



AN ACT

BE IT ENACTED BY THE PEOPLE OF THE CITY OF PORTLAND

The City Charter of the City of Portland is amended as follows (additions in underlined bold text; deletions in strikethrough):

1. Amend Chapter 2, Article 10 by amending Section 2-1001 to read as follows:

Section 2-1001. City of Portland Community Police Oversight Board. A Board is hereby authorized and shall be established upon compliance with any legal obligations the City may have under the Public Employees Collective Bargaining Act, other state and federal laws, and upon adoption by City Council of an implementing Ordinance. The mission of the City of Portland Community Police Oversight Board (Board) is to review and recommend improvements to recruiting, retaining, and training efforts by the Portland Police Bureau, and to independently receive, investigate, and make disciplinary recommendations about certain complaints against Portland Police Bureau sworn employees and supervisors thereof promptly, fairly, and impartially, ~~to impose discipline as determined appropriate by the Board, and to make recommendations regarding police practices, policies and directives to the Portland Police Bureau and with a primary focus on community concerns.~~ The final name of this Board will be established by City Code.

2. Amend Chapter 2, Article 10 by amending Section 2-1002 to read as follows:

Section 2-1002 Nature of the Board. Board members shall be appointed by approval of Council to a term of years established in City Code. Members may not be removed from the Board prior to the completion of their term except for cause. Successors to an unexpired term shall be appointed by approval of Council for the remainder of the term. The Board shall make provisions to ensure its membership includes representation from diverse communities, ~~including those from diverse communities and with diverse lived experiences, particularly those who have experienced systemic racism and those who have experienced mental illness, addiction, or alcoholism~~ various professional backgrounds, and from different geographic areas within the City. Board members must live or work in the City. Board members shall receive briefing on best practices surrounding recruiting, retaining, and training police officers and investigating complaints against police officers.

3. Delete Chapter 2, Article 10, Section 2-1003:

~~**Section 2-1003 Restrictions on Board Membership.** People currently employed by a law enforcement agency and their immediate family members are not eligible for service on the Board. People who were formerly employed by a law enforcement agency are not eligible for service on the Board.~~

4. Amend Chapter 2, Article 10, Section 2-1004 to read as follows:

Section 2-1004~~3~~ Budget of the Board. Funding for the Board shall be proportional to be no less than 5 percent of the Police Bureau's Annual Operational Budget **set by Council so that the Board will provide sufficient focus on recruiting, retaining, training, and investigating complaints against police officers.**

5. Amend Chapter 2, Article 10, Section 2-1005 to read as follows:

Section 2-1005~~4~~ Professional Staff of the Board. The Board shall hire a Director to manage the professional ~~administrative~~ staff and ~~professional~~ investigators, and to make operational and administrative decisions. The Director is a "Bureau Director" for purposes of Charter section 4-301 and shall be appointed by, and serve at the will and pleasure of, the Board. Professional staff of the Board, other than the Director, shall be appointed by and serve under the direction of the Director as classified employees. **The Director and Professional staff will receive the same briefing as Board members.**

6. Delete Chapter 2, Article 10, Section 2-1006:

Section 2-1006 Independent Authority. ~~The Board shall have authority to exercise independent judgment in performing all legally assigned powers and duties. The Mayor, City Council, Auditor, and City departments, bureaus and other administrative agencies shall not interfere in the exercise of the Board's independent judgment. The physical office of the Board shall be located outside of a Portland Police Bureau facility.~~

7. Amend Chapter 2, Article 10, Section 2-1007 to read as follows:

Section 2-1007~~5~~ Powers of the Board.

(a) **Recruiting and Retaining Police Officers. Annually, the Board shall review and issue a report regarding the effectiveness of, and provide recommendations to further improve, the recruiting and retention programs for sworn police officers of the Police Bureau.**

(b) **Training Police Officers. Annually, the Board shall review and issue a report regarding the effectiveness of, and provide recommendations to further improve, training programs for sworn police officers of the Police Bureau.**

(c) **Investigating and Disciplining Police Officers.**

(1) The Board, **by and through its Director and Professional Staff,** shall have the power to the full extent allowed by law to receive and investigate complaints including the power to subpoena and compel documents, and to issue disciplinary action up to and including termination for **against** all sworn members and the supervisors thereof within **employees of the Portland Police Bureau for:-**

- a. **All deaths in custody and uses of deadly force;**
- b. **Complaints of excessive force;**
- c. **Complaints of discrimination against a protected class;**
- d. **Complaints of violations of constitutional rights; and**
- e. **Complaints of bias-based policing.**

(b) The Board shall have the authority to make policy and directive recommendations to the Portland Police Bureau and City Council. The Portland Police Bureau shall consider and accept or reject all policy or directive recommendations made by the Board. If the Portland Police Bureau rejects a policy or directive recommendation, then at the request of the Board, City Council must consider and vote to accept or reject the policy recommendations received from the Board. Council's decision will be binding on the Portland Police Bureau.

(2) (c) For cases within its jurisdiction, the The Board, **by and through its Director and Professional Staff,** shall have the authority and ability, **to the extent allowed by federal and state law and collective bargaining agreements,** to gather and ~~compel~~ all evidence; ~~to access all police records; to the extent allowed by federal and state law,~~ and the ability to ~~compel~~ **seek** statements from **complainants, subjects, and witnesses, including officers; and subpoena documents and witnesses. Such investigations must respect the legal rights of all complainants, subjects, and witnesses, including officers.**

(3) The Board, by and through its Director and Professional Staff, shall provide to the Chief of Police full, fair, and objective investigation reports and recommended levels of discipline, if any, for complaints within its jurisdiction. The Chief of Police shall have final and sole authority to impose discipline against Portland Police Bureau sworn employees, subject only to the approval of the City Administrator, and consistent with applicable law and collective bargaining agreements.

(4) Annually, the The Board shall make provisions for regular and open meetings, public transparency, and **issue a public** reporting on the Board's activities **surrounding its receipt, investigation, and disciplinary recommendations for complaints against Police Bureau sworn employees within its jurisdiction, while taking all reasonable and necessary steps to anonymize the identities of complainants, subjects, and witnesses.** One of the goals of the Board will be to remove barriers for Board members to fully participate in the work of the Board.

(d) The Board shall have the power to ~~compel~~ sworn members of the Portland Police Bureau and their supervisors to participate in investigations and to ~~completely and truthfully answer all questions.~~ Refusal to truthfully and completely answer all questions may result in discipline up to and including termination.

8. Delete Chapter 2, Article 10, Section 2-1008:

Section 2-1008 Duties of the Board. The board shall have the authority to investigate certain Police actions, including but not limited to;

(a) All deaths in custody and uses of deadly force.

(b) All complaints of force that result in injury, discrimination against a protected class, violations of federal or state constitutional rights.

(c) The Board may investigate other complaints or incidents of misconduct as they see fit or as mandated by City Code.

9. Amend Chapter 2, Article 10, Section 2-1009 to read as follows:

Section 2-1009 Severability. For the purpose of determining constitutionality, every section, subsection and subdivision thereof of this Section, at any level of subdivision, shall be evaluated separately. If any section, subsection or subdivision at any level is held invalid, the remaining sections, subsections and subdivisions shall not be affected and shall remain in full force and effect. The courts shall sever those sections, subsections and subdivisions necessary to render this Section consistent with the United States Constitution and with the Oregon Constitution. Each section, subsection and subdivision thereof, at any level of subdivision, shall be considered severable, individually or in any combination.