

Dear members of the City of Portland Charter Review Commission,

The Police Accountability Commission is sending this letter to request the inclusion of Charter changes in the Charter Review Commission's package of phase 2 changes, which the Charter Commission will be finalizing in late November and early December 2022.

The proposed changes are as follows:

1. Section 2-401, replace "Appoint, subject to Council confirmation, the City Attorney and the Chief of Police. The Mayor may remove the City Attorney and the Chief of Police" with **"Appoint, subject to Council confirmation, the City Attorney. The Mayor may remove the City Attorney."**
 2. Section 2-1007, add a new part (e): **"Appoint the Chief of Police, subject to Council confirmation. The Community Police Oversight Board may remove the Chief of Police."**
 3. Section 2-601, replace "The Mayor appoints, subject to Council confirmation, the City Administrator, the City Attorney, and the Chief of Police," with **"The Mayor appoints, subject to Council confirmation, the City Administrator and the City Attorney. The Community Police Oversight Board defined in Chapter 2-10 of this Charter appoints, subject to Council confirmation, the Chief of Police."**
 4. Section 2-602, replace "The Chief of Police shall have had at least ten years active police experience" with **"Qualifications for the Chief of Police will be established by the Community Police Oversight Board defined in Chapter 2-10 of this Charter."**
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1. Section 2-401, replace "Appoint, subject to Council confirmation, the City Attorney and the Chief of Police. The Mayor may remove the City Attorney and the Chief of Police" with **"Appoint, subject to Council confirmation, the City Attorney. Appoint, subject to Council confirmation and from the candidates nominated by the Community Police Oversight Board, the Chief of Police. The Mayor may remove the City Attorney and the Chief of Police."**
 2. Section 2-1007, add a new part (e): **"Nominate candidates for the Chief of Police to the Mayor, who will appoint the Chief of Police subject to Council confirmation. The Community Police Oversight Board may remove the Chief of Police as defined in City Code."**
 3. Section 2-601, replace "The Mayor appoints, subject to Council confirmation, the City Administrator, the City Attorney, and the Chief of Police," with **"The Mayor appoints, subject to Council confirmation, the City Administrator and the City Attorney. The Mayor appoints, subject to Council confirmation and from the candidates nominated by the Community Police Oversight Board, the Chief of Police."**
 4. Section 2-602, replace "The Chief of Police shall have had at least ten years active police experience" with **"Qualifications for the Chief of Police will be established by the Community Police Oversight Board defined in Chapter 2-10 of this Charter."**

These requested Charter language changes are requested pursuant to the authority granted to the Police Accountability Commission by the City Council in Council Resolution 37548 (July 28, 2021). Under “Optional Duties of the Commission,” the document reads: “Should the Commission believe that additional changes should be made to the Charter relating to this oversight system they may provide a proposed change in language to the Charter Review Commission.”

These proposed changes to the Charter align with the vision of a community oversight board for the Portland Police Bureau, including community input into the process of selecting leadership for the bureau. Further details of a community process for selecting the police chief will be established in the City Code proposals and final report of the Police Accountability Commission, both of which will be presented to the City Council in 2023.

Specific reasons for these proposals include:

- The Police Accountability Commission found, through its Fact-Finding Phase, several relevant barriers to police accountability in the current system, which were defined in one of its outcome documents, the PAC Areas of Agreement on Barriers to Police Accountability, and Best Practices, in Portland. These include:
 - o “The current civilian accountability system lacks the comprehensive power necessary to be effective at reducing misconduct.”
 - o “There is an adversarial relationship between police and the public.”
 - o “Community volunteers who participate in the current system often feel their work is ineffectual because it lacks real authority.”

Ensuring that the Community Police Oversight Board leads a community process for selection of the highest-ranking police officer in Portland will help address the adversarial relationship between the community and the police, and ensure the ability to affect leadership in a real way, as part of broader efforts from the Community Police Oversight Board’s efforts to reduce police misconduct.

- The Police Accountability Commission found, through its research from April-October 2022, several examples of other jurisdictions whose oversight boards may hire and fire the chief of police. Specifically, Oakland’s Police Commission has this authority, which was recognized as a best practice for consideration by the PAC in one of its outcome documents, the PAC Areas of Agreement on Best Practices, and Practices to Avoid, from Other Jurisdictions. Additionally, community oversight systems in other jurisdictions (including Chicago) also have this authority.
- National leadership, such as the [National Association for Civilian Oversight of Law Enforcement](#), describe police commissions “play[ing] a role in hiring and firing the police chief” as “giv[ing] the public a greater voice in how it is policed,” part of “using police commission[s] to achieve accountability.”
- Although it may appear that this removes the City’s elected officials from decision-making by vesting this authority in the Community Police Oversight Board, this entity itself is appointed by Council under the Charter, Section 2-1002: “Board members shall be appointed by approval of

Council to a term of years established in City Code. Members may not be removed from the Board prior to the completion of their term except for cause. Successors to an unexpired term shall be appointed by approval of Council for the remainder of the term.”

Inclusion of this text in the Charter Review Commission’s proposed Phase 2 changes to the City Charter of Portland will ensure that the community’s voice is a part of the leadership determination process for the Portland Police Bureau.

The Police Accountability Commission thanks the Charter Review Commission for their work generally, and specifically for consideration of our request. We wish you the best of luck as you complete your tasks and term of service and look forward to seeing the outcomes and effects of your work.

Police Accountability Commission