City of Portland

Police Accountability Commission

DRAFT Areas of Agreement on Reporting and Transparency

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Transparency is about "the public's right to know the public's business."[1]

The Police Accountability Commission understands & uplifts the importance of transparency. Transparency builds trust between the agencies and the community. Transparency allows for the community to be engaged and support the work and evolution of the agencies. Transparency ensures that police, the state, and governing bodies are held accountable and actionable to the community's standards. Transparency invites all to participate and have access to the work and issues at hand.

The Police Accountability Commission identified several barriers to police accountability in Portland in 2022, including that "there is a current perception by both community members and law enforcement that the accountability system is opaque, unfair, and unjust."[2]

In the current system, "by design, the lack of transparency bleeds into the inability to monitor for effectiveness, improvement, or challenges. The data that are available are limited and do not summarize the impact made to accountability."

The PAC also considered the National Association for Civilian Oversight of Law Enforcement's observation that "state laws already afford extraordinary protections to law enforcement officers and conceal extensive information regarding their work from the public," and NACOLE's recommendation for oversight independence, including that "oversight bodies [should] not keep secrets for law enforcement."[3]

The City Council mandated that the Police Accountability Commission define, in its organizational details:

> "7. 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."

[1] From Eileen Luna Firebaugh's 2008 assessment of IPR.
[2] PAC Barriers and Best Practices, #8.
[3] PAC SMEs, A2.

The Commission's recommendations, if implemented, will improve upon the current system by ensuring transparency in meetings, public ability to give input before decisions are made, regular reporting, access for the public to information about policing and police accountability (including raw data), and confidentiality where necessary for safety.

A. Transparency in Meetings and Hearings

All meetings of the oversight board shall be open to the public, except when otherwise required. Meetings and hearings of the Oversight Board shall be subject to the Oregon Public Meetings Law, ORS 192.610 through 192.710.[4] Proper notice, agendas, meeting summaries, and meeting materials will be made available to the public in a timely way.

A1. Public Participation in Meetings

Meetings of the oversight board will be open to the public and offer time for public comment. Meetings and hearings will be held publicly and allow for community input.[5] Public comment will be allowed, at minimum, before key decisions are made.

A2. Oversight Board Support for Policing and Accountability Transparency

The Oversight Board will meet regularly with the staff Director, including during public meetings. The Oversight Board will regularly host the Chief of Police, Mayor, and other relevant officials at its public meetings.[6]

The agency Director will provide written updates at each full Oversight Board meeting with information on the status of agency investigations and of those conducted by the police bureau, if any, and other relevant updates about the Board and staff.

[4] Modified from City Code 3.21.090 A 1
[5] Adapted from PAC Barriers and Best Practices, “Best Practices: Transparency.”
[6] Adapted from PAC Areas of Agreement on Other Jurisdictions, G4.

B. Reporting to the Public and City Council

B1. Regular Reporting to City Council

The oversight board and agency will publish a written annual report with Executive Summary by a consistent date each year. The report will be presented at a public oversight board meeting with public comment and questions encouraged. Annual reports will also be presented at a public City Council session with oral testimony accepted.

The oversight board may also issue quarterly reports.

The Board shall hire a qualified staff member, a team, or independent expert(s) to review closed investigations on an ongoing basis pertaining to officer-involved shootings, deaths in custody, and uses of deadly force that do not result in death.[7]

The completed reviews shall be described in periodic reports available to the public and include case and investigative summaries, policy implications, recommendations for improvements in police and Oversight Board policies or practices.[8]

These deadly force reports will be presented to the public and City Council. Contemporaneous public testimony, including oral testimony, will be accepted at City Council sessions.

B2. Annual Report Required Contents

Overview

- Overview of the accountability system
- Vision, mission, and values
- Message from Board leadership or officers
- Message from executive director

[7] Adapted from PAC Areas of Agreement on Structural Oversight, G1.
[8] From PAC Areas of Agreement on Structural Oversight, G1.

About the Oversight Board and Agency

- Information and resources about oversight board
- Duties and powers of oversight board
- Processes, procedures, and definitions relevant to the agency's work, such as how complaints are processed and adjudicated
- Stages of complaint handling
- Member biographies
- Agency staff
- Training and Professional Development
- Organizational structure
- Board activities
- Summary of committee work

Policy

- Policy recommendations related to policies and practices, collective bargaining agreements, City ordinances, and state law
- The status and outcomes of any previous recommendations
- For any recommendations that have not been implemented, the reasons, with an emphasis on persistent issues not yet addressed by PPB and the City Council
- Analysis of closed cases for policy implications

Complaints of Alleged Officer Misconduct

- Complaints by year, quarter, allegations by unit, type
- Employees named in complaints, to the extent allowed by law and policy
- Information regarding uniformed personnel who were the subject of multiple complaints, complainants who filed multiple complaints, and issues that were raised by multiple complaints, to the extent allowed by law and policy;
- The number of named employees who have received two or more sustained complaints within one year, to the extent allowed by law and policy
- Cases, allegations, officer and complainant demographics, disaggregated by geographic area

- Investigations – full, expedited, etc.
- Findings, overturned findings
- Discipline imposed
- The number and percentage of cases that were appealed or otherwise challenged, and the number and percentage of these cases in which findings and/or discipline determinations were changed, and the nature of those changes
- The number and percentage of all complaints handled directly by frontline supervisors, referred for Supervisor Action, Management Action, training, or alternative resolution
- The number of times a Police Bureau employee failed to comply with the agency's request for an interview or for the production of documents, and the number of times a Police Bureau sworn employee failed to comply with a valid subpoena, and whether discipline was imposed for any such non-compliance
- The number, nature, and settlement amount of civil suits against PPB officers regardless of whether the City is a defendant in the litigation[9]
- Timeliness of complaint resolution
- Redacted case summaries
- Board actions by case number, date, and findings
- Trends related to officer history and complaint type as well as frequency, consistency, and adequacy of discipline imposed.
- Overall patterns and trends
- Death cases
- Mediations

Outreach / Satisfaction

- Information on outreach efforts including feedback received at community events, engagement with the public and with the Police Bureau
- Complainant satisfaction survey results

[9] Required in *US DOJ v. City of Portland* Settlement Agreement.

B3. Raw Data

Raw data shall be available for download, inspection, and analyses by members of the public. Publishing raw data on a regular basis promotes transparency and public confidence in both the law enforcement and civilian oversight agencies. Raw data shall include complaints, intake decisions, closure reasons, findings, discipline, complainant demographics, and complaint geographies.

Data sharing shall adhere to standards that prioritize the protection of Personal Identifiable Information (PII) of the complainant and applicable community members. Raw data available for download shall include an appendix describing data sources, data definitions, and other pertinent contextual information.

The Board will publicly report its findings, conclusions and recommendations coming out of misconduct case hearings.[10]

B4. Dashboards

Interactive dashboards shall be developed around the oversight data so that it can be visualized in different ways. Dashboards may display case statistics, open, closed statuses, sustained allegations, findings, and discipline. Dashboards shall provide filters to disaggregate data by race, ethnicity, geography, and other important categories to offer a nuanced look at the data. Communication through data dashboards shall prioritize accessibility and usability. When applicable, the Board and/or staff shall provide technical assistance, trainings, or webinars to help understand the data.

The Board may also display policy recommendations in a dashboard.[11]

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[10] City Code 3.21.090 A 5.

[11] Also look at Seattle dashboard for policy recommendations - https://www.seattle.gov/community-police-commission/our-work/recommendations-tracker

B5. Accessibility

Any communications ~~offered~~ by the Oversight Board shall be written and archived with attention to accessibility and organization. Communication shall prioritize sharing with the public in language that is as clear and simple as possible. While language will be clear and concise, it will not come at the expense of omitting essential details. When appropriate, communication shall follow best practice in inclusive writing which can be referenced in the Office of Equity and Human Rights' writing guide.[12] If necessary, this information may be stored on a website other than the City's website.

Populations most at risk of harm at the hands of police shall be prioritized in communication that is culturally specific, relevant, and easily digestible. These priority populations include (but are not limited to):

- People experiencing mental illness
- People with disabilities
- Black, Indigenous and people of color

These accessibility standards also apply to the storage, categorization, and archiving of information on the Oversight Board's website.

Commented [PAC1]: Commissioner proposed change (Cherie) part 1

Commented [PAC2]: Commissioner proposed change (Cherie/Aje) part 2

Commented [PAC3]: Commissioner proposed change (Dan):

Commented [PAC4]: Note from City Attorney's Office: This is something I don't think would be possible.

Commented [PAC5]: Commissioner proposed change (Faythe):

B6. Confidentiality / Limits of Transparency

The Director, when requested, shall protect the confidentiality of complainants, members or witnesses consistent with the requirements of the Oregon Public Records Law, except insofar as disclosures may be necessary to enable the Director to carry out their duties, or to comply with applicable collective bargaining agreements, or the disclosure of records is directed by the District Attorney. When considering a request for public records, the Director shall consult with appropriate Police Bureau personnel and obtain approval from the Police Bureau prior to disclosure of PPB records as required under the Oregon Public Records Law.

The Board can propose the release of otherwise-confidential information.[13]

Commented [PAC6]: Staff note: Referred without recommendation, awaiting response from City Attorney's Office as to specific cases where this may be required.

[12] https://www.portland.gov/officeofequity/documents/inclusive-writing-guide-2/download
[13] From Other Jurisdictions, J6.

C. Information Distribution and Community Engagement

Agency staff and board members will widely distribute complaint forms in languages and formats accessible to the public, provide education on the importance of reporting complaints, and hold public meetings to hear general concerns about police and agency services.

Police Bureau member business cards distributed to community members during police actions/encounters will include oversight agency contact information so that the public will know where to file complaints.