

Oversight System Code Amendments

Overarching Goals

Fulfill the mandate of
the voter-approved
changes to Charter

Create a system where
discipline is upheld

Presentation Overview

Charter requirements and Code implementation of Charter

- CBPA (Board) Mission
- CBPA (Board) Budget
- CBPA (Board) Membership
- CBPA (Board) Director & Staff
- CBPA (Board) Independent Judgment
- CBPA (Board) Powers
- CBPA (Board) Duties

Fulfill the Voter's
Mandate:
MISSION

Charter Section 2-1001 states:

- “The mission of the City of Portland Community Police Oversight Board (Board) is to independently investigate Portland Police Bureau sworn employees and supervisors thereof promptly, fairly, and impartially, to impose discipline as determined appropriate by the Board, and to make recommendations regarding police practices, policies and directives to the Portland Police Bureau and with a primary focus on community concerns.”

Fulfill the Voters' Mandate: MISSION

Implement Mission through Code



Community-led investigations



Community-led disciplinary decisions

Fulfill the Voters'
Mandate:
FUNDING

Charter Section 2-1004 states:

- CBPA (Board) funding shall be proportional to not less than 5 percent of the Police Bureau's Annual Operational Budget.
- The Charter language is reflected in Code.

Fulfill the Voters'
Mandate:
MEMBERSHIP

Charter 2-1002 and 2-1003 – CBPA (BOARD)
MEMBERSHIP:

- Includes representation from diverse communities and with diverse lived experiences –
 - experienced systemic racism and those who have experienced mental illness, addiction, or alcoholism.
- Restricts CBPA (Board) Membership from:
 - current and former law enforcement employees; and
 - immediate family members of current law enforcement employees.
- Charter 2-1007– BOARD POWERS
 - Remove barriers for Board members.

Fulfill the Voters'
Mandate:
MEMBERSHIP

NOMINATING COMMITTEE

- Recommends candidates to Council for appointment.
- Community-led nominating committee with two community members for each police member.

CBPA (Board) Size

- Establishes a 21-member Board.

Fulfill the Voters'
Mandate:
OCPA (OFFICE)
DIRECTOR AND STAFF

Charter 2-1005– CBPA (BOARD) PROFESSIONAL STAFF

- CBPA (Board) hires OCPA (Office) Director
 - Bureau Director
 - Serves at will of Board
- OCPA (Office) Professional Staff:
 - Director appoints professional staff;
 - Director supervises and directs the professional staff; and
 - Professional staff will be classified employees.

Fulfill the Voters'
Mandate:
INDEPENDENT JUDGMENT

Charter 2-1006– CBPA (BOARD) INDEPENDENT JUDGMENT

- Board shall have:
 - authority to exercise independent judgment
 - in performing all legally assigned powers and duties.
- Not interfere with independent judgment.

Fulfill the Voters' Mandate: INDEPENDENT JUDGMENT

Simplify	Simplify Code to empower the CBPA (Board) <ul style="list-style-type: none">• Administrative rules.
Give	Give CBPA (Board) authority and flexibility in new structure <ul style="list-style-type: none">• Carry out their duties.
Refer	Refer good ideas from PAC to the CBPA (Board).

Fulfill the Voters'
Mandate:
CBPA (BOARD) POWERS

Charter 2-1007– CBPA (BOARD) POWERS

- Investigate;
- Subpoena;
- Compel documents; and
- Issue discipline up to and including termination.

Fulfill the Voters'
Mandate:
CBPA (BOARD) POWERS

INVESTIGATE

- Code defines administrative investigation as employment investigation.
- OCPA (Office) initiates and conducts investigations.
- Investigations must be conducted in a manner that is ethical, independent, thorough, timely, fair, and impartial.

Fulfill the Voters'
Mandate:
CBPA (BOARD) POWERS

INVESTIGATE

- Opportunity for Complainant to voice concerns and provide additional input, including impact statement, with appeal to OCPA Director.
 - Complaint Navigator available to assist throughout the process.
- Opportunity for Covered Employee and for PPB Chief input.
- OCPA (Office) to perform an administrative investigation into all in-custody deaths and uses of deadly force.

Fulfill the Voters'
Mandate:
CBPA (BOARD) POWERS

SUBPOENA AND COMPEL DOCUMENTS

- OCPA (Office) has authority to obtain all relevant City documents to investigate allegations.

Fulfill the Voters'
Mandate:
CBPA (BOARD) POWERS

CHARTER 2-1007– BOARD POWERS: COMPEL

- Authority compel evidence and statements, and to access all police records.
- Compel any City employee to participate in investigatory interviews and to answer all questions completely and truthfully.
 - Refusal to participate may result in discipline.
- Compel a statement from an officer who used deadly force or was involved in an in-custody death within 48 hours of event.

Fulfill the Voters'
Mandate:
CBPA (BOARD) POWERS

ISSUE DISCIPLINE UP TO AND
INCLUDING TERMINATION

- CBPA (Board) Panel reviews investigations.
- CBPA (Board) Panel determines if Covered Employees engaged in misconduct – sustain or not sustain.
- If sustained, CBPA Panel proposes discipline based on binding discipline rules.
- OCPA issues letter to Covered Employee.
- CBPA Panel holds Due Process review meeting.
- CBPA Panel makes final decision on discipline.

Fulfill the Voters'
Mandate:
CBPA (BOARD)
POWERS

Charter 2-1007– BOARD POWERS

- Code provides for transparency and reporting by:
 - Open public meetings;
 - Annual reporting on CBPA (Board) activities.
- CBPA Panels deliberate in executive session; final decisions made in public session.
- Complainant may appeal administrative closure to OCPA Director.

Fulfill the Voters'
Mandate:
CBPA (BOARD) POWERS

CHARTER 2-1007– BOARD POWERS: POLICY

- Make policy and directive recommendations to the Portland Police Bureau.
- CBPA (Board) may take recommendations to City Council if PPB declines recommendations.

Fulfill the Voters'
Mandate:
CBPA (BOARD) DUTIES

CHARTER 2-1008– BOARD DUTIES

- Board shall have the authority to investigate:
 - In custody deaths and all use of deadly force;
 - Complaints of force resulting in injury;
 - Complaints of discrimination;
 - Complaints of violations of federal and state constitutional rights; and
 - May investigate other allegations of misconduct as they see fit or as mandated by City Code.

Fulfill the Voters'
Mandate:
CBPA (BOARD) DUTIES

JURISDICTION UNDER PROPOSED CODE

- Board shall have the authority to investigate:
 - In-custody deaths and all use of deadly force – Full CBPA;
 - All complaints of excessive force, not just injury;
 - Complaints of discrimination;
 - Complaints of violations of federal and state constitutional rights;
 - Negligent discharge of firearm, outside of Training;
 - Biased-based policing;
 - Complaints referred by PPB and accepted by OCPA (Office);
 - Officer failure to identify;
 - Complaints brought by sworn officer to CBPA (Board); and
 - Other allegations as CBPA (Board) sees fit, after Council amendment to Code.

Next Steps

FEEDBACK AND COURT-APPROVAL PROCESS

- Council staff provided for a 30-day public feedback period via emails to DOJ-comments@portlandoregon.gov.
- Negotiation:
 - City Attorney's Office to negotiate with the DOJ over the proposed amendments to DOJ Settlement Agreement and the Code amendments.
 - City must comply with any union bargaining obligations that may exist.
- If no material changes to these amendments as authorized by Council, then:
 - Fairness Hearing – Court approval.
- 21-day period for Council to adopt final Code amendments.
- 1-year period to implement and for the Oversight System to start taking new complaints.