



CITY OF PORTLAND POLICE ACCOUNTABILITY COMMISSION

Final Report to City Council
September 21, 2023

PAC FINAL DOCUMENTS

Members of the public can find the final recommendations of the Police Accountability Commission at:

<https://tinyurl.com/portlandpacrecommendations>

These include:

1. Final Code Recommendations

(Proposed additions to the City Code / laws of the City of Portland)

2. Final Report of the Police Accountability Commission

(Containing explanations and reasoning, all of the PAC's agreements, the PAC-proposed Transition Plan, and recommendations to the future Board and Office, to other parts of government, and more to help make the new system successful)

WHAT WE'LL COVER TODAY

- THE PROCESS USED BY THE PAC TO DEVELOP RECOMMENDATIONS
- WHAT THE NEW SYSTEM WILL DO
- HOW THE NEW SYSTEM WILL BE SET UP FOR SUCCESS
- IMPLEMENTATION
- LEGITIMACY, FAIRNESS, AND EFFECTIVENESS

CONTEXT

- 2020: 82% OF PORTLANDERS VOTED FOR BALLOT MEASURE 26-217
 - AUTHORIZED A NEW COMMUNITY POLICE OVERSIGHT BOARD
- 2021: THE POLICE ACCOUNTABILITY COMMISSION BEGAN MEETING TO DESIGN A NEW OVERSIGHT SYSTEM
- 2023: THE RECOMMENDATIONS FROM THE PAC WILL BE PRESENTED TO AND CONSIDERED BY CITY COUNCIL

OVERVIEW

THE PAC PROPOSED A SYSTEM THAT IS:

- LOGISTICALLY FEASIBLE
- EQUITABLE AND REPRESENTATIVE
- FAIR AND IMPARTIAL
- ABLE TO ADDRESS AND MINIMIZE OR OVERCOME BARRIERS TO ACCOUNTABILITY
- ABLE TO MAINTAIN BEST PRACTICES FROM THE CURRENT SYSTEM AND INTEGRATE BEST PRACTICES AND PROPOSALS FROM AROUND THE COUNTRY

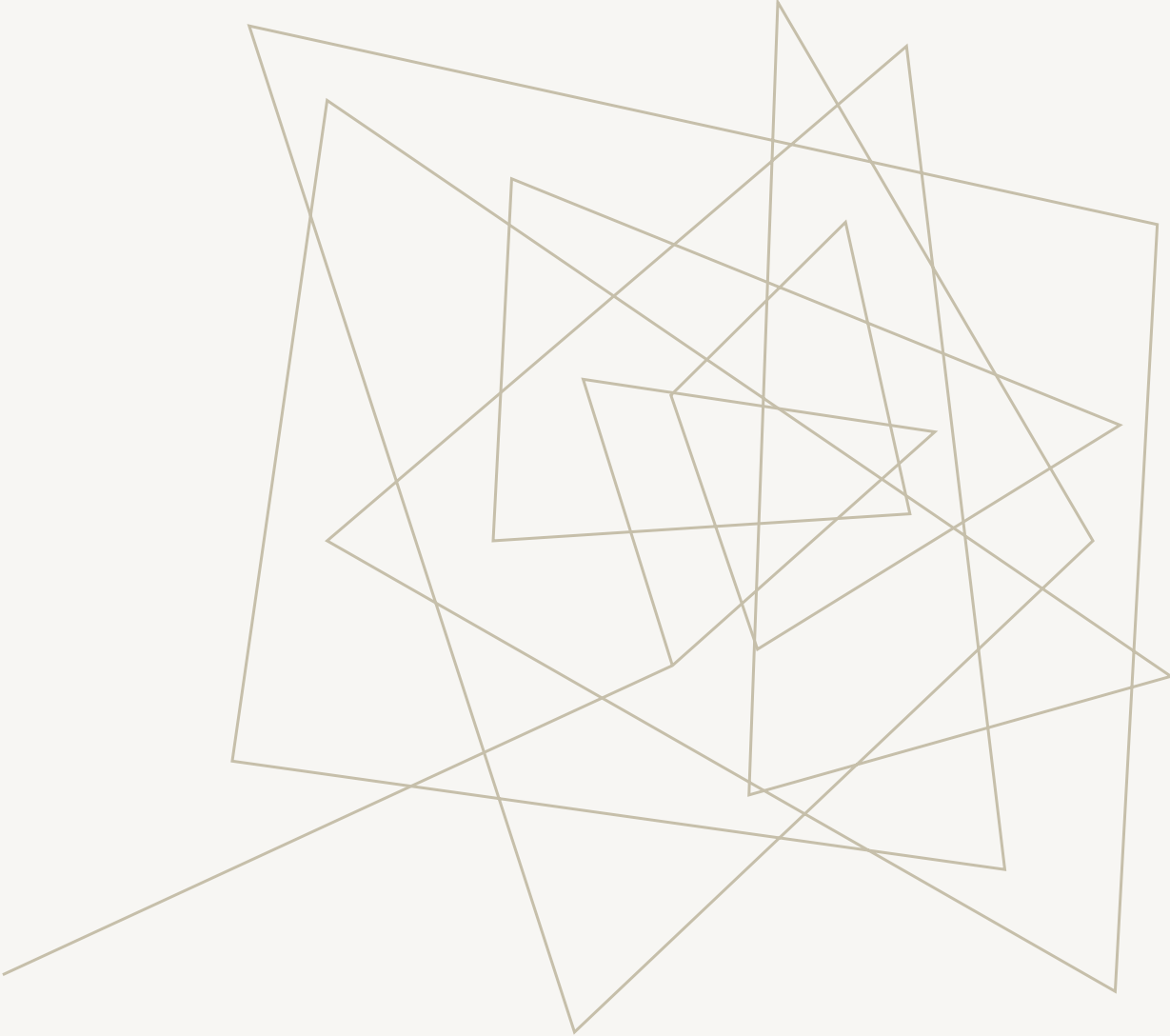
THE PAC PROPOSED A SYSTEM THAT WILL BE LEGITIMATE AND EFFECTIVE SO IT CAN EARN TRUST OVER TIME.

OVERVIEW

- **A COMMUNITY BOARD FOR POLICE ACCOUNTABILITY (CBPA) WHICH OVERSEES AN OFFICE OF COMMUNITY-BASED POLICE ACCOUNTABILITY (OCPA), A BUREAU OF CITY GOVERNMENT**
- **STAFF LED BY A BUREAU DIRECTOR, WHO WILL HIRE INTAKE STAFF, INVESTIGATORS, ADMINISTRATIVE STAFF, AND OTHER NEEDED STAFF TO DO THE WORK OF THE OVERSIGHT SYSTEM**

OVERVIEW

- **STAFF INVESTIGATORS INVESTIGATE POTENTIAL MISCONDUCT AFFECTING COMMUNITY MEMBERS**
- **PANELS OF THE BOARD INDEPENDENTLY DETERMINE FINDINGS AND CORRECTIVE ACTION (IF NEEDED)**
- **POLICY RECOMMENDATIONS REFLECTING COMMUNITY CONCERNS ARE SENT TO THE POLICE CHIEF AND IF NEEDED TO COUNCIL**
- **TRANSPARENT REPORTING OF DATA BALANCED WITH CONFIDENTIALITY FOR PERSONAL INFORMATION**
- **MEETINGS OPEN TO THE PUBLIC, HEARINGS OPEN TO PUBLIC WHEN IN COMPLIANCE IN STATE LAW**



THE POLICE ACCOUNTABILITY COMMISSION'S PROCESS

TASKS CITY COUNCIL ASSIGNED TO THE PAC

- DEVELOP A FRAMEWORK THAT COMPLIES WITH THE CHARTER / LAW
- BUILD OUT THE FRAMEWORK, INCLUDING CHARTER QUESTIONS (“AS SPECIFIED IN CITY CODE”)
- COUNCIL RESOLUTION 37527
- COUNCIL RESOLUTION 37548 (WITH DETAILED SCOPE OF WORK AS EXHIBIT)

TASKS CITY COUNCIL ASSIGNED TO THE PAC

- CREATE A CODE CHANGE PACKAGE OUTLINING A NEW POLICE OVERSIGHT SYSTEM INCLUDING:
 - ORGANIZATIONAL DETAILS
 - POWERS OF THE OVERSIGHT SYSTEM
 - TRANSITION PLAN
 - DEFINITIONS

CHARTER 2-10

- THE CHARTER IS AN OVERARCHING LEGAL REQUIREMENT, LIKE THE U.S. CONSTITUTION
- THE PAC DID NOT DISCUSS CHANGING IT, AND IT IS OUTSIDE THE PAC'S SCOPE
- DETAILS AS TO CHARTER REQUIREMENTS ARE IN EACH CONTENT AREA WITHIN THIS PRESENTATION

PAC MEETINGS & COMMUNITY ENGAGEMENT

- 128 PUBLIC MEETINGS AND HEARINGS
- 23 COMMUNITY ENGAGEMENT EVENTS
- HEARD FROM:
 - COMMUNITY ORGANIZATIONS
 - CITY COUNCIL
 - CURRENT OVERSIGHT SYSTEM
 - OTHER LOCAL OFFICIALS, INCLUDING REPRESENTATIVES FROM PPB

BARRIERS TO POLICE ACCOUNTABILITY IN CURRENT SYSTEM

- LACK OF TRANSPARENCY
- COMPLEXITY OF THE CURRENT SYSTEM
- LACK OF ACCESSIBILITY AND EQUITY
- PUBLIC PERCEPTION AND LACK OF TRUST IN THE SYSTEM
- CURRENT LAWS AND POLICIES
- LACK OF PROVEN EFFECTIVENESS
- CONFLICTS OF INTEREST AND BIAS
- CULTURE
- INADEQUATE RESOURCES

BEST PRACTICES FROM THE CURRENT SYSTEM

- CRC AND IPR TRANSPARENCY AND REGULAR REPORTING
- CIVILIAN STAFF INVOLVEMENT
- QUALIFICATIONS OF INVESTIGATORS
- REVIEW AND RIGOR
- POSSIBILITY OF OUTCOMES BEYOND DISCIPLINE OR CORRECTIVE ACTION
 - MEDIATION
 - SUPERVISORY INVESTIGATIONS

RESEARCH CONDUCTED BY THE PAC

- OTHER JURISDICTIONS
 - SAN DIEGO, CA; SAN FRANCISCO, CA; NYC; OAKLAND, CA; CHICAGO, IL; PHILADELPHIA, PA; DENVER, CO; WASHINGTON DC; SEATTLE, WA; AND MORE
- SUBJECT MATTER EXPERTS
 - NATIONAL ASSOCIATION FOR CIVILIAN OVERSIGHT OF LAW ENFORCEMENT (NACOLE); 2008 IPR REVIEW CONDUCTED BY DR. EILEEN LUNA-FIREBAUGH, MENTAL HEALTH ALLIANCE; NATIONAL POLICE ACCOUNTABILITY PROJECT;
 - STAFF FROM CITY OF SAN DIEGO, NEW YORK, AND OAKLAND OVERSIGHT AGENCIES

INDEPENDENT JUDGMENT

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.”

- ALSO INCLUDES THE BOARD EVALUATING EXTERNAL RECOMMENDATIONS (E.G. STAFF RECOMMENDED FINDINGS), BUT COMING TO ITS OWN CONCLUSIONS

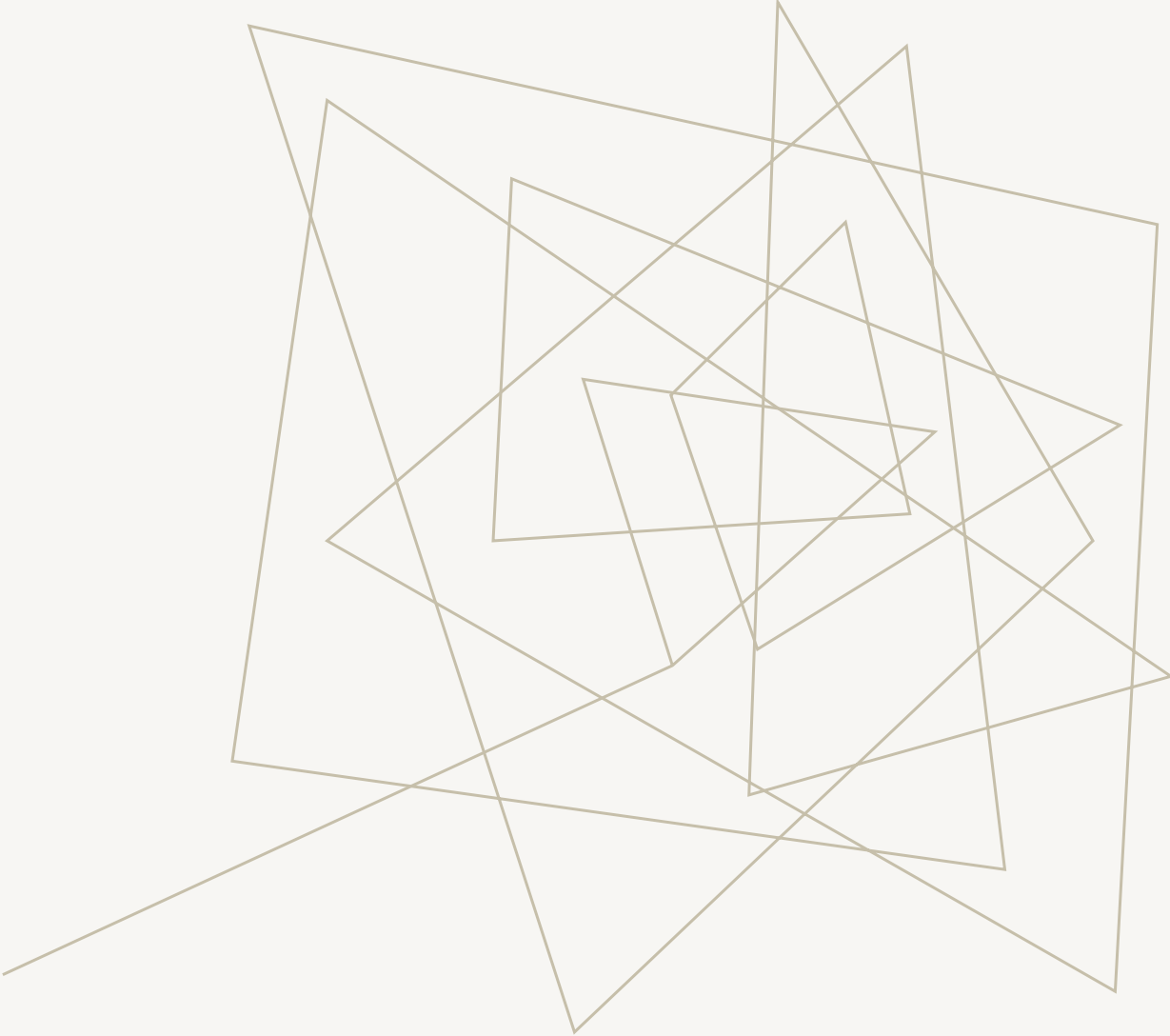
PART OF THE CITY GOVERNMENT

ALTHOUGH THE BOARD HAS INDEPENDENT JUDGMENT, IT IS STILL SUBJECT TO ALL NORMAL CITY RULES AND PROCEDURES, INCLUDING:

- LAW (CHARTER, CODE, ETC.)
- COLLECTIVE BARGAINING OBLIGATIONS
- ADMINISTRATIVE RULES (HR, PROCUREMENT, BUDGET, ETC.)



**WHAT THE NEW
SYSTEM WILL DO**



ACCESS TO INFORMATION

CITY CHARTER 2-10

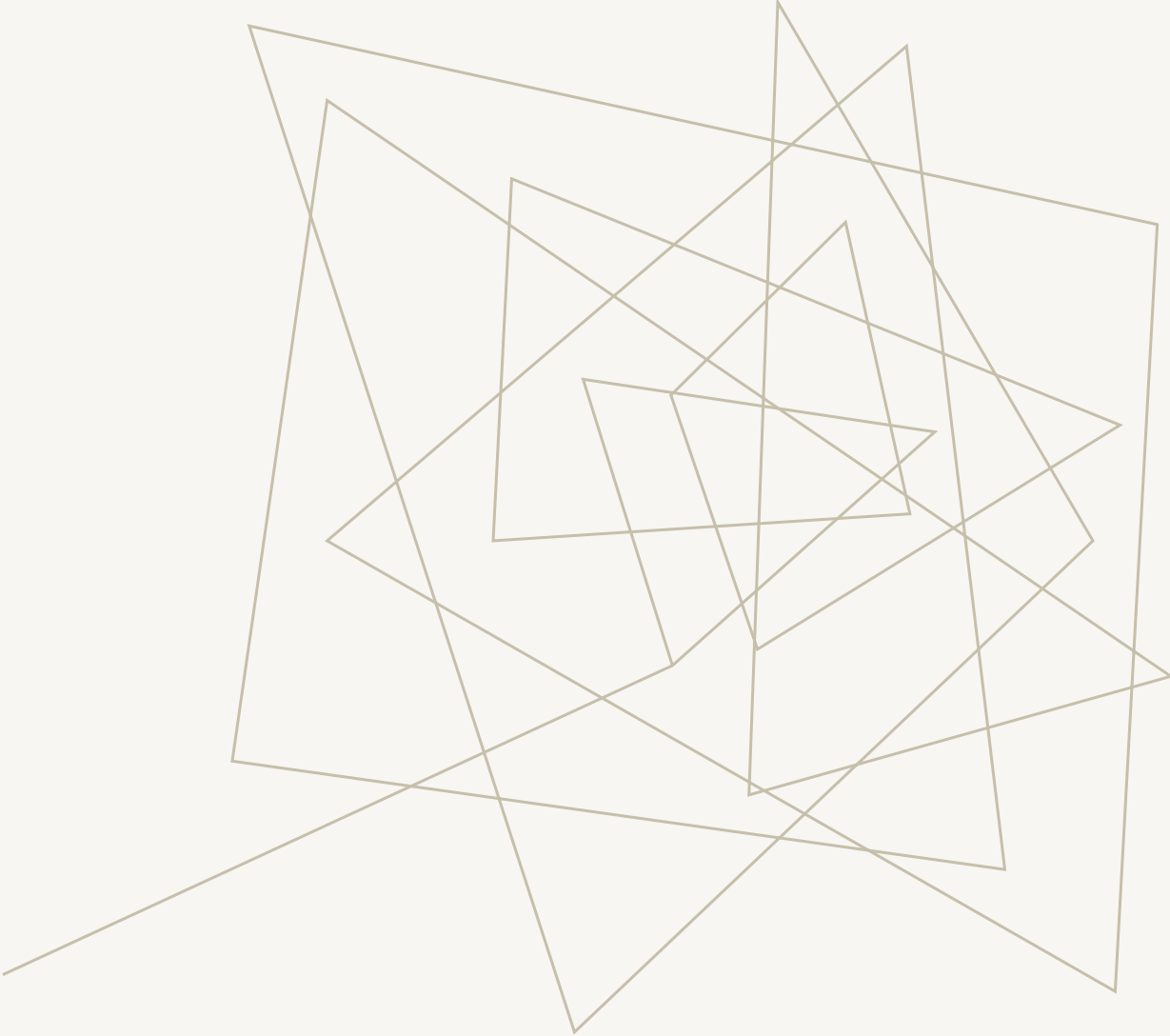
THE POWER & AUTHORITY TO:

- **“SUBPOENA AND COMPEL DOCUMENTS”**
- **“GATHER AND COMPEL ALL EVIDENCE, TO ACCESS ALL POLICE RECORDS TO THE EXTENT ALLOWED BY FEDERAL AND STATE LAW, AND [...] TO COMPEL STATEMENTS FROM WITNESSES INCLUDING OFFICERS.”**
- **“COMPEL SWORN MEMBERS OF THE PORTLAND POLICE BUREAU AND THEIR SUPERVISORS TO PARTICIPATE IN INVESTIGATIONS AND TO COMPLETELY AND TRUTHFULLY ANSWER ALL QUESTIONS.”**

ACCESS TO INFORMATION

THE NEW SYSTEM WILL FIRST REQUEST INFORMATION FROM PPB/OFFICERS, AND ALSO HAS THE AUTHORITY TO:

- COMPEL OFFICER TESTIMONY
- SUBPOENA WITNESSES
- ACCESS POLICE RECORDS AND DATA
- ACCESS BODY CAMERA FOOTAGE



ADMINISTRATIVE INVESTIGATIONS

ACCOUNTABILITY 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.

CHARTER 2-10

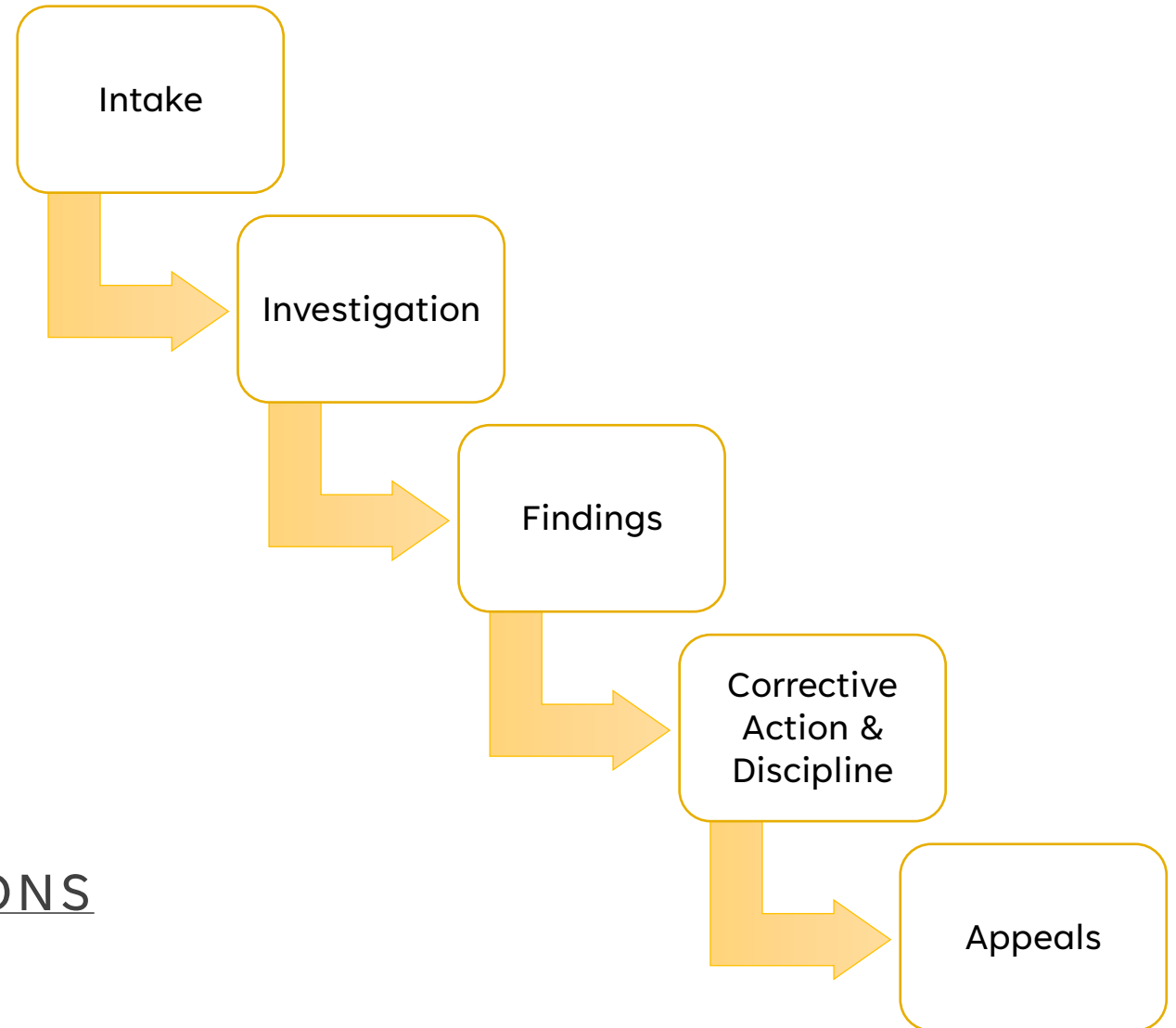
- **“INDEPENDENTLY INVESTIGATE PORTLAND POLICE BUREAU SWORN EMPLOYEES [...] PROMPTLY, FAIRLY, AND IMPARTIALLY, TO IMPOSE DISCIPLINE AS DETERMINED BY THE BOARD”**
- **“AUTHORITY TO INVESTIGATE [...] ALL DEATHS IN CUSTODY AND USES OF DEADLY FORCE; ALL COMPLAINTS OF FORCE THAT RESULT IN INJURY, DISCRIMINATION AGAINST A PROTECTED CLASS, VIOLATIONS OF FEDERAL OR STATE CONSTITUTIONAL RIGHTS.”**

ADMINISTRATIVE INVESTIGATIONS

FULL FLOWCHART IN BRIEFING BOOK

(STARTS ON PAGE 10)

CASE PROCESS

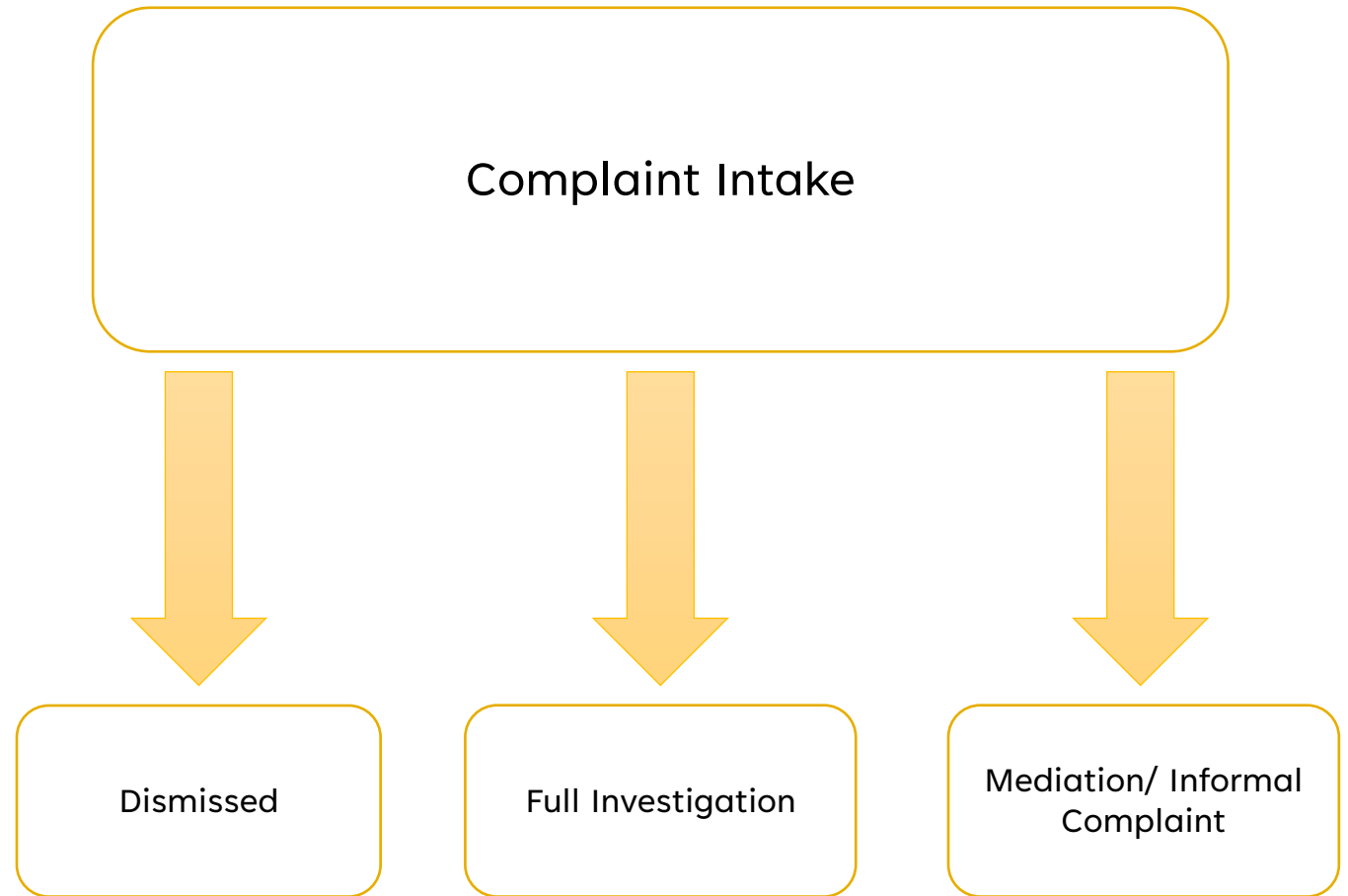


OTHER OPTIONS

- MEDIATION
- INFORMAL COMPLAINTS

ADMINISTRATIVE INVESTIGATIONS

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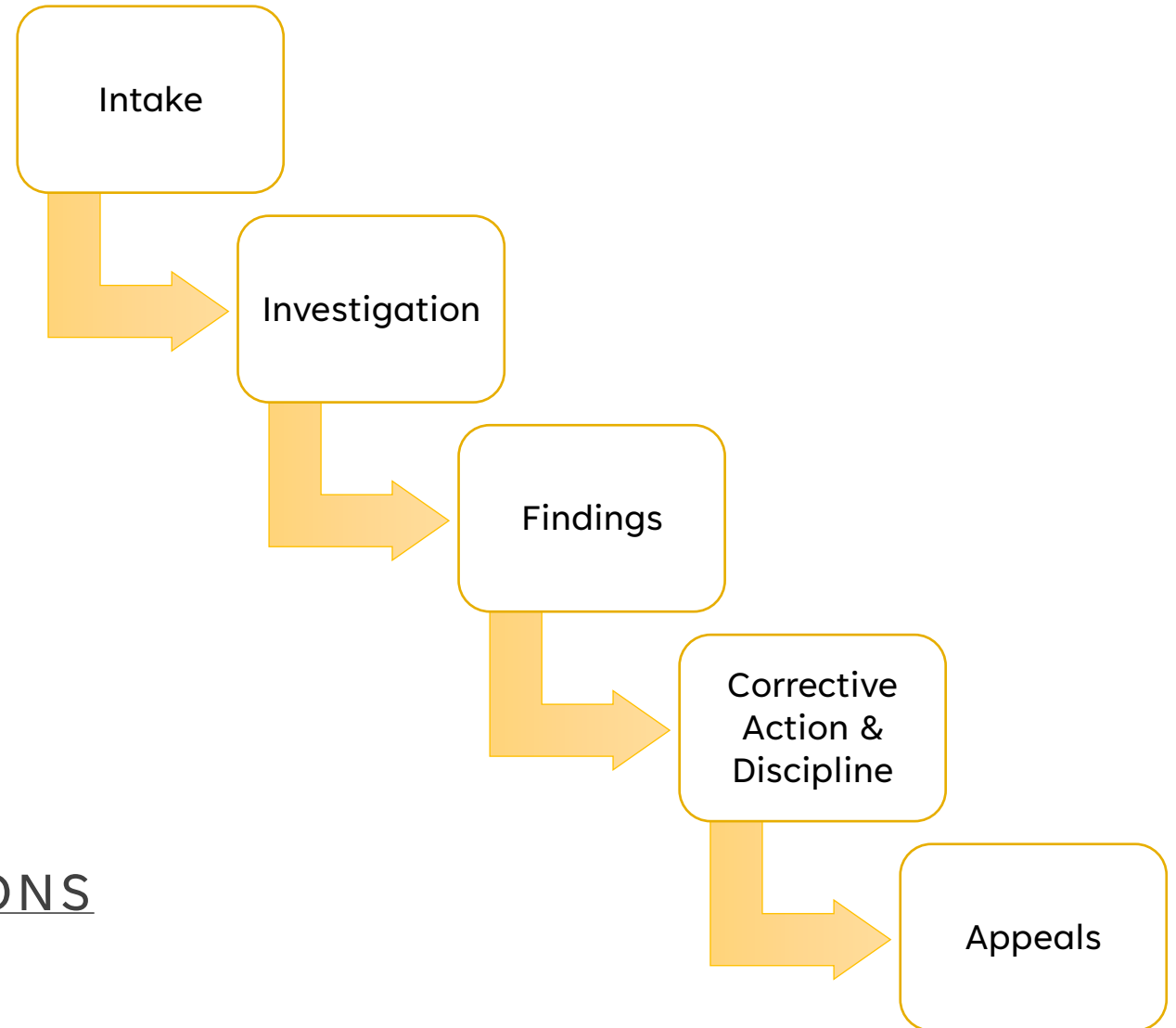


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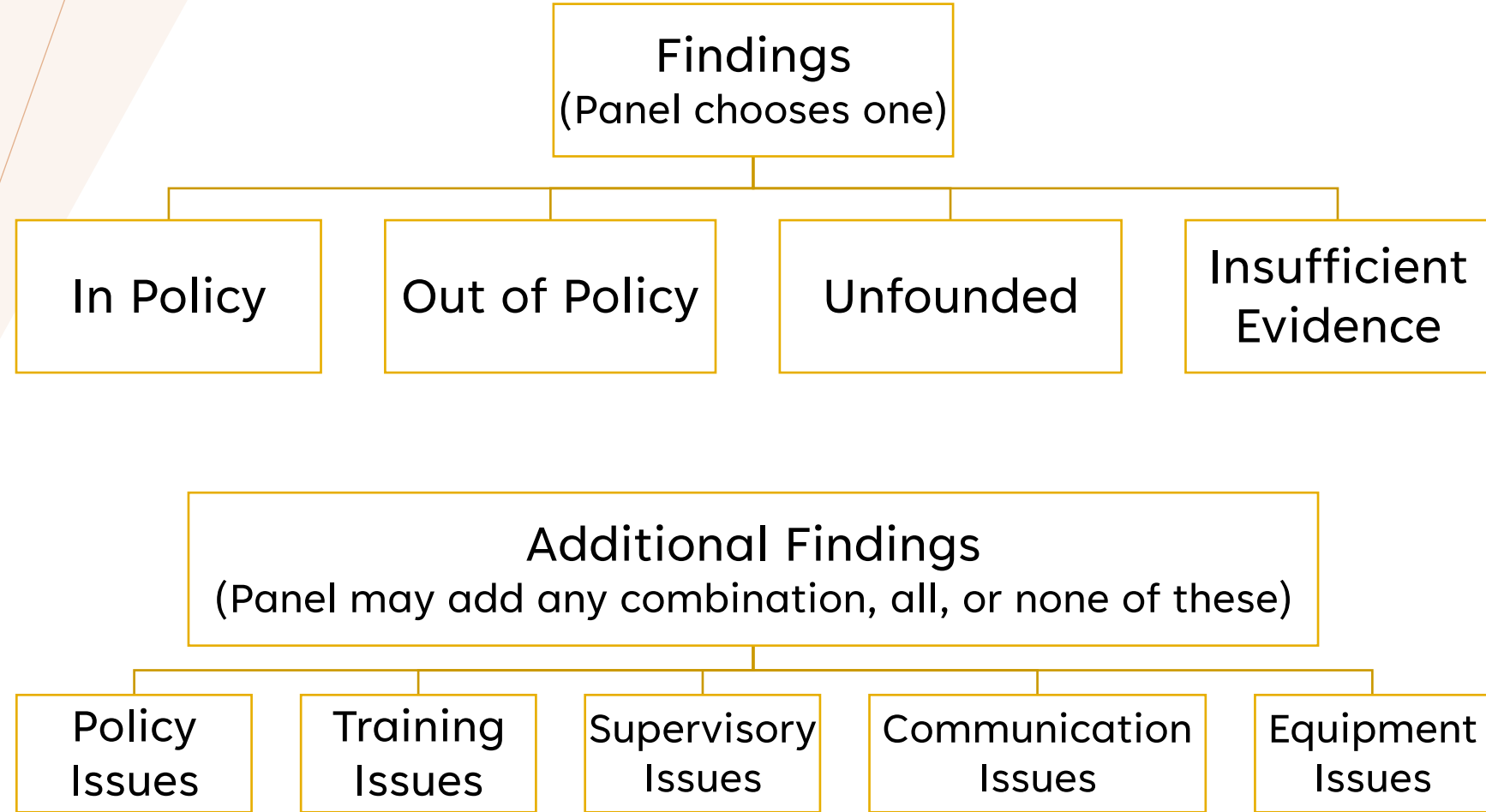


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ADMINISTRATIVE INVESTIGATIONS

FINDINGS

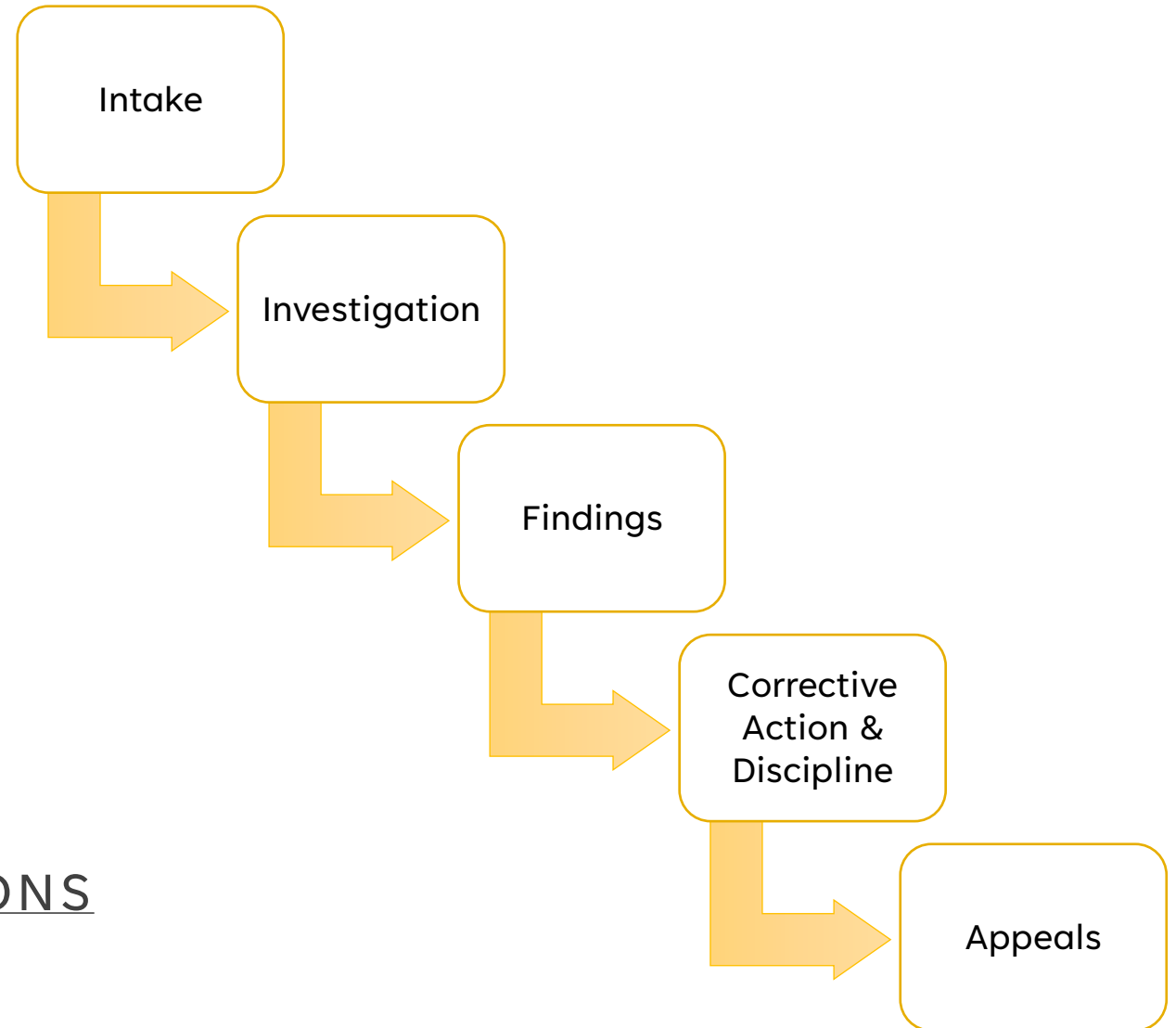


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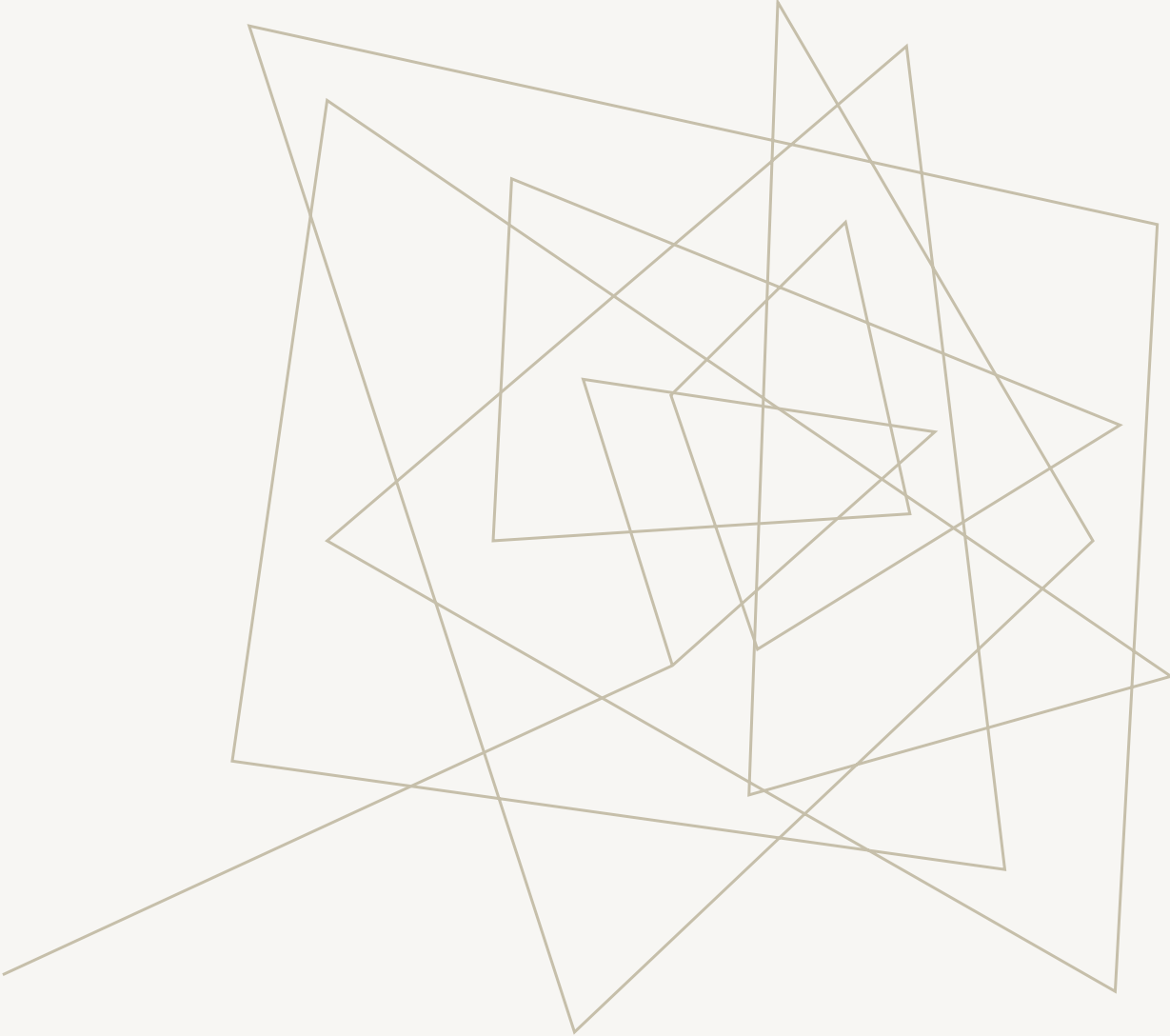
KEY DIFFERENCES

1. COMPLAINT NAVIGATOR PROVIDED FROM THE BEGINNING
2. ONE ENTITY REVIEWS EACH CASE (SOME CASES STAY WITH IA, OTHERS GO TO OVERSIGHT BOARD)
3. DEADLY FORCE: ADMINISTRATIVE INVESTIGATIONS & ABILITY TO APPEAL
4. COMMUNITY MEMBERS MAKE FINAL DECISIONS ON FINDINGS

ADMINISTRATIVE INVESTIGATIONS

KEY SIMILARITIES

1. USE OF DISCIPLINE GUIDE
(CITY/PPA-BARGAINED GUIDE +
STATEWIDE DISCIPLINE GUIDE)
2. USE OF PANELS AND SIZES SIMILAR TO
PRB STRUCTURE (5 FOR MOST CASES,
~7 FOR HIGHER-PROFILE/COMPLEX
CASES)
3. DUE PROCESS, JUST CAUSE, AND
5TH AMENDMENT RIGHTS



STRUCTURAL OVERSIGHT

CHARTER 2-10

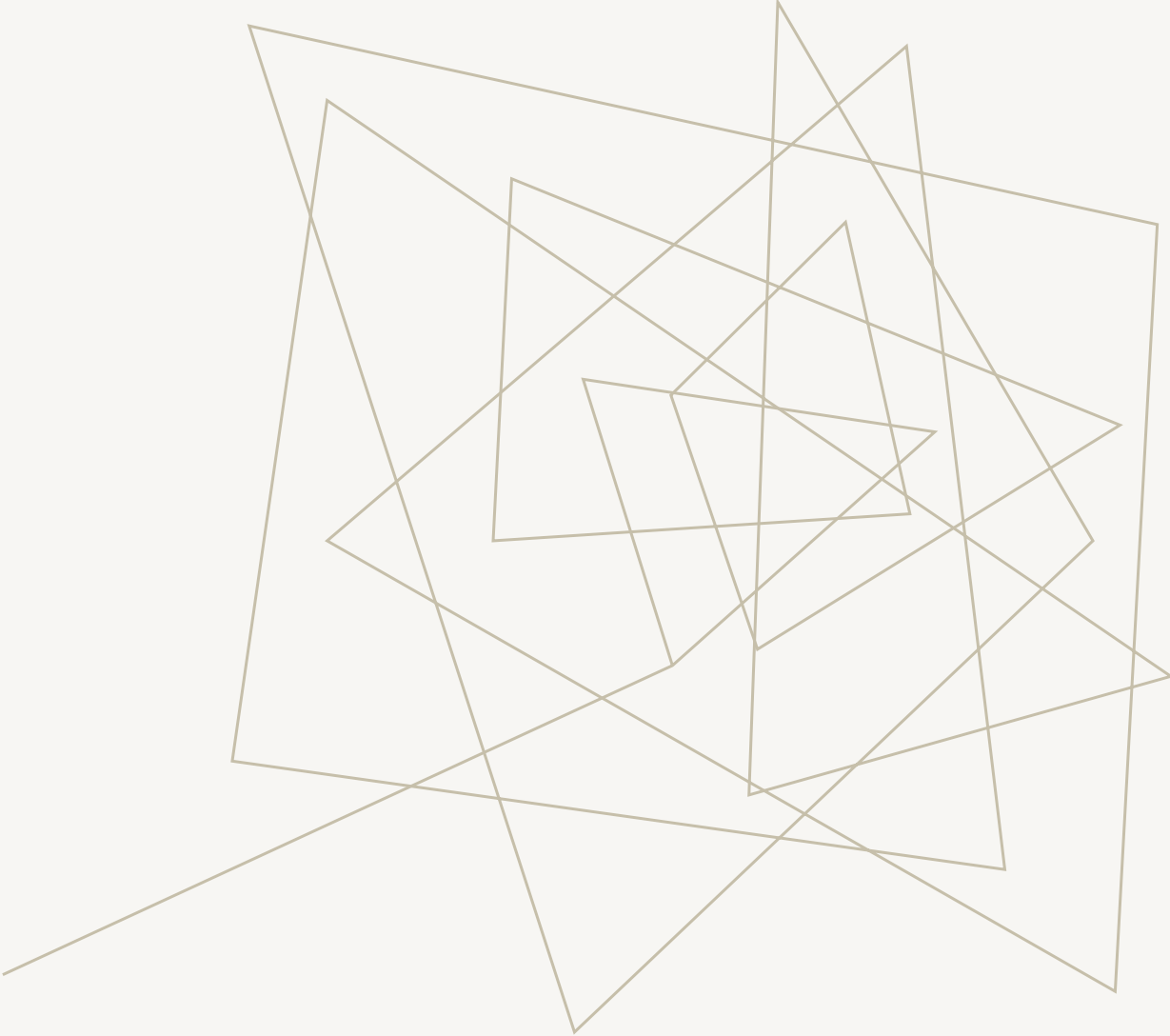
“THE BOARD SHALL HAVE THE AUTHORITY TO MAKE POLICY AND DIRECTIVE RECOMMENDATIONS TO THE PORTLAND POLICE BUREAU AND CITY COUNCIL.

THE PORTLAND POLICE BUREAU SHALL CONSIDER [...] 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...”

STRUCTURAL OVERSIGHT

- POLICY RECOMMENDATIONS MAY BE MADE TO PPB
 - INITIATED THROUGH 6 PROCESSES
 - REJECTED RECOMMENDATIONS MAY BE SENT TO CITY COUNCIL
 - COLLECTIVE BARGAINING NEGOTIATIONS
- GATHERING INPUT FOR PPB BUDGET DEVELOPMENT
- CONTINUAL IMPROVEMENT



HOW THE NEW SYSTEM IS SET UP



BOARD MEMBERSHIP

CHARTER 2-10

- “APPOINTED BY APPROVAL OF COUNCIL.”
- “... REPRESENTATION FROM DIVERSE COMMUNITIES INCLUDING THOSE [...] WITH DIVERSE LIVED EXPERIENCES, PARTICULARLY THOSE WHO HAVE EXPERIENCED SYSTEMIC RACISM AND THOSE WHO HAVE EXPERIENCED MENTAL ILLNESS, ADDICTION, OR ALCOHOLISM.”
- “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.”

BOARD MEMBERSHIP

- 33 MEMBERS SERVING STAGGERED 3 YEAR TERMS
- MEMBERSHIP REFLECTING DIVERSITY OF PORTLAND
- ALL-VOLUNTEER BOARD, RECEIVING MODEST MEMBER SUPPORT
- SUBJECT MATTER EXPERTISE
- TRAINED ON PPB AND OVERSIGHT PROCEDURES BY STAFF AND EXPERTS
- PEER TRAINING

FULL BOARD DECISIONS

VS.

SMALLER-GROUP DECISIONS:

FULL BOARD:

- INTERNAL PROCESSES (INCLUDING LEADERSHIP SELECTION AND PANEL MEMBER ROTATION)
- REVIEWING SUB-COMMITTEE PROPOSALS
- PUBLIC TOWN HALLS AND EVENTS, INCLUDING BRIEFINGS WITH PPB, MAYOR, AND OTHER PUBLIC SAFETY OFFICIALS

SMALLER GROUPS:

- PANELS OF 5+ DECIDE ON INDIVIDUAL CASES, NOT FULL BOARD (SIMILAR TO CURRENT PRB STRUCTURE); PANEL MEMBERSHIP ROTATES
- SUB-COMMITTEES OF 5+ DEVELOP PROPOSALS FOR FULL BOARD CONSIDERATION, ETC. (REVIEW APPLICATIONS, DIRECTOR CANDIDATE SCREENING, PERFORMANCE REVIEWS, ETC.)

SUPPORTING VOLUNTEERS

- IDENTIFIED BARRIER: LACK OF SUPPORT AND HIGH WORKLOAD FOR VOLUNTEERS
- VOLUNTEERS DEAL WITH ISSUES IN THEIR PERSONAL LIVES AND NEED THE ABILITY TO ROTATE AND BALANCE THEIR WORKLOADS
- VOLUNTEERS ALSO DEAL WITH ISSUES RELATED TO THEIR SERVICE: INTERNAL COHESION, COSTS OF VOLUNTEERING, LACK OF CLARITY, TRAUMA EXPOSURE, ETC.

MEMBER SUPPORT

- COMPENSATION:
 - TO REDUCE BARRIERS TO SERVICE, BOARD MEMBERS WILL BE PROVIDED WITH A NOMINAL FEE ON A PER-HOUR BASIS
 - THE AMOUNT ALIGNS WITH FEDERAL GUIDELINES
 - SIMILAR PRACTICES ARE IN PLACE IN LOUISVILLE, KY; BALTIMORE, MD; ANNE ARUNDEL COUNTY, MD; PHILADELPHIA, PA; DENVER, CO; AND OTHERS.
- MENTAL HEALTH SUPPORT:
 - BOARD MEMBERS WILL BE REVIEWING TRAUMATIC MATERIALS AND CASE FILES



**OVERSIGHT STAFF:
THE OFFICE OF
COMMUNITY-BASED
POLICE ACCOUNTABILITY**

CHARTER 2-10

- “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 [...] SHALL BE **APPOINTED BY AND SERVE UNDER THE DIRECTION OF THE DIRECTOR**”

DIRECTOR & STAFF

DIRECTOR

- HIRED AND MANAGED BY THE BOARD
- QUALIFICATIONS BASED ON CURRENT IPR DIRECTOR QUALIFICATIONS
- OVERSEES PROFESSIONAL STAFF

STAFF

- INTAKE, INVESTIGATION, POLICY, COMMUNITY OUTREACH, ETC.
- REPORTS TO DIRECTOR



REPORTING AND TRANSPARENCY

CHARTER 2-10

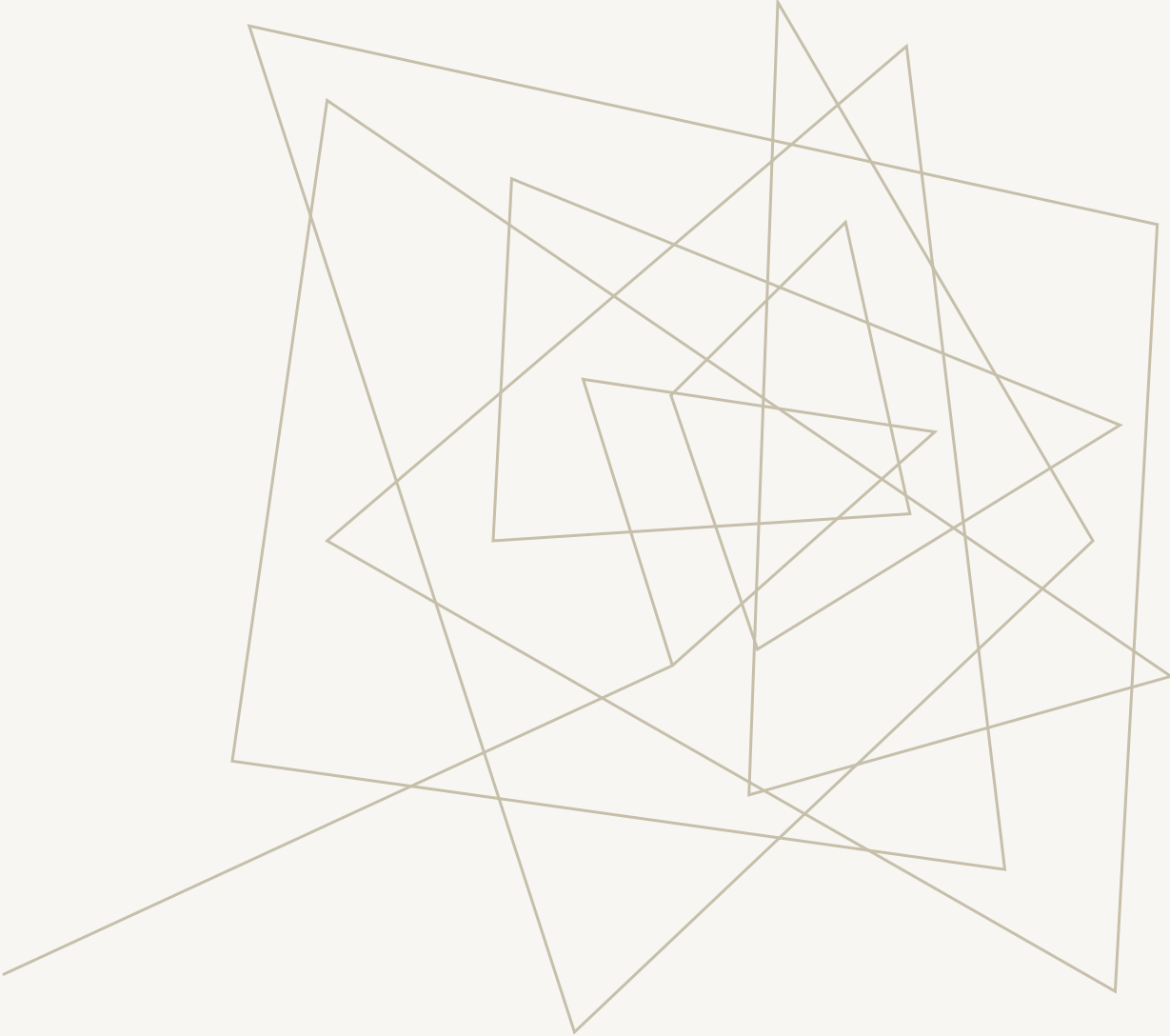
- “THE BOARD SHALL MAKE PROVISIONS FOR REGULAR AND OPEN MEETINGS, PUBLIC TRANSPARENCY, AND REPORTING ON THE BOARD’S ACTIVITIES.”

REPORTING AND TRANSPARENCY

- OPEN PUBLIC MEETINGS
 - DIRECTOR REPORTS AT PUBLIC MEETINGS
 - HOST MAYOR, CHIEF OF POLICE, OTHER PUBLIC SAFETY OFFICIALS
- CASE *DECISIONS* OPEN TO PUBLIC, HEARINGS OPEN TO PUBLIC WHEN IN COMPLIANCE IN STATE LAW
- ANNUAL REPORT
- DATA AVAILABLE ONLINE

CBPA & OCPA IN THE BROADER SYSTEM OF GOVERNMENT

- THE OVERSIGHT BOARD IS A PART OF CITY GOVERNMENT
- CITY GOVERNMENT RELATIONS
- RELATIONSHIP WITH COUNTY
- RELATIONSHIP WITH STATE AND FEDERAL GOVERNMENTS
- RELATIONSHIP TO OTHER POLICE OVERSIGHT SYSTEMS



IMPLEMENTATION

Pre-Transition Phase

What happens after August 31st?

City Council Initial Review

- The PAC presents final code package to City Council
- City Council passes resolution to authorize Transition Team
- Council proposes Settlement Agreement amendments allowing for implementation of oversight board

Sept. 1st -
Oct. 30th
2023

USDOJ and US Court Review

- The US Department of Justice can take as long as they want to review the code package created by the PAC
- We estimate this will take between 6-8 months, meaning City Council's final review might take place in the summer of 2024

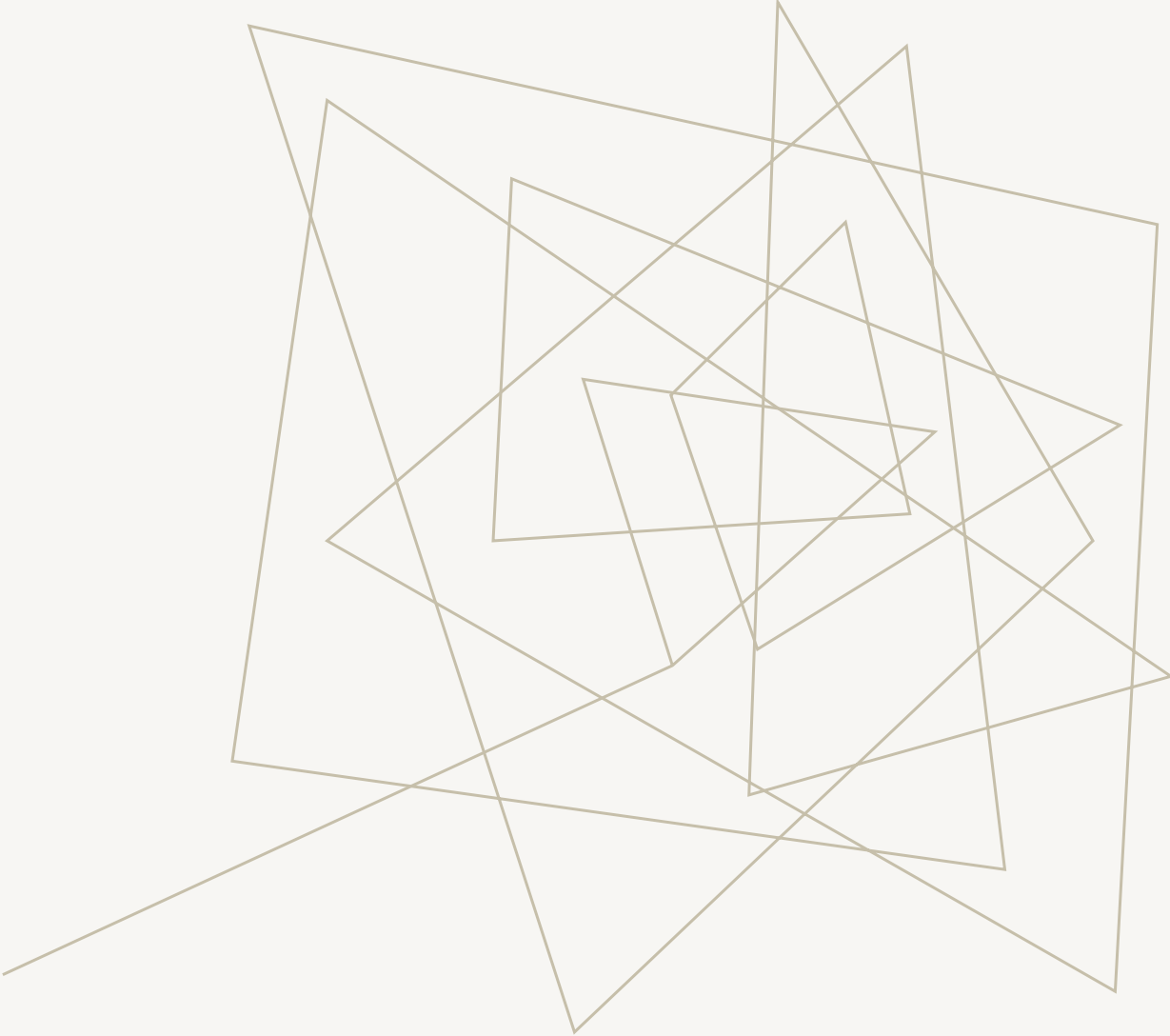
November 1st
- ?

City Council Final Review

- Council approves final text of Settlement Agreement Amendments
- Council votes on PAC code change recommendations.
- Collective bargaining concluded and other legal requirements satisfied

Estimate:
Summer 2024





TRANSITION PLAN

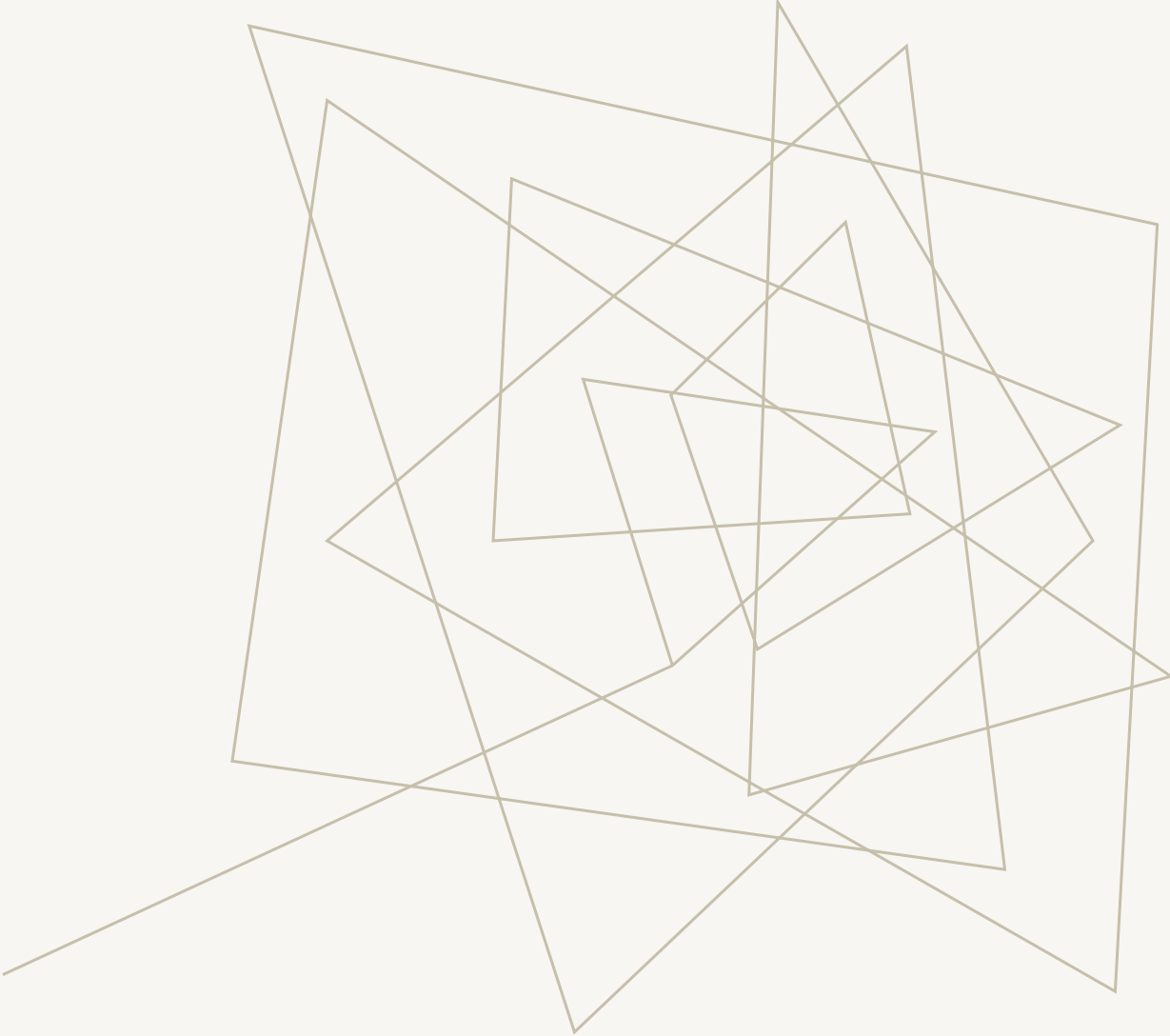
TRANSITION PLAN

- CURRENT SYSTEM TO NEW SYSTEM:
 - APPOINT MEMBERS, HIRE STAFF
 - TRAINING FOR MEMBERS AND STAFF
 - IPR WILL CEASE ACCEPTING NEW COMPLAINTS
 - CURRENT SYSTEM WILL RESOLVE ONGOING CASES AND APPEALS
- TRANSFER OF CASES TO BOARD
- IPR STAFF WILL HAVE PREFERENCE TO APPLY FOR POSITIONS

TRANSITION PLAN

THREE MAIN PROPOSALS:

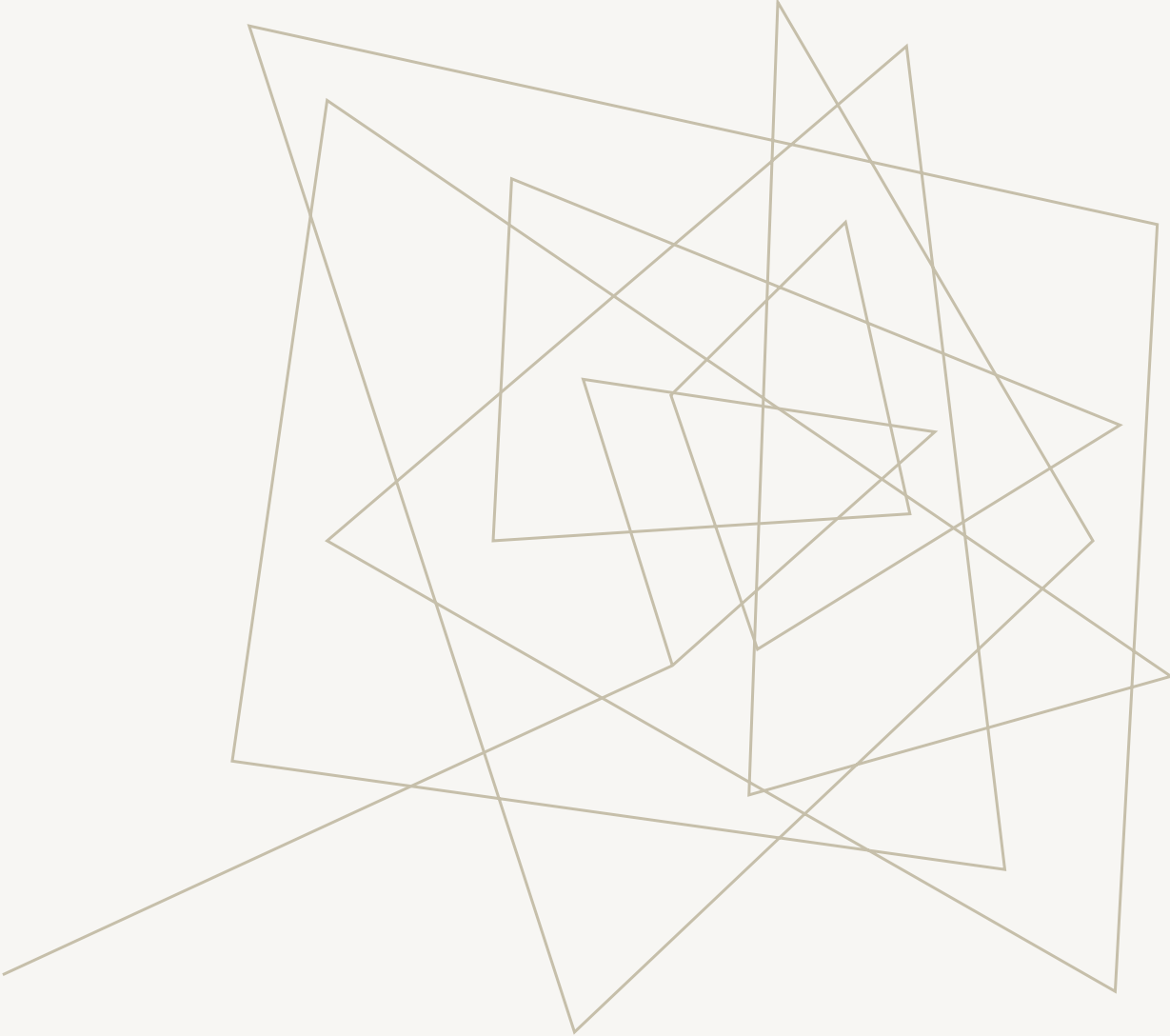
- TRANSFER OF IPR CASES 6 MONTHS AFTER FULL IMPLEMENTATION TO NEW OVERSIGHT BOARD
- ALLOW TRANSFERRED CASES TO USE SAME SYSTEM OF ADMINISTRATIVE INVESTIGATIONS AS ALL OTHER BOARD CASES (RATHER THAN USE OLD SYSTEM'S RULES)
- CREATE TRANSITION TEAM DURING DOJ/COURT REVIEW



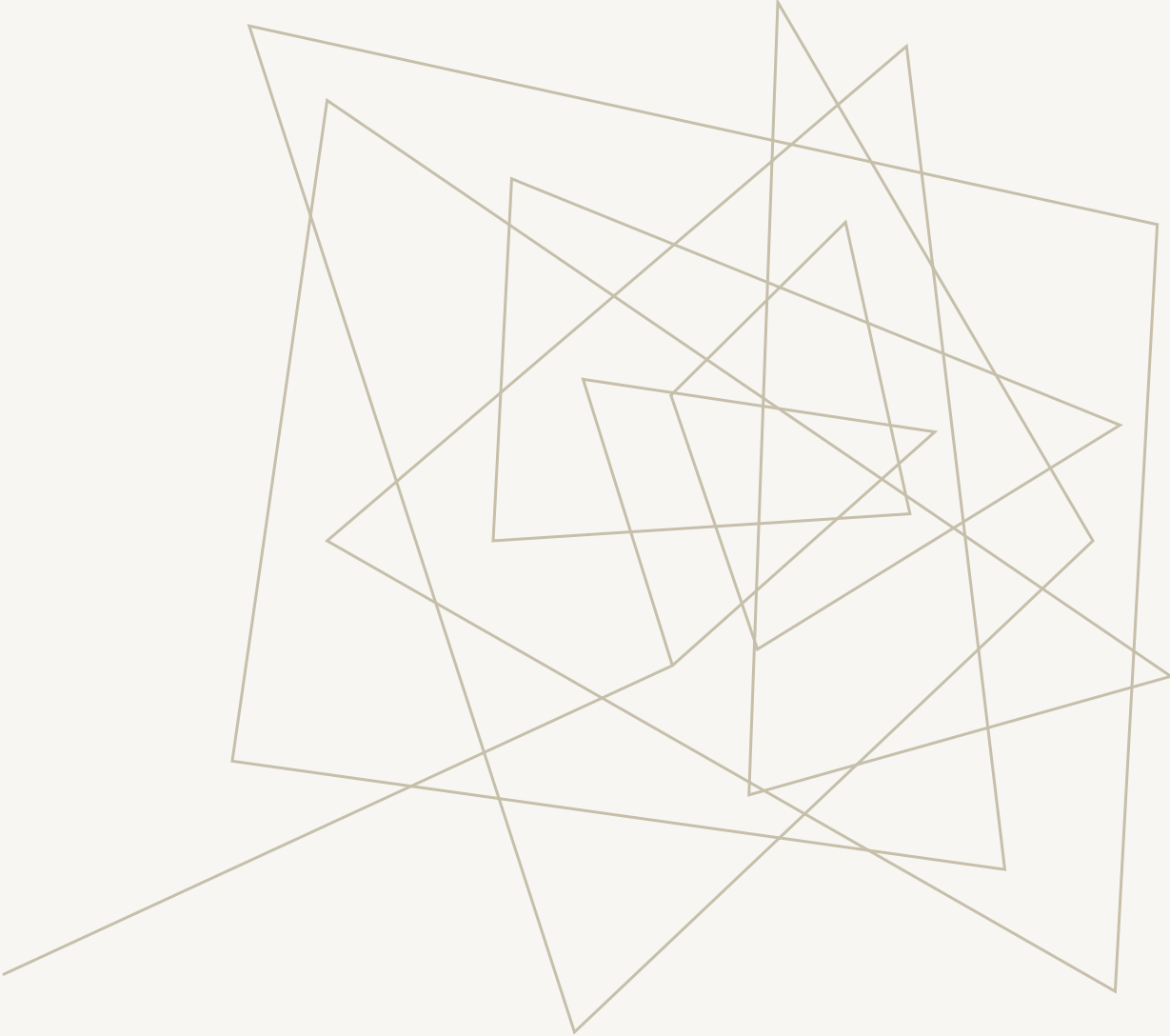
**LEGITIMACY,
FAIRNESS, AND
EFFECTIVENESS**



CONCLUSION



Q & A



*SLIDES BELOW
THIS ARE
EXTRAS*

CURRENT SYSTEM

CITIZEN REVIEW COMMITTEE

CITY OF PORTLAND



Independent Police Review

- INTERNAL AFFAIRS (IA)
- INDEPENDENT POLICE REVIEW (IPR)
- CITIZEN REVIEW COMMITTEE (CRC)
- POLICE REVIEW BOARD (PRB)

WHAT IS THE POLICE ACCOUNTABILITY COMMISSION?

THE POLICE ACCOUNTABILITY COMMISSION:

- **IS A GROUP OF 20 VOLUNTEERS**
- **IS WORKING TO CREATE A NEW ACCOUNTABILITY SYSTEM FOR ALL PORTLANDERS**
- **IS A RESULT OF THE 2020 BALLOT MEASURE APPROVED BY VOTERS**
- **IS NOT AFFILIATED WITH THE PORTLAND POLICE BUREAU**
- **IS NOT PART OF THE CURRENT OVERSIGHT SYSTEM**

WHO THE POLICE
ACCOUNTABILITY
COMMISSION HAS
HEARD FROM AND
MET WITH

- CITY COUNCIL AND THE MAYOR
- LAW ENFORCEMENT REPRESENTATIVES
- REPRESENTATIVES FROM THE CURRENT OVERSIGHT SYSTEM
- SUBJECT MATTER EXPERTS
- COMMUNITY ORGANIZATIONS
- COMMUNITY MEMBERS