

City of Portland
Police Accountability Commission
Draft Areas of Agreement on Oversight Staff

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The Police Accountability Commission is tasked with developing the functions of the new police accountability system in Portland, including the new community police oversight board. As part of ensuring the oversight board is able to complete its duties, the commission was tasked with defining the role of the Director and staff, budget, and position within the City.

Commented [PAC 04-241]: Garden Plot (Faythe): Will need to revisit when there's a name decided (in Phase 5).

The Police Accountability Commission has developed the following Areas of Agreement on Oversight Staff. These agreements are not formal recommendations of the Police Accountability Commission, but will be built upon by the commission to create City Code recommendations for Council.

Commented [PAC2]: Co-Chairs proposed addition (Dan / Aje):

Commented [PAC 04-243R2]: Flagged for further discussion (after reviewing A-C).

A. Agency Director

A1. Qualifications / hiring process

A1a. The Board shall hire a Director [who] shall be appointed by, and serve at the will and pleasure of, the Board.¹

A1b. Hiring process²

A1b1. Selection of the Director shall be done through a “community process led by the oversight board.”³

A1b2. The Board shall select the Director, in accordance with the City's human resource policies and rules and any other applicable laws, by the following process:

A1b2i. A subset of the Board (“Hiring committee,” which could be made up of Board leadership and/or others) shall work with the Director of the Bureau of Human Resources (BHR) or designee to create a job posting that comports with the necessary and desired qualifications for a Director;

A1b2ii. The Hiring committee shall work with selected community members to assess minimum qualifications by screening applications and resumes, and the committee shall select at least three candidates best qualified to interview;⁴

A1b2iii. The full Board shall interview the candidates and the top scoring candidate will be moved forward;

A1b2iv. At that meeting or the next appropriate meeting, the full Board shall vote whether to hire the top scoring candidate.

A1b2v. If the top candidate is not appointed, then the Hiring Committee shall present the next top scoring candidate to the Board for consideration and a vote. The selection process shall continue as stated until the Board votes to appoint a candidate as the Director; this shall include reopening the recruitment process if none of the interviewed candidates are appointed.

¹ Portland City Charter 2-1005.

² Adapted from Portland City Code 3.21.040.

³ From Denver.

⁴ Also from Denver.

A2. Authority / Duties

A2a. The Director shall manage the professional administrative staff and professional investigators, and make operational and administrative decisions.⁵

A2a1. The Director may appoint other personnel necessary to carry out the duties of the oversight bureau ~~Oversight Agency~~, keeping within the adopted budget.⁶

Commented [PAC4]: Commissioner proposed change (Charlie):

A2a2. The Director may ~~delegate to a designee~~ any or all appropriate duties or responsibilities to a designee.⁷

Commented [PAC5]: Staff proposed rewording for clarity.

A2a3. The Director or designee shall conduct outreach to create a pipeline of employees for the Board by engaging people in impacted communities.⁸

A2b. The Director shall ensure that a qualified staff person goes directly to the scene of officer deadly force incidents and other incidents which may involve police misconduct needing immediate attention.⁹

Commented [PAC6]: Commissioner proposed change (Charlie):

A2c. The Director shall adopt, make public, amend and rescind rules and procedures required for the discharge of duties, including policies and procedures for receiving and processing complaints, conducting investigations, and reporting findings, conclusions and recommendations. All such policies shall be sent to the Board for review and feedback before adoption.¹⁰

Commented [PAC 04-177]: Staff note: These would be similar to the PSF 5.01 type rules (Administrative Rules issued by Bureau, aka ARBs).

A2c1. The Director may provide input to the Board when the Board is writing its Bylaws, but the Board is not required to get approval from the Director.¹¹

⁵ From Portland City Charter 2-1005: "Professional staff of the Board, other than the Director, shall be appointed by and serve under the direction of the Director as classified employees."

⁶ From Portland City Code 3.21.050

⁷ From Portland City Code 3.21.050

⁸ **Suggested by Commissioners. "Impacted" added by co-chairs.**

⁹ Adapted from "Civilian Staff Involvement" in Barriers and Best Practices document.

¹⁰ From Portland City Code 3.21.170 K and 3.21.090A.

¹¹ **From Board Membership section H1. Proposed by co-chairs.**

A3. Performance reviews of the Director and other staff including removal

A3a. The Board shall conduct annual performance reviews and manages the Director.¹²

Commented [PAC8]: Staff proposed rewording for clarity.

A3a1. The Board shall participate in performance reviews for the auditor/monitor/inspector-general and legal counsel, and may also participate in other reviews.

A3b. The Director shall be removed from office only upon a finding of cause and by a vote of a supermajority of the Board.¹³

Commented [PAC 04-279]: Flagged for further discussion (Commissioner Tim):

Commented [PAC10R9]: Comment from Co-chair Dan:
"For cause may include misconduct, fraud and disclosure of confidential information."

A4. Qualifications

A4a. The Director shall be a person who is well-equipped to analyze problems of administration, and public policy, and shall have a working knowledge in criminal justice commensurate to sufficient for the powers and duties of the office. Experience and knowledge should also include working with communities impacted by police misconduct.¹⁴

Commented [PAC11]: Commissioner proposed change (Charlie):

¹² From San Diego County.

¹³ Adapted from Portland City Code 3.21.040 C.

¹⁴ Adapted from Portland City Code 3.21.040 B.

B. Staff Structure, qualifications, duties, and Board involvement in hiring

B1. Restrictions on Hiring

To maintain independence between the Board and the police, ~~the Board shall not hire it is recommended that current and former and current~~ police officers ~~not be hired~~ as staff.¹⁵

Commented [PAC 04-2712]: Commissioner proposed change (Seemab):

Commented [PAC 04-2713R12]: Flagged for further discussion (5 minutes)

Commented [PAC 04-1714]: Staff Note: Sub-Committee has three options here based on the Sub-Committee's intention:

- If the intention is for the PAC to recommend this to the future Oversight Board, the PAC has historically put recommendations towards the bottom of documents, with a header that defines it as such.

- If the intention is to create a rule preventing current and former police officers from being hired as staff, then the verbs would need to be changed, e.g. "The oversight board shall not hire current or former police officers as staff."

-

If the intention is to have the full commission discuss and make this determination, it probably makes sense to have both versions of text go on as "referred without recommendation" for the full commission to discuss.

B2. Auditor, Monitor, or Inspector-General with full access to Bureau records, training, and staff

B2a. The Director shall hire an auditor/monitor/inspector-general, who will be in charge of auditing records and other aspects of the accountability system.¹⁶

B2b. Audits conducted by staff will include police practices, policies, training, and directives, including regular audits of police communications with the public (news releases, social media, etc.).

B3. Attorney(s) with local, state, and federal specializations

B3a. The Director shall hire legal counsel to provide legal advice for the Board and staff separate from the City Attorney's office.¹⁷

B4. Other positions recommended for the Board Staff

B4a. Professional staff of the Board, other than the Director, shall be appointed by and serve under the direction of the Director.¹⁸

B4b. The Director shall hire part or full time staff members focusing exclusively or in combination on:

B4b-i. Policy work: Note that New York's policy unit does data analysis, includes lawyers, and makes monthly, semi-annual and annual reports.

¹⁵ added by Commissioners.

¹⁶ Proposed in PAC's Agenda and Scope, found in San Francisco, Oakland and Seattle.

¹⁷ based on Areas of Agreement from other jurisdictions, identified in Denver, Oakland, San Diego (County), San Diego (City) and Portland City Code 3.21.070 (P).

¹⁸ From Charter 2-1005; repeat of A2a.

- B4b-ii. Mediation,¹⁹
- B4b-iii. Investigation,
- B4b-iv. Hearings support.²⁰
- B4b-v. Records.²¹
- B4b-vi. Outreach/Community Engagement.²²
- B4b-vii. Intra-governmental affairs.²³
- B4b-viii. Data analysis:²⁴ to include demographics and disparities.²⁵
- B4b-ix. Equity and Inclusion.²⁶
- B4b-x. Public affairs/communications²⁷
- B4b-xi. Personnel²⁸
- [B4b-xii. Administrative Staff.](#)²⁹

B4c. Hiring of the following staff positions shall involve the Board members:

- B4c-i Auditor/monitor/inspector-general.³⁰
- B4c-ii Legal counsel

B4d. The oversight system may reach outside city structures to complete its work.

B4d-i The Board or staff may consider working with law school faculty and/or students or other community resources.³¹

B4e. Advocates:

B4e1. The Board shall hire, on a part-time or contracted basis, advocates to help complainants navigate their complaints.

Commented [PAC 04-2715]: Commissioner proposed removal (KC) Part 1

¹⁹ From San Francisco.

²⁰ added by Commissioners.

²¹ From San Francisco.

²² Found in Washington, DC, New York, San Francisco.

²³ From New York.

²⁴ From New York.

²⁵ added by Commissioners based on New York's Racial Profiling unit.

²⁶ added by Commissioners; suggested by San Diego City staff.

²⁷ From 3/13 meeting

²⁸ suggested by San Diego City staff.

²⁹ From Charter 2-1005.

³⁰ In Oakland, the board hires this position.

³¹ From Albany, where Albany Law School faculty and students support the oversight system.

B4e2. All advocates (~~regardless of paid/part-time/volunteer status~~) shall be trained both on culturally-sensitive / competent support for complainants, AND on sexual assault / survivorship for community members, so that even if someone from the relevant group isn't available when a person calls in everyone can provide support.

Commented [PAC 04-2716]: Commissioner proposed removal (KC) Part 2

Commented [PAC 04-2717R16]: Flagged for further discussion (5 minutes)

B4e2i. The structure may involve paid staff with the above skills, mixed with volunteers. Complainants can call in and ask for culturally competent / sensitive intake.³²

B4e3. Advocates are required to receive continuing education.³³

B4e4. Advocates will assist the staff in delivering community education about the complaint process.³⁴

B4f. Investigators:

B4f1. The Board shall hire an appropriate number of investigators to conduct intake investigations, full investigations and follow-up investigations as necessary. Workload shall be distributed to ensure timely investigations of all complaints.

B4g. Mediators:

B4g1. The Board shall arrange for paid professional mediators on an on-call, part-time or full-time basis.³⁵

B4h. Administrative Staff

B4h1. The Director shall hire administrative staff as necessary for the Board's functioning, including to assist Board members.³⁶

B5. Staff Training

Commented [PAC18]: Formatting updated by staff between 05-01 and 05-04 meetings.

³² Based on Lines for Life.

³³ Suggested by commissioners.

³⁴ Suggested by commissioners.

³⁵ From Commissioner discussions.

³⁶ Adapted from Charter 2-1005.

B5a. Staff shall be trained on issues specific to their roles, such as:

B5a-i. PPB and Board policies and directives,

B5a-ii. Interviewing,

B5a-iii. Evidence,

B5a-iv. PPB patrol training and tactics,

B5a-v. PPB and Board operations,

B5a-vi. Legal issues including stops, frisks, and searches.³⁷

B5a-vii. Trauma-informed service delivery, focused on interviewing and other community interactions.³⁸

B5a-viii. Cultural competency.

B5b. As a general matter, staff shall not seek administrative and legal guidance from the Police Bureau, unless necessary to perform their duties.³⁹

B5c. As a general matter, staff shall not be trained alongside administrative investigators at the Police Bureau, unless necessary to perform their duties.⁴⁰

B6. Staff qualifications

B6a. There may be a minimum number of years of experience required for positions such as investigators; it is not appropriate for that number to be more than five years.⁴¹

B6b. The oversight agency should include as a preference in staff recruitment that candidates have experience working with community.⁴²

B6b-i. Other preferred background qualifications include candidates with public defense or civil rights backgrounds, investigative, policy, and/or management skills.⁴³ Investigative background can include Child Services, personnel, safety, housing, medical and insurance investigations, and other

³⁷ Each of these six items from New York.

³⁸ Added by Commissioners.

³⁹ Adapted from New York.

⁴⁰ Added from Commissioners' discussions.

⁴¹ Adapted from New York.

⁴² Suggested by Oakland oversight staff.

⁴³ Suggested by Oakland oversight staff.

non-police agencies.⁴⁴

B6b-ii. Staff should also be versed in contemporary legal topics related to policing such as Critical Race Theory.⁴⁵

B7. Staff duties

B7a. Staff shall review all misconduct investigations to ensure they are complete before they are sent to the Board to make findings and determine discipline.⁴⁶

B7b. Staff and community engagement

B7b-i. The oversight board shall conduct public education on the role of the oversight system and community members' rights,⁴⁷ keeping the community informed of activities, how to file complaints and seek recourse in case of retaliation, and receive input.⁴⁸

B7b-ii. A participatory public process is the goal, not a check-box. The public's input needs to be integrated into the Board's outcomes. Where appropriate, oversight staff shall train trainers who can go into specific communities and train in ways that work for those groups, in addition to the Board training the public at large directly.

B7b-iii. Staff shall set up community engagement events which may involve the Board members when available.

B7b-iv. The outreach shall be conducted in ways that are accessible in terms of language, abilities, and other considerations.

B7b-v. Communities to engage should include youth and community partners,⁴⁹ immigrant communities including people of undocumented

⁴⁴ added by Commissioners.

⁴⁵ added by Commissioners.

⁴⁶ In Seattle, this is the job of the Inspector-General.

⁴⁷ Rights trainings done in New York and San Francisco. * Education on rights=Constitutional rights. (note from co-chairs)

⁴⁸ from San Diego City.

⁴⁹ from Washington, DC

status, people with mental illness, and others negatively affected by policing.⁵⁰

B7b-vi. Outreach locations should include but not be limited to schools, libraries, community organizations, neighborhood meetings, and organizations serving the houseless population.⁵¹

B7b-vii. Community engagement includes discussions on how to improve police practices and policy which include soliciting community input.⁵² Policy discussion should also include local, state, and federal laws which are not necessarily police bureau policies.

B7b-viii. The oversight system shall conduct education on their activities for law enforcement personnel and bargaining unit representatives.⁵³

B7c. Alone or in cooperation with other city agencies/bureaus, Board staff will also audit police surveillance and other technologies.

B7d. Relevant data from audits will be posted online including on online dashboards.

B7e. Staff shall train new Board members on bylaws and basic information and expectations using an organized curriculum. Continuing Board members will train the new members on other areas and mentor them as they get up to speed.

B7f. Appropriate investigative staff shall be available on-call to go directly to the scene of officer deadly force incidents and other incidents which may involve police misconduct needing immediate attention.⁵⁴

Commented [PAC19]: Commissioner proposed change (Charlie):

B8. Supportive Services for Staffers:

⁵⁰ added by Commissioners.

⁵¹ Adapted from New York, which includes "housing authority"

⁵² From Chicago and Los Angeles County.

⁵³ From Washington, DC.

⁵⁴ See A2a under Director's duties; adapted from Barriers and Best Practices Portland document.

B8a. Because police misconduct investigations are taxing emotionally and mentally, staff will be provided with mental health services.

Commented [DH20]: Co-chair comment (Aje):
In a lot of professions that are taxing, there are therapists on staff, as opposed to going through insurance, seeing who has an appointment among who's covered. Benefits don't necessarily equal access.
Co-Chair question (Dan): Does the current City EAP (Employee Assistance Program) have licensed therapists as a part of it?

C. Position and other logistics within the City

C1. Budget

C1a. The oversight body shall have a publicly disclosed budget. Charter 2-1004 defines a minimum of 5% of the PPB budget for the oversight board/agency.

C1b. After evaluation of the budget, the oversight board/staff shall be able to request a larger budget allocation as part of the annual budget process.⁵⁵

C1c. The Director shall comply with the City's purchasing procedures but shall have sole discretion in choosing staff persons, contractors and other employees and making other decisions about expenses.⁵⁶ The Board may require that the Director make certain hiring/purchasing decisions only with the Board's approval.⁵⁷

C2. Office Location

The physical office of the Board shall be located outside of a Portland Police Bureau facility.

~~C2a. The offices may be located in a private office space.⁵⁸~~

~~C2ab. The offices ~~should shall~~ not be in the same building ~~with as~~ the Mayor, City Council, or ~~Portland Police Bureau employees any other bureau or agency related to public safety.~~⁵⁹~~

~~C2eb. The office ~~should shall~~ not be in a space where security is provided by law enforcement.⁶⁰~~

⁵⁵ suggested by Commissioners

⁵⁶ from Portland City Code 3.21.060 B.

⁵⁷ suggested by Commissioners

⁵⁸ ~~also found in Washington DC, Denver and Oakland.~~

⁵⁹ Charter 2-1006: "The physical office of the Board shall be located outside of a Portland Police Bureau facility." from San Diego City, San Francisco

⁶⁰ adapted from San Diego County.

Commented [PAC21]: Flagged for further discussion on 05-01-2023 by commissioner request after 04-27-2023 meeting.

C2c. The office shall be in a location convenient for the public, including accessibility to public transit.⁶¹

C2d. The offices may be located in a private office space.⁶²

Commented [PAC22]: Commissioner proposed change (Angie):
- Swap order of items
- change "should" to "shall"
- clarify to PPB employees

C3. Where in the city's organizational chart is the Board housed?

C3a. The Board will be a standalone Bureau similar to Prosper Portland. It will not be housed in any other Bureau.⁶³

C4. Suggested hours of operation

C4a. The Board's offices shall be open to accept complaints for longer hours than M-F 9 AM-5 PM, including early mornings, weekend times, and evenings.⁶⁴

C4b. The Staff's working hours may be staggered to avoid overlong days, but accommodate hours both for complaint intake and potential evening/weekend meetings of the Board.⁶⁵

⁶¹ from Portland City Code 3.21.060 A

⁶² also found in [Washington DC, Denver and Oakland.](#)

⁶³ Independent Police Review is also a standalone bureau (since July 2022). It will not exist after the new oversight board is fully functional.

⁶⁴ Most City offices, including most of the City's current accountability system, operate between 8 AM-5 PM. For complainants with less flexible schedules, who often are lower- and middle-income individuals, this is a direct barrier to participation as well as to receiving information and updates. (from Barriers and best practices document, not needed as footnote, just here as a reference?) Expanded from New York/San Francisco-- from Officer Accountability areas of agreement.

⁶⁵ suggested by Commissioners.