

City of Portland  
Police Accountability Commission  
DRAFT Powers and Duties Phase Definitions

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Accountability

**“Accountability: Provide a working definition of accountability that includes the relationship between communities and the police.”**

Definition

An obligation or willingness to accept responsibility or to account for one’s actions and to answer for them when damaging/disruptive to other individuals or the community at large.

In the context of the new police oversight board, accountability means ensuring employees of the Portland Police take responsibility and accept appropriate corrective action for violating the policies, practices or training of the Bureau. This includes actions which have directly or indirectly harmed members of the community through the use of excessive force, violation of rights, racial bias and even harms against fellow officers which break the community's trust. For the Bureau, this means that policies which allow for inequitable policing and actions

which shock the conscience, even if they are lawful and justifiable by the book, should be examined and changed to ensure true community safety. In England, policing is based on "public approval of their existence, actions and behaviour."

In short, "Accountability is, 'You're not doing your job.'"

More broadly, accountability should also include reimbursing victims of police misconduct financially through civil lawsuits, ensuring officers who are fired for misconduct cannot work in law enforcement again, and changing laws or legal decisions such as qualified immunity which make holding officers to account difficult or impossible.

UNODC: "Accountability is defined as a system of internal and external checks and balances aimed at ensuring that police carry out their duties properly and are held responsible if they fail to do so. Such a system is meant to uphold police integrity and deter misconduct and to restore or enhance public confidence in policing."

UNODC: "Effective police accountability involves identifying and punishing those who have committed misconduct, and ensuring accountability after the act. Because police officers act on the basis of directives, accountability includes responsibility for the direction, control or diligence exercised before and during operations to ensure observance of the law and policies and of human rights. This is known as accountability before the act, which also includes the notion that the police are acting in accordance with the stated requirements of the general public or their representatives."

## References

Institute for Government (UK), "Police Accountability."

<https://www.instituteforgovernment.org.uk/article/explainer/police-accountability>

Psychology Today, "The Difference Between Shame and Accountability."

<https://www.psychologytoday.com/us/blog/happiness-is-state-mind/202102/the-difference-between-shame-and-accountability>

Brookings Institute, "How can we enhance police accountability in the United States." <https://www.brookings.edu/policy2020/votervital/how-can-we-enhance-police-accountability-in-the-united-states/>

UN Office of Drugs and Crime Handbook on Police Accountability, Oversight, and Integrity.

[https://www.unodc.org/pdf/criminal\\_justice/Handbook\\_on\\_police\\_Accountability\\_Oversight\\_and\\_Integrity.pdf](https://www.unodc.org/pdf/criminal_justice/Handbook_on_police_Accountability_Oversight_and_Integrity.pdf)

## Independent Judgment

**“Independent Judgment: what constitutes independent judgment.”**

### Definition

The ability to make internal policy changes, as well as discipline decisions and policy recommendations for PPB apart from the influence of any department within the City of Portland.

In the context of the new police oversight board, independent judgment is primarily defined in Charter section 2-1006: "The Board shall have authority to exercise independent judgment in performing all legally assigned powers and duties. The Mayor, City Council, Auditor, and City departments, bureaus and other administrative agencies shall not interfere in the exercise of the Board's independent judgment." The Board also is required to "[comply] with any legal obligations the City may have under the Public Employees Collective Bargaining Act, other state and federal laws, and upon adoption by City Council of an implementing Ordinance" (Section 2-1001). This means that the Board shall not be influenced in its decision-making except in an advisory capacity by any other City official, including the Police Bureau, the City Attorney's office, the Risk Management Division or the Bureau of Human Resources. Because the Board will be hiring the Director, who in turn will hire other staff, this non-interference includes the staff of the Board itself. Conversely, the non-interference clause means that when the Board makes a decision under the authority of the Charter, these other bodies shall enact the will of the Board.

NACOLE: “One of the most important and defining concepts of civilian oversight of law enforcement is independence. In its broadest sense, it refers to an absence of real or perceived influence from law enforcement, political actors, and other special interests looking to affect the operations of the civilian oversight agency. In order to maintain legitimacy, an agency must be able to demonstrate the extent and impact of its independence from the overseen law enforcement agency — especially in the face of high-profile issues or incidents.”

#### References

Portland City Charter Section 2-10 <https://www.portland.gov/charter/2/10>

NACOLE: <https://www.nacole.org/independence>