

City of Portland  
Police Accountability Commission  
Draft Transition Plan

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**Definitions**

Pre-Transition	The period beginning the day after the final PAC meeting and ending the day that City Council has the final vote on the City Code package establishing the Oversight Board.
Transition	The period beginning the day after the City Council approves the City Code establishing the Oversight Board.
Day 1	The first day <i>of the Transition period</i> . (Similarly, “Day 2” is the second day, “Month 1” is the first month, etc.)
Post-Transition Phase 1	The period beginning, at most, one year and one day after the City Council approves the City Code establishing the Oversight Board. At this point, the board will be fully operational, but some parts of the old system <del>will have 180 days to</del> <b>may be concluding</b> their work.
Post-Transition Phase 2	<u>The period beginning 180 days after Post-Transition Phase 1 when the Oversight Board assumes sole responsibility for complaints within its jurisdiction</u>

**A. Overview of Timeline**

**A1. Pre-Transition**

A. Council Initial Review (September 1, 2023-October 30, 2023)<sup>1</sup>

- i. PAC presents work to Council

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<sup>1</sup> DOJ Settlement Agreement §XI-195b <https://www.portland.gov/police/doj/documents/doj-settlement-agreement-revised-feb-28-2023/download>

ii. Council proposes Settlement Agreement amendments allowing for implementation of oversight board (60 days)

B. USDOJ and US Court review (estimated 6-7 months, through June 9, 2024)<sup>2</sup>

i. ~~Council appoints~~ Transition Team ~~selected staff and members~~

Commented [PAC 06-121]: Staff note: To update if appointment authority changes below (Section B)

C. Council Final Review (21 days, estimated through June 30, 2024)<sup>3</sup>

i. Council approves final text of Settlement Agreement amendments

ii. Council votes on PAC Code Change recommendation

D. Collective bargaining and other legal requirements satisfied

## A2. Transition

A. This is a period of 1 year at maximum, beginning after the City Council approves the Code Change creating the Oversight Board, and all other legal requirements have been met. At this point the Oversight Board will officially exist, but will not yet have members appointed, nor staff hired.

Commented [PAC2]: LEGAL QUESTION (06-05, Commissioner Dan): Charter 2-10 imposes 3 requirements before the oversight board exists, and the above only includes 1 – the Code adoption. The other two are compliance with legal requirements and collective bargaining)

B. A Transition Team will manage the oversight board on an interim basis, including board member recruitment and onboarding and Director application management.

C. During this period, City Council appoints first board members, who will work to hire the Director and implement the remaining portions of this transition plan.

D. During this period, the oversight board will hire first Director, who will implement the remaining portion of this transition plan.

E. During this period, the Director will hire other staff – prioritizing intake, navigators, and investigators.

F. During this period, the Oversight Board will draft foundational Board documents, including by-laws and other necessary documents.

Commented [PAC 06-123]: Commissioner comment (Dan): To the extent they can be hashed out during the pre-transition phase, we should suggest that so it's not taking up time during the transition

<sup>2</sup> DOJ Settlement Agreement §XI-195b <https://www.portland.gov/police/doj/documents/doj-settlement-agreement-revised-feb-28-2023/download>

<sup>3</sup> DOJ Settlement Agreement §XI-195b <https://www.portland.gov/police/doj/documents/doj-settlement-agreement-revised-feb-28-2023/download>

### A3. Post-Transition

- A. This period begins at most 1 year and 1 day after the City Council approves the Code Change recommendation creating the oversight board. The PAC's working estimate for the start of this timeframe is July 1, 2025.
- B. Beginning on this date, new complaints alleging administrative misconduct will no longer go to IPR, but will instead go to the Oversight Board. IPR and CRC, as well as any other portions of the current system which will be sunsetted as part of oversight board implementation, will ~~begin~~ wrapping up their existing work and concluding during Phase 1 of this period.

Commented [PAC 06-124]: Commissioner proposed change (Dan):

### B. Transition Team and Budget Access

#### B1. General

- A. The initial implementation of the Transition Plan will be managed by a Transition Team that includes staff and volunteers.
- B. The Transition Team shall assist in initial Oversight Board staff and member training and initial organizational tasks. The Transition Team shall, as outlined below, coordinate City Council appointment of the initial 33 Oversight Board members and alternates, so that appointments may be made promptly upon creation of the Oversight Board.
- C. Many of the necessary tasks for board implementation can begin prior to the beginning of the Transition period. These tasks may include:
  - i. Developing internal City capacity for the recruitment process, drafting board application, ensuring legal compliance
  - ii. Coordination between bureaus
  - iii. Creating necessary City infrastructure for future board members (having IT permissions, protocols, and files in place)

Commented [PAC 06-125]: Commissioner proposed change (Dan):

- D. The Transition Team shall be ~~selected appointed during the Pre-Transition period~~, during the Department of Justice and judicial review of changes to the Settlement Agreement and proposed City Code related to implementation of the Oversight Board.

Commented [PAC 06-126]: Commissioner comment (Dan): Some minor rewording on this may help (may also effect "Definitions") to say Pre-Transition Phase 2 (DOJ/Court Review + 21 days).

E. The City Attorney's Office shall ensure that member(s) of the Transition Team are present for any mediation with the US Department of Justice related to the implementation of the Oversight Board. The Bureau of Human Resources shall ensure that member(s) of the Transition Team are present for any mediation with collective bargaining units related to the implementation of the Oversight Board. These responsibilities will be transferred to the Director upon their hiring.

D.F. The Transition Team shall recommend a set of draft bylaws based on the PAC's to allow the new Board to function as soon as it is established. Once the Board has approved the Director's job description, they shall adapt these documents as desired or create new ones.

**Commented [PAC 06-127]:** Commissioner comment (Dan): Add a volunteer from Transition Volunteers to this, not just transition manager.

**Commented [PAC 06-128R7]:** Staff note: Should be duplicated in next section (B3) since that's about Transition Volunteers, or whole section moved up to B1 and add in "transition manager and a volunteer"

**Commented [PAC 06-129]:** Commissioner proposed change (Dan):

**Commented [PAC 06-1210R9]:** Staff Note: Might need to be put into a different section of this document if approved.

**Commented [PAC11R9]:** Staff Note: This would fall under B1.

## B2. Transition Staff

A. During the Pre-Transition period, the City Council or its designee shall create a transition staff of three people to facilitate the early stages of the Transition period, prior to a Director being hired. This transition staff shall be managed by a City of Portland employee, referred to as the "transition manager," who is preferably someone familiar with the work of the Police Accountability Commission (PAC).

B. Transition staff positions may be transferred to the Oversight Board upon the hiring of the Director at the Director's discretion; remaining transition staff positions will sunset after the appointment and training of the Director.

~~C. The City Attorney's Office shall ensure that the transition manager is present for any mediation with the US Department of Justice related to the implementation of the Oversight Board. The Bureau of Human Resources~~

**Commented [PAC 06-0512]:** Commissioner comment (Angie): Want to make sure that the transition is staffed appropriately.

It says that there's staff who will assist the volunteers (former PAC/CRC members), but... worried about the success of this and everything happening efficiently enough with only one staff.

**Commented [PAC 06-0513R12]:** Staff note: partially addressed under B4 below.

**Commented [PAC 06-0514R12]:** Co-chair comment (Faythe): This is political – if it's a large number of staff it's too high a budget, but if it's 1 then it's not enough capacity. Want to be mindful that we're currently fighting to retain existing PAC staff.

**Commented [PAC 06-0515R12]:** Commissioner Tim: Support that later on it says some details (sprinkled around) including that there are 3 later on. The way to guarantee that what we need, actually happens, is to have an argument as to what we need. I would still love to talk to anyone in the City who's hired quickly to do this.

**Commented [PAC16]:** Staff Note: This refers to management authority (typically one individual) rather than the overall size of the transition staff, which is addressed below in "Budget Access."

shall ensure that the transition manager is present for any mediation with collective bargaining units related to the implementation of the Oversight Board. These responsibilities will be transferred to the Director upon their hiring.

### B3. Transition Volunteers

- A. During the Pre-Transition period, the City shall also create a group of up to 12 transition volunteers who are not interested in being on the new Board. These volunteers will be drawn from former members of the PAC and current or former members of the Citizen Review Committee (CRC) and any other volunteer entity being sunsetted as part of Board implementation. City Council shall appoint the transition volunteers, a process that transition staff will coordinate. The transition manager shall appoint a group of up to 12 transition volunteers who are not interested in being on the new Board. These volunteers will be drawn from former members of the ~~Police Accountability Commission (PAC)~~ and current or former members of the CRC and any other volunteer entity being sunsetted as part of Board implementation.
- B. The transition volunteer group shall sunset after the appointment and completion of training of the first Oversight Board members, but these volunteers should remain available as a resource to new Oversight Board members.

**Commented [PAC 06-1217]:** Commissioner comment (Dan): Add a volunteer from Transition Volunteers to this, not just transition manager.

**Commented [PAC 06-1218R17]:** Staff note: Should be duplicated in next section (B3) since that's about Transition Volunteers, or whole section moved up to B1 and add in "transition manager and a volunteer"

**Commented [PAC 06-1319]:** Staff note: Moved up to B1.

**Commented [PAC 06-0520]:** Commissioner comment (Monica): Worried about a delay due to appointment of the 12 volunteers. Also want to know if existing budgets from another area could be used to pay for this section.

**Commented [PAC 06-0521R20]:** Commissioner comment (Dan): Also concerned about delay – is there another way to do this though?

**Commented [PAC22R20]:** Staff note: If Council appointment for the volunteers is a challenge, perhaps text similar to the below would resolve this:  
"The transition manager shall appoint a group of up to 12 transition volunteers who are not interested in being on the new Board. These volunteers will be drawn from former members of the Police Accountability Commission (PAC) and current or former members of the CRC and any other volunteer entity being sunsetted as part of Board implementation."

**Commented [PAC 06-1223R20]:** Comment (CRC Chair Candace): If there's a way to bypass City Council appointment of volunteers that might help avoid delay.

Also to clarify their role and level of compensation, if they can be compensated as part of this work.

**Commented [PAC 06-1224]:** Commissioner proposed change (Angie):

**Commented [PAC 06-1225]:** Commissioner proposed change (Dan):

### B4. Budget Access

- A. To accomplish the timeline outlined in this document, several factors are reliant on having necessary budget available to staff the transition. The

Oversight Board will have access to its budget on Day One of the Transition period, but due to potential delays in the timeline if funding is delayed, the transition would be more feasible if a budget allocation is available prior to that date. If funding is not in place, work cannot begin until Day One, and the work outlined here will be significantly delayed. These delays could place the City out of compliance with the Charter and potentially the Settlement Agreement.

B. The timeline outlined in the recommendations of this document assume that necessary budget and support will be in place to accomplish the transition. "Necessary budget and support" includes, at a minimum:

- i. Authorization for three staff positions including the transition manager,
- ii. Funding for outreach, recruitment, technology, and transition staff, of at least \$700,000 of the Oversight Board's budget allocation for the transition fiscal year(s). Access to this funding will be made available to the transition staff upon their appointment, **even if** which PAC recommends occurs during the Pre-Transition period.

C. Remaining portions of the Oversight Board's budget allocation for the fiscal year(s) in which the Board members are appointed and the Director is hired would remain accessible to the Board and Director.

## C. Initial Member Appointment and Training

### C1. Member Appointment

- A. Applications for Board Membership should be available during the Pre-Transition period, but no later than will be available beginning, at latest, in Month One of the Transition. Transition staff will manage the application process and the Ttransition Tteam will conduct outreach to the community,
- B. The Transition TteamTransition staff will review applications. The Transition Teamand will submit to the City Council a set of eligible candidates to consider.

**Commented [PAC 06-0526]:** Commissioner comment (Angie): Want to make sure that the transition is staffed appropriately.

It says that there's staff who will assist the volunteers (former PAC/CRC members), but... worried about the success of this and everything happening efficiently enough with only one staff.

**Commented [PAC 06-0527R26]:** Staff note: partially addressed under B4 below.

**Commented [PAC 06-0528R26]:** Co-chair comment (Faythe): This is political – if it's a large number of staff it's too high a budget, but if it's 1 then it's not enough capacity. Want to be mindful that we're currently fighting to retain existing PAC staff.

**Commented [PAC 06-0529R26]:** Commissioner Tim: Support that later on it says some details (sprinkled around) including that there are 3 later on. The way to guarantee that what we need, actually happens, is to have an argument as to what we need. I would still love to talk to anyone in the City who's hired quickly to do this.

**Commented [PAC 06-0530]:** Commissioner QUESTION (Angie): Can we start recruitment before Day 1 or not?

**Commented [PAC 06-1231]:** Commissioner comment (Angie): Need to clarify how it's written and description written.

**Commented [PAC 06-1232]:** Commissioner proposed change (Dan):

**Commented [PAC33]:** Staff Note: This text was based on the prior structure of appointing 11 members at a time.

**Commented [PAC 06-1234]:** Commissioner proposed change (Charlie):

- C. Council is requested to determine appointees within 4 weeks. The City Council shall review the applications and then will notify transition staff of desired appointees so that appointments can be placed on the Council Agenda at the next opportunity. Appointments made before January 1, 2025, will be made by the full City Council, including the Mayor and four Commissioners; appointments made after January 1, 2025 will be made by the vote of the 12 members of the City Council.<sup>4</sup>
- D. The application may remain open, and the Transition Team will continue to review applications and submit new candidates to City Council regularly to fill any member positions unable to be filled in the first appointment, or to appoint alternates.
- E. Board members appointed during the Transition period will be appointed for terms lasting the remainder of the Transition period and an additional 1, 2, or 3 years, such that one-third of the board (11 members) will have terms of one year, another one-third two years, and another one-third three years. Board applicants may select their preference of term length and the transition team will do their best to accommodate first or second preference in the batch of applicants sent to City Council; the Transition Team shall also prioritize Board member selection requirements in each group of 11 candidates to ensure diversity.
- F. Board members will begin to receive ~~member support~~ compensation and other financial support upon appointment. It is anticipated that different parts of the member support structure will take effect at different times, with some portions not taking effect until after the Transition period.

**C2. Initial Board Member Training**

- A. After Council appointment, Board members and alternates shall go through training.<sup>5</sup>

<sup>4</sup> City Charter effective January 1, 2025, Ballot Measure 26-228, Section 2-102. <https://www.portland.gov/sites/default/files/council-documents/2022/attachment1-final.pdf>

<sup>5</sup> [PAC Areas of Agreement on Board Membership, §E-1](#)

**Commented [PAC 06-1235]:** Commissioner proposed change (Dan):

**Commented [PAC 06-1236]:** Staff note: Add citation to Board Membership section D.

**Commented [PAC37]:** Question from drafting group: "Do Board members start earning compensation upon appointment or once the Oversight Entity is fully-operational?"

**Commented [PAC38]:** STAFF NOTE: Questions from lower down in this document that relate to this section:

Will people be paid to conduct these trainings?

To what extent will a project manager assigned to the transition be able to coordinate or deliver these trainings?

**Commented [PAC39R38]:** Staff note: Second question is addressed below. First question is a garden plot item for possible revisions to the Board Membership document.



- B. Training that will normally be organized by staff may be delivered by Transition staff and/or by experts and affected parties.<sup>6</sup>
- C. Peer Training, which normally will be conducted by one or more existing board members, will be done by current and former members of the CRC and civilian members of the Police Review Board (PRB).<sup>7</sup> After completing training on handling of confidential materials, the new Oversight Board members will review case files in CRC appeals and PRB cases, consider the findings in those cases, and attend the hearings (without interfering) as part of their training on how to review complaints.

**Commented [PAC 06-1240]:** Commissioner proposed change (Dan):

**Commented [PAC 06-1241]:** Comment (CRC Vice Chair Yume): Due to CRC members being volunteers, having other work, this might be best be done on a designated day, or in a roundtable format

Difference between sharing information, peer support, showing case files, etc. Might be helpful to have a process training day, a roundtable day, peer support, etc. CRC open to doing whatever we can with the understanding that we're all volunteers.

Could be current or former CRC members.

**Commented [PAC 06-1242R41]:** Comment (CRC Chair Candace): Be mindful that there's a lot of work going into training development, not just execution.

Need training on how to review cases, etc. and City Staff should probably take on a lot of this lift due to capacity.

A lot of CRC members currently are new and have very limited CRC capacity. Not all CRC members have same experience so it might be helpful to be strategic about which members are training on which things (and noting that a small number of CRC members would need to do more for this). We don't even have all of these trainings – they should exist, and be best practices, but they don't necessarily exist and we'd need to create them.

**Commented [PAC 06-1243R41]:** CRC advice: Be more explicit as to the ask to show *how* to review a case file, compare it to directives, etc.

CRC Members more willing to brief at a meeting or a conversation than write something up.

## D. Initial Staff Hiring and Training

### D1. Director Hiring

As soon as a majority of Board members have been appointed by City Council, the search for a Director will commence. A draft job listing will be prepared by the

**Commented [PAC44]:** STAFF NOTE: Questions from lower down in this document that relate to this section:

Timeline—how much time do we need for hiring staff? What happens if people are extended job offers several months before the work starts?

**Commented [PAC45R44]:** Staff Note: The work doesn't have to start in month 13; as Commissioner Dan has noted elsewhere, the transition is up to 1 year in length, and if staff for intake/investigations were hired that might be a factor in starting to take new complaints prior to month 13.

<sup>6</sup> PAC Areas of Agreement on Board Membership, §E-1

<sup>7</sup> PAC Areas of Agreement on Board Membership, §E-1

Transition staff Team for review by the Board, then transition staff will post the job and conduct community outreach, so the community is aware of the position. Transition staff shall share these applications with the Board. The Board will then follow the standard procedure to hire the Director.<sup>8</sup>

Commented [PAC 06-1246]: Proposed change (Dan):

### D2. Priority Staff Hiring During Transition period

- A. Once the Director is hired, they will work with the Transition Team staff to recruit staff applicants for the oversight bureau.
- B. The Director will prioritize the hiring of intake staff, navigators, and investigators to ensure the oversight board is able to begin receiving and investigating complaints by the end of the Transition period.<sup>9</sup>

Commented [PAC 06-1247]: Commissioner comment (Dan): Transition staff may be seeking a job. This should disclose / address conflicts of interest.

Commented [PAC 06-1248]: Co-chair proposed change (Faythe):

### D3. Staff Training

- A. The Transition Team and Oversight Board are responsible for ensuring the Director undergoes training upon hiring.
- B. The Director is responsible for ensuring all other oversight bureau staff undergo required training upon hiring.<sup>10</sup>

Commented [PAC 06-1249]: Commissioner comment (Dan): This should include Board members, as they will not be hearing cases yet and should have time.

## E. Transfer of Files and Information from Current Systems

### E1. Portland Police Bureau and other City of Portland transfer of information

- A. The Oversight Board will have authority to obtain information to provide an administrative response to allegations of misconduct, and to conduct oversight effectively. The methods for obtaining information will include,

Commented [PAC50]: Staff note: This may not be accurate in that the oversight board has access earlier (as is reflected in sub-section B below); updated to broader language with drafting group member (Commissioner Angie).

<sup>8</sup> PAC Areas of Agreement on Oversight Staff, §A-1b

<sup>9</sup> DOJ Settlement Agreement §XI-195b <https://www.portland.gov/police/doj/documents/doj-settlement-agreement-revised-feb-28-2023/download>

<sup>10</sup> PAC Areas of Agreement on Oversight Staff, §B5

but will not be limited to, compelling testimony, subpoena power, and access to police records, data, and body camera footage.

- B. During the Transition period, ~~after training on confidentiality,~~ the Transition Team will have access to ~~all~~ information and data related to cases being reviewed by IPR, ~~the~~ Police Review Board, and the Citizen Review Committee ~~as needed to prepare trainings for in an effort to train the Transition Team. The Transition Team will assist in the training of~~ incoming Oversight Board members and staff.

**Commented [PAC 06-1251]:** Staff note: Add citation to Access to Information.

**Commented [PAC 06-1252]:** Commissioner comment (Dan): I'm not sure the intent was to have the whole transition team have access, just the volunteers who have clearance (former/current CRC members).

**Commented [PAC 06-1253R52]:** Commissioner comment (Monica): Logistically difficult to transfer information from A to B to C (where B is transition team) instead of just oversight staff getting information directly.

**Commented [PAC 06-1254R52]:** Flagged for further discussion (Faythe): Maybe clarify roles and responsibilities for transition team. Who should have access to what?

## E2. Transfer of information from the Police Accountability Commission

- A. All information and data collected by the PAC will be transferred to the Transition Team upon creation of the Transition Team. All information and data collected by the PAC and the Transition Team will be transferred to the Oversight board upon creation of the Oversight Board. In the event the Transition Team and the Oversight Board exist concurrently, all information and data collected by the Transition Team will be made available to the Oversight Board on an ongoing basis.

- B. The PAC Values and Goals, PAC Bylaws, and PAC Community Engagement Framework will be given to the Oversight Board members as model documents to assist in creation of the Oversight Board's internal process documents.

- ~~B.C. The Transition Team shall prepare a set of bylaws based on the PAC's to allow the new Board to function as soon as it is established. Once the Board has approved the Director's job description, they shall adapt these documents as desired or create new ones.~~

**Commented [PAC 06-1255]:** Commissioner proposed change (Dan):

**Commented [PAC 06-1256R55]:** Staff Note: Might need to be put into a different section of this document if approved.

**Commented [PAC57R55]:** Staff Note: This would fall under B1.

### E3. Information from IPR, Police Review Board, and Citizen Review Committee

- A. During the Transition period, IPR, the Police Review Board, and the Citizen Review Committee will transfer to the Oversight bureau all information and data ~~from used in~~ previous complaints ~~to the Transition Team / Oversight bureau~~. The transfer will follow all applicable local, state, and federal laws and policies regarding privacy and transparency.
- B. In the event that the transfer of information and data from these agencies cannot be completed in the Transition period, the Oversight bureau will work with each agency to create a plan to transfer information and data within a reasonable timeframe not to exceed one additional year.

**Commented [PAC 06-1258]:** Comment (CRC Vice Chair Yume): We're not really a record-holder. The main thing we'd have is our reports and in particular the drafts to transfer. More of an IPR question.

Comment (CRC Chair Candace): That's part of why we're doing these transition workgroups and reports – to assemble everything together and make it easier. Assembling a lot of information together including what we can find from previous years of the CRC before we came along.

## F. Post-Transition Period

### F1. General IPR-PRB-CRC Transition

- A. At the beginning of the Post-Transition period, IPR will no longer accept new complaints. During Phase 1 of the Post-Transition period, IPR~~They~~ will continue to work through any complaints accepted prior to the end of the Transition period. IPR shall work to resolve all pending complaints by the end of Phase 1 of the Post-Transition period. As ~~IPR's~~~~their~~ work winds down, the IPR Director, along with the Bureau of Human Resources, will

determine how to reduce the size of the organization to match the workload.<sup>11</sup>

B. The Director shall ensure that IPR staff have preference in hiring for employment at the new oversight bureau, as long as they meet all additional criteria for oversight bureau employment.<sup>12</sup> When hiring current IPR employees for positions at the oversight bureau, the Directors of the oversight bureau and of IPR shall coordinate, so that IPR maintains continuity of operations.<sup>13</sup>

C. The CRC will continue to hear appeals during Phase 1 of the Post-Transition period. CRC shall work to resolve all pending appeals by end of Phase 1 of the Post-Transition period, until the last ones initiated under the old system are completed. This ensures the Oversight Board does not hear cases using older procedures and standards.

D. During Phase 1 of the Post-Transition period, tThe City will maintain full membership at least 7 of the allotted 11 members of the CRC so that they can hold hearings (with a quorum of 5) and participate in PRB hearings where CRC members are required.

D-E. CRC members may serve on both the CRC during the Transition and Post-Transition Periods and on the Oversight Board. who wish to apply to be on the Oversight Board should announce their intention once the application process is opened.

## F2. Transition Items Related to PPB

E-F. The PRB will continue to hear cases during Phase 1 of the Post-Transition period. PRB shall work to resolve all pending cases within the jurisdiction of the Oversight Board by the end of Phase 1 of the Post-Transition period. until

<sup>11</sup> City Proposal Under Paragraph 195(a) of the DOJ Settlement Agreement

<sup>12</sup> [PAC Areas of Agreement on Oversight Staff, §B6-b.](#)

<sup>13</sup> DOJ Settlement Agreement §XI-195b <https://www.portland.gov/police/doj/documents/doj-settlement-agreement-revised-feb-28-2023/download>

**Commented [PAC 06-1259]:** Comment (CRC Vice Chair Yume): We don't always know on CRC what the timeframe for this might be. We've been told "up to two years" – but this is probably an IPR question. (How long can this go?)

**Commented [PAC 06-1260R59]:** Co-Chair Comment (Katherine): Need to determine if old systems are maintained for presumably a very small number of cases, or fold in after 180 days to the new system but with their separate rules.

Confusing to have two systems in place for an extended period of time. Reactions from both IPR and CRC when we say up to two years is "that's a really long time to manage sunseting agencies". Hard to maintain when the end date is known.

**Commented [PAC 06-1261R59]:** Commissioner comment (Dan): Third way is to negotiate with PPA/PPCOA to get cases which transfer to the oversight board to be done using new rules.

**Commented [PAC 06-1262R59]:** Commissioner comment (Charlie): How do we communicate to the community the maintenance of the old system, and still having police police police?

**Commented [PAC 06-1263R59]:** Commissioner comment (Monica): Concerned that having two systems operate will harm the new system. I like the idea of a date

**Commented [PAC 06-1264R59]:** Commissioner comment (Faythe): I do agree with a shorter transition, but it adds more complexity to the training component because

**Commented [PAC 06-1265R59]:** Flagged for further discussion (5 minutes)

**Commented [PAC 06-1266]:** Comment (CRC Vice Chair Yume): We need CRC to do things to help support the new system (they can be transition volunteers, or they can be on the new board), but we also still need them to do their job

**Commented [PAC 06-1267R66]:** Comment (CRC Chair Candace): 7 is low. You need to have it fully staffed (with members), because it's hard to get to our quorum, and 7 instead of 11 makes it harder. Keep the standard at 11. IPR

**Commented [PAC68]:** STAFF NOTE: Questions from further down in the document from drafting groups:

**Commented [PAC69]:** Staff note: This section may require an update based on the other sub-committee's actions related to PPB (Internal Affairs, PPB-housed volunteer groups, etc.)

**Commented [PAC70]:** Question raised at drafting group: "Should the PRB Coordinator be on staff through the end of PRB's work? (This is likely a decision the Police Bureau will need to make, but having the PRB

~~the last ones initiated under the old system are completed. This ensures the Oversight Board does not hear cases using older procedures and standards.~~

~~A. IPR shall ensure that the pool of PRB community members shall be sufficient to hold Police Review Boards for as long as two years after the new system is in place.~~

G. At the beginning of the Post-Transition period, the Oversight Board will accept those types of complaints currently addressed by Internal Affairs, but which the new system directs to the Oversight Board.<sup>14</sup>

H. At the end of Phase 1 of the Post-Transition period, all complaints pending before IPR, PRB, or the CRC that are within the jurisdiction of the Oversight Board shall be transferred to the Oversight Board for resolution. The Oversight Board shall prioritize prompt resolution of these complaints.

I. To the extent allowable by applicable law and collective bargaining agreements, the Oversight Board shall apply its procedures and standards to resolution of complaints transferred from IPR, PRB, or CRC at the end of Phase 1 of the Post-Transition period. If the Oversight Board is required to apply legacy procedures and standards to transferred complaints, the Board shall create a separate, transitional hearings division to ensure that the transferred complaints are handled in accordance with such requirements. The transition hearings division shall sunset as soon as all transferred complaints are resolved.

J. IPR and CRC shall conclude their operations within a reasonable period of time in Phase 2 of the Post-Transition period. PRB shall similarly conclude its operations relevant to complaints within the Oversight Board's jurisdiction during this time frame.

**Commented [PAC 06-1271]:** Staff Note: Flagged as part of previous discussion?

**Commented [PAC 06-1272R71]:** Commissioner Dan: CRC part of the PRB process is perhaps the most of interest to the community because CRC doesn't hear deadly force cases, and the PRB does, and the CRC members fill a seat on the PRB. If THOSE cases go to the new system and the new system has to make a recommendation to the Chief, that would be the situation causing the most loss of trust from the public.

Right now, if you need CRC members to be on the PRB, you need CRC to exist.

**Commented [PAC73]:** Flagged for further discussion (co-chair Faythe)

**Commented [PAC74]:** Flagged for further discussion (Co-Chair Katherine): Need to discuss proposal to limit continuation of IPR/PRB/CRC system to a defined period of overlap (up to 180 days) vs. proposal to allow old system to continue until all pre-Oversight Board cases are concluded (up to 730 days)

<sup>14</sup> [PAC Areas of Agreement on Officer Accountability, §A-6b](#)

F3. Conditions for early sunset of IPR / CRC (e.g. if they have 2-3 cases remaining on day 30)

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REFERENCE: Proposed Settlement Agreement Amendment:

The Police Accountability Commission, having evaluated the USDOJ v. City of Portland Settlement Agreement, agrees that the following items are necessary to ensure the community police oversight board's success. The proposals below support the oversight board's ability to fulfil its mandate.

"195. In 2020, the City referred to voters a ballot measure that would overhaul the police accountability system incorporated into this Agreement by establishing a new Community Police Oversight Board to replace IPR for investigations of certain complaints of police misconduct and to replace the Chief of Police for imposition of discipline. City voters approved the ballot measure. The City has since empowered a 20-member civilian Commission to define the duties and authority of the Oversight Board and submit a proposal to City Council for final approval.

a. Before January 1, 2022, the City Council and Auditor shall each present a plan to the United States for an orderly transition to the Community Police Oversight Board by ensuring the continuity of IPR operations while the Commission develops the Oversight Board for City Council's approval. The United States shall determine whether either of these two plans is acceptable. City Council will then adopt a plan that the United States has determined is acceptable. The Parties agree that the adopted plan shall be appended to this Agreement and will become part of this Order, provided that the Parties may agree to modify the plan if warranted by the circumstances. Until the Oversight Board becomes operational, the City shall ensure that administrative investigations are completed as required by Section VIII – Officer Accountability and that officers are held accountable for violating PPB policy and procedure as required by Paragraph 169.

b. Within 18 months of the date this paragraph is entered as an order of the Court, the Commission shall propose to City Council changes to City Code to create a new police oversight system as reflected in the City of Portland Charter amendment establishing a Community Police Oversight Board. Within 60 days of

**Commented [PAC75]:** Proposed in Sub-Committee on Broader System, flagged on 06-08 for Garden Plot for this sub-committee given content area. Track Changes shown below in text of existing paragraph 195 of Settlement Agreement.

**Commented [PAC76]:** Comment (Commissioner KC): Clarify with DOJ - does this preclude City Council from making changes to the charter language?



receiving the Commission’s proposal, the City will propose amendments to City Code to address the Commission’s proposal, and corresponding amendments to this Agreement, subject to the United States’ and the Court’s approval, to ensure full implementation of the Oversight Board and effective police accountability, consistent with the requirements of this Agreement. Within 21 days of the approval of the amendments to the Agreement by the United States and the Court, the City Council shall consider and vote on the conforming City Code provisions creating the Oversight Board. Within 60 days of the Council’s adoption of the City Code provisions, the Council shall appoint members to the Oversight Board and provide them with the support and resources they need to conduct a national search for a Director. Within 6 months of the Council’s adoption of the City Code provisions, the Board shall hire a Director, and the City shall provide the Director with the support and resources they need to hire staff and establish the bureau operating under the direction of the Oversight Board. Within 12 months of the Council’s adoption of the City Code provisions, the new Oversight Board shall be staffed and operational, and IPR shall then cease taking on new work and complete any pending work. For good cause shown, the deadlines imposed by this subparagraph (b) may be reasonably extended provided that the City is in substantial compliance with subparagraph (a).

c. In proposing changes to City Code and amendments to this Agreement, and in implementing the new Oversight Board, the City shall not impede or interfere with the independent judgment of the Board as defined by the Police Accountability Commission.

de. The City will comply with any collective bargaining obligations it may have related to the Oversight Board, which the City agrees to fulfill expeditiously and in compliance with its obligation to bargain in good faith.”