budget allocation for the transition fiscal year(s). Access to this funding will be made available to the transition staff upon their appointment; PAC recommends that it occurs during the Pre-Transition period (A1).
- C. Remaining portions of the Oversight Board's budget allocation for the fiscal year(s) in which the Board members are appointed and the Director is hired would remain accessible to the Board and Director.

#### **C. Initial Member Appointment and Training**

##### **C1. Member Appointment**

- A. Applications for Board Membership should be available during the Pre-Transition period, but no later than Month One of the Transition (A2A). Transition staff will manage the application process and the Transition Team will conduct outreach to the community.

- B. The Transition Team will review applications and will submit to the City Council a set of eligible candidates to consider.
- C. The PAC requests that Council determine appointees within 4 weeks. The City Council shall review the applications and then will notify transition staff of desired appointees so that appointments can be placed on the Council Agenda at the next opportunity. Appointments made before January 1, 2025, will be made by the full City Council, including the Mayor and four Commissioners; appointments made after January 1, 2025 will be made by the vote of the 12 members of the City Council.<sup>415</sup>
- D. The application may remain open, and the Transition Team will continue to review applications and submit new candidates to City Council regularly to fill any member positions unable to be filled in the first appointment, or to appoint alternates.
- E. Board members appointed during the Transition period will be appointed for terms lasting the remainder of the Transition period and an additional 1, 2, or 3 years, such that one-third of the board (11 members) will have terms of one year, another one-third two years, and another one-third three years. Board applicants may select their preference of term length and the transition team will do their best to accommodate first or second preference in the batch of applicants sent to City Council; the Transition Team shall also prioritize Board member selection requirements in each group of 11 recommended appointees to ensure that each group reflects the diversity outlined in the Areas of Agreement on Board Membership.<sup>416</sup>
- F. Board members will begin to receive compensation and other forms of support upon appointment.<sup>417</sup> It is anticipated that different parts of the member support structure will take effect at different times, with some portions not taking effect until after the Transition period.

## **C2. Initial Board Member Training**

- A. After Council appointment, Board members and alternates shall go through training.<sup>418</sup>

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<sup>415</sup> City Charter effective January 1, 2025, Ballot Measure 26-228, Section 2-102.

<https://www.portland.gov/sites/default/files/council-documents/2022/attachment1-final.pdf>

<sup>416</sup> [PAC Areas of Agreement on Board Membership §B1](#)

<sup>417</sup> [PAC Areas of Agreement on Board Membership §D3; §D4](#)

<sup>418</sup> [PAC Areas of Agreement on Board Membership, §E-1](#)

- B. Training that will normally be organized by staff may be delivered utilizing a trauma-informed approach by Transition staff and/or by experts and affected parties, including but not limited to:<sup>419</sup>
  - i. Civil rights attorneys
  - ii. Public defenders
  - iii. Civil rights activists
  - iv. Members of overpoliced communities (such as BIPOC, immigrant communities, people with mental illness/addiction recovery, houseless community)
  
- C. Peer Training, which normally will be conducted by one or more existing board members, will be done by current and former members of the CRC and civilian members of the Police Review Board (PRB).<sup>420</sup> After completing training on handling confidential materials, the Oversight Board members will review case files in CRC appeals and PRB cases, consider the findings in those cases, and attend the hearings (without interfering) as part of their training on how to review complaints.

## **D. Initial Staff Hiring and Training**

### **D1. Director Hiring**

As soon as the Board members have been appointed by City Council, the search for a Director will commence. A draft job listing will be prepared by the Transition Team for review and approval by the Board. Then, transition staff will post the job and conduct community outreach, so the community is aware of the position. Transition staff shall share these applications with the Board. The Board will then follow the procedure from PAC's Areas of Agreement on Oversight Staff to hire the Director.<sup>421</sup>

### **D2. Priority Staff Hiring During Transition Period**

- A. Once the Director is hired, they will work with the Transition Team to recruit staff applicants for the oversight bureau.
- B. The Director will prioritize the hiring of intake staff, navigators, and investigators to ensure the oversight board is able to begin receiving and investigating complaints by the end of the Transition period.<sup>422</sup>

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<sup>419</sup> [PAC Areas of Agreement on Board Membership, §E-1](#)

<sup>420</sup> [PAC Areas of Agreement on Board Membership, §E-1](#)

<sup>421</sup> [PAC Areas of Agreement on Oversight Staff, §A-1b](#)

<sup>422</sup> DOJ Settlement Agreement §XI-195b <https://www.portland.gov/police/doj/documents/doj-settlement-agreement-revised-feb-28-2023/download>

- C. During the Transition phase, the Director may also wish to hire the Auditor/Monitor/Inspector General and legal counsel to ensure a smooth ramp-up. If so, as outlined in the PAC Areas of Agreement on Oversight Staff, the Board shall be involved in hiring those positions.<sup>423</sup>

### **D3. Staff Training**

- A. The Transition Team and Oversight Board are responsible for ensuring the Director undergoes training upon hiring.
- B. The Director is responsible for ensuring all other oversight bureau staff undergo required training upon hiring.<sup>424</sup>

### **E. Transfer of Files and Information from Current Systems**

#### **E1. Portland Police Bureau and other City of Portland transfer of information**

- A. The Oversight Board will have authority to obtain information to provide an administrative response to allegations of misconduct, and to conduct oversight effectively. The methods for obtaining information will include, but will not be limited to, compelling testimony, subpoena power, and access to police records, data, and body camera footage.<sup>425</sup>
- B. Necessary members of the transition team, after training on confidentiality, will have access to information and data related to cases involving civilians reviewed by Independent Police Review (IPR), Internal Affairs (IA) as applicable, the Police Review Board (PRB), and the Citizen Review Committee (CRC), and any other appropriate entities only as needed to prepare trainings for incoming board members.
- C. During the Transition period, after training on confidentiality, the incoming board members will have access to all information and data related to cases involving civilians reviewed by IPR, IA as applicable, the PRB, the CRC, and any other appropriate entities.

#### **E2. Transfer of information from the Police Accountability Commission**

- A. All information and data collected by the PAC will be transferred to the Transition Team upon creation of the Transition Team. All information and data collected by the PAC and the Transition Team will be transferred to the Oversight Board upon creation of the Oversight Board. In the event the Transition Team and the Oversight Board exist

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<sup>423</sup> [PAC Areas of Agreement on Oversight Staff, §B-4c](#)

<sup>424</sup> [PAC Areas of Agreement on Oversight Staff, §B5](#)

<sup>425</sup> [Police Accountability Commission Areas of Agreement on Access to Information](#)

concurrently, all information and data collected by the Transition Team will be made available to the Oversight Board on an ongoing basis.

- B. The PAC Values and Goals, PAC Bylaws, and PAC Community Engagement Framework will be given to the Oversight Board members as model documents to assist in creation of the Oversight Board's internal process documents.

### **E3. Information from IPR, IA, PRB, and the CRC**

- A. During the Transition period, Independent Police Review (IPR), Internal Affairs (IA), the Police Review Board (PRB), and the Citizen Review Committee (CRC) will transfer to the Oversight bureau all information and data from previous complaints and misconduct investigations. The transfer will follow all applicable local, state, and federal laws and policies regarding privacy and transparency.
- B. If the transfer of information and data from these agencies cannot be completed in the Transition period, the Oversight bureau will work with the IPR, IA, PRB, and/or CRC to create a plan to transfer information and data within a reasonable timeframe not to exceed one additional year.

### **F. Post-Transition Period**

#### **F1. Independent Police Review**

- A. At the beginning of the Post-Transition period, IPR will no longer accept *new* complaints. During Phase 1 of the Post-Transition period, IPR will continue to work through any complaints accepted prior to the end of the Transition period. IPR shall work to resolve all pending complaints by the end of Phase 1 of the Post-Transition period.
- B. As IPR's work winds down, the IPR Director, along with the Bureau of Human Resources, will determine how to reduce the size of the organization to match the workload.<sup>426</sup> The Director of the Oversight Bureau may at their discretion hire the Director of IPR on staff and allow them to complete work for the old system while the new one ramps up.
- C. The Director shall ensure that IPR staff have preference in hiring for employment at the new oversight bureau, as long as they meet all additional criteria for oversight bureau employment.<sup>427</sup> When hiring current IPR employees for positions at the oversight

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<sup>426</sup> City Proposal Under Paragraph 195(a) of the DOJ Settlement Agreement

<sup>427</sup> [PAC Areas of Agreement on Oversight Staff, §B6-b.](#)

bureau, the Directors of the oversight bureau and of IPR shall coordinate, so that IPR maintains continuity of operations.<sup>428</sup>

## **F2. Citizen Review Committee**

- A. The CRC will continue to hear appeals during Phase 1 of the Post-Transition period. CRC shall work to resolve all pending appeals by end of Phase 1 of the Post-Transition period.
- B. During Phase 1 of the Post-Transition period, the City will maintain full membership of the CRC so that they can hold hearings and participate in PRB hearings where CRC members are required.
- C. CRC members may serve on both the CRC and on the Oversight Board during the Transition and Post-Transition Periods, provided they meet all other necessary criteria.

## **F3. Police Review Board**

- A. During Phase 1 of the Post-Transition Period:
  - i. The PRB will continue to hear cases initiated during or prior to the transition period. PRB shall work to resolve all pending cases by the end of Phase 1 of the Post-Transition period.
  - ii. IPR shall ensure that the pool of PRB community members shall be sufficient to hold Police Review Boards. PRB community volunteers may also concurrently serve on the Oversight Board, provided they meet all other necessary criteria.

## **F4. Internal Affairs**

At the beginning of the Post-Transition period, the Oversight Board will accept those types of complaints currently addressed by Internal Affairs, but which the new system directs to the Oversight Board.<sup>429</sup>

## **F5. Transfer of Active Cases Received Under Old System**

- A. At the end of Phase 1 of the Post-Transition period, all cases pending before IPR, PRB, or the CRC that are within the jurisdiction of the Oversight Board shall be transferred to the

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<sup>428</sup> DOJ Settlement Agreement §XI-195 <https://www.portland.gov/police/doj/documents/doj-settlement-agreement-revised-feb-28-2023/download>

<sup>429</sup> [PAC Areas of Agreement on Officer Accountability, §A-6b](#)

Oversight Board for resolution. The Oversight Board shall prioritize prompt resolution of these cases.

- i. To the extent allowable by applicable law and collective bargaining agreements, the Oversight Board shall apply *its* procedures and standards to resolution of cases transferred from IPR, PRB, or CRC at the end of Phase 1 of the Post-Transition period. PAC strongly recommends this approach, because it is in line with the values of the Charter Amendment and addresses the issues identified by the PAC in its Fact-Finding Phase.
  - ii. If the City is not able to implement this recommendation, and the Oversight Board is legally required to apply legacy procedures and standards to transferred cases, the Board shall create a separate, transitional hearings division to ensure that the transferred complaints are handled in accordance with such requirements. The transitional hearings division shall conclude as soon as all transferred cases are resolved.
- B. IPR and CRC shall conclude their operations within a reasonable period of time in Phase 2 of the Post-Transition period. PRB shall similarly conclude its operations relevant to cases within the Oversight Board's jurisdiction during this time frame.



## Appendix F2: Recommendations to the City for Settlement Agreement Amendments

The PAC identified portions of the Settlement Agreement between the United States Department of Justice and the City of Portland that would need to be changed during the transition from IPR to the Community Board for Police Accountability (CBPA) and the Office of Community-based Police Accountability (OCPA).

The PAC also recommended that as part of the ongoing conversations during the period of USDOJ/Court Review, "the City Attorney's Office shall ensure that member(s) of the Transition Team are present for any mediation with the US Department of Justice related to the implementation of the Oversight Board." This is not a proposed change to the Settlement Agreement, but a PAC recommendation as to the process for those changes.

The following are recommended changes to the Settlement Agreement. This list of proposed changes is not exhaustive, and the PAC recognizes the City may need to propose other changes.

- The transfer of active cases received under the old system (Settlement Agreement paragraph 195)
  - The Settlement Agreement currently mandates that IPR conclude its work and resolve all active cases within one year of the Council establishing the CBPA. The PAC's transition plan as written would require that this be changed to allow the transfer of remaining cases to the new oversight system, to prevent IPR remaining active to complete cases which are opened shortly before the transition is completed.
  - From the Transition Plan: At the end of Phase 1 of the Post-Transition period (approximately one year after Council establishes the Board), all cases pending before IPR, PRB, or the CRC that are within the jurisdiction of the Oversight Board shall be transferred to the Oversight Board for resolution. The Oversight Board shall prioritize prompt resolution of these cases.
  - In the Transition Plan, the PAC further suggests that to the extent allowable by applicable law and collective bargaining agreements, the CBPA shall apply its procedures and standards to those transferred cases.
- Settlement Agreement Section II: Definitions – At minimum, changes should include adding the definitions for the Community Board for Police Accountability (CBPA) and the Office of Community-based Police Accountability (OCPA), and noting that since 2022, the Auditor is no longer involved in PPB oversight.
- Settlement Agreement Section VIII: Officer Accountability will need to add language about the CBPA and OCPA in appropriate areas, and make changes where the new process differs from the IPR system.

- Additionally, Paragraph 140 should include methods to communicate to the complainant other than mail, email/text, and fax.
- Settlement Agreement Section X: Agreement Implementation and Enforcement should be reviewed for accountability measures related to the new system.
- The PAC has recommended that the timeline for investigations be changed from 180 days to 183 days to better approximate a 6-month time period (Settlement Agreement paragraph 121 & ff).

## Appendix G1: Recommendations to the Board for Board Bylaws

The PAC's City Code recommendation includes (35A.050H):

“The Board shall have the authority to adopt bylaws, and as part of developing bylaws, it will decide, among other things:

1. whether or not to establish a chairperson, co-chairs, or other leadership positions;
2. the role of Board alternates;
3. procedures that allow for the creation, management, and elimination of sub-committees;
4. voting thresholds for the full Board, sub-committees, and panels (preliminary, hearings, disciplinary, and appeals); and
5. any other internal Board procedures, including but not limited to those 76 identified for elaboration in this Code and not otherwise addressed by law.”

The PAC has also recommended that the Bylaws include a provision that sub-committees must include at least five full members of the oversight board to ensure diversity, representation, and logistical viability.

Other questions the PAC recommends that the Board address in its bylaws include:

- The Bylaws should include provisions relevant to panel procedures for hearings not covered in Code.
- Voting thresholds (other than that for panels to determine findings, established in Code 35D.200L)
- Details related to training, including as the Board reviews and revises its training requirements. This includes the structure of peer training. Additionally, the PAC recommends including additional equity trainings, building upon the requirement in Code for Board members to receive City equity trainings as part of the mandatory trainings received by all City volunteer group members)

While the PAC agreed that the Community Board for Police Accountability will have the authority to draft and agree to its own bylaws, the PAC also recommended that the Board use the PAC's Bylaws as a model for initial bylaws development, and that the Transition Team shall provide a set of draft Bylaws, based on the PAC's, to allow the Board to function as soon as it is established. Once the Board has approved the Director's job description, they shall adapt these documents or create new ones as desired.

The PAC adopted its own bylaws to define high-level internal governance, with detailed internal processes defined in a separate document. Below are the Bylaws and Internal Processes documents of the PAC.

## **PAC Bylaws**

### **I. Introduction**

The Police Accountability Commission was created by the Portland City Council as part of the implementation of Ballot Measure 26-217 (Charter 2-10), approved by the City of Portland voters on November 3, 2020.

#### **A. Purpose**

The Commission's purpose is to develop the framework and details necessary to implement Ballot Measure 26-217 and create a community-led police oversight board to replace the Independent Police Review agency.

#### **B. Powers and Duties**

The Commission has all powers and duties contained in Resolutions 37527 (December 16, 2020) and 37548 (July 28, 2021), including:

- i. Determine the Commission's working methods;
- ii. Research necessary topics and seek out public testimony and input from subject matter experts, stakeholders in the Federal Department of Justice settlement agreement, interested parties, impacted communities, and concerned constituents;
- iii. Provide quarterly briefings to City Council;
- iv. Ensure recommendations reflect the City's equity goals and comply with applicable legal requirements; and
- v. Review and recommend a code change package to City Council

#### **C. Advises**

City Council

#### **D. Sponsor Bureau**

Community Safety Division (CSD), Office of Management and Finance

#### **E. Staff Title**

Analyst, Community Safety Division, Office of Management and Finance

## **II. City Role**

- A. The City will provide staff and contractors to assist the Commission with technical support, internal and external communication, logistics, and administration, and to provide advice to the Commission as requested.
- B. Commission staff provided by the City will assist the Commission in performing its duties, issue public notice of all meetings, post materials to a webpage including meeting summaries that outline the issues discussed, and decisions made by the Commission.
  - i. In accordance with the Commission's community standards, facilitators will assist the Commission in a way that ensures meetings are conducted in a manner that fosters collaborative decision-making and consensus-building, and that they provide a safe and welcoming environment for all. The facilitators will not act as an advocate for any issue, individual, or interest group.

## **III. Frequency of Meetings**

- A. The Commission shall meet at least twelve (12) times each calendar year and as otherwise necessary to conduct its business. Meetings shall be conducted in accordance with public meeting laws and the operating procedures specified herein.
- B. Staff will make every effort to eliminate barriers to Commissioner participation. This will include scheduling meetings that accommodate Commissioners' schedules to ensure the maximum participation possible, regular check-ins with Commissioners on their level of participation, and tools to encourage participation. If needed, Commissioners may receive childcare or technology assistance to ensure that they are able to participate in meetings.

## **IV. Membership and Term**

### **A. Membership**

The Commission is comprised of twenty (20) members. There are no alternate members.

### **B. Terms**

All terms will end after the Commission has met for 18 months, unless an extension is provided by a decision of City Council.

C. During a regular meeting, a member may propose requesting that the City Council extend the Commission's work for a specified period. If the Commission should agree to request this, City Council may then decide to extend, and to reappoint Commissioners to additional terms or extend terms.

**D. Term Limits**

There are no term limits or limits on extending an existing Commissioner's term.

**E. Vacancies**

If a position is vacated during a term, it shall be filled by a person meeting the criteria of Resolution 37527 and the needs of the Commission, subject to Council approval.

**V. Decision-Making**

**A. Quorum**

A simple majority of members is required to conduct business. The City Council may authorize the Commission to consider vacancies and members on a leave of absence or who are recommended for removal as inactive and not included in quorum.

**B. Voting**

The Commission will use modified consensus decision making. If consensus cannot be reached, the affirmative vote of sixty percent (60%) of those present and voting will prevail. Abstentions are permitted and will not count as a vote. Abstaining members will be counted for the purposes of quorum. For definition of modified consensus, see VI-C.

Each member may explain the reason for their vote.

**C. Sub-committees**

Sub-committees will have a determined number of members and require a simple majority of active members to conduct business. Sub-committees will use modified consensus decision making. If consensus cannot be reached, the affirmative vote of sixty percent (60%) of those present and voting will prevail. Abstentions are permitted and will not count as a vote. Abstaining members will be counted for the purposes of quorum. For definition of modified consensus, see VI-C.

**D. Absentee Voting**

Absentee voting is prohibited.

## **E. Proxy Voting**

Proxy voting is prohibited.

## **VI. General Operating Procedures**

### **A. Creating a Respectful and Inclusive Space**

The Police Accountability Commission will develop community standards to create an inclusive and welcoming environment during the Commission's work. The Commission will reinforce its commitment to a respectful and inclusive space by acknowledging the community standards as needed.

### **B. Disclosure of Conflicts of Interest**

- i. Commissioners are required to comply with the entirety of Oregon Revised Statutes Chapter 244 (Government Ethics) and Portland City Code Chapter 1.03 (Code of Ethics), including disclosure of conflicts of interest.
- ii. A Commissioner is required to make an announcement of the nature of a conflict of interest each time the issue giving rise to the conflict of interest is discussed or acted upon.
- iii. Staff are obligated to record and keep all conflicts of interest that are announced during each meeting.
- iv. If staff determines there is a potential undisclosed conflict of interest, they will first notify the potentially conflicted member. If it is determined that the conflict is not resolvable, staff will bring it to the attention of the rest of the commission.
- v. Any potential or actual conflict of interest noted by staff will be included in the quarterly reports provided to City Council.

### **C. Modified Consensus Decision Making**

The Commission will make decisions collaboratively – all viewpoints will be honored, respected and have appropriate time for consideration. To make a decision on any proposal or matter:

- i. Either one member shall formulate a proposal, or a co-chair shall create a proposal based on Commission discussion. Commissioners shall be able

to propose modifications to the proposal until a consensus position can be reached.

- ii. Commissioners will deliberate on proposals in the spirit of compromise and consider the Commission's identified values and principles. After deliberation Commissioners will identify whether they are supportive, neutral or in opposition.
- iii. If all Commissioners are supportive or neutral, the proposal or matter passes.
- iv. If any Commissioner is in opposition to a proposal, Commissioners will discuss the item further to try to achieve consensus. If consensus is not achievable, the Commissioners will either vote on the proposal or table it.

#### **D. Use of Technology to Facilitate Remote Meetings**

- i. During all meetings conducted via teleconference, questions or comments about the Commission's work written in the chat or equivalent function shall be stated verbally for accessibility to the public.
- ii. The polling function will be used only to determine if Commissioners are ready for a formal decision or if more deliberation is needed.
- iii. All remote meetings will provide at least minimal accessibility (e.g. closed captioning). Meetings will be recorded to increase transparency and accessibility. Recordings will be posted online within one week.

#### **E. Public Participation**

The Commission values public participation, involvement, engagement, co-creation and collaboration. Members of the public will have opportunity to comment prior to all substantive decisions, as well as when public comment is included in meeting agendas. All written comments – sent by postal mail or email – will be circulated to Commissioners.

- F. The Commission may agree on additional operating policies to be included in a separate document.

### **VII. Membership Changes**



**A. Council Authority**

All members serve based on the appointment by City Council and may only be removed by City Council.

**B. Removal**

- i. The Commission will recommend to City Council the removal and replacement of any member who is absent from a scheduled public meeting on three or more occasions without prior notice given to co-chairs and staff.
- ii. Staff will keep attendance, inform Commission co-chairs of absences and whether notice was received, and inform members when they are recommended for removal.
- iii. In the event of an unforeseen circumstance, co-chairs and staff may choose not to count a specific absence as without notice.
- iv. Staff will check in with members after their first absence without prior notice, advise them of their options including a leave of absence, and remind them it's their obligation to give notice when they can't attend the meeting.  
On the second time, the member would receive warning that upon the third absence without notice, they would be recommended for removal.
- v. Inactive members will not be counted towards quorum requirements in sub-committee meetings. The City Council may authorize the Commission to consider vacancies and members on a leave of absence or who are recommended for removal as inactive and not included in quorum.

**C. Leave of Absence**

- i. If a member encounters circumstances which temporarily prevent them from executing their duties as a member, but which do not preclude them from continuing to serve, the member shall inform the full Commission and staff by email as soon as practicable. This will be considered a leave of absence.
- ii. The member shall inform the full Commission and staff of the expected duration of their leave of absence but are not obligated to give a reason. Upon return from a leave of absence, the member shall inform the full

Commission by email of their return to active status and contact staff for a briefing on Commission activities during their leave of absence.

- iii. No leave of absence may be taken in excess of three consecutive months. If the leave of absence extends beyond three consecutive months, the member will be asked to resign or be recommended to Council for removal.
- iv. The City Council may authorize the Commission to consider vacancies and members on a leave of absence or who are recommended for removal as inactive and not included in quorum.
- v. Members who are on a leave of absence may not seek to revisit issues from the meetings they missed on which discussion was completed at the missed meeting.

**D. Resignation process**

Members are expected to make a good faith effort to complete their term. In cases where this is not possible, members are expected to provide notice of their resignation in writing to staff and co-chairs.

**E. Loss of Eligibility**

Any member who no longer meets the eligibility requirements specified in Resolution 37527 should resign or will be subject to removal.

**F. Violation of Community Standards**

If any member acts in a manner that is in gross violation of the Police Accountability Commission community standards, they may be subject to referral for removal. Commission members can decide to refer another member for removal with the approval of 80% of the other members of the Commission.

**VIII. Officers and Sub-committees**

**A. Officers**

The officers of the Commission shall consist of three Co-Chairs whose renewable term corresponds to a phase of work or approximately 90 days, approved by the commission.

- i. The Co-Chairs shall be responsible for conducting the meetings of the body.
- ii. Each Co-Chair may act as Chair when the other Co-Chairs are not available.
- iii. The Co-Chairs will be active and voting members.

- iv. Staff may facilitate meetings or arrange for outside facilitators at the request of the Commission but shall not have a vote on any matters.
- v. The Co-Chairs will encourage full and safe participation by representatives in all aspects of the process, assist in the process of building consensus, and ensure all participants abide by the Commission's operating procedures.
- vi. One or more of the Co-Chairs will also serve as liaison between the members of the Commission and the City.
- vii. In consultation with the facilitator(s), staff, and Commission members, the Co-Chairs will develop meeting agendas, establish sub-committees, ensure quarterly reports are given to the City Council, and ensure an efficient advisory process.
- viii. The Co-Chairs may determine how to share or allocate the tasks listed above amongst themselves.

**B. Sub-committees**

- i. The Commission may create or establish sub-committees authorized to deliberate on items to be returned to the full Commission for approval.
- ii. Any Commission member can volunteer to be on a sub-committee, but membership in sub-committees will be tracked to ensure quorum is met. Members who are not officially on sub-committees may attend meetings.
- iii. Sub-committee meetings are also subject to Oregon Public Meetings Law and must abide by quorum requirements when voting.
- iv. While sub-committees may engage non-members, only members may vote to approve reports and recommendations to be forwarded to the full body.

**IX. Communications**

Commissioners agree that transparency is essential to all information gathering, deliberations and decision making.

- A. Interest Groups. Commissioners shall notify staff and the full Commission of verbal communications with interest groups. Commissioners are required to copy staff on all written communications from or to interest groups commenting on the Commission's work. This does not include communications disseminating information already publicly available or communications simply informing groups of upcoming meetings or directing them to the Commission website.

- B. Media. Media inquiries to the Commission must first be directed to the Co-Chairs who may delegate the media response to another Commissioner or to staff, coordinated with staff prior to responding to media. Commissioners are required to copy staff on all written communications from or to media commenting on the Commission's work.
- C. All written communications between Commissioners and the general public, interest groups and media will be retained by staff. The public and Commissioners will have access to these public records. Written communications using City email will be limited to commission business.
- D. Members may speak on behalf of other organizations with which they are involved, or as an individual, separate from their role as a Commission member, and need to make this distinction very clear each time they do so.

Please refer to the Communications Guidelines for additional guidance.

#### **X. Public Meetings and Public Records**

- A. Meetings of the Commission and its sub-committees are open to the public and will be conducted under provisions of the Oregon Public Meetings Law (ORS 192.610-690). The staff will provide at least seven (7) days' notice to the public regarding the dates, times, locations, and principal subjects of all meetings and at least twenty-four (24) hours' notice of any special meetings.
- B. Commissioners can participate through telephone or other electronic communication. To ensure a public decision-making process, commissioners are not allowed to deliberate towards a decision over email.
- C. All records of the Commission will be maintained and open to the public according to the Oregon Public Records Law (ORS 192.311-363).

#### **XI. Adoption and Amendment of Bylaws**

- A. The Commission will approve these Bylaws using the modified consensus decision-making processes in Section VI-C.
- B. When necessary to conduct the business of the commission, the commission may decide to amend or repeal these bylaws using the modified consensus decision-making processes in Section VI-C.

Original Bylaws created by the Police Accountability Commission on March 31, 2022.

## **PAC Internal Processes Document**

### **1. Community Agreements**

- The Police Accountability Commission agrees to approach its work with honesty, openness, and willingness to work together to develop and achieve shared goals. The Commission will work with each other, city staff support, and external support to address issues as they arise, communicate openly, and meet each other's needs as part of working to meet the city's needs as a Commission. All commission members, as well as city staff support and external support, will abide by these agreements as we perform the duties and mandates of the commission.
- Our expectations of ourselves, and of each other, include:
- Keep the needs and concerns of the local community and the larger region at the forefront of the work.
- Always confront oppression.
- Keep focus on the objectives of the meetings and individual agenda items; utilize facilitators to note additional topics for discussion.
- Arrive on time and prepared (to the best of your ability).
- Give notice if you are unable to attend a meeting.
- Keep multi-tasking to a minimum.
- Contribute to the overall success of the group by finding ways to participate that best meets your needs.
- Allow those who participate in different ways, or have types of participation or tasks they are responsible for, to fulfil their roles.
- Model appropriate behavior, treating everyone with dignity and respect, and promoting an ethical, equitable, and inclusive culture free from all forms of harassment.
- We commit to wholeheartedly uplift and support the commission, our colleagues, and our collaborators, and portray them positively, rather than casting them in an unfavorable light.
- Act with awareness that our actions could harm our colleagues and collaborators, who have the right to be free from being unfairly criticized or cast unfavorably.
- Provide space for minority viewpoints and legitimate concerns about decisions and actions, as well as complaints about conduct, without reprisal.
- Listen without agenda, and refrain from interruptions.
- Be polite, courteous, and thoughtful.
- Keep in mind that everyone has their own truth.

- Assume good intentions from our colleagues and collaborators. Challenge ideas rather than individuals. Approach different opinions with curiosity. Seek to understand.
- Use “I” statements.
- Affirm other speakers. Do not use violent words; instead, say something positive about the previous speaker and simply add your own thoughts.
- Respect privacy. Everything shared in confidence needs to be kept in confidence.
- Honor the decisions of the group, even if they are not your preferred outcome. You might not personally agree with every decision.
- Do not overstate or mischaracterize the work, level of agreement, or progress of the commission.
- Accept non-closure.

## 2. **Communications Guidelines:**

### Media Relations, Community Engagement, and Social Media

Per the Police Accountability Commission Bylaws, Commissioners agree that transparency is essential to all information gathering, deliberations, and decision making.

#### 1. Guidance on Media Requests

- a. Working with local media is a strategic part of how the Police Accountability Commission builds visibility and supports community outreach for the development of an accountability system and oversight board for police. The privilege of being a Police Accountability Commissioner comes with a responsibility to invest a heightened level of clarity and care with public communications.
- b. Media will be very interested in the progress of the Police Accountability Commission. You can expect to get questions from media and the community about the Police Accountability Commission and the development of an accountability system and oversight board for PPB.
- c. Centralized management of media inquiries through Police Accountability Commission Co- Chairs and staff helps us make sure that we are clarifying our work and providing fair access to the same information for all. We also ensure that media receive consistent and accurate information from the best source.

If you receive a call from the media:

1. If the reporter's questions relate to publicly available information, for example, providing the location to a meeting or links to meeting minutes, or publicly posted documents and decisions, and you know the answer please feel free to provide this and let the Police Accountability Commission Engagement and Communications Coordinator know.
2. Otherwise, please take down the reporter's topic, contact info, and deadline to pass along, and let them know you would like to redirect them to a Commission Co-Chair.
3. Then, immediately notify the Police Accountability Commission Co-Chairs and staff and pass along the reporter's information (topic, contact info, and deadline).
4. The Police Accountability Commission Co-Chairs and staff will coordinate and delegate a response, making sure that the reporter's questions are answered on time and by the best spokesperson.
5. If you're the best spokesperson, they will let you know and can help you prepare.
6. Guidance on Community Engagement and Public Speaking with community members, interest groups, or before City Council

Are you speaking on the Commission's behalf?

If you are talking about Police Accountability Commission matters, you should consider that members of the public may believe you are speaking on behalf of the commission. Like an elected official, even when specifying that your beliefs are purely personal, community members are likely to interpret and represent your statements as official from a Police Accountability Commissioner.

This does not include communications disseminating information already publicly available or communications simply informing groups of upcoming meetings or directing them to the Commission website.

Is the Commission's position clear?

1. Speak for the Commission only when its position is clear, and a decision has been made. During deliberations, please express your opinions only in a public meeting of the PAC.
2. If you were the dissenting voice in a decision that has been finalized and made public, you are welcome to discuss why you dissented.

3. Please be careful not to undermine or cast doubt on the decision-making process. Members may describe the Commission's debate but should not challenge the legitimacy of the decision.

Are you unintentionally creating unequal advantage?

4. As someone who is making decisions about our city's future, Commissioners must be careful to avoid bias, favoritism, or unequal advantage by:
  - a) Conveying bias for or promoting one interest group over others.
  - b) Signaling a lack of objectivity in deliberations.
  - c) Providing special guidance or access to privileged information in an unequal way.
  - d) Are you coordinated with Police Accountability Commission staff?
5. Per the Police Accountability Commission Bylaws, Commissioners are encouraged to copy PAC staff on all written communications from or to interest groups or City Commissioners commenting on the Police Accountability Commission's work.
6. After a Commissioner speaks with interest groups or with City Commissioners about Police Accountability Commission business, the Commissioner is encouraged to notify PAC staff of verbal communications.

Does the Commission want to make a formal statement?

7. On rare occasions, the Police Accountability Commission may write statements in support or opposition of policy issues that are relevant to the purpose and scope of the Commission. To create such a statement, the Police Accountability Commission shall propose a position to the project manager, who shall then work in partnership with the Commission to draft the position and have it approved by the Commission.

Remember that all communications are public record.

8. Communications as defined above will be included in the public record and should be copied to the Police Accountability Commission Co-Chairs.

### **External Communications**

9. Emails sent out on behalf of the Commission shall indicate whether they are coming from the PAC staff, co-chairs, a sub-committee, the full commission, or a combination thereof.



*An interest group is any association of individuals or organizations that is seeking to influence the PAC's work in favor of its legislative or administrative interest, i.e., economic interest distinct from that of the general public.*

### **Guidelines for Social Media**

Your work to engage community members and share Police Accountability Commission work is essential. As with all communications, as a Commissioner your statements regarding the development of an accountability system and oversight board for PPB carry weight and are not only a direct reflection of you personally but also the entire Police Accountability Commission. This holds true on social media.

Social media is an important tool for activists and organizers to stay connected, target immediate action and support, advocate and educate, and broadcast a variety of voices and perspectives. Please feel free to provide publicly available information, for example, providing the location to a meeting or links to meeting minutes, or publicly posted documents and decisions.

The privilege of being a Commissioner comes with a responsibility to invest a heightened level of clarity and care with public communications. These guidelines are intended to create a common understanding of expectations in how to leverage the power of social media while balancing the need to protect your and the Commission's reputations.

Commissioners are always strictly accountable for their conduct, whether in public or private, in person or through social media outlets. Commissioners should exercise good judgment when posting content on social media platforms, and should refrain from using social media to attack, retaliate against, or harass other Commissioners, or the Commission itself.

### **3. General Operating Procedures**

This section covers additional operating procedures of the Police Accountability Commission. Procedures below cover details regarding the workings and operations of the Commission that are not covered in the Bylaws. If these two documents should conflict, the provisions in the Bylaws document will supersede this Internal Processes document. This list is not exhaustive and is subject to additions and edits as they arise.

#### **1. Co-Chairs**

- a. Outgoing co-chairs will commit to a warm handoff with new co-chairs when their term ends, and the new term begins.

## 2. Definitions

- a. Safety is defined that no idea shall be met by personal attacks or other demeaning responses, even if there is disagreement.
- b. Harassment is any unwanted behavior (or suggested behavior), such as verbal, non-verbal, written, or physical conduct (including bullying or cyberbullying), that makes a reasonable person feel uncomfortable, humiliated, or mentally distressed or affects their work, participation, or access.

### **Community Engagement**

Commissioners are encouraged to engage community networks outside of public meetings. Information obtained from those engagements should generally be recorded and brought back to the Commission for discussion. There may be times when Commissioners choose not to disclose the source of the information.

### **Decision Making**

Co-chairs will consult with facilitators before moving to a vote or tabling after attempts to reach consensus have been exhausted.

### **Weighted Stack**

- a) Facilitators will keep a stack including Commissioners who have indicated they'd like to speak.
- b) The stack will be ordered to encourage contributions from as many members possible, and to ensure that members of historically-excluded groups are prioritized and are able to contribute in meaningful ways if and when they decide to speak.
- c) Facilitators can notify the group of who is next to speak after the current speaker.

### **Sub-Committees**

- a) The officers of each sub-committee shall consist of two Co-Chairs whose renewable term corresponds to a phase of work or the length of the sub-committee's term (whichever is shorter), approved by the commission.
- b) Sub-committee Co-Chairs shall be responsible for conducting the meetings of the sub-committee.
- c) Each sub-committee Co-Chair may act as Chair when the other Co-Chair is not available.
- d) Sub-committee Co-Chairs will be active and voting members.

- e) Sub-committee Co-Chairs will encourage full and safe participation by sub- committee members in all aspects of the process, assist in the process of building consensus, and ensure all participants abide by the Commission's operating procedures.
- f) In consultation with the facilitator(s), staff, commission Co-Chairs, and Commission members, sub-committee Co-Chairs will develop meeting agendas and ensure an efficient advisory process.
- g) Sub-committee Co-Chairs may determine how to share or allocate the tasks listed above amongst themselves.
- h) The bylaws give authority to the co-chairs and the commission as a whole to create sub-committees. Any proposed sub-committees shall be communicated to all Commissioners before being adopted by the co-chairs or at a Commission meeting.

**Quarterly Reports**

- a) At the conclusion of every three-month period, the co-chairs or designees shall draft a quarterly report for City Council to:
  - i. apprise them of the work done during the quarter
  - ii. make any requests approved by the Commission to support its ongoing work
  - iii. Invite and/or thank them and their staff for attending meetings.
- b) The quarterly reports shall be sent by email to Council, the media and the PAC’s contact list, and added to City Council agenda for a public presentation by a co- chair or designee.

**Violation of community agreements**

- a) Per Bylaws section VIII-F the Commission shall determine gross violation of community agreements. If a Commission member has violated the guidelines by behavior which substantially and intentionally interferes with the Commission’s mission:
- b) Co-chairs will alert the commissioner privately to the offending behavior and will give the opportunity to take steps to correct the behavior. If they do not, the Commission will proceed with the vote as outlined in the Bylaws.
- c) Co-chairs shall address minor violations of community agreements not affecting the Commission’s work. The co-chairs shall address these minor violations in private communications and shall work together with the member to resolve the violation.

**Appendix A: Quorum Required**

Number of members expected for the PAC or sub-committee	Number of members required to be present for quorum to be met
3	2

4	3
5	3
6	4
7	4
8	5
9	5
10	6
11	6
12	7
13	7
14	8
15	8
16	9
17	9
18	10
19	10
20	11

Appendix B: Voting Chart:

		Yes Votes																				
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	
No Votes	0	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	
	1	50%	67%	75%	80%	83%	86%	88%	89%	90%	91%	92%	92%	93%	93%	94%	94%	94%	94%	95%	95%	
	2	33%	50%	60%	67%	71%	75%	78%	80%	82%	83%	85%	86%	87%	88%	88%	89%	89%	90%			
	3	25%	40%	50%	57%	63%	67%	70%	73%	75%	77%	79%	80%	81%	82%	83%	84%	85%				
	4	20%	33%	43%	50%	56%	60%	64%	67%	69%	71%	73%	75%	76%	78%	79%	80%					
	5	17%	29%	38%	44%	50%	55%	58%	62%	64%	67%	69%	71%	72%	74%	75%						
	6	14%	25%	33%	40%	45%	50%	54%	57%	60%	63%	65%	67%	68%	70%							
	7	13%	22%	30%	36%	42%	46%	50%	53%	56%	59%	61%	63%	65%								
	8	11%	20%	27%	33%	38%	43%	47%	50%	53%	56%	58%	60%									
	9	10%	18%	25%	31%	36%	40%	44%	47%	50%	53%	55%										
	10	9%	17%	23%	29%	33%	38%	41%	44%	47%	50%											
	11	8%	15%	21%	27%	31%	35%	39%	42%	45%												
	12	8%	14%	20%	25%	29%	33%	37%	40%													
	13	7%	13%	19%	24%	28%	32%	35%														
	14	7%	13%	18%	22%	26%	30%															
	15	6%	12%	17%	21%	25%																
	16	6%	11%	16%	20%																	
	17	6%	11%	15%																		
	18	5%	10%																			
	19	5%																				

## Appendix G2: Recommendations to the Board and Office for Administrative Rules adopted by Bureau (ARBs)

The PAC's proposed City Code includes that "The Board shall adopt, promulgate, amend and rescind rules and procedures required for the discharge of the Board's duties, including policies and procedures for receiving and processing complaints, conducting investigations, and reporting findings, conclusions and discipline procedures. The Board may also adopt rules and procedures for making raw data available to the public." (35A.050N)

The PAC agreed that there were some recommendations in the Areas of Agreement documents that would not be included in the proposed code package presented to City Council, but that would be more beneficial to recommend to the Community Board for Police Accountability and the Office for Community-based Police Accountability for implementation by the Office, pursuant to the processes in City Code, as administrative rules. This includes any portion of the PAC's City Code recommendation which City Council opts not to include in the Code, but which nonetheless reflects the PAC's intent for procedures of the Office.

The PAC recommends that the Board adopt the following in its administrative rules:

### **Staff: Role in Training and Bylaws Development and Staff Support**

- The Director may provide input to the Board when the Board is writing its Bylaws, but the Board is not required to get approval from the Director.
- The Staff shall train new Board members on bylaws and basic information and expectations using an organized curriculum which will be determined by the Board. Continuing Board members will train the new members on other areas and mentor them as they get up to speed. This will allow the preservation of institutional knowledge within the Board. It will also prevent a gap in functionality when new Board members are appointed and previous Board members leave.
- Because police misconduct investigations are taxing emotionally and mentally, staff will be provided with mental health services. The PAC recommends that staff be provided with mental health services at no cost.

### **Records**

- In order to maintain the security of the data shared with the Board, the PAC recommends that the Board be provided with means of safely securing both physical and electronic information.
- The PAC also recommends that if medical information must be obtained, the information will be limited to the scope of the complaint and understood that all

requests will comply with applicable federal and state laws (including HIPAA compliance).

- Data sharing should adhere to standards that prioritize the protection of Personal Identifiable Information (PII) of the complainant and applicable community members. Raw data available for download should include an appendix describing data sources, data definitions, and other pertinent contextual information.
- The PAC recommends noting in ARBs that the Board is the custodian of information given directly to the Board by external sources (e.g. volunteered testimony, electronic information), and the Board will set their own retention schedules for safe disposal of the information based on state and city laws.
- Information that the Board acquires from external media sources (uploaded videos, images, social media) will be treated as public records with the understanding that the Board does not own or have the ability to grant further publication rights to media not generated by the city or obtained through the above-mentioned process. Such information will be verified for authenticity.
- Dashboards may display case statistics, open, closed statuses, sustained allegations, findings, and discipline. Dashboards shall provide filters to disaggregate data by race, ethnicity, geography, and other important categories to offer a nuanced look at the data. Communication through data dashboards shall prioritize accessibility and usability. When applicable, the Board and/or staff shall provide technical assistance, trainings, or webinars to help understand the data.

### **Member Support and Compensation**

- Because the Community Board for Police Accountability will be a unique type of volunteer service, individual members will face unique challenges including time commitment, exposure to trauma, and risks to privacy and safety.
  - The Board shall create systems supporting and protecting individual members.
  - Members shall receive compensation for their services in order to remove barriers to service.
  - The Board shall allocate approximately 10% of its annual budget to member support and compensation and will regularly review and revise the support given as needed.
- The Board shall provide financial compensation to members on a per-hour basis for public meetings and other services.

- In accordance with the US Department of Labor’s Wage and Hour Division (WHD), the hourly compensation for volunteer board members cannot be equivalent to a professional wage.
- Accordingly, the hourly nominal fee shall not exceed 20% of the hourly compensation rate of City employees identified by the board as conducting the same type of work.
- The board shall review the rate of compensation annually, following the annual release of City compensation plans.
- Mental health support and services shall be provided free of charge to all board members.
- The board shall have access to the City employee assistance program, or choose other mental health service providers.

**Peer Training**

- One or more current full board members shall be assigned to deliver peer training to each new member appointee.

**Policy Recommendations**

- When the Board adopts a policy recommendation, the Board shall collaborate with staff to coordinate necessary next steps towards implementation.

**Outreach and Community Engagement**

- The oversight system should conduct outreach at jails, prisons, and detention centers to inform community members of their rights related to filing complaints.

**Member Recruitment**

- Recruitment efforts for the board should include, but not be limited to, free or paid advertisements on television, radio, print, or digital media directed at the eligible public. Recruitment information should clearly state that these are not police bureau or full-time City of Portland positions.
- At minimum, staff shall solicit applications to fill vacancies in the board’s membership with help from the Office of Equity and Human Rights, the Office of Community & Civic Life, Neighborhood Coalition offices, Mayor and Council offices, other police-focused advisory committees, community organizations working on racial justice, mental health

advocacy, and houseless organizing, nonprofits, other grassroots organizations, and the general public.

- The applications of board applicants shall remain confidential to the extent allowable by law.



## Appendix G3: Recommendations to the City for Legislative Agenda

The following are recommendations from the PAC for the City to use when lobbying for changes to federal or state law in its legislative agenda:

- Change ORS 192.345 which prevents the disclosure of public records unless the public interest requires disclosure in the particular instance. The disclosure of records pertaining to the investigation and discipline of police officer misconduct is in the public interest and favorable to the interest of public safety. The PAC recommends that public records law be amended to include the disclosure to complainants where relevant to their complaints.
- Amend ORS 236.360 to allow more than two interviewers to question a public safety officer under investigation.
- Currently, state public records law requires the disclosure of personal information, including residential addresses and phone numbers, of individuals who apply to serve on volunteer boards. As this may cause interested community members not to apply, and may put them at risk, the PAC recommends the City pursue a change to Oregon public records law to exempt from disclosure and hold confidential the personal identifying information of applicants to all volunteer boards, regardless of whether appointed or not.

In its initial assessment of barriers to police accountability, practices from other jurisdictions, and proposals from subject matter experts, which occurred in summer 2022, the PAC noted the following proposals from subject matter experts as “proposals to consider.” These were not formal recommendations of the PAC, but of a subject matter expert (the National Police Accountability Project), and the PAC agreed to refer them on to the City for consideration for its legislative agenda:

- Eliminate Qualified Immunity for police officers: The National Police Accountability Project (NPAP) recommends eliminating qualified immunity, “a court doctrine that prevents many lawsuits against police officers unless the officer is found to have violated ‘clearly established statutory or constitutional rights of which a reasonable person would have known’ [and] results in cases being thrown out before being heard.”<sup>430</sup>
- Eliminate Absolute Immunity for prosecutors: NPAP recommends eliminating absolute immunity for prosecutors, which protects them from liability for their misconduct,

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<sup>430</sup> [Police Accountability Commission Areas of Agreement on Proposals to Consider, and to Avoid, from Subject Matter Experts](#)

which may relate to cases of police misconduct (including coercion of witnesses or use of illegally obtained evidence).<sup>431</sup>

- Change Police Employer Liability: NPAP recommends changing rules that exempt municipalities from liability in specific instances of officer misconduct. At times officers but not employers can be held liable, which can prevent both the discovery through the court process of records related to patterns of misbehavior and holding departments accountable if a police officer has a long history of misconduct which the department was aware of.<sup>432</sup>
- Eliminate Civil Asset Forfeiture: Civil asset forfeiture allows private property to be seized by police prior to a person being found guilty of a crime, which “has caused a major issue especially for communities with economic barriers and as a result communities of color, who are disproportionately affected.” The PAC evaluated this recommendation in the context of avoiding and reducing inequitable conduct or misconduct prior to its occurrence.<sup>433</sup>
- Sue federal officers for constitutional violations: NPAP recommends that cities, counties and states file lawsuits against federal law enforcement in the event that federal law enforcement has operated within the jurisdiction and violated constitutional rights.<sup>434</sup>

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<sup>431</sup> [Police Accountability Commission Areas of Agreement on Proposals to Consider, and to Avoid, from Subject Matter Experts](#)

<sup>432</sup> [Police Accountability Commission Areas of Agreement on Proposals to Consider, and to Avoid, from Subject Matter Experts](#)

<sup>433</sup> [Police Accountability Commission Areas of Agreement on Proposals to Consider, and to Avoid, from Subject Matter Experts](#)

<sup>434</sup> [Police Accountability Commission Areas of Agreement on Proposals to Consider, and to Avoid, from Subject Matter Experts](#)

## Appendix G4: Recommendations to the City for Collective Bargaining

The following are a list of items which the PAC supports, and which may need to be bargained. The PAC is not certain whether each individual item needs to be bargained with police collective bargaining units, but if bargaining is required, the following list represents the PAC's goals for the bargaining process. We also recognize that some of these items, including those around Body Worn Cameras, have already been partially or fully agreed upon already.

The PAC also recommended that as part of the City meeting its bargaining obligations prior to the initial implementation of the Board, Review, "The Bureau of Human Resources shall ensure that member(s) of the Transition Team are present for any negotiation and mediation with collective bargaining units related to the implementation of the Oversight Board."<sup>435</sup> This is not a proposed change to the content of collective bargaining agreements, but a PAC recommendation as to the process for those changes.

### Administrative Investigations

The City should ensure that nothing in collective bargaining agreements with the Portland Police Association (PPA) or Portland Police Commanding Officers Association (PPCOA) contradict or undermine City Code related to police accountability and oversight. This includes:

- In New York, disciplinary options include putting an officer on probation. The PPCOA contract allows for vacation time or non-Fair Labor Standards Act compensation time to be taken away for discipline, but the PPA contract does not. These may be worth adding to the corrective action guide.
- The current PPA contract (20.5) says that stipulated findings and discipline can be enacted in cases of use of force where the issue is about report writing (for instance); however, if the lack of a report indicates an effort to cover up the force that was used, this should not be allowed.
- Community members are not paid to be part of an interview. The obligation that officers have to be interviewed while on duty may be worth removing from the PPA contract (61.2.2.1).
- Conducting interviews in police facilities (PPA Contract 61.2.2.2) should specify this is only an option when no community member is involved in the complaint and investigation is conducted by the appropriate City investigatory body (such as Internal Affairs).
- We propose that the City renegotiate to make sure the Board can address, at minimum, Deadly Force incidents: PPA Contract 61.2.3 "The parties recognize that IPR has no

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<sup>435</sup> Transition Plan B1E.

authority or responsibility relating to Articles 59 [Performance Evaluations], 61.6 [Personnel File], 61.7 [Deadly Force Incidents], and 61.8 [Criminal Investigations]"

### **Transition of Active Cases from IPR to the Oversight Board**

- To the extent allowable by applicable law, the City should ensure that collective bargaining allows the Oversight Board to apply its procedures and standards to resolution of cases transferred from IPR, PRB, or CRC at the end of Phase 1 of the Post-Transition period. PAC strongly recommends this approach, because it is in line with the values of the Charter Amendment and addresses the issues identified by the PAC in its Fact-Finding Phase.

### **Transfer of Information**

- Necessary members of the transition team, after training on confidentiality, should have access to information and data related to cases involving civilians reviewed by Independent Police Review (IPR), Internal Affairs (IA) as applicable, the Police Review Board (PRB), and the Citizen Review Committee (CRC), and any other appropriate entities only as needed to prepare trainings for incoming board members.
- During the Transition Period, after training on confidentiality, the incoming board members should have access to all information and data related to cases involving civilians reviewed by IPR, IA as applicable, the PRB, the CRC, and any other appropriate entities.

### **Body-Worn Cameras**

- The oversight board should be the owners of the body camera footage, and ensure that the Bureau has access to view footage.
  - This will limit misuse, and presumably focus the body camera program on its main intent: police accountability. There should not be a presumed use for prosecuting community members or conducting surveillance.
  - If the oversight board is unable to be the owner of the body camera footage, at a minimum the board should be co-owners with the bureau, and digital access to the body camera footage will always be turned on for the board and its staff.
- The retention schedule for body camera footage should be at least as long as the timeline to make and resolve a complaint, and resolve any civil action.
  - The new body camera system for the City of Portland should ensure that if a possible complainant has a certain amount of time to file and resolve a complaint (including any appeals or civil actions), that relevant body camera footage is maintained by the City for at least the same length of time, in

instances that could reasonably be interpreted to include potential misconduct. This ensures that investigations always have access to relevant body camera footage.

- The police officers involved in the incident should write their report or have given a full and thorough statement about the incident or the event before viewing the video footage.
  - The PAC agrees that having multiple independent sources of information for consideration during evaluation of misconduct complaints will help the oversight board more effectively investigate and make findings on those complaints. This would ensure the report is the most accurate representation of the officers' memory of the events being recorded.<sup>436</sup>

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<sup>436</sup> This policy was cited as a best practice by the US Department of Justice for Portland: <https://www.documentcloud.org/documents/21108416-letter-re-bwc-policy-principles-11-15-21-1>. Also identified by the PAC in Cincinnati, OH; Las Vegas, NV; Parker, CO; and Washington, DC. Also, see *Graham v. Connor*.