

City of Portland
Police Accountability Commission
Draft Areas of Agreement on Broader System

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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 was 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 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
- D. The oversight board shall maintain a working relationship with other parts of the City government, and work with those entities to ensure there is no duplication of names and titles, processes, and terminology. This process shall seek to avoid confusion and create clarity for the community.

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

¹ [Portland City Charter § 2-1006 Independent Authority](#), See also: [Police Accountability Definitions](#)

² [Portland City Charter § 2-1005 Professional Staff of the Board](#), See also: [Police Accountability Commission Areas of Agreement on Oversight Staff § C3a](#)

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.”

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.
- 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 implementation.⁴
- C. The oversight board and bureau shall maintain a working relationship with other advisory committees related to police and policing. Representatives from the oversight 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.
- D. **Framework for independent and voluntary incorporation**
Other 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 oversight board assume their duties. ~~choose to pursue incorporation with the oversight board to provide themselves with increased independence, 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.~~
- i. This process would be initiated through mutual consent by the advisory group and the oversight board, and the bureau associated with the advisory group.
- ii. Advisory group members with an interest in process complaints of police misconduct and wishing to apply for service on the oversight

Commented [PAC2]: Commissioner suggestion (Dan): Suggest using language proposed by Commissioner Michelle-Westley at Transition Plan subcommittee

Commented [PAC 07-103R2]: STAFF NOTE: This can be done through a single

Commented [PAC4]: Commissioner Suggestion (Dan): Delete i-iii and strongly suggest using language such as:

"If, as the new Board solidifies its work, it is found that other advisory groups working on police accountability and police policy recommendations are unable to continue functioning, the Board may consider incorporating those other bodies' work into their system, so long as there is capacity to do so. The body that is no longer fully functional or the Board may begin the process to examine the feasibility of incorporating such work."

Then rewriting the rest of the section to match this concept.

Commented [PAC5]: Co-chair proposed change (Debbie)

Commented [PAC6]: Co-Chair proposed change (Debbie)

⁴ The CRC will sunset on a schedule to be defined in the PAC-proposed Transition Plan.

board, would receive preference, as long as their membership did not disrupt the board's diversity goals.

- ii. Incorporation would include a guarantee of appointment as a Board alternate, and consideration by Council of Board membership, for all members of the incorporated advisory group, which ensures continued full voting membership on the incorporated group.
- iii. Incorporation would also include the maintenance of the incorporated group as a distinct and independent body for at least the length of one board term (3 years).
- iv. Other details would be developed between the incorporated group, following their voluntary choice to pursue incorporation, and the oversight board.

Commented [PAC7]: Co-chair proposed change (Debbie)

Commented [PAC8]: Co-chair suggestion (Debbie): replace with:

"Advisory group members with an interest in process complaints of police misconduct and wishing to apply for service on the oversight board, would receive preference, as long as their membership did not disrupt the board's diversity goals."

Commented [PAC9]: Co-chair suggestion (Debbie): delete text

- E. After the oversight board has been implemented for at least 3 years, no sooner than two years after the Board has begun taking on complaints from the public (Transition Plan "Post-Transition Phase Day One") 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."⁵

Commented [PAC10]: commissioner proposed change (Dan)

Commented [PAC11]: Commissioner proposed change (Dan)

Commented [PAC12]: Commissioner comment (Dan): The City's directive to look at the oversight system, to me, doesn't include advisory bodies who don't look at individual cases. Even the Focused Intervention Team Community OVERSIGHT Group doesn't provide oversight in the way I think the Council meant for the Commission to consider.

- F. 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

Commented [PAC13]: Co-Chair comment (Debbie): After three years, one would assume the IPR/CRC would no longer exist. I am not sure, but I don't think the term "current oversight systems" refers to advisory groups. My guess is it means IPR/CRC/Police Review Board/Internal Affairs (with the exception that some aspect of IA may need to remain in order to handle complaints unrelated to community members).

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

⁵ [Portland City Council Resolution 37548, Exhibit A, Transition Plan](#)

⁶ Portland City Charter, [Ballot Measure 26-228 § 2-103](#), (effective January 1, 2025).

⁷ [Police Accountability Commission Areas of Agreement on Officer Accountability, §A6](#)

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, cease operating to the extent possible based on how the city requires Bureaus to handle internal complaints.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 Employee Information System (EIS).

Commented [PAC 06-1314]: Comment (from Dep. City Attorney Sarah Ames): My understanding is that BHR does not investigate these types of things within any bureau presently but supports the bureau investigating them. When PAC briefs with BHR this could be something to ask about the feasibility of (BHR taking this on).

Commented [PAC15R14]: STAFF NOTE: Can be resolved by full commission after sub-committee referral and BHR briefing/update.

Commented [PAC 07-1016]: STAFF NOTE: Could be changed across the board to "conclude" as in Draft Transition Plan.

Commented [PAC17]: Commissioner comment (Dan): Looking at Deputy City Attorney Ames' comment it may be that the PPB has to have some kind of internal investigations unit for internal complaint resolution.

Commented [PAC18]: Commissioner proposed change (Dan)

Commented [PAC19]: Commissioner proposed change (Dan)

⁸ [Police Accountability Commission Areas of Agreement on Officer Accountability, §A7](#)

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.

B. Relationship with County Government

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 [PAC20]: 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.^{10,11}
- 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.

Commented [PAC21R20]: STAFF NOTE: If / when "Structural Oversight" document is updated, this text would be automatically altered.

¹⁰ [Portland City Charter § 2-1007\(a\) Powers of the Board](#)

¹¹ [Police Accountability Commission Areas of Agreement on Officer Accountability, §B2N](#)

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 exchanging information in pursuit of oversight goals and responsibilities.

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:

"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."

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

- A. 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.

- B. The oversight board and bureau shall also maintain a working relationship with the Department of Public Safety Standards and Training (DPSST), including sharing information about cases in which officers were found to have committed misconduct and cases in which a finding of "training failure" was reached.¹³ This relationship shall benefit the community by promoting improvement in training and performance of officers.

Commented [PAC22]: 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).

Commented [PAC23R22]: STAFF NOTE: If / when "Structural Oversight" document is updated, this text would be automatically altered.

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.

¹³ [Police Accountability Commission Areas of Agreement on Officer Accountability, § C1\(B\)\(i\) and C1\(C\)\(ii\).](#)

C4. Employment Relations Board

The oversight board and bureau shall maintain a working relationship with the state Employment Relations Board (ERB). This relationship will be beneficial to the board understanding arbitration and its role in the process of addressing allegations of officer misconduct.

C5. Support of state court consideration of cases involving officers or incidents subject to complaint

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.

D. Relationship with Federal Government

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.

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 [PAC24]: 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).

Commented [PAC25R24]: STAFF NOTE: If / when “Structural Oversight” document is updated, this text would be automatically altered.

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.¹⁴

F. Relationship with other municipalities and governments

For those agencies not addressed in other sections of this plan, the oversight board and bureau shall also maintain a working relationship with law enforcement entities outside of Portland, including but not limited to those municipalities whose officers may engage with community members in Portland, TriMet police, and private security agencies serving in public spaces.

Commented [PAC26]: Co-Chair question (Debbie): is this supposed to say "adopt?"

Commented [PAC 07-1027R26]: STAFF NOTE: It was "adapt" in its initial draft form, but could be proposed to change to "adopt" if that (slightly different) meaning is preferable to PAC members.

Commented [PAC28]: Commissioner proposed addition (Dan)

Commented [PAC 07-1029R28]: STAFF NOTE: If approved, would be reformatted.

¹⁴ [Police Accountability Commission Areas of Agreement on Board Membership, §D2\(A\)\(iii\)](#)