

Written Testimony - Agenda Item 964

Agenda Item	Name or Organization	Position	Comments	Attachment	Created
964	Suzanne Belatti	Oppose	The current PAC does not represent the broader community of Portlanders, the majority of whom support our Law Enforcement officers and want to see the force expanded to appropriate levels. This micromanagement by a small group of anti-police advocates would be a detriment to the entire city	No	11/10/23 10:32 PM
964	Anonymous	Oppose	This is an awful proposal which is unfair to the police and detrimental to the overall safety for the citizens. Furthermore, the request to finance this new board with no less than 5% of the police budget is ludicrous.	No	11/11/23 11:45 AM
964	Anonymous	Oppose	In light of recent anti-police sentiment and what can be seen as "corrective actions" against over-aggressive policing, it's imperative that this city put full support behind law enforcement. As open drug use and criminality is allowed on neighborhood streets, the city is not fulfilling its obligations to protect its citizens. Along with any actions to fulfill prior settlements with DOJ, et al. it's important to take BOLD actions to protect and defend the citizens that call this city their home. This is not being done and faith in this institution is waning.	No	11/11/23 12:24 PM
964	Anonymous	Support	It is time that the public has a say and opportunity to oversee those who are "protecting us." To fine comb police reports that have misconstrued information. I support this measure and the benefits that will come from it. Change is always tricky and will take time to adjust, but this is a step in the direction of working as a community to keep each other safe.	No	11/11/23 2:15 PM
964	Monica Cory	Oppose	For the greater good of the broader community, I am urging the city council to Reject the blatantly anti-cop, heavy-handed policies outlined in Measure 27-217 Police Accountability Commission. Send it back to the voters or start over with a balanced board.	Yes	11/11/23 4:55 PM

I am so sorry that I cannot submit this testimony in person or virtually because I will be on a flight.

That said, I emphatically ask you to do the right thing, and that is to REJECT THE GROSS OVERREACHING POLICIES outlined in Measure 26-217 by the new Police Accountability Commission and send this back to the voters.

The system proposed by the PAC doesn't balance public safety concerns and with any sense of fairness to our officers.

There is no way that any rational resident would approve of the UNWORKABLE and BIASED policies set forth by the PAC. Obviously, the general public is woefully unaware of the power grab the new PAC has outlined.

But many of us have found out and we are tired of being dominated by a small group of people with an axe to grind who put their special interests in front of the common good of our community.

All people---white BIPOC, young, old and each of you—know that Portland needs at least 400 more police to get close to any sense of timely response and a restored sense of safety.

Our Portland Police have continued to serve us even when this city signaled that it was not a system partner with them through the 120 nights of rioting in 2020, allowing demonstrating against them and through defunding.

We need to leave that in the rearview and move forward with a fair review system, not one that will continue to devalue and demoralize our law enforcement officers.

Since 2020, , as a community, we looked at the Portland Police history with a critical eye. No one supports reckless practices by the PPB. Now it's time to look at the policies of **Measure 26-217** with a critical eye. As outlined, the overstepping policies are clearly reckless and one must question the motivation of the commission in drafting them.

If this measure is adopted I would say it would be the end of recruiting quality officers. Why would anyone want their professional career to be in the hands of 22 inexperienced and micromanaging volunteers who have the final word on disciplinary action, without the support of your union or a check and balance vote by a Police commissioner.

This heavy handed control by power hungry and adversarial commissioners will lead to the continue demise of the health of our city.

It is not in any way democratic since there is not check or balance system in place.

Police and residents will continue to flee Portland for the surrounding communities where laws and enforced and police officers are supported. The surrounding areas will continue to thrive as Portland further implodes..

In summation, I ask you to Refer to again to testimony from Amy Woods from a hearing on 9/21)

I also do not think that the majority of Portlanders want a police accountability commission that is solely comprised of people who, as far as I can tell, are anti-police activists. I have been to some of the PAC public meetings, both in-person and online. I have met almost all of the Police Accountability Commissioners at these meetings. I was alarmed at the things I was hearing from them, and I was alarmed by the way they dismissed questions from the public that seemed at all supportive of law enforcement. I went to a PAC meeting in January where the commissioners were asked if they all support the abolishment or defunding of police. One of the commissioners answered, "We probably do, but we haven't discussed it." Another commissioner answered, "we have to present this proposal to city council, and we know there are people on city council who support law enforcement, and we need to have plausible deniability so that we don't sound like Antifa trolls." At that same meeting, the commissioners were forward about their intent to have a member sit in on union contract negotiations. They kept repeating that they were "thinking big.". They certainly did that, given their proposal.

Final notes:

- The current PAC policies are nothing more than a gross overreach by does not represent the broader community of Portlanders, the majority of whom support our Law Enforcement officers and want to see the force expanded to appropriate levels
- The pendulum swung. This is not 2020. We need to move forward together, not by continuingly villainizing all police.
- It's a dangerous overreach without precedent that will further hinder Portland's ability to attract and retain law enforcement officers at a time when we are woefully understaffed.
- The proposed policies of the new PAC absolutely do not balance public safety concerns and fairness to our officers.
- The union would have no role in this new PAC. The majority of Portlanders support unions.

Portland voters are tired of experiments where there are working plans in other cities that could easily be adopted.

Reject this.

Monica Cory

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964	Michelle Stevenson	Oppose	<p>I urge city council to amend your resolution to require the city attorney to return to council for another vote after December 15. This would require the city attorney's office to listen to the public comments and not ignore the voices of community members.</p> <p>The most hurtful amendment here was to delay a person's access to a complaint navigator. In my situation I came forward about a crime done by an officer on the job. When I came forward the Portland Police Bureau assigned me to a victim advocate that was a part of the PPB, refused to talk to me, and the victim advocate lied to and manipulated me. That's why I spoke publicly to the PAC about providing a victim advocate to community members that wouldn't seek to lie and manipulate to the survivor. It was hard to speak publicly but it was worth it if even one person isn't hurt like me.</p> <p>I started another case about retaliation by the PPB for filing a complaint. That case has been active since the beginning of June 2023--I don't know what's going on in that case, even though I've asked. Independent Police Review investigator Eric Nomura hasn't responded to my questions as required by law and under the settlement agreement. Under the proposed amendment I would still not be assigned a navigator in this important and heart-rending case, even after 6 months.</p> <p>I believe the city attorney's office is encouraging that amendment to disempower survivors so the survivor can't get information and file a claim against the PPB and city in a timely manner. I don't believe this amendment is to help create a livable, happy city where people know they're safe and know that the police aren't doing criminal things. What is even the point of disempowering victims like that except to silence them and prevent them from coming forward? If the city doesn't want to get sued, maybe instead of hurting victims of crimes even more the city attorney's office can brainstorm about how to protect community members so that the harm NEVER happens. Isn't that supposedly the real point of the settlement agreement?</p> <p>Please vote no on these amendments, this is terrible and it is anti-democratic. I voted for the new accountability system because I wanted policemen who commit crimes to be held accountable. Please respect the voter wishes and hold the police accountable and give help to the survivors and family members of those who didn't survive.</p>	No	11/11/23 7:29 PM

Agenda Item	Name or Organization	Position	Comments	Attachment	Created
964	Anonymous	Oppose	<p>Given your short notice of the proposed changes, the City should not rush this but rather use the 30 day comment period and revisit the decision in mid-December. The changes proposed also greatly undermine the intent of your constituents. For example...</p> <p>Putting 3 police representatives on the nominating committee violates the whole spirit of separation of the Bureau and independent civilian review which received overwhelming citizen support.</p> <p>The prohibition of anyone with “anti-police bias” being considered for the Board could be easily abused. A similar clause has been problematic in other cities, including Boulder.</p> <p>Similarly, narrowing the investigative team from 5-7 to only 3 Board members will not only reduce diversity but will increase workload so that the number of cases reviewed is going to be smaller.</p> <p>The City Attorney has narrowed the types of complaints to be reviewed and delayed access to a complaint navigator which is critical for citizens to be fully heard.</p> <p>The City Attorney also removed the ability to file an appeal of complaint decisions which has been key in prior oversight systems.</p> <p>The City Attorney moved to closed instead of open hearings, important in cases of great community concern.</p> <p>The City Attorney also undermined the independence of the Board by requiring City Council approval on member reimbursements.</p> <p>If you are going to propose such drastic and undermining changes, you must allow the public to respond by giving them 30 days and hopefully take their desire for a more accountable police force into account. Anything less than that is unacceptable and a failure on your part.</p>	No	11/11/23 11:49 PM
964	Anonymous	Oppose	<p>I think the last 3 years have proven that we need the police. The state of the city is embarrassing. I used to be proud to have friends and family come visit me here. I am so ashamed of how it looks to people from other cities that I don't invite anyone. Instead of properly staffing and giving police the tools and resources keep the city safe we continue to make more obstacles. I work in the hospitals as a nurse all over the portland area and if you told me that there was going to be a nurse oversight committee made of all non nurses who have no understanding of the job and what it entails I would quit. I would imagine the police will do the same. Our empathy has turned to apathy and the city is over run with trash everywhere, open drug use and prostitution, shootings, robberies, and the idea is to slow down the cops? Do better. Don't rewrite the script it is not working. The community is suffering people are relocating in droves. The city is embarrassing.</p>	No	11/12/23 10:46 AM

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964	Anonymous	Oppose	<p>Hello, Under mining the spirit of the resolution that the community overwhelmingly passed is politically irresponsible at best and gross manipulation of the people's will at worst. As our our elected officials you have an obligation to carry out any resolution that is passed by the people, especially one passed by such a large margin. 86 percent of the electorate demands police accountability.</p> <p>Given the short notice of proposed changes, the City should not decide quickly but utilize the allowable 30 day comment period and revisit the decision in mid-December.</p> <p>Putting 3 police representatives on the nominating committee violates the whole spirit of separation of the Bureau and independent civilian review which received overwhelming citizen support— a community review board holding police accountable to their own conduct standards.</p> <p>The prohibition of anyone with “anti-police bias” being considered for the Board could be easily abused and confused with citizens’ true desire for true accountability. A similar clause has been problematic in other cities, including Boulder. We do not want to emulate a system we know is used to make the resolution ineffective.</p> <p>Similarly, narrowing the investigative team from 5-7 to only 3 Board members will not only reduce diversity but also increase workload so that the number of cases annually able to be reviewed is likely to be smaller.</p> <p>The City Attorney has narrowed the types of complaints to be reviewed and delayed access to a complaint navigator from the beginning of the process which is critical for citizens to be fully heard and not feel alone in navigating what could feel like a stressful process.</p> <p>The City Attorney also removed the ability to file an appeal of complaint decisions which has been key in prior oversight systems.</p> <p>The City Attorney moved to closed instead of open hearings, important in cases of great community concern.</p> <p>The City Attorney also undermined the independence of the Board by requiring City Council approval on member reimbursements.</p>	No	11/12/23 12:15 PM
964	Rochelle, L. Silver, Ph.D.	Oppose	<p>Dear Mayor and Commissioners, in my written testimony to you when you originally heard the PAC's proposal, I asked that you not tinker with what they put forth. You appointed 20 intelligent, hard-working community members who over 20 plus months studied the issue at hand and thoughtfully put forward a proposal that was fair to all, and, most importantly, what the voters of Portland asked for in their 80% vote for a new and fair police accountability system.</p> <p>But, you, did not listen. You tinkered. And why - only to please the police. Basically, you are saying to hell with what the voters asked for and to hell with what 20 fair-minded, thoughtful, intelligent volunteers proposed after extensive study. We'll just throw something together in less than two months and get the PPA, PPB and other police union off our backs.</p> <p>You've done similar damage to the public before and, you seem to want to follow your pattern of excessive abuse to voters.</p> <p>I know you will likely not even read this but I can breathe easier as I tell the truth.</p> <p>Rochelle L. Silver, Ph.D.</p>	No	11/12/23 3:16 PM

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964	Anonymous	Oppose	<p>Given the short notice of these changes I urge the council to require a second vote or to delay this vote until after the full 30 days have passed in order to give the community time to review and respond to these adjustments.</p> <p>I feel this is particularly important given how dramatic these changes are, cutting out a huge amount of the original proposed code without any opportunity for community feedback seems suspect quite frankly and completely lacks transparency which does not bode well for the future of this body that is being created.</p> <p>While I am not surprised I still feel that there is an opportunity here to do better, please allow for more time in order to have a proper democratic public dialogue. Thank you for your time.</p>	No	11/12/23 3:53 PM
964	Anonymous	Oppose	<p>I first would like to thank the City Council and the Attorneys Office for their work. However, the modified proposal still lacks in meaningful areas, namely the enormous budget (close to 12 million dollars) that would be allocated to a board working on police oversight and funded by general fund. When community members are currently asked (throughout the community of tax payers which was partly highlighted in the community engagement and focus groups the city paid for during the PAC work) if they realize they had voted in 2020 in favor of an oversight board that would get close to 12 million, they are absolutely dumbfounded. People asked for reasonable accountability, but they did not ask for that type of expenditure while looking at an upcoming fiscal cliff and enormous expenses during the Charter Transition. Most tax payers would rather see that type of funding go towards programs such as Portland Street Response or Upstream Violence Intervention. The Measure needs to be sent back to the voters, written in PLAIN LANGUAGE regarding the funding of a Police Oversight project. We need to use this experience as a learning step, stop the city from making an immense budgetary mistake, orient ourselves towards fiscal accountability and start fresh, with a pool of of non-biased commissioners who have some understanding of not solely vague system analysis, but tangible financial and liability analysis.</p>	No	11/12/23 3:54 PM

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964	Theresa Griffin Kennedy	Oppose	<p>The new POLICE ACCOUNTABILITY COMMISSION policies are blatantly anti-police, & unfair to the Portland Police Bureau & its officers in their scope, tone & suggested practices. These unworkable policies, would prevent officers from productively & assertively advocating for crime prevention in the city of Portland, & for public safety. This police accountability commission was created by a small group of anti-police extremists who have drafted UNWORKABLE, DANGEROUS & naive policies which will continue to put Portland citizens at risk, continuing this downward spiral.</p> <p>Former City Commissioner JoAnn Hardesty led the charge to pass Measure 26-217 in 2020. Portland City Council voted unanimously to refer the measure to the ballot in the Summer of 2020. It changed the City of Portland's Charter to establish a new independent police oversight board. The issue now is that the year is no longer 2020 but the latter part of 2023, & we have learned as a nation that the Defund the Police movement, created in the wake of the horrible George Floyd murder, has failed on a national level, & certainly in the city of Portland. The FBI published a long & well researched report documenting the failure of this anti-police movement. It is accurate, valid & insightful.</p> <p>JoAnn Hardesty proved to be an unbalanced, & unpredictable person, who made many document-able errors in judgment. This included several ludicrous claims about PPB engaging in criminal arson when they were not, & in not doing their jobs but rather "eating all day" instead. She accused police officers of engaging in reprehensible behavior which she could not support, accusing them of being part of a "rogue paramilitary organization," when they were not. When some police officers began to resign, looking for work elsewhere, Hardesty publicly gloated in a most unseemly manner. Hardesty lost her bid for re-election because her extremist behavior frightened voters & they chose to vote for Rene Gonzalez instead, who won the race by a huge margin.</p> <p>To comprise a group of Non-law enforcement individuals exclusively is blatantly discriminatory against the officers of the Portland Police Bureau & the residents of the city of Portland. We would never ask a baker or florist to do the job of a neurosurgeon, & neither should we ask or expect non-law-enforcement individuals, with no background in Police Science, Police Procedure or police training to make decisions regarding issues, & outcomes they could not possibly understand given their lack of background in police science. Neither should anyone be able to terminate a police officer, other than the police commissioner, who at this point is also the mayor.</p> <p>This commission would be the death knell to the city of Portland for a variety of reasons which will undermine public safety for all residents. It asks for outlandish control and power, including an excessive budget. This would include paying 22 volunteer board members and their expenses. This commission would seek to become a quasi police department in itself. With not one person having a background in Police science or law enforcement, the danger of these individuals making huge errors of judgment would be inevitable with Portland residents paying the price.</p> <p>We need to restore common sense in the running of government & the city of Portland. That means that any form of police oversight committee has at least 2 members who have a background in police science & law enforcement. Too often unqualified & uneducated individuals become involved in the important work of politics and creating policy. This commission is a terrible idea. Its sole purpose is to tie the hands of Portland police officers. We have all seen what a lack of police presence has done to and within the city of Portland. Portland residents deserve better than the Wild Wild West! I do NOT support the creation of this new commission which will have disastrous consequences for Portland!</p>	Yes	11/12/23 9:29 PM

Statement to City Council by Theresa Griffin Kennedy

The new POLICE ACCOUNTABILITY COMMISSION policies are blatantly anti-police, and unfair to the Portland Police Bureau and its officers in their scope, tone and suggested practices. These unworkable policies, would prevent officers from productively and assertively advocating for crime prevention in the city of Portland, and for public safety. This police accountability commission was created by a small group of anti-police extremists who have drafted UNWORKABLE, DANGEROUS and naive policies which will continue to put Portland citizens at risk, continuing this downward spiral.

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neurosurgeon, and neither should we ask or expect non-law-enforcement individuals, with no background in Police Science, Police Procedure or police training to make decisions regarding issues, and outcomes they could not possibly understand given their lack of background in police science. Neither should anyone be able to terminate a police officer, other than the police commissioner, who at this point is also the mayor.

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We need to restore common sense in the running of government and the city of Portland. That means that any form of police oversight committee has at least two members who have a background in police science and law enforcement. Too often unqualified and uneducated individuals become involved in the important work of politics and creating policy. This commission is a terrible idea. Its sole purpose is to tie the hands of Portland police officers. We have all seen what a lack of police presence has done to and within the city of Portland. Portland residents deserve better than the Wild Wild West!

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964	Carl Schmurr	Support	Hello, my name is Carl Schmurr and I live in 97206. I'm calling on Mayor Wheeler and the city council to approve the proposal drafted by the community board for police accountability as is and unchanged. I want the full proposal implemented and police to be held accountable. We voted for this overwhelmingly as a city and we demand that it is implemented now. This protects all of us. Thank you for your time.	No	11/12/23 9:41 PM
964	Sue Mackley	Oppose	Reject Measure 26-217 the new Police Accountability Commission and send it back to the voters. I support our Police and believe a very few anti-police have highjacked and miss informed the public. Further acceptance of this small group will become a detriment to morale and recruitment. These men an women protect and serve. This will not solve our need for protection and fairness to our police.	No	11/13/23 6:34 AM
964	Walter Weyler, downtown resident	Support	Ladies and Gentlemen of the City Council, I urge you to approve the proposed New Police Oversight Board, including this 27 page proposal that includes a number of common-sense features. The professional oversight and management of Portland's police force is an essential component of our city's recovery.....stay on course.	No	11/13/23 9:43 AM
964	Sandra Leaptrott	Oppose	To Mayor Wheeler and Commissioners Gonzalez, Mapps, Rubio and Ryan: I respectfully urge you to reject implementation of measure 26-217 in its current form. I support the City Council's plan to present the structure and training of the Police Accountability Commission members as outlined in an article I read in the November 10th, morning addition of The Oregonian to the City of Portland voters. The structure and training proposed by City Council seems to be a sensible alternative to measure 26-217. Thank you for showing the leadership needed in this matter. Measure 26-217 "Others" the Portland Police Offices and staff. I did a bit of reading before I wrote this testimony. I read the Bio and Statement of Intent for each of the people who comprise the members of the workgroup (available on the City of Portland Website) that wrote Measure 26-217. I feel the group had an anti-policing bias; a bias against the enforcement of rules and laws currently in place that were voted on and approved by people who live in the City, past and present. The City of Portland and how it is governed is important to so many more people than its residents. The people who own businesses, work, shop and play in the City are all vital to the success of the City. Not all of these people can afford to live within the City of Portland limits, nor is there enough housing available if they chose to live in the City and yet they live with the consequences of how the residents of the City of Portland vote. If business owners and their potential employees do not feel safe in the City, and I mean all four quadrants of the City, they will do business and work other places. I am tired of a lawless City. Respectfully Submitted, Sandy Leaptrott	No	11/13/23 9:51 AM
964	John Bishop, CEO, Pendleton Woolen Mills	Support	I urge the Council to prioritize the improvement of public safety including expanding the number of PPB officers. The current lawlessness in Portland is rapidly destroying our city.	No	11/13/23 10:01 AM

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964	Diane Meisenhelter	Support with changes	<p>I was extremely disappointed to see many of the most important recommendations of the three years of work put forward by the Police Accountability Commission and their careful incorporation of the over 1500 citizens who testified in over 120 public meetings set aside by the City Attorney's proposed amendments. I urge City Council to send to the Justice Department the full PAC report AS-IS. Given the short notice to the public and Council of the Attorney's amendments and their substantive nature, the City should not decide quickly but utilize the allowable 30 day comment period and revisit the decision in mid-December.</p> <p>Putting 3 police representatives on the nominating committee violates the whole spirit of separation of the Bureau and independent civilian review which received overwhelming citizen support(82% of voters) for an independent community review board holding police accountable to their own conduct standards. Furthermore, the prohibition of anyone with "anti-police bias" being considered for the Board may easily be abused and confused with citizens' true desire for true police accountability. A similar clause has been problematic in other cities, including Boulder. Narrowing the investigative team from 5-7 to only 3 Board members will not only reduce allowable diversity (which is critical in this particular circumstances for building community trust) ,but also increase their overall workload per individual so that the number of cases annually able to be reviewed is likely to be smaller (eg. in a larger team, subsets can work on various administrative tasks and report back to the larger group for review in order to keep things moving). The City Attorney has narrowed the types of complaints to be reviewed and delayed access to a complaint navigator from the beginning of the process which is critical for citizens to be fully heard and not feel alone in navigating what could feel like a stressful process. The City Attorney also removed the ability to file an appeal of complaint decisions which has been key in prior oversight systems. The City Attorney moved to closed instead of open hearings, the latter of which are important in cases of great community concern. By requiring City Council approval on member reimbursements, the City Attorney also undermined the independence of the Board. There are many other problematic recommendations, so basically I am asking that Council either approve the PAC report AS-IS to send forward to the Justice department or postpone a decision to December to allow broader input and dialog on these last minute amendments.</p>	No	11/13/23 10:51 AM
964	Michaela McCormick	Support	<p>I urge the City Council to accept the Police Accountability Commission's report as is, with no changes. In 2020, voters approved the need for a civilian review and oversight board by a vote of 82%. The City Attorney's current proposal would gut the effectiveness of the Board by violating the spirit of the separation of the Police Bureau and independent civilian review which received overwhelming citizen support. The proposed prohibition of anyone with an "anti-police bias" being considered for the Board could easily be abused and confused with citizens' desire for true accountability. There are many other elements of the City Attorney's proposals that undermine and run counter to citizens'/voters' intent and desire to stop abuses by the Police Bureau and ensure that it truly serves people, especially those in marginalized groups typically targeted by the police. A reversal of the citizen's wishes for effective police accountability would be a travesty of justice and a betrayal of democracy.</p>	No	11/13/23 11:47 AM

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964	Mark Kille	Support with changes	<p>It is good that the City Council is considering a proposal for establishing the new Police Oversight System that largely respects the recommendations of the Police Accountability Commission.</p> <p>However, there are two aspects of the proposed City Code language that dangerously water down the intent and purpose of the Oversight System as represented in PAC's recommendations.</p> <p>First, Community Board for Police Accountability (CBPA) member selection. The proposal mandates a nominating committee and "stacks the deck" by designating three slots for law enforcement appointments and only two for CBPA/Citizen Review Committee/Police Review Board appointments. This is not only inequitable, it is an obvious conflict of interest. Law enforcement has no place in gatekeeping the membership of its oversight body.</p> <p>Related, the proposed code language introduces the eligibility requirement that bars any individual who "has a demonstrated bias for or against law enforcement." This language is:</p> <ul style="list-style-type: none"> —Vague; —Duplicative of the qualification that individuals "must be capable of making fair, objective, and impartial decisions consistent with applicable laws, rules, policies and procedures"; —Will have a chilling effect on constitutionally protected speech, including peaceful protest; —And ignores the fact that the Oversight System was approved by voters specifically because of the systemic, persistent and severe failures of the Portland Police Bureau. <p>Second, in the area of data access and communication with the public. The proposed code language authorizes the creation of data dashboards, i.e., curated visualizations of data sets. PAC recommended making the data sets themselves available to the public. This increases transparency and the opportunities for research.</p> <p>Also, with its emphasis on CBPA having access to "public records" within PPB, it is not clear whether the proposed code language authorizes the full access of CBPA to PPB systems. Since the recommendation to allow access to PPB trainings appears to have been rejected, I am not filled with confidence.</p> <p>I was a Multnomah County Human Resources employee for five years, and I know what it looks like when bureaucracies try to avoid meaningful oversight by controlling what information is shared with "outsiders." In the absence of a legal requirement or threat to public health and safety, there is no excuse for City Council to try to buffer PPB from the new Oversight System. The essence of public service is visibility— especially when public servants have the ability to disrupt or destroy the lives of community members.</p> <p>Thank you for establishing an Oversight System with teeth, and thank you in advance for restoring PAC's recommendations CBPA membership and data access.</p>	No	11/13/23 11:54 AM

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964	David Delaney	Support	Please accept the 27 page amended proposal from the City Attorney's office regarding the improved police oversight board.	No	11/13/23 12:27 PM
964	Anonymous	Oppose	The Police Accountability Commission framework was passed at a time of heightened emotions and by a push by large anti-police groups. Unfortunaley the general public was blindly coerced into going along. We have already seem results of such of an anti-police bias: an inability to fill a large number of police job vacancies creating a police officer shortage. This has resulted in huge increases in crime which have resulted in closures of businesses, public safety concerns and a downtown area that is quickly becoming a ghost town eyesore. Just visit East Portland/Multnomah County and see the large number of dangerous drivers that have no regard for the safety of others. Visit local merchants and you are VERY likely to see shoplifting in action. How many shootings, murders, assaults have there been in Portland the past 2 years? There is no need for us to ask why so many of our neighbors have abandoned Portland/Multnomah County. And so many of those neighbors that have left are those that help fund the local govenment coffers as over \$1bil in annual incomes have abandoned the area. This is not a time to throttle back on public safety, especially through the use of a highly biased, anti-police minority "oversight" board. I have served on several volunteer boards and committees in the past 40 years. I have good insight into how they work and should work. A board of 33 members--that is not the blueprint for a functioning board, it is a anti-police mob. Please consider public safety and tone this oversight down to ensure the Portland Police properly serve the needs of the majority of the public.	No	11/13/23 2:38 PM
964	Anonymous	Support	Dear Portland City Council Members, I write in support of agenda item 964 on 11/15/23, directing 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. This Measure is overwhelmingly the will of the people and it is the council's duty to honor the people's vote and not cave to pressure from interested parties to dilute the recommendations of the Police Accountability Commission now, having previously voted unanimously to accept the PAC's report. Portland needs community-led police accountability; its citizens voted overwhelmingly for same, and it is incumbent upon its city council to approve the resolution before them today. Sincerely, Concerned Citizen	No	11/13/23 5:14 PM
964	Rhonda Garner	Oppose	To Mayor Wheeler, and Commissioners Gonzales, Mapps, Rubio and Ryan, please reject measure 26-217. We have witnessed what 'defunding' the police has done to this city. Crime, drugs, theft have ravaged the city; business and people (who pay your taxes) are leaving by the droves. It's dangerous and reckless on the part of our leadership to allow what feels like an assault on the very people we trust to protect this city. As you know, our city's police department is severely short staffed. How can we attract and retain quality officers with such an anti police sounding committee? More extensive and continuous training? Yes. Oversight? Yes, but not from a select group of individuals who do not represent some expertise or cross section of our population. NO... Thank you.	No	11/13/23 9:29 PM

Agenda Item	Name or Organization	Position	Comments	Attachment	Created
964	Cameron Browne	Support with changes	<p>I urge city council to restore the Police Accountability Commission's recommendations to what they/we submitted on September 21st. I am gravely concerned about changes you have made to include Law Enforcement to be in the nominating committee. Measure 26-217 was written to create something free of police interference/influence. The police can not and do not police themselves, this has been proven again and again.</p> <p>The eligibility requirement that bars any individual who "has a demonstrated bias for or against law enforcement." is irresponsibly vague. Any person with information on a subject is immediately bias, and since no one can have all the information on a topic everyone is bias in one way or another. The amount of bias I have seen set aside to try to make a better justice system in the last 2 years has shocked me. People who have loved or hated the police have come together to listen, hear and share their experiences and hopes. Combine that with the rules, laws, and systems that are all rooted in white supremacy and you get a compromise that still gives more rights to police (a chosen profession) then to you or me. This compromise is the best chance we have as a city to improve. The Police Accountability Commission's original document is the bare minimum of what needs to be done.</p> <p>The Police Accountability Commission recommended the creation of data dashboards, curated visualizations of data sets made available to the public. This increases transparency and trust in the system. Please clearly state that the new board has full access to records.</p> <p>The amount of work, time and effort put forth by the Police Accountability Commission's VOLUNTEER commissioners is beyond my comprehension (and I was on the commission). Please trust that people with lived experience on these matters know these matters. Trust that people who do the work know what they are talking about. Please restore the Police Accountability Commission's original report.</p>	No	11/13/23 9:46 PM
964	Tara Hershberger	Support with changes	<p>I support the police accountability commission and their years long work. I urge the council to accept and enact PAC's full recommendations, as they are. Do not undermine the intentions of PAC and the voters by adulterating their recommendations, or minimizing the impact of the opportunity for justice. Police accountability is a reasonable and necessary demand. Portland police have a lot of power, both physical and legal power against citizens, and political power, and so they must be held to a high standard in order to maintain trust and prevent corruption. Police in Portland have been guilty of brutality and excessive violence, and have killed many people, particularly young Black men, like Quance Hayes, Keaton Otis, Patrick Kimmons, and others. True, actionable steps toward accountability, like fully enacting the complete PAC recommendations, would go a long way toward healing and reducing such killings in the future. Accountability is a basic standard that the city and it's police force should be ready and willing to provide to the overwhelming majority of Portlanders that demand it. Enact the full recommendations and take the needed steps to a more just city.</p>	No	11/13/23 10:07 PM
964	Ian S Lund	Oppose	<p>I oppose this change in language that is a clear violation of the will of the voters and the time and effort everyone involved gave to make this a worthy ballot measure. Especially when this ballot measure passed with a huge margin.</p>	No	11/13/23 10:20 PM
964	Anonymous	Oppose	<p>Portland voters already approved the language of the measure. Changing it now would be violating the will of the voters.</p>	No	11/13/23 10:30 PM
964	Anonymous	Oppose	<p>I do not support the council adding language that violates the will of the voters.</p>	No	11/13/23 10:38 PM

Agenda Item	Name or Organization	Position	Comments	Attachment	Created
964	Clem Gunter	Oppose	As a citizen of this city, I absolutely do not support your undermining the will of the people in this way. Mandatory approval by police union members and nobody with a "bias" (what they mean by bias isn't explained, they could pin this on anyone) against the police is allowed on the board? How does this not completely remove any legitimacy the board could have. If this is passed, this is a show of your flagrant disregard of your constituents and the democratic system, and a slap in the face to 81% of portlanders. A system so eroded could not possibly serve the function we mandated of it, and I am certain we will refuse to accept or be placated by a shell of what we voted for.	No	11/13/23 10:41 PM
964	Anonymous	Oppose	I do not support city council directly contradicting a measure that Portlanders voted for by an overwhelming majority by amending the language to allow police and those that are favorably biased toward them to impact the over-site committee.	No	11/13/23 10:42 PM
964	Brian Tullier	Oppose	Seeking to circumvent the clear will of the people by attempting to create a board with a clear agenda that is meant to select members for an Oversight Committee is despicable. Appointing members with obvious conflicts of interest despite overwhelming evidence from voters that it is not wanted is shameful and precisely why this vote was called in the first place. I vehemently oppose this measure and demand that you follow the clear language of the original ballot measure and the obvious spirit behind it.	No	11/13/23 10:46 PM
964	Mary Caraway	Oppose	I oppose this measure that would change the language of a measure that was already voted on and approved of by the people of Portland. Allowing members of the police union to have any control over who is on the police oversight board is a huge conflict of interest. Do not change a measure the people of Portland voted for in an overwhelming majority.	No	11/13/23 10:55 PM
964	Michael Blige Ratliff	Oppose	I do not support the violation of the will of Portland voters who overwhelmingly favored the creation of an independent Police Accountability Commission. Police union members should not serve on a board tasked with holding police accountable, and the perspectives of citizens that have had adverse interactions with police should be included on the board. For these reasons, I oppose this measure.	No	11/13/23 11:24 PM
964	Anonymous	Support	I encourage the Portland City Council to adopt approve this amendment. It is the best move forward to improve an inefficient system, decrease the risk of dangerous and illegal overreach, and will increase accountability for the Public Accountability Commission (PAC). Portland deserves a PAC that is unbiased, reflective of the broader community, and supportive of the kind of law enforcement and community policing required to protect the safety of the public and protect the integrity of the PPB.	No	11/14/23 4:00 AM
964	S. Kanning	Oppose	I oppose the changes the City Council has made to the proposal submitted by the Police Accountability Commission, particularly including a member of the PPB on the selection committee for board members. This goes against what voters asked for, which is an INDEPENDENT commission. I've followed the PAC's work and believe their proposal is fair and should not be watered down in any way.	No	11/14/23 6:27 AM
964	Candee Wilson	Support	I whole-heartedly support the revised proposal for the new police oversight board. We need a common sense approach to the problem -- not a pendulum that swings so far left or right that we risk having no police force at all by making the job utterly untenable. Please vote yes on the revised proposal.	No	11/14/23 6:40 AM

Agenda Item	Name or Organization	Position	Comments	Attachment	Created
964	Sam Speckman	Oppose	<p>I oppose the agenda item because an overwhelming majority of Portland voters voted in favor of creating an independent police oversight board. The language in agenda item 964 subverts the will of the voters by undermining the independence of the oversight board. I oppose the creation of an additional board containing police or police union members, and I oppose the introduction of nebulous language regarding individuals with bias against the police. The latter is nearly impossible to determine and could easily be misconstrued, for example, to exclude victims of police violence from serving as board members. Such individuals, or their family members, could be disqualified out of hand by the new language introduced in 964. For these reasons I oppose 964 and ask that the Council stay on the course originally set by Portland voters.</p> <p>Thank you, Sam Speckman Member of Teamsters Local 162</p>	No	11/14/23 6:46 AM
964	Rachel Weber, Inner SE	Oppose	<p>The voters overwhelmingly passed the measure creating an INDEPENDENT Police Accountability Commission. The proposed changes completely undermine the independence of the commission and are a direct violation of the will of the voters. Police, family members of police, and police union members should, in no way, be a part of an independent commission overseeing the police. It is a direct conflict of interest and it flies in the face of every single Portlander who voted for the independent commission. You were elected by Portlanders to work for us. Stop working to undo everything we have voted for.</p>	No	11/14/23 8:07 AM
964	Rose Redwood	Oppose	<p>Follow through with what voters asked for. The language was carefully chosen. We the People do not want Police or family members of Police on the PAC.</p>	No	11/14/23 8:19 AM
964	Susan Moray	Oppose	<p>Count me as opposed to any changes to the will of the people who voted overwhelmingly in favor of an independent board that did not include police, union officials or police family members. The entire point was clean independence from police influence. Police, family members of police, and police union members should, in no way, be a part of an independent commission overseeing the police. Portlanders will not tolerate the Council going around our will as has been the practice of City Council in the past. Let's get to work with the tools that the citizens voted for and nothing more to bring our police into compliance with best practices.</p>	No	11/14/23 8:19 AM
964	Jenna Goldin	Oppose	<p>I vehemently oppose City Council's proposal to change the language and thus the intentions and effectiveness of the Police Accountability Commission. Yet again, City Council is attempting to violate the will of the voters by changing the language that was already voted on by 82% of Portland voters. Another reason why our entire system of government needs to be overhauled.</p>	No	11/14/23 8:24 AM
964	Anonymous	Oppose	<p>I call upon the City of Portland council to uphold the will of the voters who overwhelmingly approved the initial language of this bill, and discard this frivolous and blatant subversion of public will. By undermining the structure and language of this ballot measure the city council are actively hindering, reinterpreting and conspiring to go against the interests of the community. This cannot abide.</p>	No	11/14/23 8:31 AM
964	Erin Williams	Oppose	<p>The overwhelming majority of Portland voters voted for this and the proposed changes would completely gut it. I completely oppose the proposed changes as this is not what I voted for. Voters are watching and chickens always come home to roost, folks.</p>	No	11/14/23 8:53 AM
964	Anonymous	Oppose	<p>Don't violate the will of the voters with this change. Portland Police needs stronger citizen oversight.</p>	No	11/14/23 9:08 AM

Agenda Item	Name or Organization	Position	Comments	Attachment	Created
964	Angelita Morillo	Oppose	I am deeply disappointed that city council is yet again obstructing the will of the voters by adjusting the language for a ballot measure that was clearly intended to hold police accountable. Preventing people with "bias" or lived experience from being harmed by police from being on the police accountability commission will prevent the voices that need to be elevated the most from serving. It will also guarantee a predominantly white led accountability commission. Giving police yet another avenue to hold themselves accountable, when this was supposed to be an independent board, is destroying the integrity of the ballot measure. Do right by the Portlanders you're here to serve and do not bastardize the intended purpose of measure 26-217.	No	11/14/23 9:11 AM
964	Anonymous	Oppose	I don't support violating the will of the voters by changing the language that the majority of us already approved of. This is directly opposed to the spirit of what Portlanders wanted when we passed Measure 26-217.	No	11/14/23 9:15 AM
964	Sara Pool	Oppose	Please support the will of the people and honor our vote. Do not water down the language and create a non-effective accountability bureau. This is overwhelmingly popular and it is a disgrace to put your hands on the lever of democracy to change the outcome of a vote.	No	11/14/23 9:58 AM
964	Andrea Haverkamp, PhD	Oppose	The Council should not tamper with the Police Accountability Commission's recommendations—which were done in consultation with the community and with experts in the field of police accountability— and should approve their recommendations and commit to revisiting this topic only after their recommendations have been put into place and tested. The City Attorney's amendments limit representation, limit access, and impede accountability. The Council should oppose these changes.	Yes	11/14/23 9:59 AM
964	Laura Lawrence	Oppose	Page 9 of exhibit B shows "c. One representa ve designated by the Chief of Police; d. One representa ve from PPA; and e. One representa ve from PPCOA." on the "new" OCPA that will come before the citizen's review board - the police should not be involved at all. Stop trying to sneak police in to this process - it's a citizen's review board by law	No	11/14/23 10:07 AM
964	Anonymous	Oppose	The citizens of Portland voted overwhelmingly to have a police oversight committee. We have already approved the plan and language around this. We DO NOT SUPPORT YOUR SHADY ACTIONS TO CHANGE THE WORDING ON THIS, and do not want police on the police oversight committee. Listen to the people, because they are the ones who will be voting you all out as soon as possible.	No	11/14/23 10:07 AM
964	Anonymous	Oppose	I oppose this measure. I request that you not change the terms already agreed upon when we voted on measure 26-217 and spent 2 years determining language for that ballot measure. We do not want police or family members of police involved in deciding who can serve on the Police Accountability Commission, because this would be a conflict of interest. The City Council's current attempt to change the language of the ballot measure, and create a separate board to determine who can serve on the police accountability oversight board is an attempt to undermine the voices of the people. Especially, in allowing members of the police union to serve on this newly-proposed 9-person board.	No	11/14/23 10:12 AM
964	Tiffany Lindquist	Oppose	The people of Portland voted overwhelmingly to create a Police Accountability Commission. Members of the community showed up for 2 years to give input as to what they wanted this board to look like. It is immoral to disregard that and undermine what the people of Portland need and have asked for.	No	11/14/23 10:18 AM

<p>This comparison was created by Portland Copwatch/former Police Accountability Commissioner Dan Handelman with assistance from another former commissioner.</p>	<p>Underlines show either missing or added text. Apologies for any typos, duplications, errors or omissions. November 13, 2023</p>
<p>PAC PROPOSAL</p>	<p>CITY PROPOSAL</p>
<p>Chapter 35 Community Police Oversight Board</p>	<p>Chapter 35 Community Police Oversight Board</p>
<p>35A.010 Creation of City of Portland Community Police Oversight Board (“Board”).</p>	<p>35A.010 Creation of City of Portland Community Police Oversight Board</p>
<p>A. Portland City Charter Chapter 2, Article 10 has established the City of Portland Community Police Oversight Board. The name of the Board shall be the Community Board for Police Accountability (“Board” or “CBPA”).</p>	<p>A. Portland City Charter Chapter 2, Article 10 has established the City of Portland Community Police Oversight Board. The name of the Board shall be the Community Board for Police Accountability (CBPA). <u><independent judgment clause at PAC’s 35A 040 B></u></p>

<p>1. Reporting to the Board and established by this Code is the Office of Community-based Police Accountability (“Office” or “OCPA”) <u>which will be staffed with professional administrative staff and professional investigators. The Office shall be an independent bureau of the City.</u></p>	<p>1.The Office of Community-based Police Accountability (OCPA) is established by this Code and reports to the CBPA.</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 <u>Charter and this Code.</u> 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 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>2.The CBPA and OCPA collectively form the “Oversight System.” References to “Oversight System” in this Code refer to the CBPA and OCPA, consistent with their roles and functions as outlined in this Code. (from section 3): The CBPA may delegate authority given to it under the Charter and this Code to the OCPA, to permit the Oversight System to fulfill its obligations established under Charter 2-10.</p>
	<p>3.The Oversight System shall report to a Deputy City Administrator in the same manner as other City Bureaus. <delegate authority from PAC’s item 2></p>

<p>B. Purpose. The <u>mission</u> 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>B.Purpose. The Oversight System shall independently investigate sworn employees and supervisors thereof within the Portland Police Bureau (PPB) promptly, fairly, and impartially, and impose discipline if determined appropriate by the CBPA, and make recommendations regarding police practices, policies, and directives to PPB with a primary focus on community concerns.</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><perhaps covered in City's 35A.030 and 35B.010 A></p>
<p><u>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.</u></p>	<p><not included></p>
<p><u>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.</u></p>	<p><not included></p>

<p><u>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.</u></p>	<p><not included></p>
<p><u>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.</u></p>	<p><not included></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>	<p>From City's 35A.010 C. The CBPA shall have the authority to adopt operating policies and procedures that apply to the Oversight System as necessary to carry out their duties, and bylaws that apply to the CBPA.</p>

<p><u>1. whether or not to establish a chairperson, co-chairs, or other leadership positions;</u></p>	<p><not included></p>
<p>2. the role of Board alternates;</p>	<p>From City's 35B.010: <u>Until appointed as a CBPA member, alternates may not serve on the CBPA.</u></p>
<p><u>3. procedures that allow for the creation, management, and elimination of sub-committees;</u></p>	<p><not included></p>
<p>4. voting thresholds for the full Board, sub-committees, and panels (preliminary, hearings, disciplinary, and appeals); and</p>	<p>From City's 35D.060 D2. Consensus on investigation. At the conclusion, Reviewing Members shall by <u>majority consensus...</u> D3. If a majority of Reviewing Members propose to sustain one or more allegations, those same Reviewing Members shall propose discipline. F. 2. If a <u>majority of Reviewing Members reaches consensus to sustain any allegations, they shall then reach consensus</u> as to the appropriate corrective action...</p>

<p><u>5. any other internal Board procedures, including but not limited to those identified for elaboration in this Code and not otherwise addressed by law.</u></p>	<p><not included></p>
<p>Unless stated otherwise by the Board, all bylaws changes are <u>effective upon adoption.</u></p>	<p>From City’s 35A.010 C. <u>The CBPA shall subject all of its administrative rules, policies and procedures, and bylaws to a community input period that shall last not less than 30 days, except that the CBPA may adopt policies, procedures, and bylaws in an urgent situation that shall be in effect no longer than 90 days and thereafter shall follow the community input process.</u></p>
<p>Copies of all current bylaws will be posted on the Oversight System’s website.</p>	<p>City 35A.010 D. Copies of all current administrative rules, policies and procedures, and bylaws will be posted on the Oversight System’s website.</p>
<p>35A.020 Definitions</p>	<p>35A.020 Definitions</p>

<p>In this Chapter:</p>	<p>In this Chapter:</p>
<p>A. "Board" refers to the Community Board for Police Accountability, the community police oversight board established under Charter 2-1001.</p>	<p>A. "<u>CBPA</u>" refers to the Community Board for Police Accountability <u>and members thereof</u>, and is the community police oversight board established under Charter 2-1001.</p>
<p>B. "Office" refers to the Office of Community-based Police Accountability, <u>an independent bureau of the City of Portland, whose Director is established under Charter 2-1005.</u></p>	<p>B. "<u>OCPA</u>" refers to the Office of Community-based Police Accountability <u>of the City of Portland and the employees thereof.</u></p>
<p>C. "Oversight System" refers collectively to the Board and Office.</p>	<p>C. "Oversight System" refers collectively to the CBPA and OCPA.</p>

<p>In this Chapter, the following definitions are also used:</p>	<p><not included></p>
	<p><u>D. "Director" refers to the Director of the OCPA, who shall be a Bureau Director for purposes of Charter 4-301.</u></p>
<p>D. "Accountability" A comprehensive system of checks and balances aimed at ensuring that when <u>law enforcement</u> 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 <u>fair and transparent</u> process.</p>	<p>City's E. "Accountability" is a comprehensive system of checks and balances aimed at ensuring that in instances where a <u>Covered Employee</u> violates City rules or PPB policy, including when such violation is damaging to other individuals or the community at large or constitutes a failure to carry out their duties properly, they are held responsible through a <u>fair and impartial</u> process that helps foster community trust with police.</p>
	<p><u>F. "Administrative investigation" is an employment investigation into an allegation of a Covered Employee's violation of City rules or PPB directives and that may result in disciplinary or corrective action in the employment relationship. This shall not preclude criminal investigations or investigations by Exhibit B the Ombuds office, Elections office, and other similar offices that do not result in disciplinary action in the employment relationship.</u></p>

<p><u>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.</u></p>	<p><not included></p>
<p>F. "Complainant" a person who has filed a complaint about misconduct, <u>or</u> has been the recipient of alleged misconduct even if they did not file a complaint.</p>	<p>G. "Complainant" is a person who has filed a complaint of misconduct against a <u>Covered Employee</u> and was the recipient of alleged misconduct, <u>as distinct from a Third-Party Complainant.</u></p>
	<p><u>I. "Immediate Family Members" include parents, spouses, domestic partners, children, or siblings but do not include family members who are estranged.</u></p>
<p><u>G. "Effective/Constructive Custody" The custody of a person who is not under direct physical control but whose freedom is controlled by legal authority.</u></p>	<p><not included></p>

<p>H. <u>“Garrity warning” or “Garrity Notice”</u>: 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.</p>	<p><not included but used in 35D.040 D ></p>
<p>I. <u>“Independent Judgment”</u> 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>J. <u>“Independent Judgment”</u> is the ability to make considered decisions or come to sensible conclusions that are not dependent on another's authority, free from outside control, including improper influence from law enforcement, political actors, and other special interests looking to affect the operations of the Oversight System. <u>The exercise of independent judgment shall be fair, reasonable, objective, and consistent with applicable laws, rules, policies, and</u></p>
<p>J. <u>“Just Cause”</u> 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.</p>	<p>K. <u>“Just Cause”</u> per ORS Chapter 243, 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.</p>
<p>K. <u>“Law Enforcement Agency”</u> <u>Agencies that primarily employ police officers, corrections officers, or prosecutors.</u></p>	<p>L. <u>“Law Enforcement Agency”</u> means county sheriffs, municipal police departments, public university police departments, state and federal police agencies, and municipal, state and federal corrections agencies.</p>

<p>1. This includes county sheriffs, municipal police departments, police departments established by a university, state police, <u>tribal police</u>, and law enforcement agencies of the federal government. <u>It also includes district attorney's offices</u>. Finally, it includes correctional departments.</p>	<p><see City's "L"></p>
<p><u>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.</u></p>	<p><not included></p>
	<p><u>M. "Notice" occurs when it is sent or otherwise communicated to the last known contact information. If no contact information was provided to OCPA staff when requested, then notice is not required.</u></p>
<p>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).</p>	<p>City's H. "Covered Employee" is a sworn employee and supervisors thereof within PPB. The Chief of Police is not a Covered Employee under City Charter sec on 2-401(g).</p>

<p>M. "Panel" A subset of the Board's full membership empowered to make decisions related directly to cases of <u>potential</u> administrative misconduct by PPB sworn officers and supervisors.</p>	<p>N. "Panel" is a subset of the CBPA's full membership empowered to make decisions related directly to cases of <u>allegations of</u> administrative misconduct by Covered Employees.</p>
<p>N. "Preponderance of the Evidence" is a standard of review in which <u>a majority of evidence</u> is required to support a finding on an allegation (<u>applies to In Policy, Out of Policy and Unfounded findings</u>).</p>	<p>O. "Preponderance of the Evidence" is the standard of proof applied to findings and means to prove that <u>something is more likely than not</u>.</p>
<p>O. "<u>Responsibility Unit Manager</u>" A <u>commanding officer or manager of a PPB division, unit or precinct</u>.</p>	<p><not included></p>
<p>P. "<u>Sentinel Event Reviews</u>" <u>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</u>.</p>	<p><not included></p>

<p><u>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.</u></p>	<p><not included></p>
	<p><u>P. “Third-Party Complainant” is a person who has filed a complaint of misconduct against a Covered Employee and was not the recipient of alleged misconduct.</u></p>
<p>35A.030 Obligation to Follow Law</p>	<p>35A.030 Obligation to Follow Law</p>
<p>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 <u>(and protecting the rights of all parties under both constitutions)</u>; City Charter; collective bargaining agreements <u>(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;</u> Oregon public records and public meetings law, <u>and as of July 1, 2025, statewide discipline guides.</u></p>	<p>In the performance of its duties, the CBPA and OCPA are obligated to follow all applicable federal, state, and local laws and rules, including but not limited to the United States Constitution and Oregon Constitution; City Charter; collective bargaining agreements; and Oregon public records, public meetings, <u>and ethics laws.</u></p>

<p>35A.040 Status as Independent Bureau</p>	<p><not included></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><not included></p>
<p>B. The Board <u>has an obligation to exercise independent judgment and offer critical analysis</u> 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, <u>Police Chief</u>, bureaus, and other administrative agencies.</p>	<p>From City’s 35A.010 A. The CBPA <u>shall</u> exercise independent judgment in performing all legally assigned powers and duties. The Mayor, City Council, Auditor, City Administrator and Deputies, and City departments, bureaus, and other administrative agencies shall not interfere in the exercise of the CBPA’s independent judgment.</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>	<p><not included></p>

<p>1. As a general matter, staff shall not seek administrative and legal guidance from the Police Bureau, unless 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><not included></p>
<p>D. The physical office of the Board shall be located outside of a Portland Police Bureau facility.</p>	<p>City's 35A.010 A 4. The physical office of the CBPA shall be located outside of a Portland Police Bureau facility.</p>
<p><u>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.</u></p>	<p><not included></p>
<p><u>2. The Board and Office shall not be in a space where security is provided by law enforcement.</u></p>	<p><not included></p>

<p><u>3. The Board and Office shall be located in a location convenient for the public, including accessibility to public transit.</u></p>	<p><not included></p>
<p><u>4. The offices of the Board may be located in private office space.</u></p>	<p><not included></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. <u>These include but are not limited to the Portland Police Bureau, Bureau of Human Resources, City Attorney's Office, and Office of Government Relations.</u></p>	<p>City's 35A.010 A5. The Oversight System 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 CBPA by law or regulation.</p>
<p>35A.050 Powers and Duties of the Oversight System</p>	<p>35A.040 Powers and Duties of the Oversight System</p>

<p>The Board and Office have the following powers and duties, <u>as mandated by the Charter and by the authority of City Council:</u></p>	<p>The CBPA and OCPA have the following powers and duties:</p>
<p>A. Intake. The Board and Office shall receive complaints <u>concerning police actions</u> and select the appropriate manner to address all complaints consistent with this Code and Board procedure.</p>	<p>A. Intake. The OCPA shall receive complaints alleging <u>Covered Employee misconduct</u> and determine the appropriate manner to address the complaint consistent with this Code and CBPA procedure.</p>
	<p><u>1. When there is an allegation of misconduct against the Chief of Police, the OCPA shall investigate the allegation and report its findings to the Mayor. The Mayor may elect for another entity to perform the investigation.</u></p>
<p>B. Initiate and conduct administrative investigations. The Board exclusively is authorized to initiate and conduct administrative investigations that involve any of the following: <u>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.</u></p>	<p>B. Initiate and conduct administrative investigations. The OCPA will initiate and conduct administrative investigations that are under its jurisdiction and in the manner described in Section 35D. 35D.030 C1: Other allegations of misconduct by Covered Employees as the CBPA deems fit, <u>provided that the CBPA first brings an ordinance to Council to amend this Code and add the newly covered misconduct to this Code section.</u></p>

<p>1. For formal investigations conducted by the Board, investigation reports will include factual findings and will be resolved in <u>one of four ways</u>: 1) <u>out of policy</u> (meaning the action is found to have violated City policy; 2) <u>in policy</u> (meaning the officer's actions were within the law and City policy; 3) <u>unfounded</u> (meaning the evidence shows the alleged events did not occur; and 4) <u>insufficient evidence</u> (meaning there is not enough information or evidence to determine if the officer's actions were out of policy or in policy)</p>	<p>1. For formal investigations conducted by the OCPA, investigation reports will include factual findings and will be resolved in <u>one of two ways</u>: 1) sustained, meaning the action is found <u>by preponderance of the evidence</u> to have violated City policy; or 2) not sustained, meaning the evidence is not sufficient to demonstrate by a preponderance of the evidence that a violation of City policy occurred, or, the evidence demonstrated by a preponderance that the Covered Employee's conduct was lawful and within policy.</p>
	<p><u>City's 35D.050 A4. Complete an investigation report outlining the evidence obtained during the investigation and make a recommendation as to whether the evidence supports a finding of sustained or not sustained.</u></p>
<p>2. The Board shall notify the Police Chief that it intends to conduct an administrative investigation into misconduct before initiating the investigation.</p>	<p>2. The OCPA shall send notice to the Police Chief or designee that it intends to conduct an administrative investigation into misconduct before initiating the investigation.</p>

<p>C. Communicate with Complainants. 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>City's 35D.050 A5. <u>Provide notice in writing, if possible, to the Complainant and Covered Employee stating the allegations and the investigator's recommendation to either sustain or not sustain as to each allegation.</u></p>
<p>D. Conduct hearings as described in Sections 35D.190 and 35D.200.</p>	<p><in 35D.060 D></p>
<p>E. Hold Loudermill (due process) hearings as described in Section 35D.230.</p>	<p><in 35D.060E></p>
<p><u>F. Arrange hearings of appeals. The Board or Office will explain the appeal options to complainants and schedule hearings before an appeals panel as described in Section 35D.240</u></p>	<p><not included></p>

<p>G. Recommend policy changes. The Board shall have authority to make policy and directive recommendations <u>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.</u></p>	<p>35A.040 C. Recommend policy changes. The CBPA shall have authority to make policy and directive recommendations to PPB. ...</p>
<p>H. Outreach. The Board and Office <u>will</u> widely distribute complaint forms in languages and formats accessible to community members, educate them on the importance of reporting complaints, <u>and hold public meetings to hear general concerns about police services.</u></p>	<p>D. Outreach. The CBPA and OCPA <u>may</u> widely distribute complaint forms in languages and formats accessible to community members and educate them on the process of reporting complaints.</p>
<p>I. The Board and Office shall have the authority to obtain information to administratively respond to allegations of misconduct, incidents which may involve allegations of misconduct, and conduct structural oversight effectively.</p>	<p>35A.040 B3. The OCPA shall have the authority to obtain information to investigate allegations of misconduct.</p>
<p>1. Consistent with other provisions of this Code, the Board and Office shall have the authority and ability to compel all evidence <u>during the course</u> of an investigation.</p>	<p>35A.040 B3a. The CBPA and OCPA shall have the authority and ability to gather and compel all evidence <u>relevant to an investigation, including access to all police records, to the extent allowed by federal and state law.</u></p>

<p>2. Consistent with other provisions of this Code, the Board and Office shall have the authority to compel <u>sworn officers of the Portland Police Bureau and their supervisors</u> 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.</p>	<p>35A.040 B3b. Consistent with other provisions of this Code, the CBPA and OCPA shall have the authority to compel <u>witnesses who are City Employees</u> to participate in investigations and to answer all questions completely and truthfully, and <u>to warn City Employees that refusal to truthfully and completely answer all questions may result in discipline up to and including termination.</u> ... The CBPA and OCPA shall have the authority to compel and subpoena witnesses outside of City employment to the extent allowed by law.</p>
<p>J. <u>Board</u> access to information. <u>In accordance with City, state or federal law and collective bargaining agreements, the Board and Office</u> shall have direct access to and be authorized to examine and copy, without payment of a fee, any <u>PPB</u> 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>	<p>35A.040 B4. Access to information. <u>Notwithstanding any other provision of City law or rule, OCPA shall have access to and be authorized to examine and copy, without payment of a fee, any Bureau or Office information and records relevant to an investigation,</u> including confidential and legally privileged information and records, so long as privilege is not waived as to third parties, as well as access to police databases, <u>subject to any applicable state or federal laws.</u></p>

<p>1. Records include <u>but are not limited to</u> 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 records, global positioning system (GPS) data; discipline and complaint history of individual officers; and audit records related to PPB.</p>	<p>35A.040 B4a. Records shall include <u>all records</u> as defined under Oregon Public Records Law.</p>
<p>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.</p>	<p><not included></p>
<p>3. The Oversight System shall have direct access to <u>all relevant database networks to which PPB subscribes</u> (such as, but not limited to, <u>Regional Justice Information System (RegJIN) and Criminal Justice Information Systems (CJIS)</u> as permitted by state and federal law.</p>	<p><not included></p>
<p>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.</p>	<p><not included></p>

<p>4. The Portland Police Bureau <u>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 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</u></p>	<p>35A.040 B4b. PPB and other City Bureaus and Offices shall not unreasonably delay in providing records relevant to an investigation to the OCPA.</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><not included></p>

<p><u>The Board and Office shall maintain confidentiality where required to do so and support transparency where allowable.</u> 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 unauthorized disclosure.</p>	<p>From 35A.040 B4 "...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 unauthorized disclosure."</p>
<p>K. <u>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.</u> Information shared pursuant to this provision will not be done in a way that undermines or interferes with an ongoing criminal investigation or prosecution <u>or impacts the officer's Garrity rights.</u></p>	<p>From 35A.040 B4b. Information received under this provision by the Oversight System shall not be used in a way that undermines or interferes with an ongoing criminal investigation or prosecution.</p>
<p>L. 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.</p>	<p><not included></p>
<p>M. Adoption of bylaws. The Board is empowered to write its own bylaws covering its internal processes not addressed in law.</p>	<p><in 35A.010 C></p>

<p>1. Establish sub-committees as appropriate.</p>	<p><not included></p>
<p>N. Adoption of rules. The <u>Board</u> and Director shall adopt, promulgate, amend and rescind rules and procedures required for the discharge of the Board's duties, <u>including policies and procedures for receiving and processing complaints, conducting investigations, and reporting findings, conclusions and discipline procedures.</u> The <u>Oversight System may also adopt rules and procedures for making raw data available to the public.</u> However, the <u>Oversight System may not levy any fees for the submission or investigation of complaints.</u></p>	<p>35C.010 D. The Director is authorized to adopt, amend, and repeal policies, procedures, and forms to implement the provisions of this Code and CBPA rules, including for the discharge of its duties.</p>
<p>O. <u>Review of closed investigations.</u> The Oversight System shall hire a qualified <u>staff member, a team, or independent expert(s)</u> to <u>review</u> 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>	<p>35A.040 E. <u>Oversight System External Audit.</u> The Oversight System shall have the authority to hire a qualified independent third-party expert to <u>audit</u> the Oversight System's closed investigations <u>and its disciplinary decisions</u> pertaining to officer-involved shootings, in-custody deaths, and uses of deadly force that do not result in death <u>to assess and provide recommendations.</u></p>

<p>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.</p>	<p>35A.040 E. For purposes of this section, “closed investigation” shall mean that the investigation has been completed, a <u>determination was made either not to issue discipline or any discipline arising from the incident</u> has been issued and the Covered Employee’s grievance and appeal rights have been exhausted.</p>
<p>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 <u>include case and investigative summaries, policy implications, and recommendations for improvements in police and Oversight Board policies or practices.</u></p>	<p>35A.040 E.1. 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. <u>Names of any individuals, including but not limited to Covered Employees or community members and complainants, that have not already been publicly released by the City will be redacted or otherwise changed to maintain privacy. (E.g., Employee A, Community Member A, etc.)</u></p>
<p>3. These deadly force reports will be presented to the public and City Council. <u>Contemporaneous public testimony, including oral testimony, will be accepted at City Council sessions.</u></p>	<p>2. These reports will be presented to the public and City Council.</p>
<p>P. Review of undesirable police-related outcomes (“Sentinel Event Reviews”)</p>	<p><not included></p>

<p>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.</p>	<p><not included></p>
<p>2. The Board will take public comment throughout the process.</p>	<p><not included>?</p>
<p>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.</p>	<p><not included></p>
<p>3. The Board will issue a report at the conclusion of the review, which may include proposed policy recommendations.</p>	<p><not included></p>

<p>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 <u>with public comment and questions encouraged</u>. The annual report will also be presented at a public City Council session <u>with oral testimony accepted</u>.</p>	<p>35A.040 F. Annual reports. The CBPA will annually publish a written report with an Executive Summary. The report will be presented at a public meeting of the CBPA. The annual report will also be presented at a public City Council session.</p>
<p>1. The Annual Report shall include the following information:</p>	<p>35A.040 F1. The Annual Report shall include the following information:</p>
<p>a. Overview of the Board, its staff, and its functions;</p>	<p>a. Overview of the CBPA, its staff, and its functions;</p>
<p>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 <u>status and outcomes (accepted/rejected/modified)</u> for each listed recommendation;</p>	<p>b. Summary of recommendations submitted by the CBPA to the Police Bureau, and if applicable City Council, regarding changes to PPB policy and directives along with outcomes for each listed recommendation;</p>

<p>c. A status update on implementation for those policy recommendations <u>(with an emphasis on persistent community concerns) which are accepted in whole or in part by the Council or Police Bureau;</u></p>	<p>c. An implementation update for accepted policy recommendations;</p>
<p>d. <u>Recommended changes to collective bargaining agreements (if applicable) and state or federal law;</u></p>	<p><not included></p>
<p>e. <u>Analysis of closed case reviews;</u></p>	<p><not included></p>
<p>f. Summary of complaints received by the Board over the year <u>(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);</u></p>	<p>d. Summary of complaints received by the CBPA over the year, <u>while not disclosing confidential information or information exempt from disclosure under public records laws. All names of Covered Employees and community members will be anonymized. (E.g., Employee A, Community Member A, etc.);</u> j. Number, percentage, and type of informal outcomes, cases not sustained, non-disciplinary corrective actions, and discipline decisions that were imposed;</p>

<p>g. Number of employees who have received two or more <u>complaints where their actions were deemed out of policy</u> within one year;</p>	<p>e. The number of Covered Employees who have two or more <u>sustained</u> complaints within one year;</p>
<p>h. Number of complainants who filed multiple complaints, and issues that were raised by multiple complaints;</p>	<p>f. The number of complainants who filed multiple complaints, and issues that were raised by multiple complaints;</p>
<p>i. Demographic profiles of the complainants to the extent that information exists or is voluntarily provided by the complainants;</p>	<p>g. Demographic profiles of the complainants to the extent that information exists or is voluntarily provided by the complainants;</p>
<p>j. Number and percentage of cases that were <u>appealed to the Board</u> and the outcomes (i.e., <u>whether the findings or case-handling decision changed</u>);</p>	<p>h. Number and percentage of intake complaints that were <u>appealed for reconsideration by the Director</u> and the outcome of those appeals;</p>

<p>k. Number and percentage of cases that were resolved by informal resolution (including mediation) and the outcomes;</p>	<p>i. Number and percentage of cases referred to mediation; [informal resolution is in subsection j: j. Number, percentage, and type of informal outcomes, cases not sustained, non-disciplinary corrective actions, and discipline decisions that were imposed;”]</p>
<p>l. Number and percentage of cases referred to mediation;</p>	<p>i. Number and percentage of cases referred to mediation;</p>
<p>m. Number of discipline decisions that were grieved under the applicable collective bargaining agreement or appealed to the Civil Service Board and <u>outcome</u>;</p>	<p>k. Number of discipline decisions that were grieved under the applicable collective bargaining agreement or appealed to the Civil Service Board <u>and whether discipline was upheld, modified, or overturned</u>;</p>
<p><u>n. Number and percentage of all complaints handled directly by frontline supervisors, referred for Supervisor Action, Management Action, training or alternative resolution;</u></p>	<p><not included></p>

<p>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>	<p>l. Number of times a PPB employee failed to comply with the CBPA’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>
<p>p. Number, nature, and settlement amount of civil suits against PPB officers regardless of whether the City is a defendant in the litigation;</p>	<p><not included></p>
<p>q. Number of cases involving either uses of deadly force or deaths in custody, <u>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;</u></p>	<p>m. Number of closed cases involving either uses of deadly force or in-custody deaths;</p>
<p>r. Number of cases in which the Board failed to complete its administrative investigation within 6 months of receipt of a complaint of misconduct, <u>or discovery of misconduct by other means as specified in Code Sections 35D.010 through 35D.240;</u></p>	<p>n. Number of cases in which the CBPA failed to complete its administrative investigation within 180 days of commencement of an investigation;</p>

	<p><u>o. List of CBPA-member-required training and percentage of CBPA members who have completed each training.</u></p>
<p>s. Identification of trends with respect to <u>officer history</u>, complaint types, and frequency, consistency <u>and adequacy</u> of discipline imposed; and</p>	<p>p. Identification of trends with respect to complaint types and frequency, and consistency of corrective action imposed; and</p>
<p>t. Complainant satisfaction survey results and community feedback.</p>	<p>q. <u>Participant</u> satisfaction survey results and community <u>and PPB</u> feedback.</p>
<p>2. In addition to its Annual Report, the Board may issue quarterly reports to Council.</p>	<p><not included></p>

<p>R. 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><not included>?</p>
<p>S. The Oversight System shall develop interactive dashboards around the oversight data <u>so that it can be visualized in different ways. The Oversight System may also display policy recommendations in a dashboard.</u></p>	<p>35A.040 G. Data dashboards The Oversight System shall develop interactive data anonymized dashboards.</p>
<p>T. Conduct investigative interviews of Portland Police Bureau employees, consistent with applicable law and collective bargaining agreements.</p>	<p>35D.040 "A." (After K) All interviews of City and PPB employees shall be conducted in conformance with legal requirements and collective bargaining provisions.</p>
<p>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>	

<p>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.</p>	<p>35A.040 H. Legal Advice. The CBPA may obtain legal advice and representation from the City Attorney, or may retain or employ outside legal counsel in a manner consistent with the procedures of City Code 5.68.060.</p>
<p>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>	
<p>W. 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>X. Maintain Working Relationships.</p>	

<p>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.</p>	
<p>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).</p>	
<p>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 recommendations.</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 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>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>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>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>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>Y. Alone or in cooperation with other city agencies/bureaus, the Office will also audit police surveillance and other technologies. Relevant data from these Board-conducted audits will be published, including on online dashboards.</p>	
<p>Z. 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.</p>	
<p>35B.010 Oversight Board Membership</p>	<p>35B.010 CBPA Membership</p>
<p>A. The Board shall consist of <u>thirty-three</u> members.</p>	<p>1. The CBPA shall consist of <u>twenty-one (21)</u> members.</p>

<p>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.</p>	<p>2. The CBPA shall also have six (6) alternates, appointed by Council from individuals who apply for CBPA membership and meet the qualifications included in this Code section. ... <u>Alternates shall complete all requirements necessary to be prepared to act as a replacement. ...</u></p>
<p>2. Whenever there is a vacancy on the Board, Council will select a successor Board member from among the current alternates.</p>	<p>2. ...Alternates shall be available to serve when a CBPA position is vacated.. The Council shall appoint an alternate to the CBPA when a CBPA position is vacated.</p>
<p>3. Alternates may not serve on panels reviewing complaints, nor are they considered voting members of the Board. <u>However, the Board may define other responsibilities and rights of alternates in its bylaws.</u></p>	<p>2. ...Until appointed as a CBPA member, alternates may not serve on the CBPA.</p>
<p>B. Board members and alternates shall be appointed to the Board by a vote of the City Council.</p>	<p>B. Appointment process. CBPA members and alternates shall be appointed by a vote of the City Council.</p>

	<p>1. CBPA members shall be appointed but shall not serve on the CBPA until passing the background check provided for in this Section. If a person does not pass, or fails to comply with, the background check, then Council shall appoint another CBPA member.</p>
<p>1. Individual applications shall be referred by the Board to City Council based upon its review of the qualifications and selection criteria (below).</p>	
<p>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.</p>	
<p>C. Quorum Requirements.</p>	<p>35B.010 C. Quorum Requirements.</p>

<p>1. Matters Affecting Full Board: A simple majority of Board seats shall constitute a quorum of the Board for decisions about procedures, protocols, or other decisions affecting the full Board.</p>	<p>1. Matters Affecting Full CBPA: A simple majority of the full CBPA shall constitute a quorum of the CBPA for decisions about procedures, protocols, or other decisions of the CBPA <u>provided for in this Code Section</u>. Unless otherwise stated in this Code, a simple majority of the full CBPA shall vote in favor of adopting procedures, protocols and other decisions of the CBPA provided for in this Code Section for such to go into effect.</p>
<p>2. Adoption of Bylaws or Other Significant Matters Affecting Full Board: 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.</p>	
<p>3. Panels (Hearings, Due Process and Appeals): <u>Quorum for panels shall be a majority of the members of the panel.</u></p>	<p>35B.010 C3. CBPA Review Panels: <u>All panel members are required to be present to establish a quorum.</u></p>
<p>4. Sub-Committees: 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.</p>	

<p>D. Board members shall be appointed as follows:</p>	
<p>1. 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 others), and the general public. 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>a. The Board <u>may create</u> 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>35B.010 B2. A nominating committee comprised of members as listed below <u>shall solicit applicants for the CBPA and shall refer potential CBPA members to City Council based on a recommendation of a majority of nominating committee members. The initial nominating committee shall be as stated below, except in lieu of subparagraph (a) below there shall be one member of the Citizen Review Committee and one Police Review Board community member, and in lieu of subparagraph (b) below Council shall each appoint one member. The nominating committee shall be comprised of the following</u></p>

	<p><u>a. Two CBPA representatives;</u></p>
	<p><u>b. One community member from each Council district as designated by the Council members of that district;</u></p>
	<p><u>c. One representative designated by the Chief of Police;</u></p>

	<u>d. One representative from PPA; and</u>
	<u>e. One representative from PPCOA.</u>
<p>2. Qualifications and Selection Criteria: Prospective applicants shall be considered for vacancies on the Board based upon the following qualifications and selection criteria:</p>	<p>35B.010 D. Qualifications and Selection Criteria: Prospective CBPA members shall be considered for vacancies on the CBPA based upon the following qualifications and selection criteria:</p>

<p>a. Individual Board members must live, work, <u>play, attend school or worship</u> in the City of Portland for at least twelve months prior to their appointment.</p>	<p>1. CBPA members must live or work 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, <u>drawn from different socio-economic backgrounds and racial, ethnic, gender identity, and age groups.</u> <u>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.</u></p>	<p>2. In making appointments, <u>Council</u> shall make provisions to ensure the CBPA’s membership includes representation from diverse communities including those with diverse lived experiences, particularly those who have experienced systemic racism and those who have experienced mental illness, <u>addiction, or alcoholism.</u></p>
<p>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.</p>	

<p>d. Individual Board members must have a commitment <u>to the need for and responsibilities of civilian police oversight</u> in ensuring that Portland policing practices comply with state and federal constitutional protections <u>and other applicable legal standards</u>. Individual Board members must also have a <u>demonstrated commitment to racial justice</u>.</p>	<p>3. Individual CBPA members must have a commitment to <u>police accountability, fairness,</u> and ensuring that PPB policies do not violate state and federal constitutional rights. Individual CBPA members must also commit to upholding the <u>City's core values of anti-racism, equity, transparency, communication, collaboration, and fiscal responsibility</u>.</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. <u>Fairness includes considering lived experience, the experiences of the community members, and of the police officers involved in the case.</u></p>	<p>4. CBPA members must be capable of making fair, <u>objective,</u> and impartial decisions <u>consistent with applicable laws, rules, policies, and procedures and based on the evidence presented to them</u> in an environment where controversy is common.</p>
<p>3. Prerequisites for Appointment:</p>	<p>5. Prerequisites for Service on the CBPA:</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>a. A prospective CBPA 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. <u>The City Attorney's Office shall conduct a check of prospective CBPA members for legal conflicts.</u></p>

<p>b. The Board member must sign a confidentiality agreement.</p>	<p>b. The CBPA member must sign a confidentiality agreement.</p>
<p>c. Background Check</p>	<p>c. 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. <u>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.</u></p>	<p>c. Members shall pass a criminal background check by an entity other than the PPB to conduct such check. ...</p>
<p>i. Staff shall initiate a criminal background check, and shall use an agency other than the PPB itself, <u>or an agency used by PPB for its checks.</u> The only exception is that staff may initiate a criminal background check through the Oregon State Police.</p>	<p>c. Members shall pass a criminal background check by an entity other than the PPB to conduct such check. <u>Background checks shall comply with all laws, including the Fair Credit Reporting Act.</u> ...</p>

<p><u>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.</u></p>	<p>c. ... A background check shall include consideration of any potential CJIS-authorized waivers or exceptions for access to protected information. ...</p>
<p><u>iii. The nominating entity may opt to pass an applicant’s nomination to City Council after this conversation and review.</u></p>	<p>c. ... <u>The Chief Administrative Officer until January 1, 2025, and thereafter the Deputy City Administrator assigned to the Oversight System will make the final determination as to whether an applicant has passed a background check.</u></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><not included></p>
<p>4. Restrictions on Board Membership. The following individuals are not eligible for service on the Board:</p>	<p>6. Restrictions on CBPA Membership. The following individuals are not eligible for service on the CBPA:</p>

<p>a. An individual currently employed by a law enforcement agency;</p>	<p>a. An individual currently employed by a law enforcement agency;</p>
<p>b. An immediate family member of an individual currently employed by a law enforcement agency;</p>	<p>b. An immediate family member of an individual currently employed by a law enforcement agency;</p>
	<p><u>c. Any individual who has a demonstrated bias for or against law enforcement; and</u></p>
<p>c. An individual formerly employed by a law enforcement agency;</p>	<p>d. An individual formerly employed by a law enforcement agency.</p>

<p>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.</p>	<p><not included></p>
<p>E. Training Requirements. 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>	<p>E. Training and Other Requirements. CBPA members and alternates shall complete these training and other requirements within six (6) months of appointment, unless extended for good cause. <u>CBPA members shall not vote on Administrative Investigations prior to completing these requirements unless authorization is given by the Deputy City Administrator. Such permission shall only occur for CBPA members who have made a good faith effort to complete the requirements herein and there is good cause for any missing requirements.</u></p>
<p>1. Complete all paperwork necessary to ensure access to City resources, including compensation and other support services;</p>	<p>1. Complete all paperwork necessary to ensure access to City resources, including compensation and other support services;</p>
<p>2. Complete orientation and training applicable to all members of a City advisory body;</p>	<p>2. Complete orientation and training applicable to all members of a City governing body;</p>

<p>3. Become familiar with the City Charter Chapter 2, Article 10, chapters of this Code, that address the Board's roles and responsibilities;</p>	<p>3. Become familiar with the City Charter Chapter 2, Article 10, and chapters of this Code that address the CBPA's roles and responsibilities;</p>
<p>4. Receive training on the Board's history, internal structure and processes (including bylaws, and rules and procedures);</p>	<p>4. Receive training on the CBPA's history, internal structure and processes, including CBPA bylaws, rules and procedures;</p>
<p>5. Receive training in the legal requirements of Oregon's Public Records and Public Meetings laws;</p>	<p>5. Become familiar with <u>applicable federal, state, and local laws and rules, including but not limited to the United States Constitution and Oregon Constitution; City Charter; collective bargaining agreements; ORS 243.808-.812; ORS 236.350-370; and Oregon public records, public meetings, and ethics laws; and done in consultation with the City Attorney's Office;</u></p>
	<p>6. Training and requirements for access to police databases, including any annual renewal requirements;</p>

<p>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; <u>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 and a discussion of the historical policing practices addressed in the litigation;</u></p>	<p>7. Receive instruction about PPB's history, procedures, <u>policy development process</u>, and PPB's training on de-escalation, equity, bias-based policing, and crisis intervention; (From 5.) <u>collective bargaining agreements</u></p>
	<p>8. <u>Participate in at least one PPB "ride-along" and PPB community academy;</u></p>
<p>7. Training about how civilian oversight of law enforcement functions;</p>	<p>9. Attend training on national best practices for civilian oversight of law enforcement misconduct;</p>

<p>8. Training about the City's Civil Service Board, and other relevant City personnel policies and procedures;</p>	<p>10. Receive training about the City's Civil Service Board; 11. Receive training on relevant City personnel policies and procedures, <u>procedural justice, and equity and implicit bias;</u></p>
	<p><u>12. Receive training on using video footage in administrative or force investigations, limitations of video evidence, human performance dynamics and limitations, and cognitive interviewing techniques; and</u></p>
<p>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;</p>	<p><not included></p>
<p>10. Receive training in the legal requirements for maintaining the confidentiality of personnel records and other confidential documents or information.</p>	<p>13. Receive training in the legal requirements for maintaining the confidentiality of personnel records and other confidential documents or information.</p>

	<p><u>The OCPA shall ensure training is offered at least annually for CBPA members and alternates.</u></p>
<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><not included></p>
<p>F. Term Lengths and Renewability.</p>	<p>F. Term Lengths and Renewability.</p>
<p>1. Board members shall each serve a term of three years, subject to reappointment by Council.</p>	<p>1. CBPA members and alternates shall each serve a term of three years, unless reappointed by Council. An alternate CBPA member appointed to a CBPA vacancy shall serve the remainder of the vacant term.</p>

	<p>1. Initial appointment lengths may be staggered.</p>
<p>2. Upon expiration of the term, a Board member shall serve until re-appointed or replaced or removed by Council.</p>	<p><not included></p>
<p>3. A Board member may apply to renew their term <u>twice</u>, and will be considered for the position. <u>The Board will establish procedures to allow Board members to seek reappointment.</u></p>	<p>2. CBPA members and alternates may apply to renew their term and will be considered for the position by the CBPA nominating committee.</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>3. A CBPA member may be granted a leave of absence for good cause <u>as approved by the Bureau of Human Resources</u>, including in instances of illness, injury, or other personal hardship.</p>

<p>G. Board Member Support and Compensation</p>	<p>G. CBPA Member Support and Compensation</p>
<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. <u>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.</u></p>	<p>1. CBPA members shall be eligible for compensation subject to applicable law, City policy, and rulemaking. This compensation may be up to the maximum allowable for volunteers under applicable law, <u>subject to City Council approval.</u> 2. <u>Additional reimbursement to CBPA members for expenses associated with service on the CBPA may be authorized, subject to City Council approval.</u> The CBPA may establish non-financial support systems within or outside of City structures to support CBPA members, <u>subject to City Council approval.</u></p>
<p>35B.020 Resignation and Removal from Board</p>	<p>35B.020 Resignation and Removal from CBPA</p>

<p>A. A Board member may resign prior to the expiration of their term with written notice to the Board and the <u>Council</u>.</p>	<p>A. A CBPA member may resign prior to the expiration of their term and shall provide written notice to the CBPA and the <u>Director</u>.</p>
<p>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.</p>	<p><not included></p>
<p>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.</p>	<p><not included></p>

<p>B. City Council may remove a Board member for cause.</p>	<p>B. City Council may remove a CBPA member for cause.</p>
<p>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:</p>	<p><not included></p>
<p>a. the member is incarcerated in any jail or prison and unable to complete their responsibilities as a Board member; or</p>	<p><not included></p>
<p>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.</p>	<p><not included></p>

<p>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.</p>	<p><not included></p>
<p>3. Cause for removal includes but is not limited to:</p>	<p>From B: Cause for removal may include, but is not limited to:</p>
<p>a. Official Misconduct (See ORS 162.405-162.415);</p>	<p>1. Official Misconduct (See ORS 162.405-162.415);</p>
<p>b. Unexcused absence;</p>	<p>2. Repeated and excessive unavailability for service, including unexcused absences, failure to participate, or inactivity;</p>

<p>c. Excessive excused absences (<u>including unforeseen events, health reasons, being out of town, or missed meetings due to conflicts of interest</u>);</p>	<p>3. Excessive excused absences;</p>
<p>d. Failure to timely disclose an actual conflict of interest <u>which prevents the Board member from performing their responsibilities</u>;</p>	<p>4. Failure to timely disclose an actual conflict of interest;</p>
<p>e. Loss of eligibility: No longer meeting any of the requirements such as live, work, <u>play, attend school, or worship</u> in the City of Portland (as outlined in Code section 35B.010 D2a);</p>	<p>5. Loss of eligibility to serve, including no longer meeting any of the requirements such as living or working in the City of Portland;</p>
<p>f. Unmet minimum participation, or workload requirement;</p>	<p>[in 2: Repeated and excessive unavailability for service, including unexcused absences, failure to participate, or inactivity;]</p>

	7. Failure to read entire case files and adequately prepare for Reviews;
g. Breach of confidentiality agreement;	8. Breach of confidentiality;
	<u>12. Conduct that constitutes an improper disclosure of private information as defined in ORS 30.835; or [Note: seems redundant with 8]</u>
	9. Objective demonstration of bias for or against the police;

<p>h. Inactivity in Board activities including subcommittee work or hearing, appeals, misconduct, or due process panel participation;</p>	<p>[in 2: Repeated and excessive unavailability for service, including unexcused absences, failure to participate, or inactivity;]</p>
<p>i. Failure to complete training within 6 months of appointment unless good cause exists to excuse this;</p>	<p>10. Failure to attend scheduled training or to complete training within six (6) months of appointment or after any granted extensions;</p>
<p>j. Misconduct, such as harassment, discrimination, and retaliation; or</p>	<p>11. Misconduct, such as harassment, discrimination, or retaliation;</p>
<p>k. Any other cause which impacts the Board's effective operations, standing or independence.</p>	<p>13. Any other cause which impacts the CBPA's effective operations.</p>

<p>4. Other reasons for removal could include death, or incapacitation.</p>	<p><not included></p>
	<p>C. The Deputy City Administrator or designee shall confirm eligibility to serve on the CBPA not less than annually.</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>D. The Bureau of Human Resources shall investigate allegations of misconduct regarding CBPA members and communicate their findings to City Council. ...</p>
<p><u>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.</u></p>	<p>The BHR Director may recommend, and the Deputy City Administrator may suspend, a CBPA member from duties pending the resolution of the allegations.</p>

<p>35B.030 Meetings of the Board</p>	<p><not included></p>
<p>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><not included></p>
<p>A. Proper notice, agendas, meetings summaries, and meeting materials will be made available to the public in a timely way.</p>	<p><not included></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><not included></p>

<p>C. The Board may also hold special meetings of the full Board or sub-committees as necessary.</p>	<p><not included></p>
<p>D. 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>	<p><not included></p>
<p>E. The Board will regularly host the Police Chief, Mayor and other relevant officials at its public meetings.</p>	<p><not included></p>
<p>F. 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.</p>	<p>35D.060 F3. Once consensus is reached, a formal vote shall be taken in public session. The formal vote shall occur as follows:</p>

35B.040 Board Budget	35B.030 CBPA Budget
A. The Board shall have a publicly disclosed budget.	A. The CBPA's budget shall be <u>a</u> publicly disclosed, ...
1. As per Charter 2-1004, "funding for the Board shall be proportional to <u>no less than</u> 5 percent of the Police Bureau's Annual Operations Budget."	B. Council shall adopt a budget at the conclusion of the budget cycle that is proportional to five percent (5%) of the concurrently adopted PPB annual operating budget.
2. 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.	<not included>

<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><not included></p>
<p>C. <u>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.</u></p>	<p>[From A] ... <u>and shall comply with all State, City, Procurement, and City Budget Office budget requirements.</u></p>
<p>35C.010 Director Selection and Removal</p>	<p>35C.010 Director Roles, Responsibilities, and Delegation</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>A. The CBPA shall hire a Director ... <u>The Director is a “Bureau Director” for purposes of Charter section Exhibit B 4-301 and shall be appointed by, and serve at the will and pleasure of, the CBPA. ...</u></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><not included></p>
<p><u>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;</u></p>	<p><u>[From A] ...The same nominating committee that provides recommendations for CBPA member appointments will review applicants for Director and make recommendations for consideration by the CBPA. ...</u></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><not included></p>
<p>3. The full Board shall interview the candidates and the top scoring candidate will be moved forward;</p>	<p><not included></p>
<p>4. At that meeting or the next appropriate meeting, the Board shall vote whether to appoint the top scoring candidate;</p>	<p><not included></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><not included></p>

<p>C. The hiring procedures described in section B, above, are intended to comply with ORS 192.660(2)(a).</p>	<p><not included></p>
<p>D. Director Qualifications.</p>	
<p>At a minimum, the Director shall possess the following necessary and desired qualifications:</p>	<p><not included></p>
<p>1. Be well-equipped to analyze problems of administration, and public policy;</p>	<p><not included></p>

<p>2. Working knowledge in criminal justice sufficient for the powers and duties of the Office;</p>	<p><not included></p>
<p>3. Experience and knowledge working with communities impacted by police misconduct;</p>	<p><not included></p>
<p>4. Be trauma-informed, possess an equity lens, and have experience engaging the community in collective decision making; and</p>	<p><not included></p>
<p>5. The Director shall possess other necessary and desired qualifications for the position as identified by the Board.</p>	<p><not included></p>

<p>E. As part of its role in managing the Director, the Board shall, at a minimum, conduct annual performance reviews.</p>	<p><not included></p>
<p>F. The Director <u>shall serve at will</u> and may be removed from office by a vote of a <u>supermajority</u> of the Board <u>(to be determined by the Board according to its procedures)</u>. <u>The decision of whether to remove a Director shall be in the Board’s sole discretion and may be for any reason.</u></p>	<p>35B.010 C2. Removal: Removal of the OCPA Director shall require a “yes” vote of two-thirds of the full CBPA.</p>
<p>35C.020 Director Roles, Responsibilities, and Delegation</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>35C.010 C. The Director shall make operational and administrative decisions for the OCPA. From 35C.010 A: manage the professional administrative staff and professional investigators, and to make operational and administrative decisions</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><included elsewhere></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><not included></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><not included></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><not included></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><not included></p>
<p>a. Board members will be involved in the hiring of legal counsel and participate in performance reviews for this position.</p>	<p><not included></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>	<p>35C.010 A ... Professional staff of the Oversight System shall be appointed by and serve under the direction of the Director. <u>Such appointment and service shall comport with all City and classified service requirements.</u></p>
<p>a. Policy work;</p>	<p><not included></p>

b. Mediation;	<implied elsewhere>
c. Investigation;	<implied elsewhere>
d. Hearings support;	<not included>
e. Records;	<not included>

f. Outreach/Community Engagement;	<implied elsewhere>
g. Intra-governmental affairs;	<not included>
h. Data analysis;	<not included>
i. Equity and inclusion;	<not included>

<p>j. Public affairs/communications; and</p>	<p><not included></p>
<p>k. Other administrative staff and personnel as necessary for the Board and Office’s functioning, including to assist Board members.</p>	<p><implied elsewhere></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><implied elsewhere></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 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><implied elsewhere></p>

<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, <u>including policies and procedures for receiving and processing complaints, conducting investigations and hearings, and reporting findings, conclusions and recommendations.</u> <u>All such policies shall be sent to the Board for its review and feedback prior to beginning the public comment period (if applicable).</u></p>	<p>35C.010 D. The Director is authorized to adopt, amend, and repeal policies, procedures, and forms to implement the provisions of this Code and CBPA rules, including for the discharge of its duties.</p>
<p>1. Before adopting, amending, or repealing a rule, the <u>Director</u> must notify interested parties and hold a public comment period. <u>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</u></p>	<p>From City’s 35A.010 C. <u>The CBPA shall subject all of its administrative rules, policies and procedures, and bylaws to a community input period that shall last not less than 30 days, except that the CBPA may adopt policies, procedures, and bylaws in an urgent situation that shall be in effect no longer than 90 days and thereafter shall follow the community input process.</u></p>
<p>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 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><not included></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><not included></p>
<p>F. The Director may delegate to a designee any or all duties or responsibilities.</p>	<p>35C.010 E. The Director may delegate to a designee any or all duties or responsibilities.</p>
<p>35C.030 Staff Training and Qualifications</p>	<p>35C.020 Staff Training and Qualifications</p>
<p>A. Staff shall be trained on issues specific to their roles, such as:</p>	<p>A. All OCPA employees shall be trained on the following areas of training that are required for CBPA members in Code section 35B.010(E) (3)-(9), and (11)-(13). C. Investigators shall also complete training in:</p>

1. <u>PPB</u> and Board policies and directives,	1. CBPA policies and directives;
2. Interviewing,	2. Interviewing techniques;
3. Evidence,	<not included>
4. PPB patrol training and tactics,	<not included>

5. PPB and Board operations,	<not included>
6. Legal issues including stops, frisks, and searches.	<not included>
7. Trauma-informed service delivery, <u>focused on interviewing and other community interactions.</u>	3. Trauma-informed service delivery; and
8. Anti-racism, anti-bias, cultural competency, and collaborative decision-making; and	<not included>

<p>9. Other training needs as identified by the Director.</p>	<p>4. Other relevant training needs as identified by the Director.</p>
<p>B. Minimum experience requirements. While the Director has authority in hiring staff, the following shall be considered in their hiring process:</p>	<p><not included></p>
<p>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.</p>	<p><not included></p>
<p>C. Preferred qualifications for Office staff shall include working with community; being versed in contemporary 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.</p>	<p><not included></p>

35C.040 Staff community engagement	35C.030 Staff Community Engagement
<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 <u>and seek recourse in case of retaliation</u>, and receive input.</p>	<p>A. The CBPA 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 receive input.</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><not included></p>
<p>C. Staff shall set up community engagement events, which may involve the Board members when available.</p>	<p><not included></p>

<p>D. The outreach shall be conducted in ways that are accessible in terms of language, abilities, and other considerations.</p>	<p>B. The outreach shall be conducted in ways that are accessible in terms of language, abilities, and other considerations.</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><not included></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><not included></p>
<p>G. Community engagement shall include discussions on how to improve police practices and policy, which includes soliciting community input. <u>These discussions may include local, state, and federal laws and policies, not solely Police Bureau policies.</u></p>	<p>C. Community engagement shall include discussions on how to improve police practices and policy, which includes soliciting community input.</p>

<p>H. The oversight system shall conduct education on its activities for law enforcement personnel and bargaining unit representatives.</p>	<p><not included></p>
	<p>(Unnumbered from 35C.030) Educate the public about the processes of the Oversight System and the corrective action goals.</p>
<p>35D.010 Basic Elements of Administrative Investigations</p>	<p>35D.010 Elements of Administrative Process</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>A. Beyond the requirements listed here and in other parts of this Code, the Oversight System shall develop rules and procedures for receiving and processing complaints, <u>conducting investigations, reporting of findings, conclusions and recommendations, and taking of disciplinary action ...</u></p>

<p>B. Investigations shall comply with <u>federal and state constitutions and laws, city charter, Oversight System rules</u> and regulations including Administrative Rules adopted by Bureau (ARBs), relevant collective bargaining agreements, <u>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.</u></p>	<p>(From A) ... consistent with any binding disciplinary rules and applicable collective bargaining agreements or statewide standards.</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, <u>and the content of the interview cannot be used in a criminal proceeding.</u></p>	<p>C. <u>No CBPA member or OCPA employee may disclose any compelled statements taken pursuant to this Code Section, any evidence derived from those statements, or any information whatsoever gathered as part of the use of deadly force or in-custody death investigation to anyone outside of the CBPA or OCPA until the conclusion of any and all criminal proceedings against the Covered Employee.</u></p>
<p>D. Investigations must be conducted in a manner that is ethical, independent, thorough, timely, fair, and impartial.</p>	<p>B. Investigations must be conducted in a manner that is ethical, independent, thorough, timely, fair, and impartial.</p>
<p>E. Investigations shall follow these steps and shall include, if these elements exist and are reasonably available:</p>	<p><not included></p>

<p>1. When an investigation begins, except for information that would compromise the integrity of the investigation, an officer shall be informed in writing:</p>	<p><not included></p>
<p>a. of the nature of the investigation;</p>	<p><not included></p>
<p>b. whether the officer is a witness or an involved party; and</p>	<p><not included></p>
<p>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).</p>	<p><not included></p>

2. Interviews of the complainant, officer(s), and witness(es);	<not included>
3. Gathering evidence including photos, videos, proof of injuries and other relevant medical records;	<not included>
4. Examining police roll calls, logs, assignments, and other relevant information; and	<not included>
5. Site visits as deemed appropriate.	<not included>

<p>F. Interview Guidelines:</p>	<p>35D.01 C. Interviews</p>
<p>1. Interviews with officers shall all be recorded and conducted in a manner that is consistent with the applicable collective bargaining agreement.</p>	<p>1. Interviews with Covered Employees shall be <u>audio-only</u> recorded and conducted in a manner that is consistent with <u>state law</u> and any applicable collective bargaining agreement.</p>
<p>2. Interviews with <u>community members</u> will be recorded, <u>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.</u></p>	<p>2. Interviews with <u>Complainants and witnesses</u> shall be <u>audio-only</u> recorded.</p>
<p>a. However, a <u>community member</u> concerned about confidentiality of certain information may request that parts of their transcript be redacted for confidentiality purposes, <u>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.</u> In these cases, the City <u>shall</u> treat the information as submitted confidentially to the extent permitted by law.</p>	<p>a. When a <u>Complainant or witness</u> is concerned about public release of their information, they may request that the information be treated as confidential. The CBPA <u>may adopt a rule</u> for handling of such information consistent with Oregon Public Records laws.</p>

<p>3. Civilian interviews can take place at locations other than the oversight system's offices.</p>	<p><not included></p>
<p>G. An investigation shall be completed even if an officer retires, resigns, or is terminated.</p>	<p>3. Investigations shall be completed even if an officer retires, resigns, or is terminated.</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><not included></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><not included></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>	<p><not included></p>
<p>35D.020 Timelines for Completion</p>	<p>35D.020 Timelines for Completion</p>
<p><u>A. Investigations shall be completed within 6 months. Investigations may extend past 6 months and continue until resolved consistent with applicable law.</u></p>	<p><u>The CBPA shall adopt an administrative rule regarding the timelines for completion of investigations and any matters related to discipline.</u></p>
<p>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.</p>	<p><not included></p>

<p>B. Informal complaints shall be resolved in 60 days or less.</p>	<p><not included></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><not included></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 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><not included></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>	<p><not included></p>

35D.030 Providing information to complainants	
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.	<not included>
1. During intake, staff shall not express opinions about the complainant or the truth or merit of their allegations.	<not included>

<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><not included></p>
<p>3. If they perceive bias, complainants may request another staff person to complete the intake.</p>	<p><not included></p>
<p>B. The Board shall provide Complainants with records of their complaint, including:</p>	<p><not included></p>
<p>1. Confirmation of the receipt of the complaint, including a summary of the allegations;</p>	<p><not included></p>

2. Literature about the Board and its process including explanation of confidentiality issues;	<not included>
3. If appropriate, a medical release form for records related to the complaint;	<not included>
4. Notice if the investigation cannot be completed in the timeline required by this Code;	<not included>
5. Notice of completion of the investigation in a final report; and	<not included>

<p>6. A survey about their experience with the complaint system.</p>	<p><implied elsewhere></p>
<p>C. The Board shall make information about the complaint available to the complainant online.</p>	<p><not included></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><not included></p>
<p>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.</p>	<p><not included></p>

<p>E. The oversight system shall not charge any fees to complainants for access to information about their complaint.</p>	<p><not included></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>	<p><not included></p>
<p>35D.040 Referral of criminal investigations</p>	<p>35D.030 D Criminal Investigations.</p>
	<p><u>1. If a criminal investigation has been initiated against the involved member, or during the course of an Oversight System administrative investigation a basis for conducting a criminal investigation arises, the Oversight System Exhibit B shall immediately advise the City Attorney or designee prior to initiating or continuing an administrative investigation.</u></p>

	<p><u>2. The Oversight System shall toll the administrative investigation while the criminal investigation is ongoing except where the administrative investigation will not interfere with the criminal investigation.</u></p>
<p><u>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.</u></p>	<p>3. In no event shall the Oversight System interview the Covered Employee, outside of the initial administrative investigatory interview in an instance of deadly force or an in-custody death, until the entity investigating the criminal charges advises the Oversight System that such interview will not interfere with the criminal investigation. The Oversight System shall take all steps necessary to meet constitutional requirements and comply with existing provisions of City labor agreements.</p>
	<p>4. The Oversight System will have no role or responsibility in conducting criminal investigations of any kind.</p>
<p>35D.050 Who May File</p>	

<p>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.</p>	<p>35D.030 A. The Oversight System shall accept complaints from any source.</p>
<p>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.</p>	<p><is this covered in 35D.030 A?></p>
<p>2. The complainant pool is inclusive regardless of age, immigration status, residence, criminal record, or language used. Incarcerated people can file complaints.</p>	<p><is this covered in 35D.030 A?></p>
<p>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.</p>	<p><is this covered in 35D.030 A?></p>

<p>4. Complaints involving any community members can be filed by third parties, such as other individuals or organizations.</p>	<p><is this covered in 35D.030 A?></p>
<p>B. Police officers from the Portland Police Bureau can file complaints alleging misconduct by other Portland police officers.</p>	<p><is this covered in 35D.030 A?></p>
<p>C. Law enforcement officers from other law enforcement agencies can file complaints alleging misconduct by Portland police officers.</p>	<p><is this covered in 35D.030 A?></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>	<p><not included></p>

<p>35D.060 Types of conduct/complaints within Board jurisdiction</p>	<p>35D.030 Oversight System Jurisdiction</p>
<p>A. The Board shall investigate certain Police actions, including but not limited to:</p>	<p>35D.030 A ...The CBPA is authorized to perform an administrative investigation into complaints against Covered Employees to determine compliance with City or Police Bureau policy, ... unless otherwise stated in this Code.</p>
<p>1. All deaths in custody (<u>including effective/constructive custody</u>) and uses of deadly force;</p>	<p>from 35D.030 A: as well as all in-custody deaths and uses of deadly force by sworn members of the Police Bureau. B. The Oversight System shall have the authority to administratively investigate for violation of City or PPB policy all complaints against Covered Employees as follows:</p>
<p>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.</p>	<p>1. All allegations of excessive force; 2. Discrimination against a protected class as defined by local, state, or federal law <u>in consultation with a BHR Business Partner</u>; 3. Violations of federal or state constitutional rights;</p>

	<u>5. Biased-based policing;</u>
	<u>6. Complaints referred to the Oversight System by Internal Affairs and accepted by the OCPA;</u>
B. The Board shall also investigate allegations of the following to determine if City or Police Bureau policy has been violated:	35D.030 C1. Other allegations of misconduct by Covered Employees as the CBPA deems fit, provided that the CBPA first brings an ordinance to Council to amend this Code and add the newly covered misconduct to this Code section.
1. dishonesty/untruthfulness including perjury;	<not included>

2. false reports & concealing evidence;	<not included>
3. sexual assaults, sexual misconduct, or sexual harassment;	<not included>
4. domestic violence;	<not included>
5. unlawful search/arrest;	<not included>

<p>6. neglect of duty;</p>	<p><not included></p>
<p>7. discourtesy, including use of profanity;</p>	<p><not included></p>
<p>8. improper discharge of a firearm;</p>	<p>35D.030 B4. Negligent discharge of a firearm, outside of a PPB Training event;</p>
<p>9. criminal conduct, including off-duty criminal conduct;</p>	<p><not included></p>

10. improper or illegal act, omission or decision that directly affects a person or their property;	<not included>
11. violation of orders which affect a community member;	<not included>
12. harassment;	<not included>
13. intimidation;	<not included>

14. retaliation;	<not included>
15. force used at protests (to the extent not covered by Section A);	<not included>
16. abuse of authority (such as use of police credentials in a personal dispute);	<not included>
17. officer failure to identify;	B7. Officer failure to identify, consistent with ORS 181A.704; and

18. theft of money;	<not included>
19. corruption (to the extent not covered by other Code provisions);	<not included>
20. membership or participation in hate groups, racial supremacist organizations or militant groups (as defined in ORS 181A.688);	<not included>
21. cases of substantial public interest; and	<not included>

<p>22. where data show a pattern of inappropriate policies.</p>	<p><not included></p>
<p>C. The Board may also investigate:</p>	<p>35D.030 C. The CBPA may also investigate:</p>
<p>1. Any alleged misconduct directly affecting the public, including work-related allegations such as tardiness if they affect a community member; and</p>	<p><not included></p>
<p>2. Other allegations of officer misconduct which do not originate from a complaint, at the discretion of the Board.</p>	<p><not included></p>

<p>3. Complaints filed by PPB officers, <u>alleging misconduct by another PPB officer which does not impact a community member</u>, when the complaint includes a request by the complainant for Board investigation.</p>	<p>35D.030 B8. Complaints brought by a PPB sworn member who requests CBPA investigation.</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 the complaint, the Oversight System shall complete its investigation.</p>	<p><not included></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><not included></p>
<p>F. The following types of complaints which are outside the Board's jurisdiction, shall be handled as follows:</p>	<p>35D.030 E. The following types of complaints which are outside the CBPA's jurisdiction, shall be handled as follows:</p>

	<p><u>1. When the complaint involves an allegation of a violation of Human Resources Administrative Rule 2.02, the complaint shall be referred to the Bureau of Human Resources within two business days. If the HRAR 2.02 allegation is covered under this Code subsection, then the Oversight System shall include a BHR Business Partner in the investigation.</u></p>
<p>1. When the complaint involves officers from another law enforcement agency, <u>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.</u></p>	<p>2. When the alleged violations are not under the Oversight System's authority to investigate, the matter shall be referred to the appropriate investigatory City or outside entity. 35D.050 A2c Refer to other City entity or outside entity if not within the Oversight System's jurisdiction; or</p>
<p>2. When the alleged violations do not impact a community member, except as noted in C3 above, another City investigatory body shall investigate.</p>	<p>(as above, 2. When the alleged violations are not under the Oversight System's authority to investigate, the matter shall be referred to the appropriate investigatory City or outside entity.)</p>
	<p>3. Allegations of violations of truthfulness and courtesy directives and of criminal law.</p>

	<p>a. For allegations of violations of the truthfulness or courtesy directives or criminal law, the OCPA Director or designee shall receive access to the full PPB administrative investigation case file and report. The OCPA Director or designee shall only permit access to the full case file and report for purposes of preparing written feedback and recommendations. The OCPA Director or designee and those with access to this information shall treat it as confidential.</p>
	<p>b. The OCPA Director or designee shall have not less than twenty-one days to submit written feedback and recommendations.</p>
	<p>c. The OCPA Director or designee is authorized to provide summaries of these matters to the CBPA. Such summaries shall be provided in executive session in compliance with Oregon public meetings laws.</p>
<p>3. When a complaint is generated by a Portland Police Bureau supervisor about poor officer performance or other work rule violations, Responsible Unit managers are responsible for intake and investigation.</p>	<p><not included></p>

35D.070 Filing Timelines	
A. The timeline to file a complaint shall be 12 months after the incident except in the following circumstances:	<not included>
1. The Director and/or designated Board leadership may extend the timeline for good cause; or	<not included>
2. until a civil case involving the same underlying conduct has concluded; and/or	<not included>

<p>3. for the term of the involved community member's incarceration.</p>	<p><not included></p>
<p>B. If the timeline is extended for reasons identified in A.2-3, it may be extended to a maximum of five years.</p>	<p><not included></p>
<p>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.</p>	<p><not included></p>
<p>35D.080 Methods for Filing Complaints; Board Receipt of Complaints</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><not included></p>
<p>1. The Board shall ensure that complaint forms are widely available.</p>	<p><not included></p>
<p>a. All Portland Police Bureau facilities will have complaint forms available in areas accessible to the public.</p>	<p><not included></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><not included></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><not included></p>
<p>3. The Board will ask the complainant to state their preferred method of communication at the beginning of the process.</p>	<p><not included></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><not included></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><not included></p>

<p>1. By immediate, it is intended to mean without delay and unless for reasonable cause, within 24 hours of occurrence.</p>	<p><not included></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>	<p><not included></p>
<p>35D.090 Intake</p>	
<p>A. The Director shall hire/retain complaint navigators ("advocates") to help complainants navigate their cases.</p>	<p>35C.010 A1. As part of the professional staff of the OCPA, the Director shall hire complaint navigators to help complainants navigate their cases. ...</p>

<p>1. All complaint navigators shall be trained both on <u>culturally sensitive/competent support for complainants</u> and <u>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.</u></p>	<p>35C.010 A1. ... All complaint navigators shall be trained on culturally sensitive and <u>trauma-informed</u> support.</p>
<p>2. Complainants may request culturally competent/sensitive intake.</p>	<p><not included></p>
<p>3. Complaint navigators will be required to receive continuing education.</p>	<p><not included></p>
<p>4. Complaint navigators will assist in staff delivery of community education about the complaint process.</p>	<p><not included></p>

<p>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.</p>	<p><not included></p>
<p>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.</p>	<p><not included></p>
<p>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.</p>	<p><not included></p>
<p>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.</p>	<p><not included></p>

<p>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.</p>	<p><not included></p>
<p>35D.100 Preliminary Investigations; Initial Case Handling Decision</p>	<p>35D.050 Administrative Investigation and Discipline Process</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><not included></p>
<p>B. When the Board receives a complaint regarding alleged misconduct of a Portland Police Bureau officer, or supervisor thereof, <u>or opens a case not originating from a complaint</u>, staff shall:</p>	<p>35D.050 A. When the Oversight System receives a complaint regarding alleged misconduct of a Covered Employee, staff shall:</p>

<p>1. Assign a case number;</p>	<p>35D.050 A1. Intake: a. Assign a case number;</p>
<p>2. Conduct a preliminary investigation (including gathering information about the complaint through an intake interview);</p>	<p>35D.050 A1. b. Conduct a preliminary investigation, including gathering information about the complaint through an intake interview. <u>All facts as alleged are assumed to be true for purposes of case handling decisions as outlined in Section 35D.050(A)(2); and</u></p>
<p>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);</p>	<p>35D.050 A1. c. Determine whether facts as <u>alleged constitute a policy violation under the Oversight System's jurisdiction.</u> <u>2. Make a case-handling decision: a. Conduct a full investigation when facts as alleged constitute a policy violation under the Oversight System's jurisdiction, except as follows:</u> <u>i. When the matter falls under section 35D.050(A)(2)(d)(i), the Oversight System may refer complainant and Covered Employee to mediation and close the case; or</u></p>
<p>4. If appropriate for a full investigation, identify the complainant's allegations or possible types of <u>misconduct</u>; and</p>	<p>35D.050 A3. If appropriate for a full investigation, identify the allegations or possible <u>rule violations</u>.</p>

<p>5. Communicate to the complainant summarizing the complaint and the case-handling decision.</p>	<p><not included></p>
<p>C. Incomplete complaints can be investigated if the Board determines an investigation is warranted.</p>	<p><not included></p>
<p>35D.110 Informal Complaints</p>	<p>35D.090 Alternative Dispute Resolution</p>
<p>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.</p>	<p>Informal Resolution 35D.090 A. If the Complainant expresses an interest in resolving their complaint informally through discussion with the Covered Employee's supervisor, the Director shall determine whether such resolution is appropriate.</p>

<p>1. The <u>Board</u> 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.</p>	<p>1. The <u>Director or designee</u> shall confer with the Covered Employee'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 OCPA for full investigation.</p>
<p>2. Once approved for informal complaint resolution, a case can be resolved without formal investigation and the complainant will be informed of this decision.</p>	<p>2. Once approved for informal complaint resolution, a case can be resolved without full investigation and the Complainant will be informed of this decision.</p>
<p>3. If the case is sent back for full investigation by the supervisor, or informal resolution is unsuccessful, the Board will inform the complainant.</p>	<p>3. If the case is sent back for full investigation by the supervisor, or informal resolution is unsuccessful, the OCPA will inform the Complainant.</p>
<p>35D.120 Mediation</p>	<p>35D.050 A2d. Mediation when:</p>

<p>A. The Director shall arrange for professional mediators.</p>	<p><not included></p>
<p>B. The Board has the authority to provide for voluntary mediation between community members and law enforcement, to improve police-community relations <u>and build better policies</u>. There shall be no cost to any party to utilize the mediation option.</p>	<p>35D.050 A2d-i. the misconduct would be so minor that the matter would be better addressed through other means; or ii. when a case is administratively closed and mediation could benefit the relationship between PPB and the community member.</p> <p>Mediation A. The Oversight System is authorized to provide for voluntary, confidential mediation between Complainants and Covered Employees as provided for in this Code and to improve police-community relations. There shall be no cost to any party to utilize the <u>mediation option</u></p>
	<p><u>B. In addition to other provisions for mediation in this Code, mediation shall be offered to the Covered Employee and Complainant after a Panel Review votes to sustain a finding. Such mediation is not in lieu of discipline, although it may constitute education-based alternative.</u></p>

<p>1. The Board shall determine whether the case is eligible for mediation based on the nature of the allegations and the officer's history.</p>	<p><not included></p>
<p>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.</p>	<p><not included></p>
<p>b. Complainants shall not be unduly pressured to choose mediation if they prefer an investigation to take place.</p>	<p><not included></p>
<p>c. An officer's supervisor must clear them for approval before the officer can agree to mediation.</p>	<p><not included></p>

<p>C. 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.</p>	<p><not included></p>
<p>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.</p>	<p><not included></p>
<p>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.</p>	<p><not included></p>
<p>3. If there is a civil lawsuit or criminal case pending against the officer about the incident, mediation cannot proceed.</p>	<p><not included></p>

<p>D. The discussions that take place in the mediation are confidential unless the parties agree otherwise.</p>	<p><not included></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><not included></p>
<p>F. For eligible cases, mediation is an alternative to full investigation.</p>	<p><not included></p>
<p>1. If either party rejects mediation, the case is sent to a full investigation.</p>	<p><not included></p>

<p>2. Either party to the mediation, or the mediator, can determine that mediation has not been successful, and ask for a full investigation.</p>	<p><not included></p>
<p>G. Mediation shall be made accessible to all parties.</p>	<p><not included></p>
<p>1. Upon request, the mediation process will make accommodation for people with disabilities, as well as interpreters as needed.</p>	<p><not included></p>
<p>2. To accommodate schedules, complainants can provide adequate notice of cancelation on as many as two separate occasions before mediation is abandoned.</p>	<p><not included></p>

<p>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.</p>	<p><not included></p>
<p>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.</p>	<p><not included></p>
<p>4. Mediation shall take place at a neutral location that is mutually acceptable to all parties.</p>	<p><not included></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 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>	<p><not included></p>

35D.130 Grounds for Dismissal of a Case Following Preliminary Investigation	
A. After a preliminary investigation, the Board may dismiss the case.	<not included>
1. If the case is dismissed, the Board will provide notification to the complainant.	<not included>
2. The Board will also notify the involved officer(s) and their commanding officer once the appeal deadline has passed (see 35D.240).	<not included>

<p>B. The Board may dismiss a complaint for the following reasons:</p>	<p><not included></p>
<p>1. The complaint is only related to criminal charges or alleged violations against the complainant, and does not allege misconduct;</p>	<p><not included></p>
<p>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;</p>	<p><not included></p>
<p>3. Even if all aspects of the complaint were true, no act of misconduct would have occurred;</p>	<p>35D.050 A2 ii. Where there is clear and convincing evidence that the Covered Employee did not engage in misconduct. ... 2b. Administratively close the complaint when facts as alleged do not constitute a policy violation under the Oversight System's jurisdiction ...</p>

<p>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;</p>	<p>35D.050 A2b ..or the misconduct would be so minor that the matter would be better addressed through other means;</p>
<p>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</p>	<p><not included></p>
<p>6. Lack of jurisdiction (see 35D.060).</p>	<p><not included></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><not included></p>

<p>D. <u>At minimum, for the duration of the US DOJ v. City of Portland Settlement Agreement,</u> 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>35D.050 A2 ii. ... Allegations of excessive force shall be subject to full investigations unless there is clear and convincing evidence that the allegation has no basis in fact.</p>
<p>E. Dismissals based on B3 and B4 will be considered for mediation or informal complaint.</p>	<p><not included></p>
<p>35D.140 Board Authority to Take Interim Measures</p>	
<p>A. The Board can take interim steps prior to findings being determined in specific cases.</p>	<p><not included></p>

<p>1. A case can be prioritized if an officer is retiring or being promoted.</p>	<p><not included></p>
<p>2. The Board can recommend placing an officer on administrative leave while administrative charges are pending.</p>	<p><not included></p>
<p>35D.150 Portland Police Bureau Witnesses</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><not included></p>
<p>1. In use of deadly force and death in custody cases, the Board's administrative investigators shall <u>coordinate with criminal investigators external to the Board and prosecutors (if applicable)</u>. 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 Garrity notice, <u>or the officer has postponed their interview with criminal investigators.</u></p>	<p>35D.040 B. The OCPA's investigator shall take a compelled statement no later than 48 hours after the event after issuing a Garrity warning, <u>unless the Covered Employee is incapacitated.</u></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><implied in 35D.040B></p>

<p>C. All Oversight System interviews of PPB employees shall be conducted in conformance with legal requirements and collective bargaining provisions.</p>	<p>35A.040 B3b. ... The Oversight System shall coordinate with City Bureaus and Offices, including PPB and any applicable union representative, to schedule investigatory interviews at a time when the employee is on duty and that does not unduly interfere with the operations of the Bureau or Office and is consistent with any applicable collective bargaining agreement. The investigation shall not be unreasonably delayed.</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><not included></p>
<p>E. Prior to being interviewed, a PPB employee whose testimony is requested or compelled will:</p>	<p><not included></p>
<p>1. Be notified of the time, date, and location of the interview and that this is an administrative investigation.</p>	<p><not included></p>

<p>2. Be informed of the right to bring a collective bargaining representative to attend the interview, consistent with Weingarten and PECBA (as applicable). To the extent consistent with the collective bargaining agreement, the PPB employee may also bring support persons.</p>	<p><not included></p>
<p>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 during the interview or answer any questions fully and truthfully, the employee will be subject to discipline or discharge.</p>	<p><not included></p>
<p>4. Be asked to sign an acknowledgement that they received the Garrity Notice prior to providing compelled statements or testimony.</p>	<p><not included></p>
<p>5. Be provided with any other information or protections required by any applicable collective bargaining agreement.</p>	<p><not included></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><not included></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>	<p><not included></p>
<p>35D.160 Subpoenas</p>	<p>35D.080 Subpoenas</p>
<p>A. <u>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.</u></p>	<p>35D.080 The CBPA shall have the authority to issue and enforce all categories of subpoenas to the extent allowed by law.</p>

<p>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.</p>	<p><implied elsewhere></p>
<p>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.</p>	<p><not included></p>
<p>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.</p>	<p><not included></p>
<p>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.</p>	<p><not included></p>

<p>35D.170 Procedures specific to use of deadly force or death in custody</p>	<p>35D.040 Investigations of deadly force and in-custody deaths</p>
<p>A. The Board shall have authority to investigate all deaths in custody (<u>including effective/constructive custody</u>) and uses of deadly force.</p>	<p>The CBPA shall have authority to perform an administrative investigation into all in-custody deaths and uses of deadly force.</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>35D.040 A In use of deadly force and in-custody death cases, ...</p>
<p>1. Oversight System investigators shall head to the scene and shall coordinate with and assist criminal investigators in gathering information.</p>	<p>A. ... the OCPA Investigators shall coordinate with criminal investigators. D. When an incident involves police use of deadly force or an in-custody death, <u>PPB shall notify the Director or designee as soon as possible after the incident.</u> The Director or designee shall go to the scene and <u>shall abide by police procedures and applicable law.</u></p>

<p>2. Board investigators <u>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.</u></p>	<p>E. The OCPA shall have <u>access to PPB's criminal investigatory records relevant to the deadly force or in-custody death case and shall maintain such records confidentially unless authorized otherwise by the PPB Chief or designee.</u></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><not included></p>
<p>4. When those criminal investigation interviews are completed or the officer has postponed their interview, if there are questions about the possible administrative violations, Office investigators will ask questions of the involved officers (following issuance of a Garrity Notice).</p>	<p><not included></p>
<p>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.</p>	<p>F. OCPA shall review uses of deadly force and in-custody deaths to determine if the force complied with policy. This investigation shall not only review the officer who used force but shall include a review of the supervisors.</p>

<p>C. <u>The final investigation</u> 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.</p>	<p>G. The OCPA shall coordinate with PPB Training Division to provide access to transcripts and the investigative file throughout their investigation. PPB Training Division shall review the investigation to determine whether the actions of Covered Employees were consistent with training and whether those actions reflect training deficiencies. The Training Division shall present its analysis to the CBPA.</p>
	<p>H. <u>The PPB Chief or designee shall receive access to the full case file and investigation report. The Chief or designee shall only permit access to the full case file and investigation report for purposes of preparing written feedback or recommendations. The Chief or designee and those with access to it shall treat the information as confidential. The Chief or designee shall have not less than twenty-one days to submit written feedback or recommendations.</u></p>
<p>D. <u>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.</u></p>	<p>35D.040 L. <u>If the CBPA determines the use of deadly force or in-custody death was sustained as out of policy, the OCPA will, if possible, provide notice to the person on whom deadly force was used or their survivor and opportunity to provide an impact statement to the CBPA. Such notice shall occur simultaneously to issuance of a proposed discipline letter.</u></p>
<p>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.</p>	<p><not included></p>

	<p><u>I. The OCPA shall thereafter submit the full case file, the investigation report, and any submissions from the PPB Chief or designee to the CBPA.</u></p>
<p>35D.180 Creation of Hearings Panels</p>	
<p>A. The Board shall create panels (“<u>Hearing Panels</u>”) to hear cases to determine findings about whether policies were violated.</p>	<p>35D.040 K. [in cases involving deadly force] The CBPA review shall follow the procedure as outlined in Section 35D.060(D)-(F). 35D.060 B. For all other cases within the CBPA’s jurisdiction, the CBPA shall establish <u>Review Panels</u> to make findings based on the investigation and determine whether City rules or PPB directives were violated.</p>
<p>1. Panels shall be no smaller than five Board members.</p>	<p>35D.060 B1. Panels shall be comprised of three (3) CBPA Members, who shall attend all Reviews for the assigned case.</p>

<p>2. The Board shall ensure that panels have more than 5 members for serious cases.</p>	<p><u>35D.040 J. All uses of deadly force and in-custody death cases shall be reviewed by a quorum of the full CBPA.</u></p>
<p>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.</p>	<p>C. 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 CBPA to the extent possible. Altogether, the CBPA shall ensure a balance that allows the Panel as a whole to benefit from the knowledge and expertise of its individual members.</p>
<p>4. Each panel shall have a presiding individual over each hearing. The Board shall develop procedures for the selection of the presiding individual.</p>	<p><not included></p>
<p>35D.190 Hearings Panel: Initial Procedures and Preliminary Hearing</p>	

<p>A. Members of the hearing panel shall review all investigative materials.</p>	<p>35D.070 B. Prior to CBPA and Panel Reviews, the Reviewing Members shall review all investigative materials <u>and any impact statements from the Complainant. Reviewing Members shall not discuss the matter with other CBPA members until the CBPA or Panel Review. ...</u></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><implied elsewhere></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><not included></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><not included></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. <u>This notice shall also include methods by which members of the public who may have information or evidence can contact an assigned investigator.</u></p>	<p>35D.070 C. CBPA and Panel Reviews shall be noticed as required by Oregon Public Records laws and <u>in anonymized manner.</u></p>
<p>3. 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.</p>	<p><not included></p>
<p>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.</p>	<p><not included></p>
<p>C. At the preliminary hearing, the panel will decide whether to:</p>	<p><not included></p>

<p>1. Send the case back for further investigation, specifying the information sought;</p>	<p>35D.060 D2a) send the matter back for further investigation; or</p>
<p>2. Send the case forward to a full Hearing; or</p>	<p><not included></p>
<p>3. Evaluate the case for eligibility for stipulated discipline (per Code Section 35D.220).</p>	<p><not included></p>
<p>D. The panel's decision on the complaint readiness will be made in open session.</p>	<p><not included></p>

<p>E. The Board shall permit public comment after the decision.</p>	<p><not included></p>
<p>35D.200 <u>Hearing Panel: Full Hearings Process</u></p>	<p>35D. 070 <u>Review Procedures</u></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><implied elsewhere></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><not included></p>

<p>C. The hearings shall be recorded.</p>	<p><not included></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><not included></p>
<p>E. <u>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, precedents set by the existing oversight system, and other relevant factors.</u></p>	<p>[Also see PAC 35D.200 K1] 35D.060 D1. At the Findings Review, <u>the OCPA investigator or designee shall present the report to the CBPA for uses of deadly force and in-custody deaths and to the Review Panel Members (Reviewing Members) in Executive Session, unless the Covered Employee opts for public session. ...</u></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><not included></p>

<p>G. Attendees to the Hearing:</p>	
<p>1. The complainant can appear with their complaint navigator, as well as a support person and/or an attorney.</p>	<p><not included-- see 35D.070 A below></p>
<p>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.</p>	<p><not included-- see 35D.070 A below, "<u>the Covered Employee may attend the Due Process Review</u>"></p>
<p>3. A person from the upper management of the Police Bureau's Training Division <u>shall attend all hearings</u> to answer questions about police policy, training, or procedure.</p>	<p>35D.070 A. All CBPA and Panel Reviews shall be supported by an OCPA staff member, <u>a neutral facilitator, and a labor and employment attorney from the City Attorney's Office.</u> The CBPA may adopt rules to include advisory members in CBPA or Panel Reviews, such as, OCPA Director or designee, and representatives from the PPB Training Division, BHR, and PPB Internal Affairs, <u>but shall not include the Complainant or the Covered Employee, except the Covered Employee may attend the Due Process Review.</u> All attendees shall sign a confidentiality</p>

<p>4. Any other witnesses requested by the Panel, complainant, or officer. (Witnesses will ordinarily be sequestered until they are called to testify.)</p>	<p><not included-- see 35D.070 A above></p>
<p>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 accommodation or interpreters for hearings held pursuant to this chapter.)</p>	<p><not included></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><not included></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><implied elsewhere></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><not included></p>
<p>K. Procedure for the hearings (Note: throughout this subsection, "complainant" and "officer" may include their representatives.)</p>	<p>35D.060 D. Findings and Investigation Review.</p>
<p>1. The basic circumstances of the case and allegations shall be read into the record by the <u>presiding individual (or designee)</u> at the beginning of the hearing.</p>	<p>35D.060 D1. Case presentation. At the Findings Review, <u>the OCPA investigator or designee</u> shall present the report to the CBPA for uses of deadly force and in-custody deaths and to the Review Panel Members (Reviewing Members) <u>in Executive Session, unless the Covered Employee opts for public session. ...</u></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><not included></p>

<p>3. The <u>presiding individual begins</u> questions of witnesses, <u>followed by</u> other panel members.</p>	<p>35D.060 D1. ... Reviewing Members may ask questions and discuss the case.</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><not included></p>
<p>b. The officer or complainant can request specific items about which the panel may ask more questions of witnesses.</p>	<p><not included></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><not included></p>

4. Once recognized by the presiding individual, the complainant and officers have the ability to do the following:	<not included>
a. ask questions directly of witnesses (including cross-examining witnesses);	<not included>
b. request that the panel ask additional questions of a witness;	<not included>
c. call additional witnesses;	<not included>

d. introduce exhibits; and	<not included>
e. suggest that the panel impeach witnesses.	<not included>
f. The complainant and officer can offer rebuttal evidence to the evidence submitted by the other party.	<not included>
5. Once all evidence has been received, the officer and complainant can make closing statements.	<not included>

<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 executive session to confer with legal counsel as needed in reaching its findings.</p>	<p><not included></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><not included></p>
<p>L. Upon completion of its deliberations, the panel will decide its <u>finding(s)</u> by a simple majority of the members of the panel. <u>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.</u></p>	<p>35D.060 D2. <u>Consensus on investigation.</u> At the conclusion, Reviewing Members shall by majority <u>consensus</u> either: ... b) propose to either <u>sustain or not sustain each allegation</u> and explain the facts that support their proposed findings and the policy or directive at issue. 35D.060 F3: Once consensus is reached, a formal vote shall be taken in public session. The formal vote shall occur as follows: F3a a. Reviewing Members shall vote on whether to <u>sustain or not sustain each allegation, which shall only be referenced by "allegation 1", "allegation 2", and so forth, and the Covered Employee shall be anonymized.</u></p>

<p>1. When a decision on findings is made at the end of a public hearing, the presiding individual shall <u>explain</u> the next steps, including the appeal process.</p>	<p>4. Based on the majority vote regarding imposed discipline, the OCPA staff, in collaboration with the Reviewing Members <u>during Executive Session</u>, shall <u>prepare a written letter</u> to the Covered Employee detailing the findings and conclusions of the majority vote, a summary of the information presented at the Due Process Review and how that information was considered, the imposed discipline and basis thereof, and the voting tally showing the vote of each Reviewing Member. Such letter shall include the fact of any grievance or appeal rights.</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><not included></p>
<p>M. Should the panel find that one or more allegation is in violation of Portland Police Bureau policy (i.e., out of policy), the case will proceed to the proposed corrective action and discipline phase (as set forth in Code section 35D.230).</p>	<p>3. Proposed discipline and binding discipline rules. If a majority of Reviewing Members propose to sustain one or more allegations, <u>those same Reviewing Members shall propose discipline based on any binding discipline rules, such as a collective bargaining agreement or statewide standards. For the purpose of making disciplinary decisions, the Reviewing Members shall have access to the full investigation file and personnel records of the Covered Employee, including all commendations and prior corrective action.</u></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><implied elsewhere></p>
<p>N. General guidelines for hearings conducted pursuant to this section:</p>	<p><not included></p>
<p>1. Hearings can be held even if parties fail to appear.</p>	<p><not included></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><partially implied elsewhere></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><not included></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>35D.070 B ... Reviewing Members shall not review or consider materials or information outside of the investigative materials, but at the conclusion of the CBPA or Panel Review, Reviewing Members may refer the case back to OCPA if additional investigation is warranted.</p>
<p>O. The Board shall establish bylaws or rules provisions, guidelines, and methods for the processes described in this Code section.</p>	<p><not included></p>
<p>35D.210 Board Burden of Proof and Findings</p>	

<p>A. Burden of Proof. Findings are determined using the Preponderance of the Evidence Standard.</p>	<p>35D.070 D. The Reviewing Members shall only sustain an allegation if the preponderance of evidence supports this finding.</p>
<p>B. The Board will use a standard set of four options in all cases when making decisions on findings:</p>	<p>35A.040 B1. For formal investigations conducted by the OCPA, investigation reports will include factual findings and will be resolved in one of two ways: ...</p>
<p>1. <u>Out of Policy</u>: meaning the action is found to have violated policy. In some jurisdictions, this is also known as “sustained;”</p>	<p>35A.040 B1. ... 1) <u>sustained</u>, meaning the action is found by preponderance of the evidence to have violated City policy; ...</p>
<p>2. <u>In Policy</u>: meaning the officer's actions were within the law and policy. In some jurisdictions, this is also known as “exonerated;”</p>	<p>35A.040 B1 or 2) <u>not sustained</u>, meaning the evidence is not sufficient to demonstrate by a preponderance of the evidence that a violation of City policy occurred, or, the evidence demonstrated by a preponderance that the Covered Employee’s conduct was lawful and within policy.</p>

<p>3. Unfounded: meaning the evidence shows the alleged events did not occur; and</p>	<p><incorporated into "not sustained"></p>
<p>4. Insufficient Evidence: meaning there is not enough information or evidence to attach any of the other findings.</p>	<p><incorporated into "not sustained"></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>	<p><not included></p>
<p>1. Policy Issues: meaning the Board recommends that PPB revise its policy;</p>	<p><not included></p>

<p>2. Training Issues: meaning the Board recommends that PPB revise its training;</p>	<p><not included></p>
<p>3. Supervisory Issues: meaning someone in the chain of command supervising the officer engaged in an action that contributed to the incident;</p>	<p><not included></p>
<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><not included></p>
<p>5. Equipment Issues: meaning the equipment provided did not function properly or was not adequate.</p>	<p><not included></p>

<p>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.</p>	<p><not included></p>
<p>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.</p>	<p><not included></p>
<p>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.</p>	
<p>35D.220 Stipulated Findings and Discipline/Corrective Action</p>	<p>35D.060 G. Stipulated Discipline Process</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 <u>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.</u></p>	<p>1. If the case is appropriate for Stipulated Discipline under City Code section 3.20.XXX (currently 140(J)), prior to referring to the Reviewing Panel for Findings Review the Director or designee shall recommend findings and proposed discipline and provide notice to the Covered Employee of such recommendation, who may then request stipulated discipline.</p>
<p>B. The officer may have <u>up to 7 days</u> 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>2. If, after the conclusion of the presentation of the case, a majority of the Reviewing Panel at Findings Review proposes to adopt the recommendation from the Director or designee for stipulated discipline, the Reviewing Panel shall then go into public session and shall follow the process outlined in Section 35D.060(F)(3) to enter the Stipulated Discipline determination as final discipline <u>in an anonymized manner. Based on the majority vote of the Panel of Reviewing Members regarding the stipulated discipline, the OCPA staff shall prepare a written letter to the Covered Employee detailing the findings and conclusions of the investigation and the imposed discipline and basis thereof. [NOTE: 7 day timeline by PAC matches 35D.060 D4.]</u></p>
<p>C. The following categories of cases are not eligible for stipulated discipline/corrective action:</p>	<p><not included></p>

<p>1. cases involving alleged use of excessive force including officer shootings and deaths in custody;</p>	<p><not included></p>
<p>2. cases involving alleged discrimination, disparate treatment or retaliation; and</p>	<p><not included></p>
<p>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.</p>	<p><not included></p>
<p>D. The following categories of cases are eligible for stipulated discipline:</p>	<p><not included></p>

<p>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 Guide);</p>	<p><not included></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><not included></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><not included></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>	<p><not included></p>

35D.230 Discipline and Corrective Action	
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.	<implied elsewhere>
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.	<implied elsewhere>
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.	<not included>

<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><not included></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>35D.060 D3. ... those same Reviewing Members shall propose discipline based on any binding discipline rules, such as a collective bargaining agreement or statewide standards. ...</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>35D.060 D3. ... For the purpose of making disciplinary decisions, the Reviewing Members shall have <u>access to the full investigation file</u> and personnel records of the Covered Employee, including all commendations and prior corrective action.</p>
<p>4. The Portland Police Bureau (PPB) may not issue discipline less than what the Board chooses to impose.</p>	<p><not included></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><not included></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><not included></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><implied elsewhere></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><in definitions></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 the Portland Police Bureau, the Board will comply with applicable City civil service rules and applicable law.</p>	<p>35D.060 E. Due Process Review. The Covered Employee shall be provided a Due Process Review. <u>This Review shall be held in Executive Session unless the Covered Employees opts for public session. This Review will provide the Covered Employee and their representative with the opportunity to present to the Reviewing Members any information or mitigation as deemed appropriate by the Covered Employee. ... In addition, the Chief or designee shall attend the Due Process Review.</u></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><not included></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><not included></p>

<p>3. The panel (or the Bureau of Human Resources) shall offer the involved officer a due process hearing (<u>and if applicable a name clearing hearing</u>), with advance notice provided to the officer, consistent with Oregon Public Meetings law and the applicable collective bargaining agreement.</p>	<p>35D.060 D4. Issuance of proposed discipline. <u>Based on the majority vote of Reviewing Members regarding proposed discipline, the OCPA staff, in collaboration with the Reviewing Members shall prepare a written letter to the Covered Employee detailing the findings and conclusions of the majority vote, as well as the proposed discipline and basis thereof, including the date for a Due Process Review, which shall be no sooner than seven (7) days after issuance of the written letter.</u> OCPA staff shall also provide the Covered Employee, and any appropriate union representative, with access to a copy of the file provided to the Reviewing Panel once the letter is issued.</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><not included></p>
<p>4. In lieu of holding a due process hearing, the officer may choose to submit a written response.</p>	<p>35D.060 E. ... The Covered Employee may waive their right to appear at the Due Process Review and may choose to submit written response.</p>

<p>c. In all cases, when reaching a discipline decision, the panel shall:</p>	<p>35D.060 F. Final Findings Review. <u>Except as stated herein, this Review shall be held in Executive Session unless the Covered Employees opts for public session. The Covered Employee and their representative shall be excused at the conclusion of the Due Process Review.</u> ...</p>
<p>1. consider the evidence presented by the officer;</p>	<p><implied elsewhere></p>
<p>2. reach a discipline decision that is supported by the evidence and consistent with the applicable Guide;</p>	<p>35D.060F2. If a majority of Reviewing Members reaches <u>consensus</u> to sustain any allegations, they shall then reach <u>consensus</u> as to the appropriate corrective action based on any binding discipline rules, such as a collective bargaining agreement or statewide standards.</p>
<p>3. The evidence relied upon must be substantial, in this process defined as a preponderance of the evidence;</p>	<p><not included></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>35D.060 F. ... The Reviewing Members shall discuss the information presented at the Due Process Review and have access to the full investigation file <u>and personnel records of the Covered Employee, including all commendations and prior corrective action,</u> for the purpose of making disciplinary decisions. 35D.060 F3b. Reviewing Members shall also vote on the appropriate final corrective action to be imposed.</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><not included></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><not included></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>	<p><not included></p>

35D.240 Appeals	35D.100 Appeals
A. Grounds to Appeal.	
<p>1. The complainant may appeal <u>findings from an administrative investigation or investigative hearing (if held)</u>, dismissals, or decisions not to investigate.</p>	<p>A. Appeal of Administratively Closed Complaint. If a Complainant disagrees with the OCPA investigator’s decision to administratively close a complaint, they can appeal the decision as provided for in Section 35D.040(A)(2)(b)(i).</p>
<p>2. Police officers may also appeal findings, dismissals, or decisions not to investigate.</p>	<p><not included></p>

<p>a. Supervisors cannot file appeals on behalf of officers.</p>	<p><not included></p>
<p>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.</p>	<p>35D.100 B. Appeals to City’s Civil Service Board or Arbitration. If a Covered Employee chooses to appeal to the City’s Civil Service Board or if a Covered employee or their collective bargaining representative files a grievance under a collective bargaining agreement, ...</p>
<p>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.</p>	<p><not included></p>
<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><not included></p>

<p>1. The complaint navigator provided by the Oversight System shall assist the complainant in filing the appeal form.</p>	<p><not included></p>
<p>2. The Board shall supply paper and online forms to file appeals.</p>	<p><not included></p>
<p>3. The Board shall have authority to determine appropriate grounds for appeals, and may do so through rulemaking.</p>	<p><not included></p>
<p>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>	<p><not included></p>

<p>D. Timelines for appeals</p>	
<p>1. Complainants have <u>30 days</u> to appeal from date of <u>issuance of findings</u>, dismissal, or decision not to investigate, but exceptions can be made to extend the timeline.</p>	<p>35D.050 2b-i. If a Complainant disagrees with the OCPA staff's decision to administratively close a complaint, they can appeal the decision if within <u>fourteen (14) days</u> of the date the notice of administrative closure is sent to the Complainant or they are otherwise notified, they file a request for the OCPA Director or designee to review the decision to administratively close the complaint to determine if the Investigator gave proper consideration to the allegations</p>
<p>a. The Board may adopt rules for permitting late appeal filings up to 60 days, for reasons including, but not limited to:</p>	<p><not included></p>
<p>1) The complainant has limited English language proficiency; or</p>	<p><not included></p>

<p>2) The complainant needs physical, mental, or educational accommodations.</p>	<p><not included></p>
<p>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.</p>	<p><not included></p>
<p>a. The Board may adopt rules for permitting late appeal filings by officers up to 60 days for reasons including:</p>	<p><not included></p>
<p>1) if they are incapacitated; or</p>	<p><not included></p>

<p>2) if they are unable to receive or send information to the Board through no fault of their own.</p>	<p><not included></p>
<p>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 proceedings as outlined in ORS 236.360(6), the Board will comply with its legal obligations in extending the time period.</p>	<p><not included></p>
<p>E. Appeals Hearings</p>	
<p>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.</p>	<p><not included></p>

<p>a. A certain number of Board members may be assigned to a Board Appeals Committee whose main function is to hear appeals.</p>	<p><not included></p>
<p>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.</p>	<p><not included></p>
<p>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.</p>	<p><not included></p>
<p>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.</p>	<p><not included></p>

<p><u>e. The Board may select a subset of between 2-5 members to process appeals of dismissals or decisions not to investigate.</u></p>	<p>35D.050 2b-ii. The CBPA <u>shall adopt a rule</u> for this appeal process.</p>
<p>2. At an appeal hearing, decisions by the Appeals Panel on the findings shall be made on a preponderance of the evidence.</p>	<p><not included></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><not included></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><not included></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><not included></p>
<p>b. At the end of the hearing, the Appeals Panel may decide:</p>	<p>35D.060 F1. A majority of Reviewing Members shall reach a <u>consensus</u> to:</p>
<p>1) To recommend further investigation; or</p>	<p>35D.060 F1a. send the matter back for further investigation;</p>
<p>2) To affirm the original findings, after which the Board staff shall close the case based on those findings; or</p>	<p><not included></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>	<p>35D.060 F1b. either sustain or not sustain each allegation and explain the facts that support their findings and the policy or directive at issue; or</p>
	<p><u>35D.060 F1c. recess for not more than seven (7) days to consider any information from the Due Process Review, after which they will reconvene to reach consensus and then vote to sustain or not sustain each allegation.</u></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><not included></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><not included></p>

<p>7. Office staff shall schedule appeal hearings in consultation with the Board leadership or designee.</p>	<p><not included></p>
<p>F. Appeals to City's Civil Service Board or Arbitration; Board's Role</p>	
<p>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.</p>	<p>35D.100 ... If a Covered Employee chooses to appeal to the City's Civil Service Board or if a Covered employee or their collective bargaining representative files a grievance under a collective bargaining agreement, the Reviewing Panel shall receive a copy of the appeal notice. ...</p>
<p>a. <u>One or more Hearings panel members may attend the Civil Service Board hearing, subpoena witnesses, present evidence, and cross-examine, consistent with City policy.</u></p>	<p>35D.100 ... <u>The CBPA and OCPA shall cooperate with the City Attorney's office designee handling the appeal or grievance.</u></p>

<p>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.</p>	<p>35D.100 ... If a Covered Employee chooses to appeal to the City's Civil Service Board or if a Covered employee or their collective bargaining representative files a grievance under a collective bargaining agreement, the Reviewing Panel shall receive a copy of the appeal notice. ...</p>
<p>a. The Hearings panel may have one or more representatives attend the arbitration hearing to present evidence and answer questions about the findings.</p>	<p>35D.100 ... The CBPA and OCPA <u>shall cooperate with the City Attorney's office designee</u> handling the appeal or grievance.</p>
<p>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.</p>	<p><not included></p>
<p>35E.010 Policy Recommendations</p>	<p>35E.010 Policy Recommendations</p>

<p>A. The Board shall have authority to make policy and directive recommendations <u>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.</u></p>	<p>The CBPA shall have 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 CBPA. If the Portland Police Bureau rejects a policy or directive recommendation, <u>then at the request of the CBPA</u>, City Council must consider and vote to accept or reject the policy recommendations received from the CBPA. Council's decision will be binding on the Portland Police Bureau. 35A.040 C PPB shall consider and accept or reject all policy or directive recommendations made by the CBPA. If PPB rejects a policy or directive recommendation, then at the request of the CBPA, City Council must consider and vote to accept or reject the policy recommendations</p>
<p>1. Any recommendation will include an outline of the new policy or policy change being recommended.</p>	<p><not included></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><not included></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><not included></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><not included></p>
<p>5. <u>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. The Board shall have access and be authorized to attend PPB trainings as observers for the purpose of evaluating, monitoring, and making recommendations to the PPB regarding training, policy and directives.</u> The development of policy recommendations, procedures or practices will incorporate equity and anti-racist lenses</p>	<p>35E.010 The development of policy recommendations, procedures or practices will incorporate equity and anti-racist lenses.</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><implied elsewhere></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 processes. The Board will transmit recommendations on revised and newly proposed policies and directives to PPB, and if necessary, City Council.</p>	<p><not included></p>
<p>35E.020 Response of Police Chief; Referral to City Council</p>	<p>35E.020 Response of Police Chief; Referral to City Council</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>A. The Chief of Police <u>or designee</u>, after reviewing a policy or directive recommendation submitted by the CBPA under City Code Section 35E.010, shall respond to the CBPA in writing within a reasonable time, but in no event more than 60 days after receipt of the recommendation. 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 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 <u>shall</u> place the matter on the Council Calendar, for consideration and decision by City Council, <u>within 15 days thereafter.</u></p>	<p>B. If the Police Chief rejects a recommendation, a portion of a recommendation, or fails to respond within 60 days after its receipt from the CBPA, then within 60 days after receipt of the response or failure to respond the CBPA <u>may</u> submit the matter for consideration and decision by City Council. <u>The CBPA shall post the policy recommendation for public input for 30 days and shall consider such input prior to submitting the matter for consideration and</u></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><not included></p>
<p>D. If a Board recommendation is approved by either PPB or the City Council, <u>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.</u></p>	<p><u>C. If, after complying with any bargaining obligations, curriculum development and training requirements, PPB fails to timely implement a policy change either accepted by the Chief or required by City Council, the CBPA may place the matter on the Council agenda to request further Council action.</u></p>
<p>35E.030 Board Proposals Related to Federal and State Law</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><not included></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>	<p><not included></p>
<p>35E.040 Collective Bargaining</p>	
<p>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.</p>	<p><not included></p>
<p>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).</p>	<p><not included></p>

<p>C. The Board's ability to make recommendations shall include proposals for collective bargaining.</p>	<p><not included></p>
<p>35E.050 PPB Budget Review</p>	
<p>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.</p>	<p><not included></p>
<p>35E.060 Relationship with Other Oversight Entities</p>	

<p>A. The Board should seek to be a model for other jurisdictions that review and adapt their own oversight systems.</p>	<p><not included></p>
<p>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.</p>	<p><not included></p>
<p>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.</p>	<p><not included></p>

To the Council,

I am writing today to express disagreement and disappointment that the Portland City Attorney is moving towards substantially changing and dismissing the recommendations of our City's Police Accountability Commission.

The members of Portland's Police Accountability Commission were appointed by the City to implement the will of the people for a new and more effective civilian review process that would hold Portland Police accountable to their own explicit standards of conduct.

The City Attorney's changes were made without consulting Commission members nor the Portland community. This is a travesty and must not move forward.

When the Commission presented its recommendations to Council, the Mayor expressed concern that representatives of the Portland Police and former police officers are barred from serving on the Community Police Oversight Board. **The whole point of an independent civilian review board is just that—independence from the police.** This is required by the actual ordinance itself- passed by 82% of Portland voters. Again – this is the point.

The City Attorney's proposal seeks to run around this provision by requiring that three Police Bureau representatives serve on the committee that is tasked to select members of the Community Board. This proposal wildly violates the spirit, if not even the direct language, of the ballot measure. **The people of Portland signaled that they want clear separation between the Police Bureau and the new Community Police Oversight Board.**

The Police Accountability Commission proposed that everyone who files a complaint be assigned a Complaint Navigator from the time they first call in. The City Attorneys rewrote this so the Navigators aren't assigned until after a preliminary investigation leads to a decision to conduct a full investigation (although a Navigator can be assigned earlier if staff decides it is appropriate). **The reason that the Commission proposed a Navigator from the beginning is to ensure that every person who believes they have experienced police misconduct is respected and directly communicated with.** This provision is very important for regaining trust among Portlanders that the City takes seriously and is supportive of their rights to be respected by the Portland Police.

The Police Accountability Commission asked that 5-7 people hear cases, which is the number of people on the current Police Review Board. But the City is saying now it will be *three* or more people. **How do you reflect the diversity of the City with a panel of three?** There is no coherent reason to make the hearing smaller, and more closed off from the community.

The City Attorney also cut the number of Community Board members down from 33 to 21.

The Community Board will be all volunteers and could be hearing as many as 240 cases a year. A larger Board spreads the burden of the work over more people and is especially important if we want people who have jobs, families, other responsibilities, disabilities, and other constraints on their time available to serve. Why is the City Attorney making it more difficult for people from marginalized communities to serve on this Board? **What are the priorities reflected here?**

The City Attorney has removed the ability to file an appeal of complaint decisions (a right established in 1982 in Portland and key to its previous oversight systems).

The City Attorney inserted a prohibition on Board members having an "anti-police bias." This is a very vague term and can be used for political reasons. Is being pro-accountability anti-police? Some would say so. Moreover, the City Attorney has added this statement: "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." **Such a clause against "anti-police bias" has caused serious issues in other cities, including Boulder, Colorado.**

This is not a comprehensive list of the problematic changes proposed by the City Attorney. **However, the above list should be enough to convince the Council that rather than tinkering with the Police Accountability Commission's recommendations—which were done in consultation with the community and with experts in the field of police accountability—you should approve their recommendations and commit to revisiting this topic only after their recommendations have been put into place and tested.**

In community,

Andrea Haverkamp, PhD

Agenda Item	Name or Organization	Position	Comments	Attachment	Created
964	Anonymous	Oppose	We voted overwhelmingly to have an independent commission to hold our city's police accountable. This measure goes against the will of the people. Do not allow police to influence the independent board by any manner.	No	11/14/23 10:28 AM
964	Alyson Beard	Oppose	We have already voted to create the police accountability board and nobody wants the added language of 964. limiting who can be on the board because they have bias against the police or letting the members be chosen by a group with members of the police union is not going to generate an accountability board that is unbiased. Please do what you know the people of portland want and if you have to add rules to how the accountability board is chosen than the people need a voice in that. Starting with not being chosen by police union members. Thank you.	No	11/14/23 10:46 AM
964	Rachel Carrillo	Oppose	I do not support changing this. The people of Portland have been very vocal and clear about needing a police oversight committee and what it should look like. What is being proposed here is not that. This is an oversight committee and the police should not have a say in who is on that committee. That is a massive and obvious conflict of interest.	No	11/14/23 10:48 AM
964	Jack Barker	Oppose	I do not support this. It is a violation of the will of the voters and is anti-democratic. An overwhelming majority of Portlanders support a robust police oversight commission and the proposed changes only serve to hinder that commission in effectively carrying out police oversight. Incorporating individuals who have been harmed by the police is not "anti-police bias". Incorporating police union members into the infrastructure of the commission is, however, pro-police bias in what should be a citizen-led oversight commission. Please oppose agenda item #964!	No	11/14/23 10:52 AM
964	Anonymous	Oppose	This is not what 84% of voters decided. We should not have to constantly defend what we voted for. That's not how democracy works.	No	11/14/23 10:55 AM
964	Belinda Miller	Oppose	Portland Voters approved the police oversight committee ordinance, why are you subverting the will of the Voters? I stand with the Police Accountability Commission's recommendations, done in consultation with the COMMUNITY and with experts in the field of police accountability. Please approve their recommendations and commit to revisiting this topic AFTER their recommendations have been put into place and tested. I oppose city council and the mayor taking it upon yourselves to change the language that the commission worked on for over two years, and we, the voters, approved.	No	11/14/23 11:08 AM
964	Anonymous	Oppose		Yes	11/14/23 11:08 AM
964	Joon Ae Haworth-Kaufka	Oppose	I vehemently do not support changing the language of our voter approved measure for police accountability! It is infuriating that you are subverting the will of the people. We overwhelmingly approved this measure. Do not pass this!	No	11/14/23 11:32 AM
964	Moe Fernandez	Oppose	Agenda item 964, as it stands, undermines the independence of the oversight board and goes against the will of the voters. Over two years, Portland community members & experts in police accountability actively contributed their input to shape the structure of this commission. The proposed changes, particularly the inclusion of police union members or relatives of police officers, pose a significant conflict of interest and deviates from the voters' will. The vague language about bias against police officers creates an undue risk of excluding individuals critical of law enforcement from participating. This jeopardizes the Commission's impartiality. Approving these amendments on agenda item 964 would limit representation, restrict access, and hinder accountability, contrary to the initial intent behind the Police Accountability Commission. I respectfully request all members of city council to uphold the democratic mandate set by Portland voters and refrain from approving agenda item 964.	No	11/14/23 11:35 AM

To Portland City Commissioners,

In 2020, Portland voters voted to pass measure 26-217 with almost 82% support because we wanted more transparency and accountability in the Portland Police Bureau. We wanted to have an oversight board that was free of those working for PPB or those that had close ties to the PPB so that there could be real objective eyes looking at complaints against the bureau and making determinations and recommendations on what action needed to be taken. With well over half of the voters in favor of this system, I am amiss as to why the council would seek to change how the city overwhelmingly voted when even Mayor Wheeler was a supporter of the measure. In a time where there is not only major mistrust in the police but mistrust in government leadership, I very much implore you all to reconsider the proposed changes. Not doing so will further sow distrust in our city's leadership and constituents will continue to lose faith in the democratic process.

Thank you for your time,

A handwritten signature in black ink, appearing to read 'Rachel Burggraff', with a long horizontal flourish extending to the right.

Rachel Burggraff

Agenda Item	Name or Organization	Position	Comments	Attachment	Created
964	Hyung Nam, Portland Metro People's Coalition	Oppose	<p>I urge you to oppose the City Attorney's attempt to dismantle the recommendations for the new Board that were submitted to the Council by the Police Accountability Commission. The members of this Commission were appointed by the City to implement the will of the people for a new and more effective civilian review process that would hold Portland Police accountable to their own standards of conduct. The changes were made without consulting Commission members and reflect an arrogant attitude toward our community. When the Commission presented its recommendations to Council, the Mayor expressed concern that representatives of the Portland Police and former police officers are barred from serving on the Community Police Oversight Board. The whole point of an independent civilian review board is just that—independence from the police.</p> <p>The City Attorney's proposal seeks to do an end run around this provision by requiring that three Police Bureau representatives serve on the committee that is empowered to select members of the Community Board. This proposal violates the spirit if not even the letter of the ballot measure.</p> <p>The Police Accountability Commission proposed that everyone who files a complaint be assigned a Complaint Navigator from the time they first call in. The City Attorneys rewrote this so the Navigators aren't assigned until after a preliminary investigation leads to a decision to conduct a full investigation (although a Navigator can be assigned earlier if staff decides it is appropriate). The reason that the Commission proposed a Navigator from the beginning is to ensure that every person who believes they have experienced police misconduct is communicated with and respected. This provision is very important for regaining trust among Portlanders that the City takes seriously and is supportive of their rights to be respected by the Portland Police.</p> <p>The Police Accountability Commission asked that 5-7 people hear cases, which is the number of people on the current Police Review Board. But the City is saying now it will be three or more people. How do you reflect the diversity of the City with a panel of three?</p> <p>The City Attorney also cut the number of Community Board members down from 33 to 21. The Community Board will be all volunteers and could be hearing as many as 240 cases a year. A larger Board spreads the burden of the work over more people and is especially important if we want people who have jobs, families, other responsibilities, disabilities, and other constraints on their time available to serve.</p> <p>The City Attorney has removed the ability to file an appeal of complaint decisions (a right established in 1982 in Portland and key to its previous oversight systems). The City Attorney inserted a prohibition on Board members having an "anti-police bias." This is a very vague term and can be used for political reasons. Is being pro-accountability anti-police? Some would say so. Moreover, the City Attorney has added this statement: "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." Such a clause against "anti-police bias" has caused serious issues in other cities, including Boulder, Colorado.</p> <p>Listen to the voters! Hyung Nam</p>	No	11/14/23 11:37 AM

Agenda Item	Name or Organization	Position	Comments	Attachment	Created
964	Johanna Brenner	Oppose	<p>To: Portland City Council Commissioners Gonzalez, Mapps, Ryan, Rubio and Mayor Wheeler.</p> <p>I am very disappointed that the Portland City Attorney has seen fit to substantially change and discount the recommendations of the Police Accountability Commission. The members of this Commission were appointed by the City to implement the will of the people for a new and more effective civilian review process that would hold Portland Police accountable to their own standards of conduct. The changes were made without consulting Commission members and reflect an arrogant attitude toward our community. When the Commission presented its recommendations to Council, the Mayor expressed concern that representatives of the Portland Police and former police officers are barred from serving on the Community Police Oversight Board. The whole point of an independent civilian review board is just that—independence from the police. The Mayor disagrees with this interpretation; however, it is required by the actual ordinance passed by 82% of Portland voters.</p> <p>The City Attorney's proposal seeks to do an end run around this provision by requiring that three Police Bureau representatives serve on the committee that is empowered to select members of the Community Board. This proposal violates the spirit if not even the letter of the ballot measure. The people of Portland signaled that they want clear daylight between the Police Bureau and the new Community Police Oversight Board.</p> <p>The Police Accountability Commission proposed that everyone who files a complaint be assigned a Complaint Navigator from the time they first call in. The City Attorneys rewrote this so the Navigators aren't assigned until after a preliminary investigation leads to a decision to conduct a full investigation (although a Navigator can be assigned earlier if staff decides it is appropriate). The reason that the Commission proposed a Navigator from the beginning is to ensure that every person who believes they have experienced police misconduct is communicated with and respected. This provision is very important for regaining trust among Portlanders that the City takes seriously and is supportive of their rights to be respected by the Portland Police.</p> <p>The Police Accountability Commission asked that 5-7 people hear cases, which is the number of people on the current Police Review Board. But the City is saying now it will be three or more people. How do you reflect the diversity of the City with a panel of three?</p> <p>The City Attorney also cut the number of Community Board members down from 33 to 21. The Community Board will be all volunteers and could be hearing as many as 240 cases a year. A larger Board spreads the burden of the work over more people and is especially important if we want people who have jobs, families, other responsibilities, disabilities, and other constraints on their time available to serve. Why is the City Attorney making it more difficult for people from marginalized communities to serve on this Board?</p> <p>The City Attorney has removed the ability to file an appeal of complaint decisions (a right established in 1982 in Portland and key to its previous oversight systems). The City Attorney inserted a prohibition on Board members having an "anti-police bias." This is a very vague term and can be used for political reasons. Is being pro-accountability anti-police? Some would say so.</p> <p>There are other problematic changes proposed by the City Attorney. However, the above list should be enough to convince the Council that rather than tinkering with the Police Accountability Commission's recommendations—which were done in consultation with the community and with experts in the field of police accountability—you should approve their recommendations and commit to revisiting this topic only after their recommendations have been put into place and tested.</p>	No	11/14/23 11:53 AM

Agenda Item	Name or Organization	Position	Comments	Attachment	Created
964	Dan Sprouse	Oppose	<p>I have lived in Portland my whole life. In fact i am a 6th generation Oregonian. I am appalled at the state of our city, especially the downtown core. Since the early 90s our population has nearly doubled and our police force numbers have stayed roughly the same, with looser laws on the books. What you have done DOES NOT WORK!!</p> <p>The current PAC does not represent the broader community of Portlanders, the majority of whom support our Law Enforcement officers and want to see the force expanded to appropriate levels. This micromanagement by a small group of anti-police advocates would be a detriment to the entire city.</p> <p>It's a dangerous overreach without precedent that will further hinder Portland's ability to attract and retain law enforcement officers at a time when we are already woefully understaffed.</p> <p>We are already severely undercopped. This would be a huge detriment to hiring people who could go to neighboring cities with rational review systems.</p> <p>In its current state, this PAC would be the first system in the country that excludes members of its organization from having a voice in their disciplinary process.</p> <p>Portland voters are tired of experiments where there are working plans in other cities that could easily be adopted.</p>	No	11/14/23 11:54 AM
964	Anonymous	Oppose	<p>In a democracy elected leaders are expected to enact the will of their constituents. You should have the courage to follow the desires of the citizens. We know the police and the Business alliance are pressuring you to over rule the voters. Don't do it. Police are out of control. They need to be accountable to the community and their culture needs to change.</p>	No	11/14/23 12:09 PM
964	JOE CORY	Oppose	<p>It's a dangerous overreach without precedent that will further hinder Portland's ability to attract and retain law enforcement officers at a time when we are already woefully understaffed.</p> <p>Portland voters are tired of experiments where there are working plans in other cities that could easily be adopted.</p>	No	11/14/23 12:11 PM
964	Gabrielle Carroll	Oppose	<p>I oppose any changes to Measure 26-217 which passed with 82% of the vote, originally as it was. The lack of integrity on this city council is astounding. Why is it so hard to carry out the will of the people? That's you're only job. There should not be anyone on any police accountability commission that has ties to police or the police union. That is a conflict of interest. Stop undermining what the people voted for. Trying to create a second commission to get around the language of the original measure is underhanded and disgusting. You work for us. We have already spoken.</p>	No	11/14/23 12:14 PM
964	Zoe Barton	Oppose	<p>I do not support the language of this measure being changed. It was already overwhelmingly approved by voters and now you are trying to change it. We should not have to defend what we voted for like this!</p>	No	11/14/23 12:16 PM
964	Leslie Worthington	Oppose	<p>The voters already approved a measure. This item violates what we have chosen. I strongly oppose city council changing what we have approved. None of you will have my vote for any election in the future if this gets approved.</p>	No	11/14/23 12:16 PM
964	Anonymous	Oppose	<p>It is your job to carry out the will of the people and this action directly contradicts what 82% of portland voters opted for.</p>	No	11/14/23 12:22 PM

Agenda Item	Name or Organization	Position	Comments	Attachment	Created
964	Kristen Sartor	Support with changes	<p>Mayor Wheeler and City Council Commissioners,</p> <p>Three years ago, Portland citizens voted at an astounding percentage of 82% of voters to support the development of the police accountability commission to create a system of police accountability that actually will hold police accountable. This is something that has rarely, if ever, been done when Portland police have murdered community loved ones. I am horrified and appalled that Mayor Wheeler and the city commissioners are working to strip the recommendations of their integrity and ensure that the status quo is maintained as much as possible. The Police Accountability Commission have put in years of tireless research, work, and community outreach to create their excellent recommendations. I urge City Council to accept and send to the Justice Department the full PAC report AS-IS. At the very least, please postpone a decision to December to create an opportunity for broader awareness, input and dialogue on these last-minute amendments.</p> <p>Thank you, Kristen Sartor Zipcode 97212</p>	No	11/14/23 12:45 PM
964	Anonymous	Oppose	Police shouldn't police their colleges and friends. It's corrupt, dangerous, and is fraught with problems	No	11/14/23 12:50 PM
964	Anonymous	Oppose	This re writing of the language used to this process goes in direct opposition of the goals and objective set in place to begin with. It's a disgrace to see the city trying to backdoor their biases in this. Strongly oppose.	No	11/14/23 12:58 PM
964	Anonymous	Support	I am in full support of the current amended resolution as I believe it to be a common sense approach as opposed to the original proposal. I support how it provides clear guidelines and directions on how the process will operate, and provides an unbiased approach when reviewing misconduct of Police and their supervisors. This amended proposal is a YES for me.	No	11/14/23 1:43 PM
964	Anonymous	Support	I fully support the amended proposal as it provides guidelines for a process and ensures an unbiased approach when it comes to reviewing misconduct by Portland Police and their superiors.	No	11/14/23 1:45 PM
964	TIM HALBUR	Oppose	I strongly oppose City Council making any changes to the recommendation of the Police Accountability Board, particularly changes that would give police union reps a voice in this process. This was overwhelmingly approved by voters as a citizen-led commission to keep police abuse in check. It is an extreme conflict of interest to allow police to police themselves. Creating a separate parallel board with police union members is truly the opposite of what voters wanted and is antagonistic to democracy. Approve the PAB's recommendations as-is.	No	11/14/23 1:47 PM
964	Anonymous	Oppose	This is an explicit failure to uphold the measures voted on by Portlanders - everyone already approved how important it is to make sure there won't be any police or police family members in the police accountability commission, and how important it is to allow testimony and participation from people who have had traumatic or negative experiences with police in the past. How are you going to advocate for police accountability if you implicitly ban people with lived experience of police misconduct?	No	11/14/23 2:14 PM

Agenda Item	Name or Organization	Position	Comments	Attachment	Created
964	D Howden	Oppose	I am writing in today as a resident of Multnomah County opposing the changes proposed in Agenda Item 964. I do not support violating the will of the voters by changing the language and intentions agreed on by the voters. Creating a board for police accountability outside of the system is essential to creating safety for community members to come forward and discuss their experiences. This measure is in a clear violation of those original intentions.	No	11/14/23 2:58 PM
964	Yas K	Oppose	How can you expect any level of support or trust from the community while continually and blatantly disregarding any input that we have? You ask to work with us, yet willfully and obviously undermine us at every turn. There is obvious conflict of interest in involving police union members here-- which is why the language that was agreed upon restricted it. You ask for trust and any level of civility and loyalty to your decisions as law and policy makers, yet continually undermine those who try to work with you within the community. The city is falling to anarchistic ruins because of actions like this that make the citizens lose faith in anything any of you say. Portland is falling apart because it's more important for all of you to hold fascist-like power over a crumbling city than to actually work with those whom you were elected to serve and represent. This sort of action is both disgraceful and pathetically underhanded. If the police had no reason to fear accountability, this would not be happening.	No	11/14/23 3:01 PM
964	Thomas Ochinero	Support	The language in Agenda Item 964 addresses the critical issue of accountability, but also includes clear guidelines, guardrails, and direction for how the process will operate. It provides a process for an unbiased review of misconduct by sworn employees of PPB and supervisors. I strongly encourage City Council to approve Agenda Item 964. Thank you.	No	11/14/23 3:24 PM
964	Julie Eigler	Oppose	The citizens of Portland already voted that they want a police oversight committee. This committee should be free from police bias and open to public participation, regardless of their previous police experiences. I strongly oppose this attempt to weaken the committee by changing the parameters. The voters already made their wishes known. It is not ok to change what they voted in.	No	11/14/23 3:29 PM
964	Emma maring	Oppose	This isn't what the voters want - police don't belong on accountability boards nor should their voices or people close to or related to them inform who's on the board	No	11/14/23 3:32 PM
964	Anonymous	Oppose	I don't support changes to the language that Portlanders have already approved.	No	11/14/23 3:40 PM
964	Anonymous	Oppose	City Council is pulling another slimy move that goes against the people. The language is currently fine and does not need to be amended. Especially when the amendments give power back to the police and go against what Portlanders already voted for.	No	11/14/23 3:46 PM
964	Anonymous	Oppose		No	11/14/23 3:48 PM
964	Anonymous	Oppose	As a voter in Portland, I do not support city council changing the language regarding Measure 26-217 that was already approved during our vote.	No	11/14/23 3:55 PM
964	Anonymous	Oppose	The citizens of Portland already voted that they want a police oversight committee. This committee should be free from police bias and open to public participation, regardless of their previous police experiences. I strongly oppose this attempt to weaken the committee by changing the parameters. The voters already made their wishes known. It is not ok to change what they voted in.	No	11/14/23 4:04 PM
964	Anonymous	Oppose	I do not support violating the will of the people by changing the language that voters already approved.	No	11/14/23 4:34 PM

Agenda Item	Name or Organization	Position	Comments	Attachment	Created
964	Sarah Kowaleski, Portland Jobs with Justice	Oppose	<p>Portland City Council Commissioners Gonzalez, Mapps, Ryan, Rubio and Mayor Wheeler,</p> <p>As an organization committed to the rights of working people and communities who face police violence on a regular basis, Portland Jobs with Justice is deeply concerned by the City Attorney's proposal to significantly alter the PAC's proposal. Specifically, it is a total overreach for the City Attorney to discount the PAC's proposal, and to arrogate the power to determine the design and organization of the Board — tasks which were assigned to the Police Accountability Commission.</p> <p>The charter change which 82% of voters approved specify that the Board is supposed to be independent and will not be interfered with by any City agency. We are frustrated that the City contravened this notion by rewriting the section on the nominating committee for new Board members to include a representative of PPA, PPCOA, and the Chief of Police. Considering that Board members will be judging police officers on whether or not they violated policy, that the PPA, PPCOA, and Chief of Police have a hand in selecting Board members represents a conflict of interest as well as interference by a City agency. The Mayor disagrees with this interpretation; however independence is required by the city charter.</p> <p>Moreover, we are frustrated that the City Attorney rewrote the section concerning the issuance of a Complaint Navigator. When a community member believes they have experienced misconduct, instead of being issued a complaint navigator immediately and during their initial statement, the attorney's rewrite deems that now they must navigate this process alone until after a preliminary investigation. Being left to navigate a City process alone will no doubt negatively impact and frustrate members of the public, especially the most marginalized, from seeking help when they believe their rights have been violated.</p> <p>There are dozens of issues with the new proposal: cutting down the cases the Board may review (and leaving only negligent firearm discharges and failure to identify), curtailing transparency as pertains to allegations, cutting down the bench of Board members and people who would hear cases, and more. All of the above rewrites make this proposal an insufficient implementation plan for Measure 26-237, while ignoring the concerns of community members who participated in and engaged with the Police Accountability Commission.</p> <p>City Council should be working to improve public trust, instead of betraying it once again. City Council can immediately remedy the situation by approving the PAC's publicly-driven recommendations.</p> <p>Thank you for your attention and consideration.</p> <p>Sarah Kowaleski Coalition Organizer Portland Jobs with Justice</p>	No	11/14/23 4:35 PM
964	Anonymous	Oppose	we all voted in favor of a Police Accountability Commission	No	11/14/23 4:38 PM
964	Kaitlin Nease	Oppose	This was already approved with overwhelming support as is. I strongly oppose these changes, including allowing police union members to decide who can be on the board.	No	11/14/23 5:39 PM

Agenda Item	Name or Organization	Position	Comments	Attachment	Created
964	Lauren Armony, Sisters of the Road	Oppose	<p>I am writing to state our disapproval of this resolution as proposed.</p> <p>The Police Accountability Commission (PAC) diligently followed procedures as outlined in Measure 26-217 to ensure that their suggestion to City Council regarding the formation of what is now to be called the Office of Community-based Police Accountability and the Community Board for Police Accountability. The suggestions presented by the commission in September 2023 were made after countless community meetings, with a large diversity of stakeholders, over the course of a year.</p> <p>The PAC process was more transparent, and engaged more feedback, than any other city commission we've experienced.</p> <p>With this in mind, please answer the following questions regarding changes made to the original PAC proposal by the City Attorney:</p> <p>Why is it now required to include a member of the Police Bureau, a member of the Portland Police Association, and a member of the Portland Police Commanders Association in the screening process for the community board, when members of this board are specifically prohibited from having any affiliations with PPB or the PPA?</p> <p>Why did you choose to withhold an assigned navigator from a complainant until after a preliminary investigation is conducted? How will the complainant be supported through the preliminary investigation?</p> <p>Why did you reduce the size of the board and the hearing panels? How can our city's diversity be represented during a hearing with only three panelists? Additionally, how do you expect only 21 members to effectively review the expected 240 cases per year? This along with the proposed requirement for the compensation mechanism for board members be approved by City Council undermine the independence of the board, as well as make it substantially more challenging for minoritized people to participate.</p> <p>Why did you remove the ability to file an appeal of complaint decisions, a right already established in 1982?</p> <p>Why did you narrow what complaints the board will be able to review?</p> <p>Although the police chief is appointed by the Mayor, they are still a sworn officer, and should face the same oversight treatment as other sworn officers - why was this changed to the board only making recommendations to the mayor?</p> <p>Why did you cut down the national standard of four possible findings on allegations to only two, and removed the systemic, non-punitive findings?</p> <p>Why are you requiring a ride-along for board members? This board is supposed to include people from minoritized communities that experience over-policing. This requirement will limit their capacity to participate in the board. As we've seen with the ride-along waivers issued during the COVID pandemic, they do not need to be required moving forward.</p> <p>We feel great concern over your amendment that members of the board are prohibited from having "anti-police bias." Our primary concern is that candidates that are pro-police accountability may be conflated with having anti-police sentiments. Not only is this term poorly defined, but we hold deep concerns that this will be weaponized disproportionately towards candidates with lived experience.</p>	Yes	11/14/23 5:45 PM

Council Written Testimony

Row 163

Agenda Item 964

Position Oppose

Comments I am writing to state our disapproval of this resolution as proposed.

The Police Accountability Commission (PAC) diligently followed procedures as outlined in Measure 26-217 to ensure that their suggestion to City Council regarding the formation of what is now to be called the Office of Community-based Police Accountability and the Community Board for Police Accountability. The suggestions presented by the commission in September 2023 were made after countless community meetings, with a large diversity of stakeholders, over the course of a year.

The PAC process was more transparent, and engaged more feedback, than any other city commission we've experienced.

With this in mind, please answer the following questions regarding changes made to the original PAC proposal by the City Attorney:

Why is it now required to include a member of the Police Bureau, a member of the Portland Police Association, and a member of the Portland Police Commanders Association in the screening process for the community board, when members of this board are specifically prohibited from having any affiliations with PPB or the PPA?

Why did you choose to withhold an assigned navigator from a complainant until after a preliminary investigation is conducted? How will the complainant be supported through the preliminary investigation?

Why did you reduce the size of the board and the hearing panels? How can our city's diversity be represented during a hearing with only three panelists? Additionally, how do you expect only 21 members to effectively review the expected 240 cases per year? This along with the proposed requirement for the compensation mechanism for board members be approved by City Council undermine the independence of the board, as well as make it substantially more challenging for minoritized people to participate.

Why did you remove the ability to file an appeal of complaint decisions, a right already established in 1982?

Why did you narrow what complaints the board will be able to review?

Although the police chief is appointed by the Mayor, they are still a sworn officer, and should face the same oversight treatment as other sworn officers - why was this changed to the board only making recommendations to the mayor?

Why did you cut down the national standard of four possible findings on allegations to only two, and removed the systemic, non-punitive findings?

Why are you requiring a ride-along for board members? This board is supposed to include people from minoritized communities that experience over-policing. This requirement will limit their capacity to participate in the board. As we've seen with the ride-along waivers issued during the COVID pandemic, they do not need to

be required moving forward.

We feel great concern over your amendment that members of the board are prohibited from having “anti-police bias.” Our primary concern is that candidates that are pro-police accountability may be conflated with having anti-police sentiments. Not only is this term poorly defined, but we hold deep concerns that this will be weaponized disproportionately towards candidates with lived experience.

Why did you remove the requirement that the annual report includes data on the settlements paid out for police misconduct, even though this data is required to be published by the Compliance Officer under the USDOJ Settlement Agreement?

As written, this resolution is not an adequate implementation plan for Ballot Measure 26-217. To move this forward would be to undermine the intentional efforts of everyone in this city working to independently monitor our Police Bureau.

Additionally, we request that after the 30-day public input period the City Attorney be required to return to City Council with amended proposals.

Name or Organization	Lauren Armony, Sisters of the Road
Email	ren@sistersoftheroad.org
Submitted	11/14/23 5:45 PM
Attachment	Yes
Final Meeting Date	11/15/23

**SISTERS
OF THE
ROAD**



Portland City Council

1221 SW 4th Avenue, Room 130

Portland, OR 97204

Re: Agenda Item 964: [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](#) (Resolution)

Dear Portland City Council,

My name is Lauren Armony and I am the Systemic Change Program Director at Sisters of the Road. I am writing to state our disapproval of this resolution as proposed.

The Police Accountability Commission (PAC) diligently followed procedures as outlined in Measure 26-217 to ensure that their suggestion to City Council regarding the formation of what is now to be called the Office of Community-based Police Accountability and the Community Board for Police Accountability. The suggestions presented by the commission in September 2023 were made after countless community meetings, with a large diversity of stakeholders, over the course of a year.

The PAC process was more transparent, and engaged more feedback, than any other city commission we've experienced.

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Why did you choose to withhold an assigned navigator from a complainant until after a preliminary investigation is conducted? How will the complainant be supported through the preliminary investigation?

Why did you reduce the size of the board and the hearing panels? How can our city's diversity be represented during a hearing with only three panelists? Additionally, how do you expect only 21 members to effectively review the expected 240 cases per year? This along with the proposed requirement for the compensation mechanism for board members be approved by City Council undermine the independence of the board, as well as make it substantially more challenging for minoritized people to participate.

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We feel great concern over your amendment that members of the board are prohibited from having "anti-police bias." Our primary concern is that candidates that are pro-police accountability may be conflated with having anti-police sentiments. Not only is this term poorly defined, but we hold deep concerns that this will be weaponized disproportionately towards candidates with lived experience.

Why did you remove the requirement that the annual report includes data on the settlements paid out for police misconduct, even though this data is required to be published by the Compliance Officer under the USDOJ Settlement Agreement?

As written, this resolution is not an adequate implementation plan for Ballot Measure 26-217. To move this forward would be to undermine the intentional efforts of everyone in this city working to independently monitor our Police Bureau.

Additionally, we request that after the 30-day public input period the City Attorney be required to return to City Council with amended proposals.

Sincerely,

Lauren Armony
Systemic Change Program Director
Sister of the Road

Agenda Item	Name or Organization	Position	Comments	Attachment	Created
964	Natalie Edson	Oppose	Voters have already approved the language that was on the ballot to create the Police oversight board. Any attempts to bastardize the original language of the measure are a transparent attempt to weaken the power of the oversight board. I want people who are adversarial to the police to be on the oversight board! That is the point of this!!!	No	11/14/23 5:49 PM
964	Anonymous	Oppose	Not wanted	No	11/14/23 5:54 PM
964	Debbie Aiona	Oppose		Yes	11/14/23 6:00 PM
964	Anonymous	Oppose	This police oversight group SHOULD NOT be muddied by presence of police or their relatives. People who have had bad interactions with the police SHOULD be allowed on the board as their critical perspective is important. The police, their union and the mayor already give the police too much leeway for abuse. The oversight commission must be a check to their power.	No	11/14/23 6:07 PM
964	Moe Bowstern, author, It Did Happen Here: An Antifascist People's History	Oppose	I oppose the change being proposed to a measure that passed with overwhelming civic support. Police accountability will improve all lives in the city, including those of the city council and of the police. Quis custodiet ipsos custodes? We had an answer and now you are undermining the will, the desires and the interests of the body you are supposed to serve. Please stop. Keep the language. Accept the duties of your elected office. Thank you.	No	11/14/23 6:11 PM
964	Jerry Skyles	Oppose	Measure 26-217 please reject this measure and send it to the people for a vote	No	11/14/23 6:24 PM
964	rose reinholz	Oppose	i oppose the changes to a measure that we have already voted for in droves! the PAC should have no direct ties to police to make sure there's no bias and a call for real accountability. folks who have also experienced police brutality first hand have every right to be a part of this process.	No	11/14/23 6:36 PM
964	Anonymous	Oppose	We voted for an independent committee with out police influence. Please stop trying to circumvent this.	No	11/14/23 6:46 PM
964	erin	Oppose	we do not agree with allowing police on the board. nor the changing of language of this agenda item.	No	11/14/23 7:05 PM
964	Aleson Macfarlane	Oppose	Portland Voters approved the police oversight committee ordinance, why are you subverting the will of the Voters? I stand with the Police Accountability Commission's recommendations, done in consultation with the COMMUNITY and with experts in the field of police accountability. Please approve their recommendations and commit to revisiting this topic AFTER their recommendations have been put into place and tested. I oppose city council and the mayor taking it upon yourselves to change the language that the commission worked on for over two years, and we, the voters, approved. None of you will have my vote in any elections going forward. Not only are you trying to subvert this voter approved measure, but you've also stepped into the City Council overhaul and are working to subvert what voters approved. Your JOB is to take care of the will of the people. The police bureau needs oversight as well as an overhaul. This measure is a start. Please do not go against the will of the voters.	No	11/14/23 7:06 PM
964	Anonymous	Oppose	the will of the voters regarding the issue of the police oversight board has been decided already. we should be able to trust that our elected officials would act in our interests.	No	11/14/23 7:15 PM

November 14, 2023

To: Mayor Wheeler, Commissioners Gonzalez, Mapps, Rubio, and Ryan
From: Debbie Aiona, former Police Accountability Commission member
Re: Agenda item #964, Community Board for Police Accountability

The Police Accountability Commission (PAC) devoted nearly two years to drafting a plan and code for the city's new police accountability system. Independent legal counsel hired by the city advised us and wrote the proposed code. PAC members unanimously endorsed the final product. It is extremely disappointing that the City Attorney's proposal dismantles key provisions and undermines our efforts to follow the voters' will and create a community-centered oversight system worthy of public trust.

As a former PAC member, a member of Mayor Katz's PIIAC workgroup, and a regular attendee at Citizen Review Committee meetings, I have a long history with police oversight in Portland. The PAC devoted a great deal of effort devising a system consistent with the voter-adopted charter amendment, as open and transparent as possible, allowing participation by both the general public and individual complainants to the greatest extent possible, and with the independence to do its job free from political and police bureau influence.

Unfortunately, the City Attorney's proposed code removes or changes much of what would have accomplished those goals. The list below outlines specific items of concern.

It is hard to believe that we may be headed for an oversight system that is more opaque than our current system for both the general public and the complainant. In a step backward, the city proposal takes away the right for the complainant to appeal misconduct case findings. Currently, the Citizen Review Committee holds appeal hearings in the open. Because the new system is structured differently, routine open meetings are no longer possible, but the City Attorney removed the PAC's provision for a public interest exception, closing the door for the public to observe the proceedings. The Community Board for Police Accountability (CBPA) is required to hold its votes on findings and discipline in public, but according to the proposed city code, they will not even share the nature of the allegations, even though the officer's name will not be revealed.

Currently, Independent Police Review accepts all misconduct complaints, but the city proposal limits the types of cases over which CBPA has authority, unless they request a code change by city council. This is in spite of the fact that the charter says, "The Board may investigate other complaints or incidents of misconduct as they see fit or as mandated by City Code." The code also indicates the police bureau will be responsible for courtesy and truthfulness complaints. The public wanted to get away from having police investigate other police, one of the problems identified in our current system. It isn't even clear where the public will submit those complaints.

It is especially concerning that the draft city code places three law enforcement members, two of them from police unions, on the nine-member nominating committee for

the new board. The community wanted an independent, community-led system; there likely will be lingering doubts about the board if police had such an outsized role in selecting them.

Finally, the charter says, “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 light of that provision, the deputy city administrator should not be responsible for Office of Community-based Police Accountability (OCPA) administrative rules, certifying board member background checks, and annually reviewing their eligibility to serve on the board. The OCPA director should be responsible for those tasks, especially because the current version of the city’s organizational chart places the OCPA and CBPA under the same deputy administrator as the police bureau.

As a former PAC member, I join my colleagues in asking that at the very least, you do not vote on this Wednesday. I request a public meeting between the City Attorney and the former members of the PAC to walk through the changes and allow us to offer meaningful feedback on the revisions. The City Attorney should take public input into consideration and revise the plan before Council votes.

Listed below are problematic provisions that should be reconsidered:

Independence

- The city’s proposed code gives CBPA permission to recommend administrative rules to the city administrator, who will have final rule making authority. This provision should be removed in order to maintain the new board’s independence as voters intended. The City Charter states the following: “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 city’s proposed code assigns the deputy city administrator the responsibility for certifying board member background checks and annually confirming eligibility to serve on the board. The OCPA director should be responsible for these tasks, especially because the current version of the city’s organizational chart places the OCPA and CBPA under the same deputy administrator as the police bureau.

Investigations and Hearings

- The PAC included a wide range of cases over which the OCPA would have jurisdiction, including “complaints or incidents of misconduct that are of community concern because of their impact on community members.” According to the City Attorney’s proposed code, if the new board wants to accept complaints beyond what they listed, the CBPA will need to ask city council to amend the code. This is in spite

of the fact that the City Charter states the following: “The Board may investigate other complaints or incidents of misconduct as they see fit or as mandated by City Code.”

Furthermore, the draft city code calls out Courtesy and Truthfulness complaints and assigns those investigations to the Portland Police Bureau (PPB). Courtesy complaints are common, cover rude behavior, and are important to affected community members. The new oversight board should be responsible for investigating these types of complaints.

- The PAC recommended hearings panels made up of five CBPA members responsible for considering completed investigations and making findings on the allegations. The PAC wanted to promote diversity in both demographic and lived experience. The city proposes panels of three members, making it more difficult to achieve that goal.
- The PAC code gave hearings panels the authority to make independent decisions on findings based on the results of the investigation. The city authorizes investigative staff to recommend findings, subverting the CBPA’s independence.
- The draft city code calls for two possible findings in misconduct cases -- sustained and not sustained. This is contrary to the nationally recognized approach of four options (or variations): 1. sustained or founded; 2. not sustained or not resolved or unresolved; 3. exonerated; or 4. unfounded. (*Standards and Guidelines for Internal Affairs: Recommendations from a Community of Practice*, U.S. DOJ, Office of Community Oriented Policing Services, p. 50)

Public Participation and Transparency

- The current oversight system routinely holds misconduct case appeals in sessions open to the public. Because the CBPA will be integral to the accountability system and have the authority to make decisions, hearings will be held in executive session, unless the officer requests an open hearing. The PAC included a provision that would have given the CBPA the authority to make sessions open to the public when it was in the public interest. The proposed city code eliminates that provision.
- In the proposed city code, misconduct case hearings will primarily be held in executive session, but the vote on findings and discipline must be done in public. The city’s proposed code calls for the CBPA to take that vote, but refer to allegations by number only. They may not describe the nature of the allegations when taking their vote. Under the current system, officers’ and appellants’ names are made anonymous, but allegations and findings are openly discussed. This provision provides less transparency than the current IPR system. When voters overwhelmingly opted to change our city’s charter, they were calling for an improved system, not a more opaque one.
- The PAC code lists required contents in the CBPA annual reports, including a listing of the “number, nature, and settlement amount of civil suits against PPB officers regardless of whether the City is a defendant in the litigation.” The city removed

this requirement in spite of the fact that this is a U.S. DOJ Settlement Agreement requirement and of interest to the taxpayers who cover the cost.

- The PAC code requires city council to take oral testimony following the presentation of annual or expert reports. The proposed city code eliminates that requirement.

Oversight Board and Staff

- The proposed city code spells out the membership of the nominating committee that will recommend board members for appointment to the CBPA. The draft city code places three law enforcement members on the committee, two of them police union representatives. This is a grossly outsized police presence to seat a board mandated to be independent of the police bureau. The same committee will be responsible for screening applications for the OCPA director. This creates the perception, if not reality, that the board is not independent of the bureau for which they are providing oversight. It further runs the risk of undermining community trust in the new system, which is supposed to be community-based.
- The proposed city code reduces the number of CBPA members from 33 to 21. The PAC mapped out the number of complaints it expects the CBPA and OCPA to handle in a year and determined a board made up of 33 members would be sufficient to handle the work without overburdening individual board members.
- The proposed city code requires board members to go on ride-alongs with police officers. This requirement may be problematic for some board members, especially those who have experienced police-related trauma.

Community Members and Complainants

- The city's proposed code does not require assignment of a Complaint Navigator at the time the complaint is filed. It instead requires assignment no later than when the decision is made to open a full investigation. We have heard from complainants using the current system that they often find the process confusing and opaque. The Complaint Navigator is the PAC's approach to providing support and information throughout the process and should be provided immediately as the PAC recommends.
- The proposed code gives complainants the option only to appeal an OCPA decision to dismiss a complaint. The PAC proposal gives complainants the option to appeal non-sustained findings, as does our current system. It is a significant setback to remove a complainant's right to appeal. Under the city's proposed code, however, the officer has appeal options. This disparity strains public trust in the fairness of the system.
- The proposed city code prohibits the complainant and involved officer from attending hearings on their case, with one exception – officers can attend their Due Process hearing. The PAC code allows complainants and officers along with specified support people to attend and participate in hearings. It is difficult to see

what public interest is served by shrouding these hearings in secrecy from the people directly involved.

- The proposed city code does not require wide distribution of complaint forms or community education on the process. As with any new program, the success and acceptance of the system will require the city to invest in and distribute educational materials.

Continual Improvement

- The proposed city code eliminates the option for additional ratings in misconduct cases. Adding these ratings is a well-accepted practice intended to highlight systemic shortcomings in order to prevent future occurrences. The PAC recommended the following additional ratings: supervisory issue, training issue, communication issue, policy issue, and equipment issue. It is hard to understand why this technique for preventing future problems was eliminated.
- It is disappointing the proposed city code did not include a requirement for Sentinel Event Reviews. These are well-established processes to examine systemic forward-looking, root cause reviews of undesirable police-related outcomes. They are designed to allow for the development of recommendations for preventing reoccurrence through continuous process improvements. (*Mending Justice – Sentinel Event Reviews*, National Institute of Justice <https://www.ojp.gov/pdffiles1/nij/247141.pdf>)

Agenda Item	Name or Organization	Position	Comments	Attachment	Created
964	Airlia Oroszvary	Oppose	I am strongly opposed to agenda item 964. This change goes against the will of the people of Portland, which was already voted on with overwhelmingly strong support. I am a resident of Portland and have been for over a dozen years. We can do better- there is no need to mess with what the residents of this city clearly want. Please oppose 964, both for the sake of democracy, and for the people who actually live here and care about the future of this city.	No	11/14/23 7:28 PM
964	Benjamin Platt	Oppose	The PAC's plan for the Police Oversight Board should be implemented as is, with no amendments or changes - they are the experts tasked with implementing the overwhelming will of the voters. These changes are not only undermining the will of the voters by changing the PAC's proposal, but the stated changes also directly undermine the purpose of such accountability measures in the first place.	No	11/14/23 7:30 PM
964	Anonymous	Oppose	This seems like an obvious attempt to weaken police oversight. Critical voices must be allowed on the board. The people already voted- the language ought not be changed.	No	11/14/23 7:47 PM
964	Remain anonymous	Oppose	I don't support agenda item 964. It violates the will of the voters and changes language that voters already approved of.	No	11/14/23 7:48 PM

Agenda Item	Name or Organization	Position	Comments	Attachment	Created
964	Anonymous	Oppose	<p>I am writing today to express my disappointment that the Portland City Attorney has seen fit to substantially change and discount the recommendations of the Police Accountability Commission. The members of this Commission were appointed by the City to implement the will of the people for a new and more effective civilian review process that would hold Portland Police accountable to their own standards of conduct.</p> <p>The changes were made without consulting Commission members and reflect an arrogant attitude toward our community. When the Commission presented its recommendations to Council, the Mayor expressed concern that representatives of the Portland Police and former police officers are barred from serving on the Community Police Oversight Board. The whole point of an independent civilian review board is just that—independence from the police. The Mayor disagrees with this interpretation; however, it is required by the actual ordinance passed by 82% of Portland voters.</p> <p>The City Attorney’s proposal seeks to do an end run around this provision by requiring that three Police Bureau representatives serve on the committee that is empowered to select members of the Community Board. This proposal violates the spirit if not even the letter of the ballot measure. The people of Portland signaled that they want clear daylight between the Police Bureau and the new Community Police Oversight Board.</p> <p>The Police Accountability Commission proposed that everyone who files a complaint be assigned a Complaint Navigator from the time they first call in. The City Attorneys rewrote this so the Navigators aren’t assigned until after a preliminary investigation leads to a decision to conduct a full investigation (although a Navigator can be assigned earlier if staff decides it is appropriate). The reason that the Commission proposed a Navigator from the beginning is to ensure that every person who believes they have experienced police misconduct is communicated with and respected. This provision is very important for regaining trust among Portlanders that the City takes seriously and is supportive of their rights to be respected by the Portland Police.</p> <p>The Police Accountability Commission asked that 5-7 people hear cases, which is the number of people on the current Police Review Board. But the City is saying now it will be three or more people. How do you reflect the diversity of the City with a panel of three?</p> <p>The City Attorney also cut the number of Community Board members down from 33 to 21. The Community Board will be all volunteers and could be hearing as many as 240 cases a year. A larger Board spreads the burden of the work over more people and is especially important if we want people who have jobs, families, other responsibilities, disabilities, and other constraints on their time available to serve. Why is the City Attorney making it more difficult for people from marginalized communities to serve on this Board?</p> <p>The City Attorney has removed the ability to file an appeal of complaint decisions (a right established in 1982 in Portland and key to its previous oversight systems). The City Attorney inserted a prohibition on Board members having an "anti-police bias." This is a very vague term and can be used for political reasons. Is being pro-accountability anti-police? Some would say so. Moreover, the City Attorney has added this statement: "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." Such a clause against "anti-police bias" has caused serious issues in other cities, including Boulder, Colorado.</p> <p>I strongly oppose this change.</p>	No	11/14/23 7:49 PM

Agenda Item	Name or Organization	Position	Comments	Attachment	Created
964	Anonymous		Measure 217 was strongly voted for. Don't use new and different language to silence the voices of a committee free of bias. It's necessary that concerns are heard and taken into account, and there needs to be a committee unaltered by police interference - this is why police and family members of such weren't allowed in the separate committee to begin with.	No	11/14/23 7:51 PM
964	Oscar Antonio Rodriguez	Oppose	<p>I hope this message finds you well. I am writing to express my strong opposition to the proposed changes outlined in the recent resolution. I am concerned that the recommended amendments, particularly those to the City Code, deviate from the language that was initially approved by the voters. The proposed alterations appear to violate the will of the voters who supported the original language.</p> <p>It is crucial to respect the democratic process and honor the choices made by the community. Any changes should be undertaken with utmost transparency and a thorough understanding of the community's expectations. I urge you to reconsider the proposed amendments and ensure that the language aligns with the intentions of the voters.</p> <p>Thank you for your attention to this matter, and I hope that you will take into account the concerns raised by members of the community.</p>	No	11/14/23 7:53 PM
964	Anonymous	Oppose	Hello, I oppose Agenda Item 964, because I don't trust police or people affiliated with police to fairly choose committee members. I think the committee and the people who choose it should be neutral to both sides. And no relation to anyone on either side of the fence seems most fair.	No	11/14/23 7:58 PM
964	Skyland Wonders	Oppose	I oppose that you are violating the will of the voters by changing language that everyone already approved of.	No	11/14/23 8:00 PM
964	Todd Valentine	Oppose	I don't support changing what we already overwhelmingly voted for by changing language that we approved of. We want an independent committee. Please stop trying to circumvent this by trying to add police influence. I urge the City Council to accept the Police Accountability Commission's report as is. Thank you.	No	11/14/23 8:06 PM
964	Heather Anderson	Oppose		No	11/14/23 8:09 PM
964	Anonymous	Oppose	The voters overwhelmingly approved the language as written. Changing this after the fact will change the intended effect of the measure and therefore disregard the will of the voters. You as public servants are meant to uphold the democratic process which includes the choices of voters and this measure would directly undermine that.	No	11/14/23 8:13 PM
964	Anonymous	Oppose	I don't support the change in language in this item to change the nature of the board and to restrict the people allowed to serve on this board. The language and restrictions should remain as they were on the ballot to reflect the will of the voters.	No	11/14/23 8:22 PM
964	Amy Hicks	Oppose	I am writing to express my strong opposition to the proposed changes outlined in the recent resolution. Measure 26-217, was passed by the voters and these changes deviate from the language and intent that was approved by the voters. This violates the will of the voters.	No	11/14/23 8:23 PM
964	Anonymous	Oppose	I don't support that you are violating the will of the voters by changing language already approved by the voters.	No	11/14/23 8:33 PM

Agenda Item	Name or Organization	Position	Comments	Attachment	Created
964	ana maria	Oppose	<p>I oppose the city's proposed amendments to the Police Accountability commission's plan. I oppose any efforts to give the police more power.</p> <p>How much power do Portland Police have? They get a huge chunk of the city budget, so they have financial power. They have a powerful and rich union and way too many backers in city government, so they have political power. They have all sorts of weapons (including weapons of war) so they have brute power. They have the media repeating their "copaganda" so they have communication power. They can throw you in jail AND they have qualified immunity, so they have legal power.</p> <p>But what power do the homeless have? What power do the drug addicts have? What power do the mentally ill have when police decide they are a threat? What power do People of Color have when it's their word against a cop's? What power do women have when they get assaulted by cops? Really, what power do any of us have when faced with a cop's accusation and/or gun?</p> <p>The Police Accountability Commission is trying to balance the scales and return some power to the people in their interactions with police. Their proposal gives people a way to stand up to the police, which is why the city should approve the CBPA proposal presented by the commission without making changes. As Is! The commission studied this issue for two years. The councilors have had the plan in front of them for 2 months. (The commission was appointed by the Council, but now the Council questions the commission's competence? That makes no sense.)</p> <p>I am especially horrified by the council's amendment to put police on the nominating committee for future board members. That is outrageous. It totally undermines what the original proposal is trying to accomplish and undermines the INDEPENDENCE of the CBPA. But it is not the only thing wrong with the amended proposal. Basically the city's amendments give more power to the police (though they have a SURPLUS of power) and would hide misconduct and crimes committed by police.</p> <p>82% of voters demanded TRANSPARENCY and ACCOUNTABILITY. They demanded the truth. They voted for an INDEPENDENT commission. Giving cops more power via amendments to the plan is just the opposite of that.</p> <p>Leave the power in the people's hands and instead rein in police power. We will all be safer if the police have less power. (in fact, the streets are already safer — murders are decreasing — despite having fewer police.) Approve the original CBPA plan without changes. AS IS!</p>	No	11/14/23 8:33 PM
964	Anonymous	Oppose	<p>The people have spoken with an overwhelming 86% of the vote stating that we demand accountability without influence from police, police union members, or family from sitting on the independent police oversight board. This is intended to be independent for a reason, as not to be influenced by the police. We didn't fight this hard for so long to have This ballot measure's language changed to allow for this unwanted influence from the police. Change needs to happen in our city's police force, and continuing with the status quo will not get us there. Follow through with what was voted on, or see yourself out. Opposing to what your constituents agreed upon and bastardizing what was so overwhelmingly supported by the voters is despicable. Listen to your constituents and follow through with what we agreed upon.</p>	No	11/14/23 8:50 PM

Agenda Item	Name or Organization	Position	Comments	Attachment	Created
964	Alexa Zeryck	Oppose	I do not support the proposed changes. They go against the will of the voters. We know that holding police accountable needs to be done independently from the police themselves. For the safety of the community, police union members should not have any influence over the Community Police Oversight Board.	No	11/14/23 8:52 PM
964	Scott Castner	Oppose	I oppose this blatant attempt to disregard the will of the voters, and to preemptively undermine the Police Oversight Board. Increased accountability does not include selecting police union members to the oversight board, or narrowing the oversight board's scope and power. Portland wants to see a genuine change in policing practices, and the proposed changes to Measure 217 do not meet this need. My future vote and support depend on voting No to these amendments.	No	11/14/23 9:04 PM
964	Shaudey Rivers	Oppose	I do not support the changes in language that is being put forward. Voters, including myself, overwhelmingly approved the bill in 2020 with language as-is and that needs to be honored by the city council, who, I will remind you, are civil servants and are supposed to serve in the interest and will of the public.	No	11/14/23 9:04 PM

Agenda Item	Name or Organization	Position	Comments	Attachment	Created
964	Monica M Arce	Oppose	<p>I am writing public testimony today to voice my concerns around the amendments that City Council has proposed to the City Code the Police Accountability Commission presented to City Council on September 15, 2023.</p> <p>As you well know, the City Code presented was the culmination of 20 months of arduous work done by a committee of 20 volunteers, who dedicated countless hours of work, research, and participated in a series of community engagement events. I was one of the commissioners involved in this work. The city code as it was presented reflected all of this work and represented what the voters in Portland passed 3 years ago. The changes the city now proposes to this city code sabotage much of the intention of what voters passed in Measure 26-217 and much of what this Police Accountability Commission heard from Portlanders throughout those community engagement events.</p> <p>As a former member of the Police Accountability Commissioner, I join my colleagues in asking that you DO NOT vote on this today. I request a public meeting between the City Attorney and the former members of the Police Accountability Commission to review the changes and allow us to offer meaningful feedback. The City Attorney should then revise the plan before you vote.</p> <p>It is honestly one of the biggest disappointments of this year for me, to see the changes City Council is proposing to the city code we presented. Amongst the biggest disappointments is the limits on the number of community members allowed to participate in the new Community Police Oversight Board, the way members will be selected, the limits on the types of complaints the board will be hearing, limits on the findings after investigations, that do not allow the new board to have a say on policy changes, and improvements in the systems in policing, limiting the ability to improve a system that everyone agrees has been flawed and unfair to our community. The limitations on complaint navigators, and the ability to appeal findings are other disappointments. We have a chance to make substantial change to a system that has not been working, and city council is getting in the way of making that change.</p> <p>I hope you give this commission with all of the wealth of information we have gathered in these 20 months, a chance to have a say on these changes and how they will impact the effectiveness of this new system being created, so that we can protect voter's intentions when they passed Measure 26-217. Not doing that, is a clear violation of the will of the voters, and any action that goes against that may end up in the court of law.</p> <p>Portland citizens will not allow this to go unchallenged. I ask again to delay this vote and give us a chance to fully evaluate and review the changes to the City Code with the City Attorney before voting on this so that the citizens of Portland can move forward and feel their concerns have been addressed.</p>	No	11/14/23 9:14 PM
964	Daniel March	Oppose	<p>I oppose the changes to allow members of the police, the police union, or their family to be on the oversight board. I also think people who have had negative experiences with law enforcement should still be allowed to be on the oversight committee. This is how I and many others intended the oversight committee to work when we passed the proposal with 82% support. Our current oversight committee has no teeth and there has been no measurable change in how law enforcement handles themselves in any city with the current model we are using.</p>	No	11/14/23 9:14 PM
964	Hova Najarian	Oppose	<p>I support approving the Police Accountability Commission's recommendations, which reflect the community's desire for a civilian review process that holds Portland Police accountable to their own standards of conduct. I ask that you commit to revisiting this topic only after the commission's recommendations have been put into place and tested.</p>	No	11/14/23 9:27 PM

Agenda Item	Name or Organization	Position	Comments	Attachment	Created
964	Anonymous	Oppose	I oppose your proposed changes this bill. It is unjust to augment what the voters have already voted on. Proposed changes will bias this commission and ensure that there will never be true police accountability.	No	11/14/23 9:27 PM
964	Anonymous	Oppose		No	11/14/23 9:43 PM
964	Kelly L Mason	Oppose	I oppose because the language has been changed on this after we voted on it.	No	11/14/23 9:47 PM
964	Raquel Mayer	Oppose	I don't support the Portland City Council violating the will of the voters by changing language that has already been approved for the Police Accountability Commission.	No	11/14/23 9:55 PM
964	Anonymous	Oppose	We voted to have an unbiased police accountability board. Listen to your constituents and do what they tell you to do.	No	11/14/23 9:55 PM
964	Gracie Sheets	Oppose	I don't support the Portland City Council violating the will of the voters by changing language that has already been approved for the Police Accountability Commission.	No	11/14/23 10:03 PM
964	Jake Dockter	Oppose	<p>I do not have much to say but shock and shame at this council's actions to undermine the work of the PAC and the accountability demanded by the public. More members of our public voted for this change than voted for any of our city council but now, these members are seeking to walk back the very teeth and demands we need.</p> <p>A proposal here seeks to limit who from the community can participate in the oversight board. You are seeking to "prohibit any person with a demonstrated 'bias for or against law enforcement' from becoming a board member, and would place three police representatives on a committee responsible for nominating board members."</p> <p>The conflict of interest of having three police representatives removes the very independence this board is meant to provide. It is also apparent this will be used to limit the ability for community members from participating, creating a political denial for engagement. It also ignores the fact that the police union reps and police themselves have a bias for policing and by this very standard should not be allowed to serve.</p> <p>Portland demanded a new form of accountability. Portland also demanded a new form of council and city leadership.</p> <p>Now, the current council who will soon be reformed itself, is seeking to undermine the will of the people and undermine the efforts for substantive reform. In August of this year, PPB Sgt. Engstrom admitted on the record that PPB had lied and manipulated this very council for political and financial reasons.</p> <p>None of you called for any investigation. None of you spoke out. None of you called for accountability. Now, you seek to walk change back and water down accountability and change.</p> <p>Your disdain for our community and insult to the work of the PAC is potent. Vote no and then apologize.</p>	No	11/14/23 10:10 PM

Agenda Item	Name or Organization	Position	Comments	Attachment	Created
964	Jena Kain		<p>Dear Councilmembers, Voters in 2020, overwhelmingly approved the need for a civilian review and oversight board to increase police accountability by 82% of the vote. After waiting to the end of their 60 day period to make amendments to the report of the Police Accountability Commission's (PAC) recommendations for City Code to establish a framework for this new Community Board for Police Accountability, the City attorney announced late this week a plan that would gut many of the most important elements of the PAC plan, despite the Commission having held over 128 meetings over 3 years incorporating the views of over 1500 Portland citizens. How is this even possible?? I urgently request that the City Council to accept the Commission's recommendations AS IS which could always undergo future review or modifications and not weaken it as the proposed amendments is seeking to change.</p> <p>Given the short notice of proposed changes, the City should not decide quickly but utilize the allowable 30 day comment period and revisit the decision in mid-December.</p> <p>Placing 3 police representatives on the nominating committee violates the whole spirit of separation of the Bureau and independent civilian review which received overwhelming citizen support— a community review board holding police accountable to their own conduct standards.</p> <p>The prohibition of anyone with “anti-police bias” being considered for the Board could be easily abused and confused with citizens’ true desire for true accountability. A similar clause has been problematic in other cities, including Boulder.</p> <p>Similarly, narrowing the investigative team from 5-7 to only 3 Board members will not only reduce diversity but also increase workload so that the number of cases annually able to be reviewed is likely to be smaller.</p> <p>The City Attorney has narrowed the types of complaints to be reviewed and delayed access to a complaint navigator from the beginning of the process which is critical for citizens to be fully heard and not feel alone in navigating what could feel like a stressful process.</p> <p>The City Attorney also removed the ability to file an appeal of complaint decisions which has been key in prior oversight systems.</p> <p>The City Attorney moved to closed instead of open hearings, important in cases of great community concern.</p> <p>The City Attorney also undermined the independence of the Board by requiring City Council approval on member reimbursements.</p> <p>The City is in a tenuous position as citizens are seeking more accountability & transparency from local government and move away from the residues of the past. Valuing public feedback, especially that was asked for via the Commission and to disregard their numerous hours of work conveys disrespect and is counter to public engagement that the City claims to solicit and take seriously.</p> <p>Please demonstrate trustworthiness by taking the recommendations of the Commission and incorporate their recommendations in the Spirit and letter as was written.</p> <p>Thank you for the opportunity to provide written comment.</p>	No	11/14/23 10:18 PM
964	Anonymous	Oppose	I do not support the changing of the already approved language of this measure as it is violating the will of the voters	No	11/14/23 10:32 PM

Agenda Item	Name or Organization	Position	Comments	Attachment	Created
964	Lauren Fairshter	Oppose	Voters already overwhelming decided on this issue and it is irresponsible and downright immoral for the council to be changing language on what this commission should look like. Respect what your constituents already voted for and institute the accountability commission without this gerrymandered language.	No	11/14/23 10:55 PM
964	Connie Wohn	Oppose	As a former member of the PAC, I join my colleagues in asking that you do not vote on this today. I request a public meeting between the City Attorney and the former members of the PAC to review the changes and allow us to offer meaningful feedback. The City Attorney should then revise the plan before you vote. We spent over 20 months crafting this language and took all view points into consideration. Please do not over look the work of 20 dedicated volunteers for these text edits.	No	11/14/23 11:03 PM
964	Martín Rodriguez	Oppose	The new language introduced on this issue works to undermine the public's will and will introduce an unacceptable bias into the PAC. Voters overwhelmingly approved a specific set of guidelines which are not honored by the introduction of these changes which I urge you not to vote for in this meeting. The language concerning who is eligible to serve on the PAC needs to return to that which was approved by voters such that no police union members or family members can serve on the PAC. It is frankly disappointing to see such a disregard for the majority of your constituents.	No	11/14/23 11:41 PM

Agenda Item	Name or Organization	Position	Comments	Attachment	Created
964	Pacific Northwest Family Circle	Oppose	<p>Dear City Council, The Families of Pacific Northwest Family Circle (PNWFC) implore you to uphold the intentions of Portland voters and approve a Commission structure that can hold police accountable. We reject your proposed changes and favor preserving the language that was unanimously agreed upon by the commission. Sincerely, The Family Members of PNWFC</p> <p>This testimony is offered In Loving Memory of PNWFC Loved Ones and All Stolen Lives: 19 year-old Christopher Kalonji 22 year-old Bodhi Phelps 25 year-old Chance Thompson 17 year-old Moose Hayes "Quanice" 24 year-old Terrell Johnson 27 year-old Chase Hammer 21 year-old Brad Lee Morgan 27 year-old Daniel Isaac Covarrubias 29 year-old Alex Dold 49 year-old Captain Brian A. Babb (alive) Andre Thompson (alive) Bryson Chaplin 44 year-old Deano Case 54 year-old Remi Sabbe 48 year-old John Elifritz 43 year-old Jesse Powell 27 year-old Patrick Kimmons 35 year-old Matthew Burroughs 36 year-old Andre Gladen 20 year-old Giovanni Joseph-McDade 29 year-old Joel Nelson 31 year-old Titi Gulley 16 year-old Brian Guy Dixon 29-year-old Wesley Allen Barbee 40 year-old Elibrio "Eli" Rodrigues (alive) Melvin Lewis Dillon (alive) Robert Dillon 25-year-old Keaton Otis 33-year-old Stacy Kenny 42-year-old James Chasse 24-year-old Herbert Hightower Jr. 25-year-old Jesse Sarey 37-year-old Bill Brown 32-year-old Chase Brooks 24-year-old Derrick Clark 26-year old Jacob Macduff 59-year-old Robert Gutierrez Landon Payne</p>	No	11/15/23 12:29 AM

Agenda Item	Name or Organization	Position	Comments	Attachment	Created
964	Daisy Nichols	Oppose	I vehemently oppose the ammendments to the community accountability and police oversight program. The original language that voters overwhelmingly supported should be adopted. Slyly changing the language to give police with conflicts of interest a seat at the table is unacceptable. During the protests in 2020 the PPB poured multiple water bottles over my face while they held me down on the ground, making it difficult to breath, essentially waterboarding me as a sadistic terror tactic to release their aggression against protestors. When I complained about this to the officers driving me to the justice center they brushed this off and said "Good luck with the accountability process". Including police in police oversight will result in more harm to innocent Portland citizens. Do the right thing.	No	11/15/23 12:46 AM
964	Anonymous	Oppose	I oppose because you're violating language for the creation of this board that Portland voters already approved of years ago & it's obvious. Do better	No	11/15/23 1:13 AM
964	Chelsea Davis	Oppose	I oppose because the language that we voted on should be what is used.	No	11/15/23 1:32 AM
964	Anonymous	Oppose	I am writing today to express my disappointment that the Portland City Attorney has seen fit to substantially change and discount the recommendations of the Police Accountability Commission. The members of this Commission were appointed by the City to implement the will of the people for a new and more effective civilian review process that would hold Portland Police accountable to their own standards of conduct.	Yes	11/15/23 1:44 AM
964	Celeste Noche	Oppose	I'm really disappointed in the Portland City Attorney for constantly reminding us that Black lives do not matter to them, since police accountability is something the city has already voted overwhelmingly in favor of. To now introduce this so there is no true accountability is an embarrassment to the council. The members of this Commission were appointed by the City to implement the will of the people for a new and more effective civilian review process that would hold Portland Police accountable to their own standards of conduct. Please honor the people's will and stop creating more hoops to distract from police accountability.	No	11/15/23 1:49 AM
964	Anonymous	Oppose	This was created to balance out the power of the police and create a system of accountability to the community, which is who they are supposed to work for. Inviting members of their board would be entirely inappropriate, and not allowing community members who have been violently effected directly by the police force is undermining the entire point of the original point of accountability to the community.	No	11/15/23 5:54 AM
964	Megan Scott	Oppose	I opposed the city council's attempt to water down the independent police accountability board by allowing police to decide who sits on that board. The will of the voters was clear in this matter. The police cannot be allowed to police themselves.	No	11/15/23 6:59 AM
964	James Ofsink, Portland Forward	Support with changes		Yes	11/15/23 7:28 AM
964	Anonymous	Oppose	We as a city already voted and approved action. We do not need to re-negotiate or have yet another group to dilute action. Reading thru the agenda (https://www.portland.gov/council/documents/resolution/resolution-amendments-department-justice-settlement-agreement-and-city) clearly documents that the council has no interest in actually doing the will of the voters. If the police were able to be accountable to themself and to the city, they would have done it already. They can't, so we voted to have an independent group do that for them.	No	11/15/23 7:39 AM

I am writing today to express my disappointment that the Portland City Attorney has seen fit to substantially change and discount the recommendations of the Police Accountability Commission. The members of this Commission were appointed by the City to implement the will of the people for a new and more effective civilian review process that would hold Portland Police accountable to their own standards of conduct.

The changes were made without consulting Commission members and reflect an arrogant attitude toward our community. When the Commission presented its recommendations to Council, the Mayor expressed concern that representatives of the Portland Police and former police officers are barred from serving on the Community Police Oversight Board. The whole point of an independent civilian review board is just that—independence from the police. The Mayor disagrees with this interpretation; however, it is required by the actual ordinance passed by 82% of Portland voters.

The City Attorney's proposal seeks to do an end run around this provision by requiring that three Police Bureau representatives serve on the committee that is empowered to select members of the Community Board. This proposal violates the spirit if not even the letter of the ballot measure. The people of Portland signaled that they want clear daylight between the Police Bureau and the new Community Police Oversight Board.

The Police Accountability Commission proposed that everyone who files a complaint be assigned a Complaint Navigator from the time they first call in. The City Attorneys rewrote this so the Navigators aren't assigned until after a preliminary investigation leads to a decision to conduct a full investigation (although a Navigator can be assigned earlier if staff decides it is appropriate). The reason that the Commission proposed a Navigator from the beginning is to ensure that every person who believes they have experienced police misconduct is communicated with and respected. This provision is very important for regaining trust among Portlanders that the City takes seriously and is supportive of their rights to be respected by the Portland Police.

The Police Accountability Commission asked that 5-7 people hear cases, which is the number of people on the current Police Review Board. But the City is saying now it will be three or more people. How do you reflect the diversity of the City with a panel of three?

The City Attorney also cut the number of Community Board members down from 33 to 21. The Community Board will be all volunteers and could be hearing as many as 240 cases a year. A larger Board spreads the burden of the work over more people and is especially important if we want people who have jobs, families, other responsibilities, disabilities, and other constraints on their time available to serve. Why is the City Attorney making it more difficult for people from marginalized communities to serve on this Board?

The City Attorney has removed the ability to file an appeal of complaint decisions (a right established in 1982 in Portland and key to its previous oversight systems).

The City Attorney inserted a prohibition on Board members having an "anti-police bias." This is a very vague term and can be used for political reasons. Is being pro-accountability anti-police? Some would say so. Moreover, the City Attorney has added this statement: "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." Such a clause against "anti-police bias" has caused serious issues in other cities, including Boulder, Colorado.

There are other problematic changes proposed by the City Attorney. However, the above list should be enough to convince the Council that rather than tinkering with the Police Accountability Commission's recommendations—which were done in consultation with the community and with experts in the field of police accountability—you should approve their recommendations and commit to revisiting this topic only after their recommendations have been put into place and tested.



November 15, 2023

To: Mayor Wheeler, Commissioners Gonzalez, Mapps, Rubio, and Ryan
Re: Agenda item #964, Community Board for Police Accountability

Portland Forward supports community safety and democracy. Advance the PAC's proposal.

Portland Forward is an intergenerational organization focused on the big ideas that will make our city truly work for everyone. Like many in Portland, we closely follow community safety issues. In 2020, we were with the 82% of Portland voters who called on the city to improve public safety and trust in our police bureau by improving upon our ineffectual police oversight system. As long-time advocates for deep democracy and meaningful public engagement, we were impressed with the work of the Police Accountability Commission (PAC) over their two years of thorough public engagement and community dialog. These volunteer community members spent countless, thankless, hours researching national best practices, receiving input from Portlanders, and crafting something that would advance public trust and enhance safety.

The City Council should honor the work of the PAC and the hundreds of people they heard from as they researched and developed their proposal. If Council ignores the efforts of the city's own boards and commissions, and the input of community members who spend their evenings or weekends attending a public input event, that communicates to the people of Portland that you believe their opinions and experiences don't matter in the creation of policy. The Council should recognize that Portland's richness has always been in the involvement of her residents.

The PAC came up with good and nuanced answers to tricky questions around community complaints about police conduct. In contrast, the ham-fisted proposal currently under consideration, developed with no community engagement or public input, moves us backwards on police accountability. Here are just a few of the many problems with the impoverished oversight system detailed by the City Attorney:

- No longer will community members be able to appeal a decision they believe was incorrectly reached.
- Instead of adopting the national standard of four possible outcomes, the proposal unnecessarily removes non-punitive findings that would improve the bureau's policies and build community trust.
- This proposal removes transparency provisions that would allow the board to operate transparently when necessary for the public interest.
- Using Police Bureau members for a full third of the nominating committee strains credulity that the new oversight board proposed here can achieve the voters' desire for an independent system.

We encourage you to send the work of the PAC forward to the Department of Justice instead of the proposal before you today, which would move the city backwards on police accountability. If you listen to the people, the DOJ will listen to the city.

Portlanders want two things: a safe community and an accountable police department. Opponents to accountability would like to argue that accountability reduces safety. What Portlanders know — and how they voted — is in fact that an accountable police department PROMOTES A SAFER CITY.

James Ofsink (he/him)
President, Portland Forward

Agenda Item	Name or Organization	Position	Comments	Attachment	Created
964	Pablo Martos	Oppose	This absurd attempt to sidestep or soften a voter initiative in order to cater to police power is unacceptable. The police cannot hold themselves accountable, that's why it was passed, and they are intended to be left out of it. They should have no voice in this, in who the appointed members are, in how they are investigated or held accountable for their abuses. They've gamed the system and manipulated our politics enough. I am less concerned about anti-police bias being a problem on the board and more concerned with pro-police bias being a problem on the board and in city council. Listen to your voters, not to the police who mostly don't even live here and eat up too much of our budget.	No	11/15/23 8:24 AM
964	Celina Flores	Oppose	One again, members of Portland City council are trying to subvert the will of the voters, who passed this ballot measure by a large majority. I oppose changing the language in this measure that was crafted over multiple years and passed by voters. This is a fascist attempt to exert your will over the will of the voters who elected you into office. Can't wait to vote you all out. Hope this helps!	No	11/15/23 8:36 AM
964	Anonymous	Oppose	I do not support any changes to the language approved by voters establishing the Police Accountability Commission. No current or former police, police union, or police family members should serve on the board of this commission.	No	11/15/23 8:39 AM
964	Dan Kaufman - Sellwood	Oppose	The changes set forth here go against the charter and the will of the citizens to create an independent community led oversight board. If it passes it will be challenged in court and likely lose, costing the city more money and time implementing police accountability that is decades overdue.	No	11/15/23 8:59 AM

Agenda Item	Name or Organization	Position	Comments	Attachment	Created
964	Nicholas Hara	Oppose	<p>I am opposed to the substantial changes in the proposal for the CBPA. The purpose of the CBPA was to be truly independent and able to follow facts where they lead. The people passed a measure to allow the citizens of Portland the mechanisms to root out corruption, misconduct, and misbehavior from the only department in the city empowered to use deadly force.</p> <p>It is not anti-police to ask for accountability and to create the mechanisms to ensure it.</p> <p>In order to do so, that requires clear separation from the body which it has oversight, the ability to fully investigate claims, and the authority to impose substantial corrective action.</p> <p>I am deeply concerned that the changes from the PAC's initial report to the current proposal undermine or remove those three pillars.</p> <p>First, by requiring police to be part of the selection process for the community oversight board, the city is removing even the semblance of independence from the CBPA's mandate. This violates the spirit and letter of the measure passed by Portlanders, and recommended by the PAC.</p> <p>Second, the proposal substantially narrows the scope and scale of CBPA investigations. The proposal removes open hearings, removes the CBPA's ability to investigate the highest levels of authority, and narrows the types of complaints that the CBPA may look into. Under the proposal, systemic issues, corrupt policies, and the semblance of complete transparency are tidily swept under the rug. The CBPA can no longer look into or expose the root causes of corruption should it exist. These investigative changes cannot engender trust with communities if they are fundamentally limited to the most minor aspects accountability.</p> <p>Third, the proposal defangs the CBPA by limiting the mechanisms of judgment and enforcement including both that the chief can no longer be fired and the number of findings has been reduced from the national standard four to two.</p> <p>Finally, transparency is the least that can be asked for. It is foundational to our system of justice and more specifically a large aspect of Portland's settlement with DOJ. It is an explicit obligation to release data on settlements paid out for police misconduct. Restoring that measure into the charter is common-sense. Expanding on that measure would be better. The CBPA should be empowered with staff that can investigate claims fully and access data without police intervention. They should also be given full authority to release that data in the public interest. That they are not, further underscores the revised proposal's divergence from the intent of the PAC and the measure passed by Portland's voters.</p> <p>Please send the proposal back for revision and restore the original language in the PAC report.</p>	No	11/15/23 9:04 AM
964	Sophie	Oppose	<p>The proposed changes fundamentally undermine the will of the voters, which is undemocratic. Portlanders voted for accountability from police, and the proposed change to include police as part of the oversight board would thwart the possibility of accountability. You must respect every single person who voted in favor of accountability and reject this offensive amendment.</p>	No	11/15/23 9:19 AM
964	Heather Siegfried	Oppose	<p>I am opposed to the city attorneys office making changes to the independent police accountability board. These changes would undermine the work of the board that was approved by 82% of the voters. Keep the original plan in place to keep it independent from the police, keep the 33 members and the provision that everyone who files a complaint be assigned a Complaint Navigator from the time they first call in. The changes show a bias towards police and does not reflect the actual wishes of the voters.</p>	No	11/15/23 9:22 AM

Agenda Item	Name or Organization	Position	Comments	Attachment	Created
964	Saff Addams	Oppose	<p>I am writing today to express my disappointment that the Portland City Attorney has seen fit to substantially change the recommendations of the Police Accountability Commission. The members of this Commission were appointed by the City to implement the will of the people for a more effective civilian review process that would hold Portland Police accountable to their own standards of conduct. The changes were made without consulting Commission members and reflect an arrogant attitude toward our community. When the Commission presented its recommendations to Council, the Mayor stated concern that representatives of the Portland Police and former police officers are barred from serving on the Community Police Oversight Board. The whole point of an independent civilian review board is just that—independence from police. The Mayor disagrees with this interpretation; however, it is required by the actual ordinance passed by 82% of Portland voters.</p> <p>The City Attorney’s proposal seeks to do an end run around this provision by requiring that three Police Bureau representatives serve on the committee that is empowered to select members of the Community Board. This proposal violates the spirit if not even the letter of the ballot measure. The people of Portland showed that they want clear daylight between the Police Bureau and the new Community Police Oversight Board.</p> <p>The Police Accountability Commission proposed that everyone who files a complaint be assigned a Complaint Navigator from the time they first call in. The City Attorneys rewrote this so the Navigators aren't assigned until after a preliminary investigation leads to a decision to conduct a full investigation. The reason that the Commission proposed a Navigator from the beginning is to ensure that every person who believes they have experienced police misconduct is communicated with and respected. This provision is very important for regaining trust among Portlanders that the City takes seriously and is supportive of their rights to be respected by the Portland Police.</p> <p>The Police Accountability Commission asked that 5-7 people hear cases, which is the number of people on the current Police Review Board. But the City is saying now it will be three or more people. How do you reflect the diversity of the City with a panel of three?</p> <p>The City Attorney also cut the number of Community Board members down from 33 to 21. The Community Board will be all volunteers and could hear as many as 240 cases a year. A larger Board spreads the workload over more people and is crucial if we want people who have jobs, families, other responsibilities, disabilities, and other constraints on their time available to serve. Why is the City Attorney making it harder for people from marginalized communities to serve on the Board?</p> <p>The City Attorney has removed the ability to file an appeal of complaint decisions (a right est. in 1982 in Portland and key to its previous oversight systems).</p> <p>The City Attorney inserted a prohibition on Board members having an "anti-police bias." This is a very vague term and can be used for political reasons. Is being pro-accountability anti-police? Moreover, the City Attorney has added this statement: "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." Such a clause against "anti-police bias" has caused serious issues in other cities, including Boulder, Colorado.</p> <p>There are other problematic changes proposed by the City Attorney. However, the above list should suffice to convince the Council that rather than tinkering with the Police Accountability Commission’s recommendations, you should approve their recommendations and commit to revisiting this topic only after they have been put in place and tested.</p>	No	11/15/23 9:27 AM

Agenda Item	Name or Organization	Position	Comments	Attachment	Created
964	The Mental Health Alliance	Oppose		Yes	11/15/23 9:29 AM
964	League of Women Voters of Portland	Oppose	Please delay voting until you have considered public comment. Please see file upload. Thank you.	Yes	11/15/23 9:37 AM
964	Kelsey Baker		I strongly do NOT support the changes City Council is making to the Police Accountability Commission. I don't support that City Council is violating the will of the voters by changing language that everyone already approved. It is incredibly frustrating that you all, our elected leaders, continuously undermine the will of the people. We should not have to DEFEND what we have already voted for. Listen to the people, you are accountable to US, not the Portland Police Department or Portland Police Association.	No	11/15/23 9:47 AM
964	Anonymous	Oppose	The city of Portland voted for specific language that doesn't include the police or members of their families on the Accountability Board. The city councils attempt to bastardize this language to create a second council is cowardly. An accountability board for the police is check their racist, cruel, and violent actions. The accountability will not work with police determining who watches over them. The people of Portland oppose these changes and demand a Police Accountability Board without police influence. Black Lives still Matter and they always will.	No	11/15/23 9:49 AM
964	Liz Powers Wells	Oppose	We've been over this. We approved of the language already. Proposed changes would equal less oversight which is not what the voters wanted. We can see what you're doing and we do not approve. So many of us voted for this and to change it up in this way is a slap in the face to voters. Don't do it.	No	11/15/23 9:49 AM
964	Anonymous	Oppose	We did not vote for police oversight from behind closed doors and by people appointed by cops. Vote no! Don't override the will of the voters on this.	No	11/15/23 9:53 AM
964	Anonymous	Oppose	I do not support that you are violating the will of the voters by changing language that we already approved of. It is far past time to hold the Portland police accountable and that cannot be done with a biased board. This attempt to ignore the will of the people is shady at best and evil at worst. Do better.	No	11/15/23 9:56 AM
964	Patricia Garner	Oppose		Yes	11/15/23 9:59 AM
964	Anonymous	Oppose	We need to stick to the original language of the Police Accountability Board. There should not be a second board that allows for unionized officers to be members. This is a blatant conflict of interest and completely antithetical to the intent of a police accountability board. Stick to the original language of the Police Accountability Board measure.	No	11/15/23 9:59 AM
964	Anonymous	Oppose	I voted for 26-217 in 2020. I did not vote for city council to meddle with the proposed text. Pass the recommended police accountability board structure as-is. Please stop subverting the will of the voters here. This has happened several times in the past year. City council has tried to subvert the voters on charter reform, on ranked choice voting, on redistricting, on bike lanes on Broadway, on measure 110. At this point it feels like all city council does is the opposite of what their own constituency voted on. You are all burning your reputation to the ground. You stand for nothing. 82% of voters agreed with 26-217 AS-IS!! DO NOT ALTER IT IN ANY WAY!!!	No	11/15/23 10:05 AM
964	Anonymous	Oppose		No	11/15/23 10:25 AM

I am Carolyn Buppert, president of the League of Women Voters of Portland. We have grave concerns about the City Attorney's proposed code.

We object to taking a vote on the resolution today, before the 30-day public comment period has ended. The public sent a clear message when it approved Measure 26-217. Portlanders want a community-centered oversight system with the independence to do its job free from political and police bureau influence. The City's proposed code undermines that goal. Furthermore, the proposal disrespects the Police Accountability Commission's careful work and will discourage other community members from participating in city boards and commissions.

The League urges you to provide information about the reasoning behind the City's changes. Then use the public's comments to draft a code and settlement agreement amendments more reflective of community input. Then vote in mid-December. We expect the DOJ will overlook the 60-day deadline if the city uses the additional time to confer with the public.

Here are some concerns about the City's proposed code:

1. The right to appeal non-sustained findings in misconduct cases has been eliminated;
2. One third of the nominating committee for board membership will be police;
3. The board could no longer hold open hearings when it is in the public interest;
4. When the board takes a public vote on findings and discipline, it cannot describe the nature of the allegations;
5. It does not require educating the community on the process;
6. And it limits the types of cases the new oversight agency can accept in spite of the fact the City Charter gives the board the authority to investigate other complaints as they see fit.

Please delay voting until the end of the comment period.

Testimony in Opposition to Resolution 964

The Mental Health Alliance opposes several proposed amendments to Section VIII of the DOJ Settlement Agreement. The City cannot effectively counteract unlawful policing if it does not properly form a diverse oversight board. Accordingly, the City Council should build policy in line with the purpose of the agreement, and avoid placing barriers to involvement that would predominantly impact people with lived experience.

- **MHA opposes the requirement that CBPA members participate in a ride-along**
It is unclear how police ride-alongs would clarify procedures for board members. Evaluating whether an officer's conduct aligns with policy should be a matter of looking at the facts of the case, the policies as written, and drawing from expertise acquired during the training process. In addition to being unnecessary, a ride-along could easily deter people with lived experience of mental illness or trauma disorder from participating on the board. The settlement agreement calls for community inclusion and oversight; a diverse board aligns with the agreement, and the City should avoid placing unnecessary burdens on community members who may be unwilling to participate in a ride along, but who are otherwise willing and able to be active, informed, and dutiful members of the board.
- **MHA opposes for-cause removal on the basis of "objective demonstration of bias for or against the police"**
A vague prohibition against bias could too easily be used to remove members who have lived experience with mental illness and members from other marginalized communities disproportionately affected by police misconduct. Board members should be assessed based on how well they are performing their duties. If bias is so severe that it interferes with the function of the board, then there would presumably be an independent basis for their removal. MHA recommends removing this basis for removal entirely. If not removed, the city should at least provide objective criteria for making a determination of bias.
- **MHA opposes the catch-all requirement that members meet "other qualifications as determined appropriate by City Council"**
We recognize the need for some flexibility in setting qualifications for board members, but this amendment should have more specific language as to how the appropriateness of these after-determined qualifications could be assessed.
- **MHA opposes the catch-all basis for for-cause removal**
We recognize the need for some flexibility in setting bases for removal, but this

amendment should have more specific language clarifying the scope of the City's power to create new reasons for removal.

The Mental Health Alliance additionally opposes several changes to the City Code.

- **MHA opposes changes to the city code that are identical, or substantially similar, to the proposed amendments to the settlement agreement listed above.**
- **MHA opposes requiring representatives from the PPB, PPA, and PPCOA to be on the CBPA appointment committee**

Such a prominent police presence on the appointment committee threatens the aims of the measure to create a board that is genuinely independent from the police. MHA stands with and urges the City to listen to PAC members, those who helped develop Measure 26-217, and many other vocal community members who oppose this change to the City Code.

Thank you.

Signed,

Meredith Mathis, JD

On behalf of the Mental Health Alliance

November 15, 2023

While I am a member of the League of Women Voters of Portland, Oregon, I am writing this letter on a personal basis only.

I am writing to object to the Council's voting on the City Attorney's proposed Code changes regarding scheduled to be heard today.

Firstly, the public should be afforded the full 60-day period to comment on these proposals, rather than 30 days prior to a vote. It is difficult to believe that the US Department of Justice will object to this delay given that it is predicated on receiving public comment and the delay is a limited one, particularly in the context of how long the Justice Department has been exercising jurisdiction in this area.

Secondly, it appears that the proposed Code changes removes the PAC's recommendation for the provision of a complaint navigator no later than at the determination by the OCPA to conduct a full investigation. This is a significant revision and violates the underlying purpose of the Charter Amendment 26-217 which was to organize an independent community police oversight board which would promptly, fairly and impartially investigate complaints made regarding Portland Police Bureau sworn employees and supervisors. The Community Board for Police Accountability's Recommendation essentially levels the playing field between community members and the often confusing governmental investigative processes. A complaint navigator would also provide increased efficiency and clarity to the OCPA as it investigates complaints.

Respectfully submitted,

Patricia Garner
Portland, Oregon

Agenda Item	Name or Organization	Position	Comments	Attachment	Created
964	Sara Rudolph	Oppose	Stop trying to undermine the will of the voters. Enact this as passed, bring real accountability to our corrupt, murderous police. It makes no sense to allow the police union to run the city, especially when they're already under federal oversight.	No	11/15/23 10:34 AM
964	Anonymous	Oppose	I don't support the changing of language within already voted upon measures in order to obstruct what the voters need.	No	11/15/23 10:37 AM
964	Johannah Larsen	Oppose	The Police cannot police themselves! The proposed changes to the Police Accountability Board (allowing any police union members or family on the existing board or a separate board) would completely corrupt and invalidate the whole purpose of the Police Accountability Commission. The voters of Portland have already agreed on what we think is a fair Board setup to keep the Police in check for improved ethics and public safety.	No	11/15/23 10:38 AM
964	Linda Nettekoven	Oppose	Agenda item 964 represents a series of long awaited and highly significant changes to our city's system for police accountability. Yet the community's only chance to comment on the Settlement Agreement and related code comes at the 11th hour. Please provide at least an additional 30 days for public comment. You appointed a diverse community task force representing a broad range of knowledge & experiences. Yet although that group successfully reached consensus on a set of recommendations, you are prepared instead to adopt an agreement that eliminates or severely modifies a number of those recommendations with no real opportunity for the community to understand the rationale for these changes. I am becoming more and more disillusioned with what public engagement has come to mean in this City. Thank you for considering my comments.	No	11/15/23 11:03 AM
964	Curt Allan	Oppose	The current effort to undermine the will of 80+% of the voters by reworking the Police Accountability Commission's plan is astonishing and infuriating. Not surprised as the City Council has proven again and again that they are more beholden to the Police Union than their constituents. Still, the level of hubris is ridiculous.	No	11/15/23 11:08 AM
964	Anonymous	Oppose	I oppose circumventing the legislation already endorsed by voters. The police oversight committee must not be selected by police members or their union representatives. It is imperative that this counsel include citizen perspectives, especially including those that have had negative interactions with police.	No	11/15/23 11:15 AM
964	Michael O'Neill	Oppose		No	11/15/23 11:19 AM
964	Anonymous	Oppose	This measure violates the will of Portland voters. PPB needs oversight. Just this week my friend was hit by a drunk driver in her vehicle, he tried to flee the scene, and the PPB officer that responded didn't write a police report, breathalyze the obviously intoxicated driver or issue a ticket. Allowing him to continue to drive off after harming others. Nice. That's the second friend of mine in an accident where the PPB officer was not helpful. The last one, when asked to issue a police report, told my friend (the victim of the accident).. "you wanted to defund us, so I don't have time for this". Very concerning. The community does not feel safe or supported by the PPB.	No	11/15/23 11:25 AM
964	Anonymous	Oppose		Yes	11/15/23 11:30 AM

I am writing today to express my disappointment that the Portland City Attorney has seen fit to substantially change and discount the recommendations of the Police Accountability Commission. The members of this Commission were appointed by the City to implement the will of the people for a new and more effective civilian review process that would hold Portland Police accountable to their own standards of conduct.

The changes were made without consulting Commission members and reflect an arrogant attitude toward our community. When the Commission presented its recommendations to Council, the Mayor expressed concern that representatives of the Portland Police and former police officers are barred from serving on the Community Police Oversight Board. The whole point of an independent civilian review board is just that—independence from the police. The Mayor disagrees with this interpretation; however, it is required by the actual ordinance passed by 82% of Portland voters.

The City Attorney's proposal seeks to do an end run around this provision by requiring that three Police Bureau representatives serve on the committee that is empowered to select members of the Community Board. This proposal violates the spirit if not even the letter of the ballot measure. The people of Portland signaled that they want clear daylight between the Police Bureau and the new Community Police Oversight Board.

The Police Accountability Commission proposed that everyone who files a complaint be assigned a Complaint Navigator from the time they first call in. The City Attorneys rewrote this so the Navigators aren't assigned until after a preliminary investigation leads to a decision to conduct a full investigation (although a Navigator can be assigned earlier if staff decides it is appropriate). The reason that the Commission proposed a Navigator from the beginning is to ensure that every person who believes they have experienced police misconduct is communicated with and respected. This provision is very important for regaining trust among Portlanders that the City takes seriously and is supportive of their rights to be respected by the Portland Police.

The Police Accountability Commission asked that 5-7 people hear cases, which is the number of people on the current Police Review Board. But the City is saying now it will be three or more people. How do you reflect the diversity of the City with a panel of three?

The City Attorney also cut the number of Community Board members down from 33 to 21. The Community Board will be all volunteers and could be hearing as many as 240 cases a year. A larger Board spreads the burden of the work over more people and is especially important if we want people who have jobs, families, other responsibilities, disabilities, and other constraints on their time available to serve. Why is the City Attorney making it more difficult for people from marginalized communities to serve on this Board?

The City Attorney has removed the ability to file an appeal of complaint decisions (a right established in 1982 in Portland and key to its previous oversight systems).

The City Attorney inserted a prohibition on Board members having an "anti-police bias." This is a very vague term and can be used for political reasons. Is being pro-accountability anti-police? Some would say so. Moreover, the City Attorney has added this statement: "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." Such a clause against "anti-police bias" has caused serious issues in other cities, including Boulder, Colorado.

There are other problematic changes proposed by the City Attorney. However, the above list should be enough to convince the Council that rather than tinkering with the Police Accountability Commission's recommendations—which were done in consultation with the community and with experts in the field of police accountability—you should approve their recommendations and commit to revisiting this topic only after their recommendations have been put into place and tested.

Agenda Item	Name or Organization	Position	Comments	Attachment	Created
964	TJ Browning	Support with changes	Once again, the proposed police oversight system has no required budget oversight. The only oversight in this proposal is of procedure and process, not budget. The 4 time increase in the new oversight budget amounts to over \$12 million! This is a volunteer, citizen driven process, financial oversight is not only needed, but should be required. This expensive oversight system needs an independent ongoing citizen lead budget review committee similar to current Bureau Advisory Committees (BAC). The city auditor can only audit a few agencies or bureaus every year, this is not adequate. With the ever-increasing costs of the charter reform, combined with the budget increase to police oversight, city finances are going to be stretched thin. Portland cannot afford to waste any money. A \$12 million dollar budget needs not only process and procedure oversight but also monetary oversight.	No	11/15/23 11:38 AM
964	Anonymous	Oppose	Hello. I do not support changing the language of measures that have already been voted on in order to obstruct what the voters need. I voted for the measure using the original language. Please do right by your constituents and move forward with the measure as it was written.	No	11/15/23 11:46 AM
964	Anonymous	Oppose	An *independent* police oversight board was wildly popular with voters less than five years ago. Why would you try to undermine the will of the voters you were elected to represent?	No	11/15/23 11:57 AM
964	Jude	Oppose	I oppose the proposed changes to the measure's language that was voted on 3 years ago. The new proposed language changes what the measure intended to address and it's saddening to see our political leaders trying to find/add loopholes that go against the voters will. Please represent your constituents with integrity and do not move forward with the proposed language change.	No	11/15/23 11:57 AM
964	Holly Ramella	Support with changes	My name is Holly Ramella and I am a Portland resident in the Parkrose neighborhood. I want to voice my opposition to the proposed resolutions that contradict the 82% of voters and divert leadership to the city's attorney. The PAC did its job completing their report and the council should honor the findings without such significant modifications. The community deserves to feel confident in their ability to hold PPB accountable.	No	11/15/23 12:04 PM
964	Yeondae (Collective of Asian adoptees)	Oppose	We are, again, disappointed that this city council would attempt to undermine the will of the people by changing the language of our voter approved measure for police accountability. Also, this commission had worked hard for years to roll out a thoughtful process, and the public deserves the right to assess it ourselves when it is full enacted.	No	11/15/23 12:05 PM
964	Anonymous	Oppose	WHY are we wasting time and money on this??? YOUR constituents voted overwhelmingly to create a Police Accountability Commission and already approved the language. Since this will probably end up in court, 82% of YOUR constituents will support all the rot under the rug being exposed in the process.	No	11/15/23 12:07 PM
964	Anonymous	Oppose	This violates the will of the voters and the language that's already been voted on and approved of by a significant majority.	No	11/15/23 12:07 PM
964	ACLU of Oregon	Oppose		Yes	11/15/23 12:15 PM
964	Anonymous	Oppose	This is directly against what the people voted for, and violates what majority of voters have already approved. Absolutely unacceptable.	No	11/15/23 12:17 PM
964	Anonymous	Oppose	This directly is in contradiction of what 80% of Portland voters voted on years ago. Do not approve this agenda item. Shame on city council members for attempting to edit language that was approved years ago.	No	11/15/23 12:17 PM



November 15, 2023

City of Portland Council
1200-1220 SW 5th Ave.
Portland, Oregon 97204

**RE: Testimony in Opposition to Proposals that will weaken implementation of the
Community Police Oversight Board, Measure 26-217**

Commissioners Rubio, Ryan, Mapps, and Gonzalez and Mayor Wheeler,

My name is Sandy Chung, and my pronouns are she and her. I am the Executive Director of the American Civil Liberties Union of Oregon (ACLU of Oregon). We are a nonpartisan, nonprofit organization dedicated to defending and enhancing civil liberties and civil rights, with more than 27,000 members statewide.

I am here today to oppose Agenda Item 964. Agenda Item 964 contains steps that would weaken Measure 26-217, the measure that was adopted by more than 81% of Portland voters to create a Community Police Oversight Board with the powers and structure needed to create necessary police accountability in our City. We vigorously oppose any steps by the City to rollback or weaken the implementation of Measure 26-217.

- **Portland Police has a long history of racist misconduct and violence towards Black and brown community members**

In 2020, the people of Portland took to the streets for 100 straight days to protest systemic racism and white supremacy – because police misconduct and violence towards Black people is unjust, immoral, and must be stopped.¹

The following are some of the many examples of PPB's racist misconduct and violence towards Black community members:

¹ <https://www.koin.com/news/special-reports/a-brief-history-of-african-americans-killed-by-ppb/>;
<https://www.opb.org/article/2021/02/23/police-shooting-quanice-hayes-settlement/>

- In 1981, Portland police racially harassed Black restaurant owners by leaving dead possums in front of the restaurant.²
- In 1985, Portland police killed Lloyd “Tony” Stevenson with a sleeper chokehold. In response to public outrage about the murder of Mr. Stevenson, Portland police officers responded by selling t-shirts at a precinct parking lot with an image of a smoking handgun and the words, “Don’t Choke ‘Em, Smoke ‘Em.”³
- In 2003, Kendra James was gunned down by Portland police during a traffic stop.⁴
- In 2010, Aaron Campbell was shot in the back and killed by Portland police during a welfare check.⁵
- In 2017, Quanice Hayes was shot and killed by Portland police with an AR-15 rifle while he was on his knees with his arms raised.⁶
- In 2017, Portland police officers helped West Linn police officers harass Michael Fesser by wrongfully arresting him.⁷ What did Michael Fesser do? He had raised concerns about unlawful discrimination at work. Mr. Fesser’s boss was afraid that Mr. Fesser would sue for unlawful discrimination so he had his “fishing buddy” at West Linn police work with Portland Police Officers to arrest Mr. Fesser.⁸
- In 2019, Andre Gladen, a legally blind man with mental health needs, was killed by Portland police.⁹
- In 2022, Immanuel Jaquez Clark-Johnson was fatally shot in the back by Portland police with an AR-15 rifle.¹⁰

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<https://www.washingtonpost.com/history/2020/10/30/portland-police-burger-barn-possums-teressa-raiford/>

3

<https://www.wweek.com/news/2016/04/20/its-been-31-years-since-lloyd-tony-stevenson-was-killed-by-portland-police-at-age-31/>;

<https://www.rollingstone.com/politics/politics-features/portand-oregon-police-brutality-history-1027677/>

⁴ <https://www.rollingstone.com/politics/politics-features/portand-oregon-police-brutality-history-1027677/>

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<https://www.oregonlive.com/crime/2021/01/portland-police-shooting-of-aaron-campbell-in-2010-under-scrutiny-by-international-commission.html>

⁶ <https://www.opb.org/article/2021/03/11/portland-settlement-police-killing-quanice-hayes/>

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<https://www.oregonlive.com/crime/2021/03/portland-police-unwittingly-helped-arrest-a-man-based-on-a-deeply-flawed-criminal-investigation-review-of-michael-fesser-case-finds.html>

⁸ <https://www.washingtonpost.com/nation/2020/02/18/oregon-discrimination-arrest/>

⁹ <https://www.opb.org/news/article/grand-jury-transcript-portland-officer-shooting-andre-gladen/>

¹⁰ <https://www.mcda.us/wp-content/uploads/2023/09/OIS-Memo.Clark.Johnson.pdf>

- Portland Police continue to target Black and brown drivers at disproportionate rates, even after the City and Portland Police Department have been put on notice about this racially disparate practice.¹¹

This is not a full history of the harm, harassment, violence, and death that the Portland Police Department has inflicted on Black and brown people. Nonetheless, these slices of history demonstrate that the Portland Police has a long and continuing history of intimidating, harassing, harming, and killing Black people without accountability. It is important that the City of Portland remember and act on this history and continuing reality.

- **In 2020, more than 81% of Portland voters adopted Measure 26-217 in order to create more accountability for Portland Police**

In 2020, more than 81% of Portland voters adopted Measure 26-217. The measure amended the City's charter to establish a Community Police Oversight Board and to provide it with the resources and powers needed to be effective.

Portland City Council appointed 20 community members to the Police Accountability Commission (PAC) to help implement Measure 26-217. PAC spent almost two years putting together its implementation recommendations for the City – focusing their recommendations on the important goal of ensuring that the spirit, intent, and purpose of Measure 26-217, as adopted by voters, is honored during implementation.

The City Attorney's Office has taken PAC's implementation recommendations and altered important parts, resulting in the spirit, intent, and purpose of Measure 26-217 being undermined. For example:

- **The City Attorney's proposal creates dangerous conflicts of interest on the nominating committee:** The proposed requirement that three police representatives serve on the nominating committee creates harmful conflicts of interest on the nominating committee which in turn undermines the overall effectiveness of the Community Police Oversight Board.
- **The City Attorney's proposal is likely to exclude people with relevant lived and work experience from serving on the Community Police Oversight Board:** The proposed City code language prohibits any person from Oversight Board service if they have a demonstrated "bias for or against law enforcement." This language may be manipulated to exclude community members from serving if they or loved ones have directly-relevant lived and work experiences involving police misconduct or violence. However, these are the experiences that are needed to make government and police more accountable to

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<https://www.oregonlive.com/crime/2023/02/report-black-hispanic-or-latino-drivers-still-more-likely-to-be-stopped-by-portland-police-than-white-drivers.html>

the communities that disproportionately experience police misconduct and violence – including people of color, low-income, and disabled communities. The City Attorney’s changes also exclude houseless people from consideration for Board service even though houseless people also experience disproportionate rates of police misconduct and violence.

- **The City’s Attorneys proposal undermines the transparency of the Community Police Oversight Board:** The City Attorney’s proposals requires that the substance of allegations of misconduct or violence be hidden during Board hearings; however, there is no need for the substance of allegations to be hidden when the names of officers are already anonymized. Also, as noted by the Oregonians, a major change would move most investigative hearings to closed-door executive sessions which also would undermine the transparency of the Oversight Board’s processes and decisions.

These are only some of multiple concerns that we have about the City Attorney’s proposed changes. Community members who served on the PAC, including Dan Handelman who previously testified, can share more detailed information about how the City Attorney’s proposed changes undermine the effectiveness of Measure 26-217’s implementation.

We urge City Council to take the following steps so that Measure 26-217 is implemented effectively and the spirit, intent, and purpose of the Measure as adopted by voters is honored:

1. Instead of voting on Agenda Item 964 today, please send this back to the City Attorney and request that they work with the Police Accountability Commission to identify and resolve detrimental deviations.
2. Inform the U.S. Department of Justice and the Federal District Court about the work that is being done to resolve the differences between the PAC’s recommendations and City Attorney’s proposals.

Previously, regarding Measure 26-228, Mayor Wheeler stated, “Do we trust the will of the voters or don’t we? And even though I don’t uniformly like the outcome of the last election, it was the clearly stated will of the voters. This is not the opportunity for elected officials to tell the public how we think they should be governed.”

Consistent with this fundamental democratic value of trusting and honoring the will of voters, the ACLU of Oregon urges City Council to take next steps to ensure that Measure 26-217 is implemented effectively and not undermined.

Thank you,
Sandy Chung
Executive Director
ACLU of Oregon

Agenda Item	Name or Organization	Position	Comments	Attachment	Created
964	Anonymous	Oppose	This would violate the will of the voters by attempting to change the language that an overwhelming majority of us already approved.	No	11/15/23 12:20 PM
964	Anonymous	Oppose		No	11/15/23 12:20 PM
964	Hollie Babson	Oppose	The voters overwhelmingly came out in support to the original language of the measure for police oversight written by the Police Accountability Commission. The changes proposed run counter to the desire of voters. We didn't vote for a hastily proposed solution. The wording and the way it was set up was to enable citizens to seek accountability in a seamless manner and in front of a board of citizens not affiliated with the police union. This process took two years and was unanimous in voting for the final wording. The proposed changes directly violate the intent of this voter approved measure. The nomination committee should stay independent and not consist of members of law enforcement or the police union. It presents a conflict of interest and violates the spirit of the law passed. Another change involves having a complaint navigator and changes to when one is assigned. We need to keep the original wording to have one assigned immediately. I'm also against changing the appeals process wording. We need to stick to the original language. Having one system in place is better for citizens, including the right to appeal an early dismissal. Lastly, having a thirty day open comment period after today does nothing if the city attorney doesn't have to come back to report to city council before instituting changes. This smacks of little regard for the will of the people who voted as well as for citizens who will need to use this system.	No	11/15/23 12:25 PM
964	Taylor Harrison	Oppose	<p>Hello,</p> <p>I would urge the council to oppose any changes to the measures language. Citizens of Portland already voted on this item and to make changes to the bill at this point feels like pulling a fast one on your constituents. To ignore your citizens bias against police and disallow them to speak on police accountability seems to go directly against the very idea of accountability. It is unfortunate that we as citizens of this city have to work so hard to have our voices heard and even after we work so hard our needs are wholly disregarded.</p> <p>My close friends were affected by tear gas used by Portland Police while on their front porch. They had not participated in the protest yet were exposed to the tear gas anyways. It seems to me that a testimony like that would be a perfect example to examine and hold the police accountable for, yet the changes in language would disqualify my friends from having the opportunity to speak on police accountability. That makes no sense to me.</p> <p>Again I urge you to discard any changes to the language of measure 964</p>	No	11/15/23 12:25 PM
964	Tirsa O	Oppose	My name is Tirsa Orellana and I was a member of the Police Accountability Commission. Numerous of hours went into creating recommendations for the new oversight board. We spent hours attending public meetings, we listened to the community, we spoke and researched other jurisdictions, all which all allowed us to bring forward recommendations for a new oversight system that aims to be community focused. It is quite discouraging to see city councils proposal. I joined this commission because of my lived experiences as first generation woman of color who was raised in an over-policed community. This work is meaningful to me and quite frankly the response of city council is dismissive of my expereinces. I urge you to listen to the community and not vote on this matter today. We need a new oversight system that is primarily community led and works towards building trust in our community. Your new proposal is not what the community needs. Please revise the recommendations brought forward by the Police Accountability Commission.	No	11/15/23 12:29 PM

Agenda Item	Name or Organization	Position	Comments	Attachment	Created
964	Anonymous	Oppose	The most important thing about the police oversight board that 82% of us voted for is that it must be independent. It cannot be yet another toothless committee where PPB and PPA can exert their outsized influence. These proposed changes will do just that, and are yet another recent example of this council telling voters that they know better and can ignore the community they're supposed to represent.	No	11/15/23 12:29 PM
964	Anonymous	Support	This measure was overwhelmingly approved of by voters to improve accountability - changes now much less in the public view will only serve to relax accountability of a unchecked police union. Approve as is.	No	11/15/23 12:31 PM
964	Michelle DuBarry	Oppose	Please do not undermine the will of the voters who voted overwhelmingly for an independent police accountability board.	No	11/15/23 12:33 PM
964	Anonymous	Oppose	We voters have overwhelmingly supported the existing language.	No	11/15/23 12:39 PM
964	Anonymous	Oppose	Portland voters were clear about what they want the police accountability commission to look like. Do not subvert the will of the community by changing the already approved language of this measure.	No	11/15/23 12:40 PM
964	Jana, MSW student	Oppose	I deeply disagree with the Portland City Attorney to change the language for the Police Accountability Commission. The language for this DOES NOT need to be changed. We already voted on this, and 84% of Portlanders already agreed what we want, and we want to hold police accountable for their actions. This change would allow more room for them not to be held accountable for their actions. If we were to change the language, such as having an "anti police bias", this would harm black, brown, native, and poor people, who are already disproportionately and negatively impacted by the police. I deeply oppose this change.	No	11/15/23 12:41 PM
964	Brian M. Owendoff	Support		Yes	11/15/23 12:42 PM
964	Anonymous	Oppose	Portland voters passed with 82% support a system providing independent and transparent police accountability. This proposal undermines the will of the voters by removing key parts of the accountability that is needed to redress the failings of the police to respect civil rights of people they interact with. Who do you work for? Do you work for the the people who live in Portland who said they want accountability? Or do you work for the police union who represents officers who keep costing us money with settlements for their bad behavior, most of whom cannot vote for you because they don't live in Portland?	No	11/15/23 12:44 PM
964	Eli Duke	Oppose	This is not what the people voted on! Do not violate the voice of the people.	No	11/15/23 12:46 PM
964	Anonymous	Oppose	This is directly undermining the will of the voters. We want police accountability which can't be determined by you adding a hurdle for citizens of Portland to be on the board. Stop watering down the will of the voters to find and end corruption.	No	11/15/23 12:48 PM
964	Erin	Oppose	The notion of having police oversee themselves completely defeats the purpose of an oversight committee. What gains we might have achieved from having a separate entity ensure that PPB followed their own regulations and laws would be completely lost. To believe that the PPB would not use this position to further their own interests rather than safeguard the interests of the citizens of Portland is downright blind. The whole reason for having an oversight committee is the lack of trust for the PPB, handing them the reigns to regulate themselves is so far beyond any level of trust they may have established with the community currently. I do not think this is a wise decision, even if rulings are made in earnest they will still be under the skepticism of the people as the ruling bodies would ultimately still be the police, the agency of issue in this case.	No	11/15/23 12:53 PM
964	Julia Fritz-Endres	Support		Yes	11/15/23 12:57 PM
964	Anonymous	Oppose		Yes	11/15/23 12:58 PM

Brian Owendoff: Police Accountability Committee Testimony
Portland City Council
November 15, 2023

Good afternoon Mayor and City Commissioners. I am Brian Owendoff and I have lived and worked in Portland for over 15 years, including raising our three children who all attended PPS. I have been active in leadership positions in the commercial real estate industry, nonprofit, cultural and minority mentorship boards over my 30+ year career.

The highest duties of government, and therefore the police, are to safeguard freedom, to preserve life and property, to protect the constitutional rights of citizens and maintain respect for the rule of law by proper enforcement thereof, and, thereby, to preserve democratic processes in our Constitutional Republic.

During the heightened emotions of the racial justice movement in Portland surrounding the death of George Floyd, Jo Ann Hardesty pushed forward city charter changes to create a new police oversight board, even though there were already three police oversight committees that were performing this oversight function.

Many have realized that the committee tasked with creating the new oversight board was staffed with quite a few people significantly biased against the police. From this committee the City received 96-pages of proposed city code changes that would be punitive toward legitimate policing and cause even more hiring and retention problems. The City Attorney has paired down these changes to 27-pages, and included such common sense measures as prohibiting board members with a bias against law enforcement, reducing the board size from 33 to 21 members, including a nominating committee with police representation, and requiring members to receive instruction on the Police Bureau's training and policies.

This ordinance will only be appropriate if there were a change in composition of oversight committee to ensure broader representation from the PPB, the Union, Business groups, and neighborhood associations and protocol to insure that

taxpayer money is being efficiently deployed to benefit Portlanders, both housed and houseless.

The best way to assure adequate representation on the oversight board is to have a selection process through a committee that would represent the city fairly, including PPB representatives. The final appointments would be made by the city council. At this moment, pragmatically, the PAC is choosing the transition team that will choose the oversight board.

I asked in September that the Council significantly modify the PAC's recommendations as they are out of sync with most law abiding, tax paying Portlanders. At minimum, there needs to be significant changes to align with attracting and retaining more police officers, not less. Less officers will result in more rampant crime. This will result in more businesses and high net worth earners leaving Multnomah County, further reducing tax collection to fund government services.

Based on the revision, the current draft is more fair to ensure accountability for taxpayer dollars to benefit all Portlanders and Portland businesses whose taxes fund our local government. While not perfect, it is better. Let's not let perfect get in the way of better.

In my opinion, this is one of the best City Councils in 15 years in Portland. Your decision today will set the stage for our City to recover and create opportunities for all Portlanders. I fully support the revised PAC structure. Thank you for your time and consideration.

Julia Fritz-Endres
Portland, OR 97232

I am writing to Mayor Ted Wheeler and the Portland City Council today, Wednesday, Nov 15, 2023, re: City Council hearing agenda item 964, **urging you to approve the Community Board for Police Accountability Report as written by the Police Accountability Commission.**

In 2020, 82% of Portlanders voted in favor of a Community-led Police Oversight Board through Measure 26-217. By voting for this measure, Portlanders overwhelmingly voted for more oversight of the Portland Police, and for that oversight to be community-led — the core functionality of the measure.

I **do not** support any efforts by the City Council to amend the Police Accountability Report as written by the Police Accountability Commission, including City Council's proposed amendments that would require three police representatives to screen the Oversight Board's members — as this would create a deeply unethical conflict of interest. I also **do not** support City Council's proposed amendments to make hearings of investigations into police misconduct closed-door, to remove the public's ability to appeal complaint decisions, and to delay public access to complaint navigator options.

Portlanders need community oversight of the Police to begin the process of Police accountability, and for that community oversight to be just that - done *by* the community, *not* by the Police. Portlanders need a City Council and Mayor who honor the will of voters, and do not propose amendments such as these being proposed re: the Police Accountability Report that **go directly against the will of voters**, and therefore erode our democracy.

Again, I urge you to approve the Community Board for Police Accountability Report as written by the Police Accountability Commission. Thank you for your time.

Julia Fritz-Endres

I am writing today to express my disappointment that the Portland City Attorney has seen fit to substantially change and discount the recommendations of the Police Accountability Commission. The members of this Commission were appointed by the City to implement the will of the people for a new and more effective civilian review process that would hold Portland Police accountable to their own standards of conduct.

The changes were made without consulting Commission members and reflect an arrogant attitude toward our community. When the Commission presented its recommendations to Council, the Mayor expressed concern that representatives of the Portland Police and former police officers are barred from serving on the Community Police Oversight Board. The whole point of an independent civilian review board is just that—independence from the police. The Mayor disagrees with this interpretation; however, it is required by the actual ordinance passed by 82% of Portland voters.

The City Attorney's proposal seeks to do an end run around this provision by requiring that three Police Bureau representatives serve on the committee that is empowered to select members of the Community Board. This proposal violates the spirit if not even the letter of the ballot measure. The people of Portland signaled that they want clear daylight between the Police Bureau and the new Community Police Oversight Board.

The Police Accountability Commission proposed that everyone who files a complaint be assigned a Complaint Navigator from the time they first call in. The City Attorneys rewrote this so the Navigators aren't assigned until after a preliminary investigation leads to a decision to conduct a full investigation (although a Navigator can be assigned earlier if staff decides it is appropriate). The reason that the Commission proposed a Navigator from the beginning is to ensure that every person who believes they have experienced police misconduct is communicated with and respected. This provision is very important for regaining trust among Portlanders that the City takes seriously and is supportive of their rights to be respected by the Portland Police.

The Police Accountability Commission asked that 5-7 people hear cases, which is the number of people on the current Police Review Board. But the City is saying now it will be three or more people. How do you reflect the diversity of the City with a panel of three?

The City Attorney also cut the number of Community Board members down from 33 to 21. The Community Board will be all volunteers and could be hearing as many as 240 cases a year. A larger Board spreads the burden of the work over more people and is especially important if we want people who have jobs, families, other responsibilities, disabilities, and other constraints on their time available to serve. Why is the City Attorney making it more difficult for people from marginalized communities to serve on this Board?

The City Attorney has removed the ability to file an appeal of complaint decisions (a right established in 1982 in Portland and key to its previous oversight systems).

The City Attorney inserted a prohibition on Board members having an "anti-police bias." This is a very vague term and can be used for political reasons. Is being pro-accountability anti-police? Some would say so. Moreover, the City Attorney has added this statement: "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." Such a clause against "anti-police bias" has caused serious issues in other cities, including Boulder, Colorado.

There are other problematic changes proposed by the City Attorney. However, the above list should be enough to convince the Council that rather than tinkering with the Police Accountability Commission's recommendations—which were done in consultation with the community and with experts in the field of police accountability—you should approve their recommendations and commit to revisiting this topic only after their recommendations have been put into place and tested.

Regards,

Lisa San Gabriel

Portland, OR 97211

Agenda Item	Name or Organization	Position	Comments	Attachment	Created
964	Anonymous	Oppose	I'm scared if the police. They don't serve our community. Crime is going up and more needs to be done differently. Listen to your city, less cops, more oversight, please.	No	11/15/23 1:00 PM
964	Anonymous	Oppose		No	11/15/23 1:01 PM
964	Lynn Handlin	Oppose	<p>My name is Lynn Handlin I live and work in Outer SE Portland. I oppose the City Council's efforts to gut the Police Accountability Commission's plan. 82% of the voting public approved the measure, and they/we expect it to be implemented fully. The City's watering down efforts or really offensive and are counter to the spirit of the measure. Why on earth are you all doing this? To allow the police to continue their very bad behavior with nowhere near enough oversight is just wrong. I witnessed my close friend being tear gassed and pepper sprayed during a protest. He was nonviolent, armed with only a camera and one officer sprayed him in the face while others held him. He is a veteran and over 70 years old. Nothing happened to any of the police involved. This was just one of many problems I have witnessed with police.</p> <p>The changes give more power back to the police. There were many very good reasons for this measure and your proposed changes are spitting in the face of the 82% that voted for. Tell your attorney's to keep their hands off this.</p> <p>One of the many issues with your changes is putting police officers and former officers on a board to choose the board, which subverts the spirit of the law which was to keep police from overseeing the police. No foxes in this hen house please! And No closed hearings, they need to be public.</p> <p>There are many other problems with these changes.</p> <p>Hands off the Police Accountability Commission's recommendations.</p> <p>Thank you Lynn Handlin</p>	No	11/15/23 1:03 PM
964	Anonymous	Oppose	This goes against the will of the voters and the language that's already been established by a voted majority	No	11/15/23 1:10 PM
964	Tirsa Orellana	Oppose	My name is Tirsa Orellana and I was a member of the Police Accountability Commission. Numerous or hours went into creating area of agreement on best practices for a new oversight board. Aside from attending public meetings, we heard from the community, we spoke and researched other jurisdictions and brought forward recommendations for a new oversight system that was community focused. It is quite discouraging to see city councils proposal. I joined this commission because of my lived experiences as first generation woman of color who was raised in an over-policed community. This work is meaningful to me and quite frankly the response of city council has caused emotional stress. Please revisit the recommendations brought forward by the Police Accountability Commission and not take a vote on this today.	No	11/15/23 1:10 PM
964	Anonymous	Oppose	Changing the wording that Portlanders voted on previously is explicitly going against the will of the people and democracy.	No	11/15/23 1:11 PM
964	John C Meyers	Oppose	I voted for the oversight board the way it was presented on the ballot. I do not appreciate my vote being undermined nor do I appreciate PPA trying to weasel their way onto the board that is supposed to oversee them.	No	11/15/23 1:13 PM
964	Anonymous	Oppose	I vehemently oppose the altering of this policy that the people of Portland voted for. The proposed changes will drastically alter the intent of the police oversight commission that was voted for. Police accountability is clearly a need in Portland.	No	11/15/23 1:16 PM

Agenda Item	Name or Organization	Position	Comments	Attachment	Created
964	Rachel Freifelder	Support with changes	<p>I support the Police Accountability Commission and their measure submitted on September 21, 2023. I oppose the Council's changes. Please adopt the measure as written, by the Commission, without amendment or dilution. The original mandate for crafting this measure was overwhelmingly passed by Portland voters, 82% of the public vote. The measure as written represents years of hard work by the police accountability commission. The breadth and diversity of the PAC has led to a measure that already shows collaboration and compromise to serve those diverse positions. Eleventh-hour amendments that weaken the measure dishonor that work.</p> <p>Portland is known nationally and internationally as a leader in the movement towards a more just and sustainable world. The multiple abuses by police of Portland citizens, especially Black, brown and poor residents, stand in stark contrast to that image. This measure is an an opportunity to live up to that reputation and create a more just path forward.</p> <p>Furthermore, I hold a deep concern for the opacity of the public process around this measure. Agenda item 964, as written, refers to the measure so indirectly that many citizens have been confused as to what it means. In particular, based on reading the testimony of others as well as speaking directly with other concerned citizens, I observe that people are unclear whether to check the box for "Support", "Oppose" or "Support with Changes" even if they are clear what views they hold. Yesterday, a friend spent the entire day calling and emailing the clerk's office trying to get this question answered. She was also unable to find the full text of the measure on the City's website. This type of confusion undermines our supposedly democratic process. It is my sincere hope that the Council will seriously consider the content of every comment, regardless of what box was checked.</p>	No	11/15/23 1:17 PM

Agenda Item	Name or Organization	Position	Comments	Attachment	Created
964	Anonymous	Oppose	<p>I am writing today to express my disappointment that the Portland City Attorney has seen fit to substantially change and discount the recommendations of the Police Accountability Commission. The members of this Commission were appointed by the City to implement the will of the people for a new and more effective civilian review process that would hold Portland Police accountable to their own standards of conduct.</p> <p>The changes were made without consulting Commission members and reflect an arrogant attitude toward our community. When the Commission presented its recommendations to Council, the Mayor expressed concern that representatives of the Portland Police and former police officers are barred from serving on the Community Police Oversight Board. The whole point of an independent civilian review board is just that—independence from the police. The Mayor disagrees with this interpretation; however, it is required by the actual ordinance passed by 82% of Portland voters.</p> <p>The City Attorney's proposal seeks to do an end run around this provision by requiring that three Police Bureau representatives serve on the committee that is empowered to select members of the Community Board. This proposal violates the spirit if not even the letter of the ballot measure. The people of Portland signaled that they want clear daylight between the Police Bureau and the new Community Police Oversight Board.</p> <p>The Police Accountability Commission proposed that everyone who files a complaint be assigned a Complaint Navigator from the time they first call in. The City Attorneys rewrote this so the Navigators aren't assigned until after a preliminary investigation leads to a decision to conduct a full investigation (although a Navigator can be assigned earlier if staff decides it is appropriate). The reason that the Commission proposed a Navigator from the beginning is to ensure that every person who believes they have experienced police misconduct is communicated with and respected. This provision is very important for regaining trust among Portlanders that the City takes seriously and is supportive of their rights to be respected by the Portland Police.</p> <p>The Police Accountability Commission asked that 5-7 people hear cases, which is the number of people on the current Police Review Board. But the City is saying now it will be three or more people. How do you reflect the diversity of the City with a panel of three?</p> <p>The City Attorney also cut the number of Community Board members down from 33 to 21. The Community Board will be all volunteers and could be hearing as many as 240 cases a year. A larger Board spreads the burden of the work over more people and is especially important if we want people who have jobs, families, other responsibilities, disabilities, and other constraints on their time available to serve. Why is the City Attorney making it more difficult for people from marginalized communities to serve on this Board?</p> <p>The City Attorney has removed the ability to file an appeal of complaint decisions (a right established in 1982 in Portland and key to its previous oversight systems). The City Attorney inserted a prohibition on Board members having an "anti-police bias." This is a very vague term and can be used for political reasons. Is being pro-accountability anti-police? Some would say so. Moreover, the City Attorney has added this statement: "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." Such a clause against "anti-police bias" has caused serious issues in other cities, including Boulder, Colorado.</p> <p>There are other problematic changes proposed by the City Attorney. However, the above list should be enough to convince the Council.</p>	No	11/15/23 1:17 PM

Agenda Item	Name or Organization	Position	Comments	Attachment	Created
964	Julia Fritz-Endres	Oppose	Error in my previous submitted written testimony -- revising my position to OPPOSE to clarify that I DO NOT support the City Council's efforts to gut the Police Accountability Commission's plan. I voice my opposition to the proposed resolutions that contradict the will of 82% of voters and divert leadership to the city's attorney. I am urging City Council to approve the Community Board for Police Accountability Report as written by the Police Accountability Commission, without changing the language.	No	11/15/23 1:21 PM
964	Rebecca Morgan	Oppose	Voters gave a mandate for meaningful police oversight to address low public confidence in our police bureau. The proposed changes introduce potential conflicts of interest that will seriously erode public trust by putting police in the position to influence who is responsible for their own oversight. Honor the will of the voters and move forward with the proposal that we voted for.	No	11/15/23 1:23 PM
964	Jakob Vala	Oppose	I don't support the council's attempt to violate the will of the voters in this matter. Over 80% of voters approved Measure 26-217 as it was presented in 2020, which would establish a much needed police oversight commission. Allowing police officers and others connected to law enforcement will undermine the effectiveness and credibility of the board. The proposed change to disallow those determined to have a bias against law enforcement shows a clear bias in favor of the police on the part of the council. That standard could be used against those who are rightfully critical of the police force. Please keep the original measure intact and create the police accountability commission we voted for.	No	11/15/23 1:29 PM
964	Anonymous	Oppose	this violates the will of the voters.	No	11/15/23 1:32 PM
964	Adam Gaya	Oppose	The voters clearly and without confusion passed an initiative which did not allow Law Enforcement Officers, their union or their families to sit on the Police Accountability Board. Creating a nominating committee that has any law enforcement members/control would be a clear and direct attempt to overrule the will of the voters. Creating one 30% controlled by law enforcement and their unions as this proposal does is an outright insult to every one of the 82% of voters who passed this measure. Furthermore, it is critical that community members who have had negative law-enforcement interactions get an opportunity to sit on this board. This proposal would likely prevent those individuals from participating in oversight, and deny a critical perspective. The people who have been routinely abused by Portland Police Department's illegal and unethical conduct are the exact people the voters wanted to hold them accountable.	No	11/15/23 1:33 PM
964	Anonymous	Oppose		No	11/15/23 1:33 PM
964	Anonymous	Oppose	I do not support this. Keep it how it is. We do not want police or family of police on these boards. That takes away the whole point. Anything else is vulnerable to corruption.	No	11/15/23 1:34 PM
964	Anonymous	Oppose	This ballot measure was overwhelmingly approved by the people as written. Amending the language would violate the will of the voters.	No	11/15/23 1:36 PM
964	Angela Thornton	Oppose		No	11/15/23 1:41 PM

Agenda Item	Name or Organization	Position	Comments	Attachment	Created
964	Kip Silverman	Oppose	<p>As a Member of PCCEP and a Portland citizen that has voted overwhelmingly with my fellow citizens to have an independent police oversight board, I vehemently reject city council's attempt to subvert the will of the people.</p> <p>The entire reason we also voted overwhelmingly to change the city charter to a represented form of government is for reasons like this.</p> <p>I implore each of you to trust that the people know what they want to see in their city and abide by that. To continually ignore or demean the voters is inherently anti-democratic and further erodes trust in the democratic process and subsequently, in the current council's ability to listen, understand, and reflect the will of the people.</p>	No	11/15/23 1:44 PM
964	Anonymous	Oppose	I do not support the City Council violating the will of the voters by changing the language that the voters already approved of. I do not support members of the police union sitting in positions of power regarding the makeup of the Police Accountability Commission as I believe that represents a conflict of interest and would undermine the purpose of the PAC.	No	11/15/23 1:48 PM
964	Charlotte Trent	Oppose		Yes	11/15/23 1:54 PM
964	Anonymous	Oppose	I am writing to oppose changes to the police accountability measure. The new language would disqualify people with "anti-police" bias from serving on the committee, which would dilute the overseeing power of the committee. The police department is clearly just trying to fill the seats of the committee with their supporters and avoid needed oversight. Do not change language that was approved by voters to declaw the measure!	No	11/15/23 1:54 PM

I am writing today to express my disappointment that the Portland City Attorney has seen fit to substantially change and discount the recommendations of the Police Accountability Commission. The members of this Commission were appointed by the City to implement the will of the people for a new and more effective civilian review process that would hold Portland Police accountable to their own standards of conduct.

The changes were made without consulting Commission members and reflect an arrogant attitude toward our community. When the Commission presented its recommendations to Council, the Mayor expressed concern that representatives of the Portland Police and former police officers are barred from serving on the Community Police Oversight Board. The whole point of an independent civilian review board is just that—independence from the police. The Mayor disagrees with this interpretation; however, it is required by the actual ordinance passed by 82% of Portland voters. The City Attorney's proposal seeks to do an end run around this provision by requiring that three Police Bureau representatives serve on the committee that is empowered to select members of the Community Board. This proposal violates the spirit if not even the letter of the ballot measure. The people of Portland signaled that they want clear daylight between the Police Bureau and the new Community Police Oversight Board.

The Police Accountability Commission proposed that everyone who files a complaint be assigned a Complaint Navigator from the time they first call in. The City Attorneys rewrote this so the Navigators aren't assigned until after a preliminary investigation leads to a decision to conduct a full investigation (although a Navigator can be assigned earlier if staff decides it is appropriate). The reason that the Commission proposed a Navigator from the beginning is to ensure that every person who believes they have experienced police misconduct is communicated with and respected. This provision is very important for regaining trust among Portlanders that the City takes seriously and is supportive of their rights to be respected by the Portland Police.

The Police Accountability Commission asked that 5-7 people hear cases, which is the number of people on the current Police Review Board. But the City is saying now it will be three or more people. How do you reflect the diversity of the City with a panel of three?

The City Attorney also cut the number of Community Board members down from 33 to 21. The Community Board will be all volunteers and could be hearing as many as 240 cases a year. A larger Board spreads the burden of the work over more people and is especially important if we want people who have jobs, families, other responsibilities, disabilities, and other constraints on their time available to serve. Why is the City Attorney making it more difficult for people from marginalized communities to serve on this Board?

The City Attorney has removed the ability to file an appeal of complaint decisions (a right established in 1982 in Portland and key to its previous oversight systems).

The City Attorney inserted a prohibition on Board members having an "anti-police bias" This is a very vague term and can be used for political reasons. Is being pro-accountability anti-police? Some would say so. Moreover, the City Attorney has added this statement: "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. Such a clause against “anti-police bias” has caused serious issues in other cities, including Boulder, Colorado.

There are other problematic changes proposed by the City Attorney. However, the above list should be enough to convince the Council that rather than tinkering with the Police Accountability Commission’s recommendations—which were done in consultation with the community and with experts in the field of police accountability—you should approve their recommendations and commit to revisiting this topic only after their recommendations have been put into place and tested.

Agenda Item	Name or Organization	Position	Comments	Attachment	Created
964	Justin Cohn		<p>Good day,</p> <p>I will keep this brief in the hopes that it is received prior to today's session.</p> <p>My name is Justin Cohn. I live in Gresham. I am a retired Army Veteran, and I was a federal law enforcement officer for five years.</p> <p>It is an absolute travesty that City Council is attempting to push through amendments to the original settlement with the DOJ. The initial measure, which was resoundingly approved by 82% of voters, is exactly what is needed to help curtail abuse of Police power.</p> <p>Installing a pro-police oversight system to not only monitor the accountability board, but also control members and push their own pro-police bias is NOT what the voters want and NOT what the public needs.</p> <p>Police will continue to look out for their own and downplay, or downright cover up, police indiscretions and violations. Who then will protect their victims? The originally proposed accountability board is intended to do that.</p> <p>Oregon DPSST lists only 4 PPB police officers in its database as having had their licenses revoked for abuse and misuse of position...4! Every officer understands they can effectively get away with continuing to abuse their position because the state will not hold them accountable. And this proposed amendment verifies that.</p> <p>I sincerely hope this council hears the public and decides to move in their favor and scraps this atrocity of a proposal. Otherwise, as former Commissioner Hardesty said, I hope they're prepared to back this up in court.</p> <p>Thank you.</p>	No	11/15/23 1:58 PM
964	Elizabeth M Dalton	Oppose		No	11/15/23 1:58 PM
964	Sophia Díaz	Oppose	<p>I am writing today because I strongly oppose the proposed changes being made to the police oversight board. Voters made it clear that we want the language crafted and researched by the Police Accountability Commission. It's irresponsible and wrong to try and out forth changes that will drastically alter what was initially on the ballot. We need police accountability and that cannot happen with officers on the board and it must include people who have experienced direct harm from police.</p>	No	11/15/23 1:58 PM
964	Portland State University School of Social Work	Oppose	<p>I am writing to express my disappointment with the proposed changes to the Community Police Oversight Board. Portland residents have already voted in favor of the independent commission as it stands. The proposed changes present a conflict of interest by preventing the board from being truly independent, and make participation more difficult for people from marginalized communities. Through the measure vote, the community has already indicated that we want the oversight board as it stands.</p>	No	11/15/23 1:59 PM
964	Anonymous	Oppose	<p>82% of Portland voters voted for greater police accountability and oversight. I oppose the council's proposed changes to the police accountability commission as voted for by the people. The proposed changes will create conflicts of interest that will impact the public trust in the commission.</p>	No	11/15/23 1:59 PM

Agenda Item	Name or Organization	Position	Comments	Attachment	Created
964	Misty Schymtzik	Oppose	I oppose the City Council's attempt to change the independent police accountability body. Over 80% of voters approved Measure 26-217, which would create the body, in 2020. Changing the terms is a violation of the will of the voters - and ignoring the will of the voters is not democracy. Allowing police officers and others associated with the police on the body is not only in direct conflict with the idea of independent oversight, but also the police already have tremendous representation with the city government. In addition, the investigatory and findings meetings should not be moved into closed session. The public deserves more transparency, not less.	No	11/15/23 2:02 PM
964	Steve Bozzone	Oppose	No. Stop. Absolutely not. This is not what we voted for. You are proposing to gut the oversight program voters overwhelmingly approved. How utterly disappointing. The arrogance of this city council knows no bounds.	No	11/15/23 2:05 PM
964	Graham Hall	Oppose	Oppose based on structure of appointing including chief of police nominee and PPA and PPOA members. Also oppose language restricting anyone from participating if they have show bias against police. This was not in the spirit of the measure passed by 81% of your constituents.	No	11/15/23 2:12 PM
964	Ashlyn West	Oppose	I oppose this action as it does not support what the people have clearly already voted on and made our wishes known. It should be obvious that if the people on the board cannot be cops, then cops should not be deciding who is on that board... Come on now. We are not stupid. Do your jobs.	No	11/15/23 2:18 PM
964	Peter helmis	Support with changes	I am in favor of the guidelines provided in the report written by the Police Accountability Commission for the Community Board for Police Accountability. I believe that when Portland votes for community police oversight they don't mean "at the police's discretion". I believe the changes made to PAC's report reflect the overreach of the police. Portland has spoken loud and clear and it is city council's job to honor our voices and vote. No, we do not want police anywhere near the CBPA. This was voted for by the community, for the community, and in spite of the powers that be.	No	11/15/23 2:19 PM
964	Micah Maligie	Oppose	I strongly oppose the City Council's attempt to change the independent police accountability body. The entire point of the accountability body is to provide oversight of the Portland Police by citizens; the police, at least by credo, exist to serve us, the people, and we have voted by an overwhelming majority to enact stricter oversight of our public servants. The police in this city had ample opportunity to mind themselves and have been widely seen to have failed at that task, hence the measure that established the Police Accountability Body. They cannot and shall not be handed this lawfully voted-in body to do with what they will. This flagrant and insulting attempt to circumvent the will of the people is a) seen clearly by the public and b) will not be soon forgotten.	No	11/15/23 2:23 PM
964	Troy Winslow	Oppose	You are violating the will of Portland voters in changing the language of what has already been voted on. Do your jobs and stop undermining the system of democracy you are charged with upholding.	No	11/15/23 2:33 PM
964	Anonymous	Oppose	I do not support a change to the language and requirements to the Board on a ballot measure previously voted upon and passed by Portland citizens.	No	11/15/23 3:12 PM

Agenda Item	Name or Organization	Position	Comments	Attachment	Created
964	Bonny MacDonald	Oppose	<p>It keep feeling like this era of Portland City Council does not want to operate for the people, when they continue to try to dismantle and change things that the citizens of Portland have overwhelmingly voted for.</p> <p>People are saying that you want Police officers or Union members on the Police Accountability Commission and to insert all of these changes that were not what we voted for. This is an obvious conflict of interest that could only be motivated by malevolent actors who have a preference that goes against what over 80% of Portlanders voted for. What are they offering you that makes you think its ok to change something we overwhelmingly voted for? Members on this current city council are causing extreme distrust in the community right now. We are seeing some of you work harder to undo things, then to bring new ideas and solutions to the table. I oppose changing anything about this issue until our city gets to implement it fully and begin the process.</p> <p>I stand with the 80%+ citizens of Portland who demand a change in order for the Portland Police Bureau to progress toward a healthier community minded institution and away from it's history of harm both locally and in Police culture.</p> <p>Sincerely, Bonny MacDonald (The daughter of a former police officer and military veteran)</p>	No	11/15/23 3:13 PM
964	RoseCityIronFront.org and BastardsLivesMatter.org	Oppose	<p>Delay the vote and let PAC respond to the ammendments. apply for DOJ settlement extension. City attorneys, police representatives and commanders should sit down with PAC and negotiate.</p> <p>PAC members and allies called upon to declare that "BASTARDS LIVES MATTER", along with City Council and Attorneys</p>	Yes	11/15/23 3:17 PM
964	Alli Schisler Blizzard	Oppose	<p>I oppose the changes proposed by Council, which disregard the will of the voters, the rigorous multi-year work of the Police Accountability Commission, and the well-documented need for community-oversight to police accountability. Further, the changes proposed by Council, specifically the requirement that members do not hold police bias and must engage in a ride along, fly in the face of the ethos of accountability, ignore the lived experience of our BIPOC community members, and ignore trauma-informed principles.</p>	No	11/15/23 3:21 PM
964	David Besley	Oppose	<p>This is not supporting the will of the voters by changing the language that we all approved of. The whole point of police accountability is to have an INDEPENDENT oversight, not oversight from people cherry picked by a separate board which includes police, police union, and/or police family members.</p>	No	11/15/23 3:23 PM

Your Life Matters

Women's Lives Matter

Victim's Lives Matter

TLDR: And Black Lives don't matter any less; Blacks can

Bastards Lives Matter

Dis and Diff-abled Persons Lives Matter

coexist with Bastards. Wit, Humor, Logic and Evidence will equip you to defeat your adversary. But Ad hominem verbal abuse, vulgur misogyny and ableism ("ACAB"), will only

darken your mind and conscience. The obscene threats of rape ("FTP"), will eventually degrade and defeat you. Riots against reason and humanity will undermine the cause of police reform. Riots are designed to fail and therefore counter-revolutionary. Find better protest chants, and Shut The Fools Down!

<p>Speak Up! SAY THIS</p>	<p>Shut The Fool Down! NOT THAT</p>
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Respect Yourself: Respect Women. Resist the Empire. DON'T fool yourself by glamorizing, allegorizing, trivializing, or legitimizing rape.

Here's Why

Do Justice, Make Peace

No Justice, No Peace

We are responsible for doing the right thing; its not enough to prove that the state has failed. The state's failure to make just peace, does not justify our failure, whether as citizens or as revolutionaries, to work for a just peace or articulate it as a value. I

Assume Cops Are Bullies
Any Cop might Act Badly
Anyone Could Act Better
Ask Citizens to Act Bravely
Argue with the Courts At the Bar
NACAB

ACAB.
All Cops Are Bastards.

- Not All Cops Are Bastards, and this is a demonstrable fact.
- Even if "All Cops Are Bad" by virtue of their corrupt labor union, or if we must "Assume that Cops Are Bullies" by virtue of their mistraining, this comes about because of their union and mistraining, not because of some birth defect, not because their parents morally failed by giving birth out of wedlock.
- And what have bastards done to deserve this insult of comparison with killer-cops? The the ableist verbal abuse hurts the movement. Bastards Lives Matter
- The exaggeration and all-or-none thinking is fallacious. *Some* cops are probably bastards, perhaps *most* are bullies. Saying more will cause you to delude yourself and discredit the movement for police reform and defunding the police. Also fallacious is the inverse proposition that protestors chant: "no such thing as a bad protestor". There are bad protestors, and even those who promote a "diversity of tactics" should not tolerate war crimes.
- The dyslogic also hurts the movement by subjecting us to a deterministic fallacy and a genetic fallacy: ACAB asserts that your lifespan is determined what your're born with, and your genetic inferiority makes you a morally bad person, if you're a bastard cop. This is same dyslogic behind racism. How has it been allowed to become a dyslogic at the center of an allegedly anti-racist movement?

Speak Up! SAY THIS

Shut The Fool Down! NOT THAT

Respect Yourself: Respect Women. Resist the Empire. DON'T fool yourself by glamorizing, allegorizing, trivializing, or legitimizing rape.

Here's Why

Free The People.
Fight The Power.
Forget the Police
Defund and
Reform the
Police

FTP. F#*k The
Police.

- Freeing the People is a noble goal, fighting the power is often necessary, yet these slogans were almost never chanted in Portland in 2020.
- Defeat an enemy, or to punish a criminal. In neither case do you need butt-rape as a tactic, or any kind of rape.
- Rape is a war crime, and shouldn't be tolerated, let alone encouraged as one of a "diversity of tactics". It is perverse and unnecessary abuse of power, and as such destroys the resistance movement, and should be a capital offense. To incite this is an obscene threat not protected by the 1st amendment, and rightly not. All the protest leaders and agitators are culpable for their active or silent complicity in encouraging violent assault and rape, and the Mayor, D.A., State Attorneys, neglect to denounce it.
- Moreover, My penis is an instrument of love, and it will and should be for my wife, lover, friend, and partner. It would degrade my penis to give it to someone I hate.
- Rape is a war crime. If used to degrade an enemy's wife or daughters (which has also been incited at these protests) that would be a brutal act of misogyny done in order to misallocate justice onto an innocent relative of the accused enemy. This incitement degraded the protest movement from the outset, and almost guaranteed that it would consume itself in criminality and despair, as it mostly did.
- Many lives have been lost to a murder epidemic in Portland, and the mass psychogenic illness, following the psychic conditioning under the influence of these evil mantras, is the probable culprit. Newspapers, politicians, and "experts" are culpably ignorant and morally idiotic for failing to diagnose or correct this.

Whats This For?
What The Folly?
Why This
Foolishness?

What The F@#k?

Your situation is now that of a forensic scientist at a possible crime scene, rather than that of baffled victim of some absurd clown show. Say this instead, and you might actually learn something.

Black Lives
Matter.

They do. Saying it doesn't mean that the anyone else's life matters less. You don't have to support "BLM Inc" or become a marxist-leninst, to acknowledge it.

Your Life
Matters.
My Life Matters

All Lives Matter.

Yes, all lives matter to God. But are you god that you have the power to make the rain fall and the sun shine and show your mercy to the whole human race? If the life of the person standing right here doesn't matter to you, then you don't actually believe that "all lives matter", and mouthing it is a mere excuse, and tendentious. Say it only after you've affirmed the life value of the person you're confronting. For example, black lives matter and indigenous lives matter, and mine does too, and does human life generally.

Flunk the mayor.
Fire the mayor

F@#k the mayor

Once again, removing the mayor from office does not require that he be butt-raped, so why incite it? Which is why this idiom should be extended, and anyone that needs to be degraded should be flunked, and anyone who should be removed from office should be fired. Neither of these operations require or justify the use of the disgusting and evil tactic of butt-rape.

Shut the Folly
Down!

Shut the F#\$& up!

This command incites moral intuition and common sense rather than mere anger and a stupid loud reaction, and therefore it actually works. Try it sometime, and enjoy the silence and relative peace.

Get the folly
outta here!
Take a walk
Go away!

"Get the f@#k
outta here"

Telling someone to talk a walk often works, whereas "get the f--- outta here!" often just starts a shouting matching or a fight. And if you're the one constantly mouthing the F-- word, maybe you should be the one to shut your own folly down, and to go take a walk and think about life and death and ultimate reality instead. You might get what you need.

Speak Up! SAY THIS	Shut The Fool Down! NOT THAT	Respect Yourself: Respect Women. Resist the Empire. DON'T fool yourself by glamorizing, allegorizing, trivializing, or legitimizing rape. Here's Why
fornicate with the pigs? C'mon people.	F@#k the pigs	If you've heard rioters shout this, then you know how stupid they can get. Riots are designed to fail: therefore counter-revolutionary.
I'm going to punish you.	"I'm going to f@#k you up" (this is a threat of rape or butt-rape)	Fighting words and threats of imminent violence are not protect speech under the 1st ammendment. It is in fact a crime, and rightly so, although not generally enforced. So now we have plague of street fighting instead, due to the plague of fighting words and incitement, and street fighting is not necessarily better.
Fail. Foul. Fie!	F@#k!	The less often you use this word, the smarter you will become.
Foolish Act. Foolish Idiot.	F@#king Idiot	Not all folly is sexual in nature. Exaggeration is not necessary in giving rebuke, and provokes unnecessary conflict. Also better to rebuke words and actions, rather than someone's entire character or ethos.
Fallen Woman Slut Coward	B!tch	Any woman, no matter how degraded, has the potential to elevate herself through remorse, repentance, and return. And through separating from and if necessary denouncing the men who degraded her. Bitch as an insult (or as a pseudo-empowering re-appropriation of transgressive identity) fails under the deterministic and genetic fallacy. Moreover, an actual female canine is exactly that, and that is the good for her, and does not deserve to have her "good" misappropriated in order to describe your "bad". Also, to call a man or boy a "bitch" when you really mean "coward", is an act of misogyny as well as an compound insult to the man. You might mean "punk" instead, which is also problematic, but at least it is more precise. Calling women bitches is also misanthropic generally, insofar as the practice of misogyny hurts the men who practice and observe it, which it inevitably does in the end.
Foolish brother. Foul troubler. Absentee father. Evil step-father. Possible Rapist	MotherF@#ker	Don't let this become some kind of perverse compliment, exchanged between victims who want to reappropriate power, or spoken by perpetrators in order to confuse their victims
Disabled person. Bully, Bad Cop.	Bastard	
Prostitute. Victim of homosexual rape acting out his PTSD	Punk	
Let's have sex / lets get married / lets make love / lets fornicate.	Let's f@#k	Pillow talk is sexier when its done with wit, intelligence, and assertive physicality, than when done with mere brutality and stupid confusion. Go swimming in the river, gain strength and temperance, and then show her a good time. But if you need some fear and excitement in your sex life, take your partner and sleep outdoors, with nothing else but whats in your pockets. Or go trail running in the wilderness.
That was <i>intensely</i> bad / good/ whatever	That was f@#king bad / good / whatever	

- [Poetic Justice for Victims against the Exponents of Toxic Masculinity, with charges brought against their "King", Andrew Tate, who is called to answer by our Chorus. Verses I & II](#)
- [Pledge: Health, Reason, and Virtue. Renounce: drunkenness, hazing, and misogyny.](#)
- [your-life-matters#womens-lives-matter](#)

- [your-life-matters#bastards-lives-matter](#)
- [Open Letter to Men and Boys: Practice Anti-Misogyny](#)

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Agenda Item	Name or Organization	Position	Comments	Attachment	Created
964	Vikki Payne	Support with changes	<p>I would like to thank the Mayor and members of City Council for recently reported changes to the proposed PAC to help ensure we do not both lose current officers, as well as lose our ability to recruit and retain future officers on our already sorely depleted police force.</p> <p>Of course we all want oversight and accountability for our sworn officers, and yes, like any job, there will be a few bad apples in any bunch you need to weed out. But this proposal and claiming certain aspects are required under the DOJ use of force settlement are somewhat of a stretch as to what is required and the difference in use of force definitions used by PPB and the DOJ. This could also have a ripple effect to deterring officers from wanting to transport community members in need if the county is able to get a 24/7 drop off detox center up and running again, because of our definition of use of force and public perception if, for instance, someone being taken to sobering were to die in the back of the cruiser on the way there.</p> <p>We have come a long way in changing the public perception of how our elected leaders support and treat law enforcement officers, and as many have noted, the community is in a very different place than we were in 2020 when we voted on this item. We have never seen such a lack of law and order at such a crucial time when illicit drugs are more potent than ever.</p> <p>As I have stated in past testimony to the Council, I witnessed some of these PAC meetings, and they were intimidating to anyone who had a different opinion than all cops are bad and we need to abolish the entire criminal justice system. That's a nice dream, but until we fix a lot of things at a federal level, the city of Portland alone cannot by itself solve the issues of capitalism that police abolitionists rightly claim are the root of criminality, and therefore, we absolutely do need a robust, accountable, police force to help keep our community in working order.</p> <p>Thank you for paring this proposal back - most voters do not understand the depth of what they were voting on or what was happening in these planning meetings or even the final product, and if they did, I think they would be appalled.</p>	No	11/15/23 3:26 PM
964	Anonymous	Oppose		No	11/15/23 3:40 PM
964	Luci Longoria	Oppose	Honor the wishes of 82% of Portland voters and the subsequent recommendations of the Police Accountability Commission. Efforts to run around their earnest, transparent and community-responsive efforts and final recommendations by the Portland City Council is a disappointing, additional example of why the community distrusts elected City leadership and seeks to hasten reform. Systematic policy accountability is overdue. Re-engage and respect the recommendations of the Police Accountability Commission.	No	11/15/23 4:03 PM
964	Erik Dant	Oppose	I oppose making changes to the language that voters approved of. Please respect what the voters said and do not allow for conflict of interest in police oversight.	No	11/15/23 4:47 PM

From: [Jillian Nelson](#)
To: [Council Clerk](#)
Subject: Approve the CBPA Report As Is!
Date: Friday, November 10, 2023 12:54:15 PM

This is another citizen's earnest plea to honor the hard work initiated by 82% voter approval and APPROVE the CBPA REPORT AS SUBMITTED!

Thank you,

Respectfully, Jillian Nelson

From: [Alex O'Connor](#)
To: [Council Clerk](#)
Subject: Leave PAC as is!
Date: Friday, November 10, 2023 8:23:00 PM

To Mayor Wheeler and City Counsel members,

We deliberately voted for the creation of the Portland Accountability Commission in 2020 and it was a bright spot of hope that needs to be continued. They have MUCH work left to do and it needs all of its parts. Please keep the PAC as is and continue to hold our police force accountable to all Portlanders.

Thank you,
Alexandra O'Connor

From: [Sam W](#)
To: [Council Clerk](#)
Subject: Police Accountability Commission
Date: Saturday, November 11, 2023 8:21:27 AM

My name is Sam Wardwell and I live in 97202. I'm calling on Mayor Wheeler and the city council to approve the community board for police accountability report as is and not wait another minute to establish the community police oversight that we desperately need. We voted for this and we demand that it is implemented now. Thank you.

Sam Wardwell

Pronouns: they/them

I acknowledge the Traditional Stewards of the land I work on as the first people of this country.

Sent from Proton Mail mobile

From: [Valerie Fabiano](#)
To: [Council Clerk](#)
Subject: Police Accountability
Date: Saturday, November 11, 2023 8:37:20 AM

Hello,

My name is Valerie and I live in Portland/97221. I'm calling on Mayor Wheeler and the city council to approve the community board for police accountability report as is and not wait another minute to establish the community police oversight that we desperately need. We voted for this and we demand that it is implemented now.

Thank you.

From: [Dylan Schultz](#)
To: [Council Clerk](#)
Subject: Police board
Date: Saturday, November 11, 2023 11:22:51 AM

To whom it may concern,

My name is Dylan Schultz and I live in zip code 97216. I'm calling on Mayor Wheeler and the city council to approve the Police Accountability Commission's proposal for a community board, **as is**, and not wait to establish the community police oversight that we desperately need. We voted for this overwhelmingly in measure 27-217, with 82% approval, and we demand that it is implemented now, without scaling back the contents of the proposal.

Thanks,
Dylan Schultz

From: [Mali Fischer](#)
To: [Council Clerk](#)
Subject: Approve Police Oversight Board As-Is
Date: Saturday, November 11, 2023 11:23:34 AM

My name is Mali and my zip code is 97216. I'm calling on Mayor Wheeler and the city council to approve the community board for police accountability report as-is and not wait another minute to establish the community police oversight that we desperately need. The measure was intended to keep police from investigating themselves and give members of marginalized communities – including those who have experienced over-policing or police misconduct – a voice. The proposed changes do not support this. We voted for this overwhelmingly, with 82% approval, and we demand that it is implemented now.

Thank you

Mali Fischer-Levine

From: [Mark Darienzo](#)
To: [Council Clerk](#)
Subject: Measure 26-217 Community Board for Police Accountability
Date: Saturday, November 11, 2023 6:39:09 PM

Dear City Council

Please approve the Community Board for Police Accountability report as is and do not make any changes. 82% of the voters supported the measure and if changes are made it will go against the will of the voters.

Thank you

Mark Darienzo
Portland 97213

From: [Mandy Allen](#)
To: [Council Clerk](#)
Subject: Police accountability oversight board
Date: Monday, November 13, 2023 8:03:46 AM

I'm calling on Mayor Wheeler and the city council to approve the community board for police accountability report as is and not wait another minute to establish the community police oversight that we desperately need. We voted for this and we demand that it is implemented now. Thank you."

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Mandy Allen
5855 NE 33rd Ave
Portland, OR 97211

503-281-7820

From: [Angela Todd](#)
To: [Council Clerk](#)
Subject: Angela Todd testimony for PAC Today - i was cut off
Date: Wednesday, November 15, 2023 4:09:02 PM

As our city is experiencing record crime I have some significant concerns about how the police accountability commission will further impact policing in the city of Portland.

First, the original PAC commissioners were not selected for diversity of thought. I attended meetings, listened to viewpoints and looked up information of each commissioner and found that only a certain type of perspective and opinions of police were selected. This “LENSE” didn’t allow the committee to naturally regulate one another with various experiences when making a group recommendation.

In one early meeting I asked if the commission would consider police ride alongs to further inform their recommendations. Not only had that never occurred to any of the commissioners that evening, but as an example, one commissioner scuffed she would NEVER do a ride along. I want to thank you for changing the PAC language to make a-ride-along a requirement.

I have been on a ride along and I was aghast at the criminal behavior officers are ignoring not just due to staffing, but also because they are being afraid being disciplined or worse, accused of bias, or racism. While I can appreciate it is a good thing for an officer to be conscious of his/her actions, delaying reacting or staying hands off in policing speaks for itself in our community at present. Our police are being dismantled by a thousand cuts and our communities public safety is the result.

Today we talked today about the purpose of the charter. What we have not talked about is what the commission is not for. The PAC should not be run by people who simply think all cops are bastards, it is not for purchasing a private police force for the commission, or giving the commission special privileges not available to the general public, and finally it is not a vehicle to funnel money to people the commission likes for “consulting”. I reviewed public records requests of accounting of the PAC, and the consulting fees per month were mouth dropping.

On that topic, It is my belief citizens don’t understand the PAC as written allocated a whopping 5% of the annual police budget, or approx. \$13 million a year. It is also my belief that citizens don’t know the biased selection process the city has allowed or neglected to ensure was fair for everyone.

I would like to ask you to consider bringing details of the PAC back to Portland voters, who I believe in 2020 were emotionally persuaded and we can see drastic impacts of this social experiment. I am confident didn’t understand the charter. And if you proceed with this charter as written and recommended, I request you amend the PAC to allow with some parameters members with relatives who are police officers, and you ensure diversity of thought among commissioners.

Thank you,
Angela Todd
PDX Real



11/15/23 Meeting of the Portland City Council
Testimony from Erik Cole, Revitalize Portland Coalition
Topic: Item 964 DOJ Settlement Resolution

Mayor Wheeler and City Commissioners,

My name is Erik Cole and I represent the Revitalize Portland Coalition. RPC is the voice of the commercial real estate industry in the Portland region. Thank you for the opportunity to address you once again. I was present to testify in person, but to help speed up your vote (and preserve your quorum, I opted to submit written testimony.

Our members are Portlanders committed to a Portland where everyone can thrive. We are working hard to see downtown Portland turnaround the trend of vacant offices and empty storefronts.

We appreciate this opportunity to make our comments and feedback known and will continue to offer input over the next 30 days.

We support the steps you are taking in our recovery such as the Downtown Business Incentive Credit Program, the emergency ordinance banning of the use of hard drugs such as fentanyl, heroin and methamphetamine on public property, and the collaborative Advance Portland Plan.

RPC recently held a listening session with our members for the Governor's Downtown Task Force. The topic was "downtown's value proposition" and what kind of a future we see for the area. We had over 60 members who joined and participated.

When asked about what downtown Portland should ASPIRE to be our members were in near unison. Instead of grand, flashy new projects, the answers were as follows:

"Safe"

"Clean & safe"

"Safe. The biggest issue for our staff and tenants....is that they don't feel safe."

"We continue to not deliver on the basics. To me, those are cleanliness, safety, the desire to want to be in that environment....and getting those right will breed new ideas which will be transformative and take us to the next steps"

"Liveable and clean...and people wanted to be here just because we did the basics well."

"Inviting...a place where you would look forward to going."

"A positive, safe and vibrant place to enjoy work, business, culture, shopping and food experiences."

To summarize, our members said that first and foremost, Portland should again be “the city that works”. That our leaders should get the basics done right....and ensuring a safe public environment is critical to that.

Highlighting the need for URGENT action on public safety, here’s one more quote:

“We will lease it if they clean it up and make it safe! Retail having to lock up every little thing because of the theft isn't going to help bring back retail.”

Part of being the city that works is a functioning – and accountable – public safety system. We encourage you to approve this version of the amendments to the Portland City Code to implement an oversight system to investigate and make disciplinary decisions for the PPB’s sworn employees and supervisors. This significantly improves upon the previous proposal from the Public Accountability Commission (PAC) and addresses the critical issue of accountability, but also includes clear guidelines, guardrails, and direction for how the process will operate. It provides a process for an unbiased review of misconduct by sworn employees of PPB and supervisors.

The amendment includes checks and balances to minimize bias and conflicts of interest. It includes certain procedures that ensure that the investigation and any suggested discipline are fair and work within PPB’s current rules and procedures. These include strict timelines for investigations, clear definitions regarding jurisdictional questions, and procedural rules for both the Oversight system and PPB to adhere to ensure a fair system of review of possible misconduct and possible discipline.

To help those who need it most, to curb this terrible fentanyl epidemic, and to make our city streets clean and safe once again, we need to think big and act swiftly. While neither these amendments nor the original PAC proposal may be perfect, urgency requires action, so we encourage you to move forward on this matter.

Thank you for this opportunity and your continued public service to our community.

Richard PERKINS

**Testimony for November 15, 2023 Police Accountability Commission
City Council Meeting: Support City Council Changes.**

The Murder of George Floyd was an awakening for many of us. A lot of compassion and anger was generated in the 9 minutes it took George Floyd to succumb. It ushered in some very well-intentioned actions by receptive cities to help right historic wrongs. We spent Pandemic time watching protests turn to riots and black clad anonymized activists take to the streets. Protestors de-humanized the cops with slogans like All Cops are Bastards and Death to Cops. Statues toppled, police facilities were burned and vandalized. An ashamed public passed the PAC referendum overwhelmingly to provide better police oversight.

I voted for it, knowing we needed to change methods of policing. I believe we have made huge strides in doing that. We have a different problem now; a demoralized and largely inexperienced and inadequately staffed police force without clear direction. You would be hard pressed to call PPB protocols aggressive today.

We now can accept that we need more police, not fewer. We badly need them to be effective in keeping the community safe from gun violence, the manufacture and distribution of the meth and Fentanyl that is killing people on the streets. We need to protect marginalized groups from violence. We need to treat illnesses like psychosis and addiction without resorting to incarceration, but we also know there are some very dangerous people living on our streets who need to be in jail. It is not safe for anyone today.

Police deserve our support and to be given clear expectations. This opinion is coming from an ex-heroin addict and ex-con.

The PAC process was flawed and an overreach; the budget amount, process, discourse, and composition of the PAC itself smelled of retribution rather than reform and reconciliation. I believe the City Council changes have changed that trajectory, and I support approval.

**Testimony for November 15, 2023 Police Accountability Commission
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Let's hope the result is a safer community and better integration of police into the Community and less need for them as we find values we can share.

Written Elaboration

Just look at the current situation on our streets; we are setting records for gun violence, pedestrian deaths, drug overdoses and petty crimes (although most go unreported). We rank near the top nationally on per-capita drug addiction and near the bottom in access to treatment. We rank last nationally in treatment facilities for mental illness. We rank last in major cities nationally in police per capita. We are a center for street racing. We are a magnet for hard drug users because of our decriminalization but especially because our almost complete absence of accountability due both to policy and inability to provide adequate due process.

Let's work together to change all of that and start treating one another with a little kindness, respect, and empathy. Societies with shared values of respect need little coercion to keep the peace. They rely on either guilt or shame from an internal conscience or a united community. Those without shared values depend on coercion.

If we can share values of respect and empathy and use those to police ourselves, there will be no need for coercion. That seems a long way off right now.

Portland City Council Meeting - Wednesday, November 15, 2023 2:00 p.m.

Agenda Item	First Name	Last Name
964-1	Dan Handelman	Portland Copwatch
964-2	Philip	Chachka
964-3	Marc Poris	Portland Copwatch
964-4	Tim	Pitts
964-5	Kevin	Guinn
964-6	Angie	Tomlinson
964-7	Brian	Owendoff
964-8	Kristin	Olson
964-9	Carolyn	Buppert
964-10	Charlie	Michelle-Westley
964-11	Kimiko	Matsuda
964-12	Debbie	Aiona
964-13	Brittany	Van Der Salm
964-14	Angela	Todd
964-15	Evelyn	Macpherson
964-16	Meg	Robinson
964-17	Theresa Griffin	Kennedy
964-18	James	Ofsink
964-19	Kenneth	Lewis
964-20	Dr. LeRoy	Haynes, Jr.
964-21	Seemab	Hussaini
964-22	Loretta	Guzman
964-23	Katherine	McDowell
964-24	Je	Amaechi
964-25	Reid	Parham
964-26	Sandy	Chung
964-27	Tiana	Tozer
964-28	Amy	Wood
964-29	Jason	Kafoury
964-30	Jose	Cienfuegos
964-31	Richard	Perkins
964-32	Terrence	Hayes
964-33	Richard	Cheverton
964-34	patrick	patterson
964-35	Rev. Dr. W. Mark	Knutson
964-36	Babs	Vanelli
964-37	Tim	Larson
964-38	Faythe	Aiken

964-39	Meredith	Mathis
964-40	Sophia	Glenn
964-41	Lovisa	Lloyd
964-42	Olivia	Wohrle
964-43	Orson	Anderson
964-44	Christy	McMurtry
964-45	Francesca	Berrini
964-46	Sanga	Mkbaklene
964-47	john	jackson
964-48	Steve	Herring
964-49	Jordan	Lewis
964-50	John	H
964-51	Kirk	Foster
964-52	Wiley	Barnett
964-53	Remember	Watts
964-54	Joe	Rowe
964-55	Robert	Erickson
964-56	Heather	Ryan
964-57	Jared	Essig