

City of Portland
Police Accountability Commission
Outline – Broader System

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Reference Information..... **Error! Bookmark not defined.**

The Police Accountability Commission is tasked with developing the new police accountability system in Portland, including the new community police oversight board. As part of ensuring the oversight board and bureau can be effective in completing their duties, the commission was also tasked with determining appropriate involvement between the new system and other parts of City government, as well as relationships with other levels of government. The commission is also tasked with determining how implementation of the new system will impact parts of the current police oversight system in the City, including determining which parts will continue or cease to function, and how.

The PAC's proposed system will be bound by all relevant law and regulations, including at the federal, state, county, and city levels. It will be a part of the City of Portland government, with independent judgment guaranteed in the Charter.

It will also have strong working relationships with many other layers of government as described below. The oversight board will make clear in its discussions with any level of government that it is representing its own views, and not serving as a representative of the City government.

A. The Oversight Board and City Government

A1. General Relationship with other parts of City government

- A. The oversight board will be a part of City government, subject to all laws, rules, and policies which affect City government generally, including the City Charter, City Code, and administrative rules such as Human Resources policy.
- B. The oversight board will supervise an independent bureau as part of its Charter-mandated "independent judgment", which includes non-interference in its required duties and roles from other parts of City government.¹ The Director will be a "Bureau Director" as defined by the

¹ Cite Charter "independent judgment," PAC definitions, and Council Resolution with Scope of Work (37548?) as it pertains to non-interference.

Charter.²

- C. The board will 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 oversight board by law or regulation. These include the Portland Police Bureau, Mayor, City Council, Bureau of Human Resources, City Attorney’s Office, and Office of Government Relations.³

Commented [PAC1]: These six are specifically listed in previously-approved Areas of Agreement documents.

A2. Impact of Oversight Board implementation on City advisory entities

- A. Many of the current advisory groups related to police and policing will not be directly impacted by implementation of the oversight board.⁴ These include the Coalition of Advisory Groups (CAG) and the Community and Culturally Specific Advisory Councils (CCSACs) that are members of the CAG, as well as the Precinct Councils and the Police Equity Advisory Council.

- B. The City has already determined that two of the remaining advisory groups related to police and policing, the Police Accountability Commission itself and the Citizen Review Committee, will sunset as part of oversight board

Commented [PAC2]: Staff note: A-D from Co-Chair KC’s version. E from Commissioner Debbie’s version. Remaining portion of Commissioner Debbie’s text down below in “Reference Information”.

² Cite Charter.

³ From Areas of Agreement on Structural Oversight:

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 top-level administrative division of the City government.

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. The City Attorney shall consult with the Oversight Board during the collective bargaining process and inform the Board as soon as practicable regarding any potential changes to the police contract(s). The Board’s ability to make recommendations shall include proposals for the collective bargaining contracts.

⁴ The PAC found 18 groups related to police and policing in the City of Portland, including one listed as active on City websites, but which media reporting indicates has disbanded (the Alliance for Safer Communities), and additional three (Precinct Councils) mentioned as active but with no other information. 11 of the 18, including the 4 listed in the preceding sentence, are reflected in this sub-section as not being directly impacted by oversight board implementation.

implementation.⁵

- C. To eliminate confusion for the public due to several advisory entities making policy recommendations, the Police Bureauwide Advisory Committee (PBAC) shall be maintained as a PPB budget advisory committee.
- D. To provide them with increased independence as well as access to the Board's investigatory and analytical resources, to avoid confusion from the public, and to be an efficient use of City resources in support of volunteers, groups that advise the City on policy related to police and policing, as well as committees whose primary focus is police oversight, will be incorporated into the oversight board. These include the Training Advisory Council, the Portland Committee on Community-Engaged Policing, the Focused Intervention Team Community Oversight Group, and the Behavioral Health Unit Advisory Committee. Advisory groups being incorporated into the oversight board shall be maintained as distinct sub-committees of the oversight board for at least 2 years.
- E. Members of groups being incorporated into the new oversight board, as well as of the PBAC, shall be guaranteed an appointment as a board alternate during the transition period if they meet board eligibility requirements. These volunteers may also apply and be considered for oversight board membership. Whether board members or alternates, volunteers who were previously a member of an advisory group that is incorporated into the oversight board shall be assigned as full members of the oversight board sub-committee that is a successor to the incorporated group.
- F. The oversight board will meet with remaining volunteer bodies related to policing periodically, in meetings open to the public, to discuss policy issues that have emerged in their respective committees. The oversight board may create opportunities to form joint study committees to research those issues and develop joint recommendations.

⁵ The CRC will sunset on a schedule to be defined in the PAC-proposed Transition Plan.

Commented [PAC 06-083]: Flagged for further discussion (Debbie)

Staff Note: Drafting group will be needing to revisit and adapt (and incorporate multiple versions) before Tuesday 06-13 group.

Commented [PAC 06-084R3]: Commissioner comment (Debbie): TAC and FITCOG in particular work closely with police (Training Division and FIT respectively), not sure of the merit of incorporating that into oversight board.

Commented [PAC 06-085R3]: Co-chair comment (KC): In addition to efficiency argument, consolidation supports simplicity, so that the public knows where to go.

Commented [PAC 06-086R3]: FLAGGED FOR FURTHER DISCUSSION (on 06-13 sub-committee meeting)

Commented [PAC7R3]: Staff Note: As per Officer Accountability, the oversight board will work closely with the Training Division.

- 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 oversight board and give sufficient time for a response.⁶

A3. Impact of Oversight Board implementation on City staff entities

A. Portland Police Bureau (PPB) Internal Affairs

- i. The oversight board will investigate most complaint types which currently are handled by PPB Internal Affairs.⁷
- ii. The only complaint types which currently go to PPB Internal Affairs that would not go to the oversight board are complaints filed by officers, about conduct not affecting any community member, where the complainant officer does not choose to have the board investigate. For these cases, this work shall be transferred to Bureau of Human Resources (or equivalent agency within City government, but outside of both PPB and the oversight board).⁸
- iii. Internal Affairs shall sunset following the creation of the board and conclusion of its work addressing complaints received prior to the oversight board's full implementation.⁹

B. Other parts of the Portland Police Bureau

- i. The oversight board and bureau will maintain a working relationship with the PPB Professional Standards Division, including staff working on the Employment Information System (EIS). This relationship will be beneficial to the board having access to information necessary to fully consider and investigate complaints.
- ii. To avoid confusion as the oversight board implements a position that may have the same title, the Police Accountability Commission requests that the PPB retitle the position currently titled "Inspector-General," so that the community may be clear as to which position provides independent monitoring.¹⁰

Commented [PAC8]: Two points previously referenced:
- There's a lot of professional standards division work that isn't in Internal Affairs, and collaboration/communication between Standards and Accountability / oversight board might be helpful to explain
- (From Transition Plan) importance of PRB coordinator role in the immediate post-transition phase.

Commented [PAC9R8]: Staff Note: First part covered here. Second part is (as per co-chairs) better in Transition Plan.

⁶ Cite new Charter authority for creation of advisory groups.

⁷ Cite Officer Accountability.

⁸ Cite Officer Accountability.

⁹ The (draft) Transition Plan includes the exact information on the date the oversight board, rather than Internal Affairs, will start receiving these types of complaints.

¹⁰ Cite Oversight Staff.

B. Relationship with County Government

Commented [PAC 06-0810]: Staff Note: Question regarding Washington and Clackamas Counties

B1. Policy Coordination and Subject Matter Expertise

As per the Areas of Agreement on Structural Oversight:

“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 officials at any level of government.”

Commented [PAC11]: Co-chair note: Needs to include “appointed” officials too. GARDEN PLOT for revision to “Structural Oversight” document (and if that document is revised, this would also).

B2. District Attorney

- A. The board shall collaborate to the extent allowable under law with the Multnomah, Clackamas, and Washington County District Attorneys’ Offices, including information sharing where appropriate. To ensure officers’ constitutional rights, in no case shall compelled testimony from officers be transferred to DAs’ offices.
- B. In the rare event that a subpoena is issued and needs to be enforced, the board shall apply to the appropriate County authority for the enforcement of a subpoena or to impose the penalties for failure to obey a subpoena or order.¹¹
- C. The oversight board and bureau shall exchange information with the District Attorneys’ Offices, including seeking access to court records and case information pertinent to complaints under investigation.
- D. The oversight board, through legal counsel shall work with the District Attorneys’ Offices to determine appropriate disclosure of public records, and protection of confidential information, including through clarifying or appealing to the DAs’ offices.

¹¹ Cite Charter.

B3. Exchange of Information With / About Other Law Enforcement Agencies

The oversight board and bureau shall maintain a working relationship with the Multnomah, Clackamas, and Washington Counties' Sheriff's Offices, as well as each county's corrections agencies, and with oversight groups for these entities. This relationship will be beneficial to the board fulfilling its duties due to police collaborations and joint operations, and police activity with relation to (county-run) jails.

B4. Other County Relationships

- A. The oversight board and bureau shall exchange information pertinent to complaints under investigation with the counties' Medical Examiners' Offices.
- B. The oversight board and bureau may seek membership for a representative in Multnomah County's Local Public Safety Coordinating Council (LPSCC), to assist with developing working relationships and exchange information in pursuit of oversight goals and responsibilities.

Commented [PAC 05-3012]: LPSCC Website: <https://www.multco.us/lpsc>

Open question: what should the relationship look like? Consensus around having one but should it report or should it be a member?

C. Relationship with State Government

C1. Obligation to Follow State Law

The oversight board is obligated to follow all applicable state laws and rules, including the Oregon Constitution (and protecting the rights of all parties under the state constitution), collective bargaining agreements (as per the Public Employees Collective Bargaining Act), public records and public meetings law, and as of July 1, 2025, statewide discipline guides.¹²

C2. Policy Coordination and Subject Matter Expertise

As per the Areas of Agreement on Structural Oversight:

¹² The City of Portland's current discipline guide was bargained with the Portland Police Association. The state determined that statewide discipline guides created by the LESC would take effect after the expiration of current bargained discipline guides in each jurisdiction that had bargained one. Portland's collective bargaining agreement with the PPA expires on June 30, 2025.

“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 officials at any level of government.”

Commented [PAC13]: Co-chair note: Needs to include “appointed” officials too. GARDEN PLOT for revision to “Structural Oversight” document (and if that document is revised, this would also).

C3. Exchange of Information With / About Other Law Enforcement Agencies

Commented [PAC14]: Staff note: Mirrors county text above.

The oversight board and bureau shall maintain a working relationship with the Oregon State Police (OSP), including the State Medical Examiners Office, as well as the Department of Corrections (DOC), and with oversight groups for these entities. This relationship will be beneficial to the board fulfilling its duties due to police collaborations and police activity with relation to (state-run) jails, prisons, and detention centers.

C4. Support of state court consideration of cases involving officers or incidents subject to complaint

- A. The board shall collaborate to the extent allowable under law with State courts and prosecutors, including information sharing where appropriate. To ensure officers’ constitutional rights, in no case shall compelled testimony from officers be transferred by the oversight board.

- Arbitration / Employment Relations Board

Commented [PAC15]: Staff Note: Needs to be expanded/placed into relevant category.

D. Relationship with Federal Government

Commented [PAC16R15]: Staff Note: May be helpful to review information about arbitration which the City Attorney’s Office presented at PCCEP in March 2023 (link goes to start time of presentation): <https://www.youtube.com/live/DxNww5oeKM0?feature=share&t=901>

D1. Obligation to Follow Federal Law

The oversight board and bureau are obligated to follow all federal laws, including the United States Constitution (and protecting the rights of all parties under the US Constitution), and the *USDOJ v. City of Portland* Settlement Agreement. Implementation of the oversight board is obligated to follow the Settlement Agreement, Paragraph 195.¹³

¹³ Note that as part of this process, any responsibility currently tasked to another volunteer group, if that volunteer group would be incorporated into the oversight board under this document (Section A2), would need to be reassigned to the oversight board as part of the settlement agreement amendment process described in the *USDOJ v. City of Portland* Settlement Agreement, Paragraph 195.

D2. Policy Coordination and Subject Matter Expertise

As per the Areas of Agreement on Structural Oversight:

“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 officials at any level of government.”

Commented [PAC17]: Co-chair note: Needs to include “appointed” officials too. GARDEN PLOT for revision to “Structural Oversight” document (and if that document is revised, this would also).

E. Relationship with Other Oversight Entities

The oversight board should seek to be a model for other jurisdictions that review and adapt their own oversight systems.

The oversight board and bureau shall also 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.

The oversight board and bureau 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 board perform its duties more effectively.