

City of Portland

Police Accountability Commission

DRAFT Areas of Agreement on Structural Oversight

Style Definition: TOC 2

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Definitions

Sentinel Event Reviews	Forward-looking root cause reviews of undesirable police-related outcomes designed to allow for the development of recommendations for preventing reoccurrence through continuous process improvements

The Oversight Board (the Board) shall have the authority to make recommendations to the Portland Police Bureau and City Council on Bureau policies, practices, directives, and training. To facilitate this work, the Oversight Board shall have staff dedicated to policy work. This document outlines how policy recommendations are initiated, presented, adopted, and implemented. The public will have the opportunity to comment on all policy recommendations during development and before adoption.

A. Initiation of Policy Recommendation Process

A1. Policy Recommendation Contents

A Policy Recommendation shall identify the body to which the policy change is being recommended (e.g. the Portland Police Bureau, the City Council, the Mayor).

A recommendation will include an outline of the new policy or policy change being recommended.

The recommendation will direct the Board staff on any additional action it considers necessary to advocate for the policy change (e.g. advocating with elected officials, convening stakeholder groups, etc.).

A2. Scope of Authority in Formulating Policy Recommendations

The Oversight Board shall have the authority to engage in independent analysis of police data related to any police practices or procedures.

The Board may access city audit records.

The Board may review current policies and propose new policies or modifications to existing policies based on any information or materials they deem relevant.

The Board may make policy recommendations based on individual misconduct cases.

The Board may make policy recommendations based on its review of complaints and closed misconduct investigations.

The Board will have the authority to hire independent experts when needed.

The Board shall have the authority to review training materials and attend trainings for Bureau employees for the purposes of formulating recommendations. The number of Board members observing training sessions should be fewer than a quorum.

Commented [PAC1]: Note: question to City Attorney's Office. **Flagged for City Attorney's Office Review (1/4).** Text referred without recommendation (highlighted portion).

Commented [PAC2R1]: STAFF NOTE: City Attorney's Office response: "Not necessary to include unless they're deliberating privately at training session."

B. Policy Recommendations may be initiated through at least six processes. The Board may also identify additional entry points.

B1. Board Member Proposal

A Board member may suggest a proposed Policy Recommendation. Members of the public may suggest proposed Policy Recommendations to the Board for its consideration. With the support of at least one other Board member, Board members and/or staff shall prepare a proposed Policy Recommendation for consideration by the Board.

Commented [PAC 01-233]: Comment (from Dan in public comment): redundant with B2.

B2. Community Member Proposals

The Board will have methods for members of the public to suggest proposed Policy Recommendations to the Board for its consideration. With the support of at least two total Board members, Board members and/or staff shall prepare a proposed Policy Recommendation for consideration by the Board.

B3. Agency Policy Review Initiation and Auditing

Board staff may also initiate policy review, including through auditing completed misconduct cases. If the Board staff initiates a policy review on its own, it shall inform the Board and invite participation throughout the process, including submitting a proposed Policy Recommendation to the Board for approval.

B4. Systemic Findings in Misconduct Cases

During its investigations of complaints and determination of Findings, the Board may (in addition to findings specific to the officer and complaint) determine systemic findings (e.g. “policy failure”). When a systemic issue is found, the Board will automatically initiate a policy review, in which Board members and/or staff shall prepare a proposed Policy Recommendation for consideration by the Board. When the Board finds a policy in need of prompt attention, it may forward its recommendation directly to the Bureau.

B5. Reviews of Undesirable Police-Related Incidents (Sentinel Event Reviews)

The Board may initiate forward-looking root cause reviews of undesirable police-related outcomes and develop recommendations for preventing reoccurrence through continuous process improvements. The review may involve representatives from law enforcement, the judicial branch, forensics, Board members, civil rights lawyers, members of the public, and other relevant participants. The panel will take public comment throughout the process. The Board will issue a report at the conclusion of the review, which may include a proposed Policy Recommendation.

B6. Directive Review

The Oversight Board shall facilitate the process of community reviews of Portland Police Bureau policies and directives, including portions of the Directives Review and Development process. The Oversight Board shall schedule timelines for community input on existing reviews and proposed new reviews, and collect and transmit input to PPB for their determination on the update of directives or creations of new directives, with City Council having the final say.

The Oversight Board may facilitate a process for Board and community review and development of Portland Police Bureau policies and directives. This includes engagement in the Bureau's directive review and development process. The Board should schedule timelines compatible with the PPB's processes. The Board will transmit recommendations on revised and newly proposed policies and directives to PPB for their consideration, with City Council having the final say.

C. Process for Board Approval of Policy Recommendations

Commented [PAC 01-234]: Comment from Dan in public comment:
Passive -> active voice (“when the board finds a systemic issue”)

Commented [PAC 01-235]: Proposed change (Debbie):
“the” to “a”

Commented [PAC 01-236R5]: Flagged for further discussion

Commented [PAC 01-237]: Commissioner proposed change (Angie):
“PPB can maintain their authority to make determination as to whether or not to follow recommendations”

Commented [PAC 01-238R7]: Commissioner comment (Sophia): This wouldn't be about taking authority

Commented [PAC 01-239]: Proposed change (Faythe):
All “shall”s to “may”s.

Commented [PAC 01-2310R9]: Commissioner comment (Angie): Not in support of changing “shall” to “may” as it reduces the power of the text.

Commented [PAC 01-2311R9]: Commissioner comment (Sophia): Support “shall” to ensure it.

Commissioner comment (KC): it might be easier to determine whether there are “shalls” that should be changed to “mays” in a future stage when we have more information about the resources/composition of the board to work with

Commissioner comment (Faythe): Action words is where I'd like to look at shall to may.

Commented [PAC 01-2312R9]: Flagged for further discussion

Commented [PAC13]: 1/2: This entire section was approved conceptually by the Sub-Committee on Structural Oversight, with a note that the exact wording would need to be workshopped.

2/2: The two specific proposed changes were to change “the” to “a” in the first sentence, and to change “shall” to “may” in the second sentence (possibly also in the first).

Flagged for City Attorney Review (2/4) specifically about if this conflicts with the Settlement Agreement or other higher-order law. Note comments below from Commissioners Angie/Sophia as to scope of changes as well as proposed changes mentioned above from co-chairs Debbie and Faythe.

Potential policy recommendations identified from review are presented for the Board for consideration, discussion, and potential adoption.

A proposed Policy Recommendation shall be placed on the Board's agenda for consideration at the next meeting and may be considered or referred to a sub-committee.

The Board will take input from community members on policy matters while they are under development and before the Board votes.

C1. Presentation of Policy Recommendations

Proposed Policy Recommendations shall be presented to the Board, as well as any findings regarding independent analysis, review of training materials, directives, investigations, Sentinel Event Reviews, and agreements that may be necessary to inform the Board's decision on the proposed Policy Recommendation.

The Board may request whatever additional materials and research it believes is necessary to help make an informed decision on the proposed Policy Recommendation.

C2. Adoption and Rescission of Policy Recommendations

The Board shall make a formal decision to adopt or not adopt any proposed Policy Recommendation that is put before it. The Board may also make a formal decision to rescind or not rescind previous Policy Recommendations.

Commented [PAC14]: Proposal to change from Adoption and Rescission (nouns) to Adopting and Rescinding (verbs).

C3. Communication of Approved Policy Recommendations

The Board shall publish policy recommendations on the Board's website and other relevant platforms.

D. Implementation of Policy Recommendations

When the Board adopts a policy recommendation, the Board shall collaborate with staff to coordinate necessary next steps towards implementation.

D1. Required Response from Portland Police Bureau

When the Board recommends a change to Portland Police Bureau policy, the Chief, after reviewing a policy recommendation, shall respond promptly to the Board in writing, but in no event more than 60 days after receipt of the recommendation. The response shall indicate what, if any, policy or procedural changes are to be made.

“The Portland Police Bureau shall consider and accept or reject all policy or directive recommendations made by the Board. If the Portland Police Bureau rejects a policy or directive recommendation, then at the request of the Board, City Council must consider and vote to accept or reject the policy recommendations received from the Board. Council’s decision will be binding on the Portland Police Bureau.” (Charter 2-1007)

D2. City Council Consideration of Policy Recommendations

If the Chief rejects a recommendation or fails to respond within 60 days after receipt of the recommendation, the Board or staff shall place the matter on the Council Calendar, for consideration and a decision by City Council, within 15 days thereafter.

If the Board recommends a change to City of Portland policy or law, the City Council shall put the recommended change on the agenda of a public city council meeting for discussion no more than three weeks after the receipt of the recommendation.

D3. Follow-Up

If a Board recommendation is approved by either PPB or the City Council, the Board shall have the authority to monitor and enforce pursue accountability of the full implementation of the recommendation. This may include continued advocacy, requesting the Chief or designee to attend and brief the Board, and requesting data or reports from PPB to determine the level of progress towards implementation, or any other action the Board feels is necessary to take.

E. Collective Bargaining

Commented [PAC15]: Flagged for City Attorney’s Office Review (3/4).

Commented [PAC 01-2316]: Original text (proposal from Angie on 01-23, approved by sub-committee before further wording changes were proposed): “pursue” Commissioner proposed change (Faythe): replace “pursue” with “pursue accountability of the” Commissioner proposed change (KC): replace “pursue” with “monitor and enforce”

Commented [PAC17R16]: Referred without recommendation of final word choice for highlighted portions. **Flagged for City Attorney’s Office** question. (4/4)

Commented [PAC18]: Commissioner proposed change (Dan): Remove “Authority to” and “enforce” (this would leave it as “the Board shall monitor and pursue full implementation”)

Commented [PAC 01-2319]: Commissioner proposed change (KC):

Commented [PAC20R19]: Referred without recommendation of final word choice. **Flagged for City Attorney’s Office** question for highlighted portions. (4/4)

The Bureau of Human Resources shall reserve, during negotiations with collective bargaining units representing PPB sworn officers and their supervisors, one seat for a representative chosen by the Board from among its own membership, and one seat for the Board Director.

Commented [PAC21]: Proposal: add "or designee" as in other parts of the document.

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.

F. PPB Budget Review

The Oversight Board may facilitate a public review, of PPB proposed budget requests before its official submission, and receive public comment to transmit to PPB and the City Council.

G. Oversight of Accountability Systems

G1. Review of Deadly Force Investigations

The Board shall hire a qualified staff member, team, or independent expert to review closed investigations pertaining to officer-involved shootings and deaths in custody on an ongoing basis.

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.

The Portland Police Bureau shall respond to recommendations related to PPB and the Board and Director shall address any policy-related or quality of investigation issues that warrant further review.

Commented [PAC22]: Proposal: add "or designee" as in other parts of the document.

The reports shall be presented to the City Council, with public testimony allowed.

Commented [PAC23]: Proposal: Add "contemporaneous" or something to note that this isn't just advance/written, even if it doesn't specifically have to be provided *verbally* during a Council meeting.

G2. Continual Improvement

The Board shall ensure a qualified staff member, team or independent expert examine Oversight Board performance, the Charter, City Code and Board

policies/protocols on an ongoing basis. The Board may make recommendations for improvement to the appropriate decision-making bodies.

H. Board Proposals Related to Federal/State Law

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. 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.

Appendix: Referenced Documents

Relevant sections copied from:

City Charter Article 10

The mission of the City of Portland Community Police Oversight Board (Board) is to independently investigate Portland Police Bureau sworn employees and supervisors thereof promptly, fairly, and impartially, to impose discipline as determined appropriate by the Board, and to make recommendations regarding police practices, policies and directives to the Portland Police Bureau and with a primary focus on community concerns.

The Board shall have the authority to make policy and directive recommendations to the Portland Police Bureau and City Council. The Portland Police Bureau shall consider and accept or reject all policy or directive recommendations made by the Board. If the Portland Police Bureau rejects a policy or directive recommendation, then at the request of the Board, City Council must consider and vote to accept or reject the policy recommendations received from the Board. Council's decision will be binding on the Portland Police Bureau.

Relevant items from practices to consider from other jurisdictions

A1. The oversight body is empowered to take input from community members on broad policing policy issues.

Identified in: San Diego (City)

- In the City of San Diego, the Board is able to take input from community

members on policy issues, and is not limited in the policy areas they can discuss by law, elected official limitation, or origination from a case or pattern of cases of alleged misconduct.

A2. The oversight body can assess implications of alleged misconduct cases they review, including on policy, procedure, and training, and take action after this assessment.

Identified in: San Diego (City), New York City, San Diego (County)

- In the City of San Diego, the Board can, as part of assessing cases, make recommendations to the Chief of Police on policy changes.
- In New York, these recommendations are on policy, procedure and training and are made to both the Chief and public.
- In San Diego County, the Board can make policy or rule change recommendations along with votes on findings on individual cases.

A3. The oversight body has authority to make recommendations regarding policy and training with the potential to improve police department operations.

Identified in: Maryland, San Diego County

- In San Diego County the oversight body regularly reviews policy, training, and protocols, and recommends changes to police as well as the Mayor and City Council.
- In Maryland, the civilian Police Accountability Board identifies trends and makes policy recommendations about the complaint process.

A4. The oversight body sets policy for the police department.

Identified in: San Francisco, Oakland

- In San Francisco, This authority encompasses a direct policy-setting authority, where the Police Commission sets policy for the police department.
- In Oakland, the Police Department must seek approval from the Police Commission for changes to policy, rules, practices, customs, and General Orders. The Police Commission is the primary policy approving authority in Oakland. Should the Commission disagree with the Police Department, the City Council has 120 days to overrule the Commission's disagreement and confirm the changes

proposed by the police department, but the Council is not obligated to do so and in the absence of Council action, the Police Commission decision is final.

A5. The oversight body has a staff unit focused on policy.

Identified in: New York

- In New York, the oversight body has a policy unit of paid staff members. The policy unit does data analysis, includes lawyers, and makes monthly, semi-annual, and annual reports.

A6. The oversight body conducts a public review of the police department budget.

Identified in: Oakland

- In Oakland, the oversight body (the Oakland Police Commission) is the designated place for community input on decisions related to the police and oversight, including public review of and adjustments to the police department's annual budget

B1. The oversight agency fulfills an investigatory and disciplinary function, an auditing and monitoring function, and a review function, to ensure both individual and systematic police oversight, including overall agency practices and policies.

Identified in: Chicago

- Chicago combines the three civilian accountability models: an investigatory and disciplinary function (Civilian Office of Police Accountability and the Police Board); an auditing/monitoring function (Public Safety Inspector General, which reviews patterns and practices for civil rights violations and fairness and consistency of officer discipline); and a review function (Community Commission for Public Safety--which drafts policies and can hire and fire leaders of police and accountability agencies).

I.2. The oversight agency audits closed cases alleging misconduct and may recommend policy changes.

Identified in: San Francisco, New York, Oakland

- In San Francisco, the audit division reviews closed complaints.
- In New York, the Executive Director audits closed cases.
- In Oakland, the Inspector-General is responsible for ensuring allegations of misconduct are thoroughly investigated, and identifies systemic policies needing improvement. This continues oversight similar to the DOJ or court monitor.

I.3. The oversight body may conduct Sentinel Event Reviews, and/or reviews of undesirable police-related activities.

Identified in: Seattle

Sentinel Event Reviews are in-depth, root cause analyses of significant and undesirable police-related events, with the goal of prevention rather than response. A broad review of incidents of concern to the community for the purpose of learning from past mistakes gives the community and police the opportunity to learn and develop new policies and practices that will lead to better outcomes.

In Seattle, the Office of the Inspector-General oversees Sentinel Event Reviews, which are led by a select group of community members, police representatives, and OIG.

W2. The oversight body engages with the community on how to improve police practices and policy.

Identified in: Chicago, Los Angeles County

- In Chicago and in Los Angeles County, the oversight commission solicits community input and conducts engagement on use-of-force incidents and civil rights issues, and functions as a bridge between community and law enforcement.

X1. The oversight agency has representation in the room during collective bargaining.

Identified in: Seattle

- In Seattle, a representative from the police commission has a seat at the bargaining table during negotiations with the police collective bargaining units.

Relevant items from Subject Matter Experts

A1. The oversight body should have the ability to proactively provide structural oversight, not solely react to misconduct by individual officers.

Proposed by: National Association for Civilian Oversight of Law Enforcement

NACOLE's examples of proactivity include independent analysis of police data related to Use of Force, Stop-and-Frisk, or other procedures; financial auditing and recommendations; review of policies, independent investigations, and proposals to address systemic issues.

Excerpts relating to policy from Chapter 3.21 Office of Independent Police Review

3.21.010 Purpose.

The City hereby establishes an independent, impartial office, readily available to the public, empowered to act on complaints against Police Bureau personnel for alleged misconduct, and **recommend appropriate changes of Police Bureau policies and procedures toward the goals of safeguarding the rights of persons and of promoting higher standards of competency, efficiency and justice in the provision of community policing services.**

3.21.020 Definitions

41. "**Policy-related issue**" means a topic pertaining to the Police Bureau's hiring and training practices, the Manual of Policies and Procedures, equipment, and general supervision and management practices, but not pertaining specifically to the propriety or impropriety of a particular officer's conduct.

3.21.070 Powers and Duties of IPR

Recommend policy changes. IPR will evaluate complaint and other information and investigation practices to make recommendations to the Chief to prevent future problems. Policy change recommendations shall be published for public review.

Review of closed investigations. IPR shall hire a qualified person to review closed investigations pertaining to officer-involved shootings and deaths in custody on an ongoing basis. IPR shall issue reports on an annual basis identifying any **policy-related issues** or quality of investigation issues that could be improved. The Director and the Citizen Review Committee shall address any policy-related or quality of investigation issues that would warrant further review.

Additional public reports. The Director may issue public reports related to member misconduct trends and Bureau disciplinary practices.

3.21.090 Powers and Duties of the Committee

Recommend policy changes. To evaluate complaint, investigative practices, and other information to make policy recommendations to the Chief of Police, the Director, and the Council to prevent and rectify patterns of problems.

Advise on operations. To review methods for handling complaints and advise on criteria for dismissal, mediation, and investigation.

3.21.170 Monitoring and Reporting

The Director shall work with the Committee to develop recommendations to modify Bureau policies and procedures in order to prevent problems, improve the quality of investigations, and improve police-community relations.

The Director shall work with the Committee to develop quarterly and annual summary reports for the Chief, Commissioner in Charge of the Bureau, Council and public on IPR and IAD activities, policy recommendations, and Bureau follow-through on recommendations. The report may include analysis of closed files which were not appealed, but it is not the intent that the files be reopened.

3.21.190 Response of Chief

The Chief, after reviewing a report provided by IPR under City Code Section 3.21.170, shall respond promptly to IPR in writing, but in no event more than 60 days after receipt of the report. The response shall indicate what, if any, policy or procedural changes are to be made within the IAD or the Bureau.

If the Chief fails to respond within 60 days after receipt of the Committee Report, the Director shall place the matter on the Council Calendar, for consideration by City Council, within 15 days thereafter.

3.20.140 Police Review Board (Excerpts)

1. Public reports. As often as deemed necessary by the Board, but at least twice each calendar year, the Board shall publish public reports summarizing its statements of findings and a summary of any training and/or investigation issues or concerns.

The public reports shall include the following for each case brought before the Board:

- Training and policy recommendations, including whether the recommendations were accepted by the Chief.

Directive Review and Development Process -- PPB

<https://www.portlandoregon.gov/police/59757>

The Portland Police Bureau's (PPB) [Directive 010.00](#) sets forth the process for reviewing and revising its directives. During this process, when a directive is identified for review or is newly created, the Bureau designates two timeframes - the First and Second Universal Review and Public Comment Periods - in which community members can comment on the Bureau's policies. Because the Bureau strives for transparency in the review and development of its directives, it is our goal to give everyone who is interested in providing feedback the opportunity to contribute to the development of a directive prior to implementation.

Directive 010.00 (Excerpts)

1.4. Prior to being approved by the Department of Justice (DOJ), directives that pertain to compliance with the 2012 DOJ Settlement Agreement shall undergo the standard universal review and public comment processes, as established in this policy.

1.4.1. After receiving DOJ approval and pursuant to the terms of the Settlement Agreement, all DOJ-identified directives are subject to an initial semi-annual review, followed by annual reviews thereafter.

2. First Universal Review and Public Comment Period - Current Directive.

2.1. When reviewing an existing directive(s), the Policy Development Team shall post the current active version of the directive(s) on the Bureau's website for universal review and public comment for 15 calendar days.

2.1.1. When a directive is scheduled for universal review and public comment, the Bureau shall endeavor to post the directive(s) on the first and/or fifteenth of the month. However, if an operational need requires that the directive(s) be immediately posted, the Bureau may post the directive(s) outside of that timeframe.

2.2. Bureau members and members of the public may submit feedback by using the form provided on the Bureau's website.

2.3. Comments that are received after the closing date of the first universal review and comment period shall be maintained by the Policy Development Team until the next review period for the directive.

5. Review of and Public Comment on New Directives

5.1. When creating a new directive, the Policy Development Team shall post a draft of the proposed language on the Bureau's website for universal review and public comment for 30 calendar days.

5.1.1. The Bureau shall endeavor to post the directive(s) on the first and/or fifteenth of the month. However, if an operational need requires that the directive(s) be immediately posted, the Bureau may post the directive(s) outside of that timeframe.

5.2. Bureau members and members of the public may submit feedback by using the form provided on the Bureau's website.

5.3. Comments that are received after the closing date of the universal review and comment period shall be maintained by the Policy Development Team until the next review period for the directive.

5.4. The Policy Development Team shall consider all comments received during the universal review period and public comment period. If any changes are warranted, the Policy Development Team may make additional revisions without further public comment.

PPA Contract

ARTICLE 15 – POLICIES AND PROCEDURES AND OTHER ORDERS

15.1 The Police Bureau and the Bureau of Human Resources will furnish the Association with electronic copies of all policies and procedures, special, disciplinary and personnel orders when they are issued. Such materials shall include, but not be limited to, position announcements, job announcements, and training bulletins. When the Police Bureau is contemplating changing its policies and procedures, it shall provide the Association with final drafts of the to-be-amended policies and procedures and provide the Association with an opportunity to comment on the final drafts with at least fifteen (15) business days' advance notice of the proposed changes. When the Bureau of Human Resources is contemplating changing its policies and procedures, it shall provide the Association with at least fifteen (15) business days' advance notice of the proposed changes.

Settlement Agreement

Paragraph 86. In consultation with the COCL, the Inspector shall gather and present data and analysis on a quarterly basis regarding patterns and trends in officers' uses of force to the Chief, the PPB Training Division, and to the Training Advisory Council. The Training Division and Training Advisory Council shall make written recommendations to the Chief regarding proposed changes in policy, training, and/or evaluations based on the data presented. The Inspector shall also, in coordination with the COCL and PSD, identify problematic use of force patterns and training deficiencies. The Chief's Office shall assess all use of force patterns identified by the Training Division and/or Training Advisory Council and timely implement necessary remedial training to address deficiencies so identified.

Paragraph 95. The ABHU Advisory Committee shall provide guidance to assist the City and PPB in the development and expansion of C-I Team, MCPT, SCT, BOEC Crisis Triage, and utilization of community-based mental health services. The ABHU Advisory Committee shall analyze and recommend appropriate changes to policies, procedures, and training methods regarding police contact with persons who may be mentally ill or experiencing a mental health crisis, with the goal of de-escalating the potential for violent encounters. The ABHU Advisory Committee shall report its recommendations to the ABHU Lieutenant, PPB Compliance Coordinator, COCL (as described herein), and the BOEC User Board.

Paragraph 96. Within 240 days of the Effective Date of this Agreement, the ABHU Advisory Committee will provide status reports on the implementation of the ABHU and BOEC Crisis Triage, and identify recommendations for improvement, if necessary. PPB will utilize the ABHU Advisory Committee's recommendations in determining appropriate changes to systems, policies, and staffing.^[L]_[SEP]

Paragraph 142. The PCCEP shall be authorized to: (a) solicit information from the community and the PPB about PPB's performance, particularly with regard to constitutional policing; (b) make recommendations to the Chief, Police Commissioner, the Director of the Office of Equity and Human Rights, and community and, during the effective period of this Agreement, to the DOJ; (c) advise the Chief and the Police Commissioner on strategies to improve community relations; (d) contribute to the development and implementation of a PPB Community Engagement Plan; and (e) receive public comments and concerns.

Paragraph 167. The Chief shall post on PPB's website final drafts of all new or revised policies that are proposed specific to force, training, community-based mental health services, crisis intervention, employee information system, officer accountability, and community engagement, to allow the public an opportunity for notice and comment, prior to finalizing such policies

**City of Portland Plan for
Portland Committee on Community-Engaged Policing
(Dec. 2019)**

<https://www.portland.gov/sites/default/files/2022/pccep-plan-further-amendments-ex-1-to-resolution-substitute3.pdf>

Scope of Work (excerpts)

- Review and make recommendations on PPB directives touching the DOJ Settlement Agreement and/or key areas of concern. Provide information to the community on these directives, and solicit feedback and recommendations from the community to share with the PPB.
- With the Mayor’s written approval, and after consultation with the other City Commissioners, PCCEP is authorized to identify for off-schedule review directives not related to the DOJ Settlement Agreement or key areas of concern. PCCEP must provide a written explanation for the request, which will be considered by the Mayor and City Commissioners.

(PPB directives are generally scheduled for Bureau review every two years. The City recognizes that the community has an interest in a number of directives, and particularly those that are relevant to current events (e.g., Directive 635.10. Crowd Management, with respect to demonstrations; Directive 810.10, Arrest of Foreign Nationals with respect to Portland’s status as a Sanctuary City). This authority is intended to allow PCCEP to be responsive to community concerns when there is a compelling interest to review and revise a Bureau practice.)

- Provide information to and solicit feedback from Portland’s diverse communities through focused and targeted round tables and town halls, to be held at least quarterly and be open to the public. PPB presence is required at quarterly town halls.

City’s Responsibilities (excerpts)

- The City shall make appropriate information available regarding PPB's current community engagement initiatives, directives, and directive review and implementation process.
- The PPB, in particular, and in accordance with its directive review schedule, shall meet with PCCEP during a universal review period to brief members on directives related to the DOJ Settlement Agreement and/or key areas of concern, provide information as needed/requested, and solicit PCCEP member feedback. The PPB shall make the adjustments necessary to its current directive review system in order to integrate PCCEP into the PPB's work.
- The City shall provide thorough and timely responses to PCCEP recommendations and requests for information, and shall endeavor to do so within 60 days.

6.) Continual Improvement / Ability to originate Charter/Code recommendations

City Charter

[Section 2-1007 Powers of the Board.](#)

(b) The Board shall have the authority to make policy and directive recommendations to the Portland Police Bureau and City Council. The Portland Police Bureau shall consider and accept or reject all policy or directive recommendations made by the Board. If the Portland Police Bureau rejects a policy or directive recommendation, then at the request of the Board, City Council must consider and vote to accept or reject the policy recommendations received from the Board. Council's decision will be binding on the Portland Police Bureau.

And from the areas of agreement doc:

A. Policy

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Identified in: San Diego (City)

- In the City of San Diego, the Board is able to take input from community members on policy issues, and is not limited in the policy areas they can discuss by law, elected official limitation, or origination from a case or pattern of cases of alleged misconduct.

A2. The oversight body can assess implications of alleged misconduct cases they review, including on policy, procedure, and training, and take action after this assessment.

Identified in: San Diego (City), New York City, San Diego (County)

- In the City of San Diego, the Board can, as part of assessing cases, make recommendations to the Chief of Police on policy changes.

- In New York, these recommendations are on policy, procedure and training and are made to both the Chief and public.

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- In Maryland, the civilian Police Accountability Board identifies trends and makes policy recommendations about the complaint process.

A4. The oversight body sets policy for the police department.

Identified in: San Francisco, Oakland

- In San Francisco, This authority encompasses a direct policy-setting authority, where the Police Commission sets policy for the police department.

- In Oakland, the Police Department must seek approval from the Police Commission for changes to policy, rules, practices, customs, and General Orders. The Police Commission is the primary policy approving authority in Oakland. Should the Commission disagree with the Police Department, the City council has 120 days to overrule the Commission's disagreement and confirm the changes proposed by the police department, but the Council is not obligated to do so and in the absence of Council action, the Police Commission decision is final.

A5. The oversight body has a staff unit focused on policy.

Identified in: New York

- In New York, the oversight body has a policy unit of paid staff members. The policy unit does data analysis, includes lawyers, and makes monthly, semi-annual and annual reports.

7.) Ability to influence federal/state law

R3. Investigations must follow established guidelines.

Identified in: San Diego (City), New York, San Diego (County)

- In San Diego, investigations must follow federal and state constitutions and laws, city charter, board rules and regulations, collective bargaining agreement, and NACOLE ethics code.