

Potential Agreement 1: Approval of Draft PAC Areas of Agreement on Access to Information

Context: City Council Resolution 37548, Exhibit A, required the Police Accountability Commission to “create a code package [which] will contain [...] various powers of the new oversight system which require a more detailed explanation of how these will function,” including “access to police records, evidence, and data, and access to police databases as authorized by federal and state law”, as well as “power to compel testimony and method of obtaining testimony.”

Previous PAC Understanding: The PAC’s Agenda and Scope (September 15, 2022), includes determining “how the board can receive and compel testimony,” and “access to records and data within state and federal law, including subpoena power and access to police records.”

Previous PAC Understanding: The PAC Agenda and Scope includes a mandate to create “Areas of Agreement (Access to Information – records, testimony, etc.)”.

Previous PAC Understanding: The PAC Powers and Duties Phase Co-Chairs created sub-committees to refer draft Areas of Agreement to the full commission for its approval. These sub-committees included the Sub-Committee on Access to Information, tasked with referring draft Areas of Agreement on Access to Information. The Sub-Committee referred the document on 01-05-2023.

Potential Agreement: Approve the PAC Draft “Areas of Agreement on Access to Information” document, as referred by the Sub-Committee on Access to Information on 01-05-2023 and as amended during the 01-19-2023 and 01-26-2023 meetings of the Police Accountability Commission, as the PAC Areas of Agreement on Access to Information.

Can the PAC change this agreement later? Yes. The PAC has no plans to reconsider this document at a later time, but members can suggest altering this document at any point.

Potential Implementation: If the commission comes to this agreement, it will be publicized by the PAC and referenced in future conversations about structure and details, transition and broader system, and other discussions leading to the development of PAC recommendations to the City Council.

Potential Agreement 2: Create three Sub-Committees for Structure and Details Phase

Context: City Council Resolution 37547, Exhibit A, required the Police Accountability Commission to “create a code change package to create a new police oversight system as reflected in the City of Portland charter amendment establishing a community police oversight board.”

Context: City Council Resolution 37547, Exhibit A, required the Police Accountability Commission to, at minimum:

- Define “For Cause: For what reasons a Board member can be removed.”
- Size of the Oversight Board, whether review and/or hearings will include all members of the board or a subset, and how to maintain diversity if the latter.
- Initial and replacement selection method for Board members, length of terms for board members, training requirements for board members, quorum requirements.
- Method to ensure Board membership meets diversity goals outlined in the Charter Amendment.
- Compensation: Should Board members be compensated for their participation on the Board? What is the expected workload of a Board member, and if they should be compensated at what level?

- How initial staff will be hired and onboarded.
- Define “Operational Budget: The Charter Amendment requires that the oversight system have funding of at least 5% of the Portland Police Bureau’s annual operational budget.”
- Define “Interference by other Bureaus/Commissioners: What level of involvement may other parts of the City Government have with the Board, and what types of interactions are forbidden.”

- Transparency of the process: when will reports come back to Council, how will they be made, and what will they contain, will reports be made public, when will meetings be open to the public, and what information about individual investigations will be available to the public.

Previous PAC Understanding: “The Commission may create or establish sub-committees authorized to deliberate on items to be returned to the full Commission for approval.” (PAC Bylaws, VIII-B-i)

Previous PAC Understanding: The PAC Structure and Details Phase, as defined in the Agenda and Scope (09-15-2022), includes determination of:

<u>Board membership</u>	<u>Staff of new Board</u>	<u>New Board’s reports to Council and how they are made</u>
i. Number of members in the board	i. Agency director – qualifications, hiring process, authority, performance reviews	i. what information will be in Reports
ii. Qualifications of the new board members		
iii. Recruitment	ii. Staff structure	

<ul style="list-style-type: none"> iv. Compensation and Support v. Representation of specific impacted communities vi. Onboarding process and training 	<ul style="list-style-type: none"> iii. Will existing staff (IPR/IA/etc.) get preference to apply? iv. Inspector General or Police Auditor with full access to Bureau records, trainings, and staff v. Attorneys on staff with local, state, federal specializations 	<p><u>Public access and transparency</u></p> <ul style="list-style-type: none"> i. what reports are public ii. what meetings are open to public iii. what info on investigations is public
<p><u>Selection and replacement of Board members</u></p> <ul style="list-style-type: none"> i. Appointment Process ii. term lengths / renewability iii. training requirements iv. quorum v. Removal requirements 		<p><u>Position within City</u></p> <ul style="list-style-type: none"> i. Budget – at least 5% of PPB budget ii. Office location – How/where does it exist to be? freestanding? iii. Where in the City org chart / bureau structure is the Board housed?

Previous PAC Understanding: The PAC Structure and Details Phase, as defined in the Agenda and Scope (09-15-2022), includes adopting Areas of Agreement addressing Board Membership, Staff, Office, Bureau, and Board/Agency Budget, and Reporting, Transparency, and Public Access to Information

Potential Agreement: Create three sub-committees for the Structure and Details Phase, on Board Membership, Oversight Agency, and Reporting and Transparency

Potential Agreement: These sub-committees:

- Will each create draft Areas of Agreement, to refer to the full Commission for their approval, as defined in the Agenda and Scope (09-15-2022).
- Will exist at least through the end of the Structure and Details Phase (estimate: April 2023).
- Will be comprised of between 4-10 voting members of the PAC, and may engage non-Commissioners in their work as well.
- Will have tracked membership, to ensure quorum is kept at all meetings. Commission members may add or remove themselves from membership of the sub-committee by notifying the sub-committee co-chairs, full commission co-chairs, and staff.
- May be renewed, either by the PAC Co-Chairs or the full commission, for any duration beyond the end of the Structure and Details Phase, subject to the Bylaws and Internal Processes.

Can the PAC change this agreement later? Yes. There is no predetermined plan to revisit this question, but at any point the PAC can eliminate any sub-committee, add items or remove them from its agenda, move some or all of its work to another sub-committee or the full PAC, and make any other changes they see fit to make, pursuant to the Bylaws and Internal Processes.

Potential Implementation: If this agreement is made by the PAC during its meeting, an email will be sent out asking for volunteers to join each sub-committee. PAC members can add themselves to, or withdraw from, sub-committees later as well.