



[Home](#) / [Council Documents](#)

## 37637

Resolution

### Direct the City Attorney's Office to seek required approvals from the United States Department of Justice and the United States District Court, and comply with any mandatory collective bargaining obligations, for amendments to the Department of Justice Settlement Agreement and to City Code related to the Community Police Oversight Board

Adopted

Amended by Council

WHEREAS, on July 30<sup>th</sup>, 2020 the Portland City Council voted to refer a Charter Amendment to the voters of Portland authorizing the creation of a police oversight system to promptly, fairly, and impartially investigate and impose discipline on Portland Police Bureau sworn employees and supervisors thereof and to make recommendations regarding police directives with a primary focus on community concerns; and

WHEREAS, on November 3<sup>rd</sup>, 2020 Portland voters approved the Charter Amendment supporting the measure by 81.58%; and

WHEREAS, on July 28, 2021, Council unanimously adopted Resolution No. 37548, creating the Police Accountability Commission (PAC) to develop recommendations and suggested code provisions for the new oversight system; and

WHEREAS, the PAC members, supported by dedicated staff in the Community Safety Division, worked diligently and tirelessly at their assigned task from December 2021 through August 2023; and

WHEREAS, on April 29, 2022, the United States District Court in the United States v. City of Portland, Oregon, entered amendments to the settlement agreement (Settlement Agreement) between the United States Department of Justice (DOJ) and the City of Portland (City), including paragraph 195 which requires the City to implement the Charter Amendments establishing a community police oversight board; and

WHEREAS, on September 21, 2023, the PAC presented to Council its 504-page report (440 pages of which were appendices documenting their work) and a recommended 96-page City Code package to create the Community Board for Police Accountability and Office of Community-led Police Accountability; and

Introduced by

[Mayor Ted Wheeler](#)

Bureau

[City Attorney](#)

Contact

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Monday - Friday, 8:00am - 7:00pm

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Requested Agenda Type

Time Certain

Date and Time Information

Requested Council Date

November 15, 2023

Requested Start Time

2:00 pm

Time Requested

2 hours

after hearing the report presentation, discussing the recommendations with PAC members, and taking community testimony, the Council unanimously voted to accept the report; and

WHEREAS, the Settlement Agreement requires Council, within 60 days of receiving the PAC recommendations, to seek approval from the Court and DOJ of proposed amendments to the Settlement Agreement and City Code to implement the Charter Amendments, and to comply with any corresponding bargaining obligation that may exist; and

WHEREAS, the recommended Settlement Agreement amendments, attached as Exhibit A, will authorize the City to change the required existing accountability system and implement the new oversight system; and

WHEREAS, the recommended City Code amendments, attached as Exhibit B, will implement the will of the voters as reflected in the Charter Amendments to establish a community police oversight board, and create a fair and impartial community-led oversight system where imposed discipline can be upheld; and

WHEREAS, the Settlement Agreement gave the City 60 days to propose amendments and Council brings this Resolution to meet that deadline, Council wants to provide additional opportunity for community feedback on the proposed amendments, and therefore invites continued community feedback for an additional 30 days, until December 15, 2023, via an email account dedicated to community input on the proposal.



NOW, THEREFORE, BE IT RESOLVED, Council directs the City Attorney's Office, after consideration with Council staff of community feedback, to seek required approvals from the United States Department of Justice and the United States District Court in Case No.3:12-cv-02265-SI for Settlement Agreement amendments to Section VIII in a form substantially similar to Exhibit A, and amendments to the City Code in a form substantially similar to Exhibit B, and; and

BE IT FURTHER RESOLVED, the City Attorney's Office and Bureau of Human Resources, after consideration with Council staff of community feedback, are hereby authorized to comply with any collective bargaining obligations the City may have and to reach agreement on the terms of the proposed City Code amendments and Section VIII of the Settlement Agreement in a form substantially similar to Exhibits A and B; and

BE IT FURTHER RESOLVED, the City Attorney's Office is directed to comply with the requirements of the Settlement Agreement and obtain the required approvals from the United States Department of Justice and the United States District Court in Case No.3:12-cv-02265-SI for amendments to the Department of Justice Settlement Agreement and to City Code related to the Community Police Oversight Board in a form substantially similar to Exhibits A and B; and

BE IT FURTHER RESOLVED, upon completion of its engagement with the DOJ and the Court, the City Attorney's Office shall return to Council within 21 days for adoption of the City Code amendments approved by DOJ and the United States District Court.

## Documents and Exhibits

-  [Exhibit A \(https://www.portland.gov/sites/default/files/council-documents/2023/exhibit-a-section-viii-amendments.pdf\)](https://www.portland.gov/sites/default/files/council-documents/2023/exhibit-a-section-viii-amendments.pdf) 334.02 KB
-  [Exhibit B - As Amended \(https://www.portland.gov/sites/default/files/council-documents/2023/exhibit-b-as-amended.pdf\)](https://www.portland.gov/sites/default/files/council-documents/2023/exhibit-b-as-amended.pdf) 372.65 KB
-  [Amended Exhibit B - Strikethrough / Underline Version \(https://www.portland.gov/sites/default/files/council-documents/2023/item-964-amended-exhibit-b-rubio-amendments-2.pdf\)](https://www.portland.gov/sites/default/files/council-documents/2023/item-964-amended-exhibit-b-rubio-amendments-2.pdf) 881.4 KB

## Impact Statement

### Purpose of Proposed Legislation and Background Information

The purpose of the Resolution is for the City Attorney's Office to seek required approvals for amendments to the Settlement Agreement between the United States Department of Justice and the City of Portland, as well as amendments to Portland City Code, to implement an oversight system to investigate and make disciplinary decisions for Portland Police Bureau sworn employees and supervisors thereof. This Resolution also directs the City Attorney's Office to comply with any mandatory collective bargaining obligations that relate to these amendments of the Settlement Agreement and City Code.

### Financial and Budgetary Impacts

This legislation does not require changes to current FTE or budgets and does not result in new financial obligations. Under the Charter Amendments, funding for the Oversight System shall be proportional to be no less than 5 percent of the Police Bureau's Annual Operational Budget.

### Community Impacts and Community Involvement

Council received community feedback at a Council session on September 21, 2023, when the Portland Accountability Commission (PAC) presented their recommendations for changes to City Code. Due to the 60-day timeline under the Settlement Agreement for seeking approval of proposed amendments, the Resolution also invites continued community feedback on the proposed amendments for an additional 30 days beyond adoption of the Resolution, until December 15, 2023, via an email account dedicated to community input on the proposal.

### 100% Renewable Goal

Not applicable.

## Budget Office Financial Impact Analysis

No new financial obligations. Under the Charter Amendments, funding for the Oversight System shall be proportional to be no less than 5 percent of the Police Bureau's Annual Operational Budget.

## Agenda Items

964 Time Certain in [November 15, 2023 Council Agenda](https://www.portland.gov/council/agenda/2023/11/15)  
(<https://www.portland.gov/council/agenda/2023/11/15>)

Adopted As Amended

Motion to amend Subsection 35B.010 B.2. in Exhibit B: Moved by Rubio and seconded by Ryan. (Y-5)

Motion to amend Subsection 35B.010 D.6.c. in Exhibit B: Moved by Rubio and seconded by Gonzalez. (Y-5)

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Mayor Ted Wheeler Yea