

City of Portland
Police Accountability Commission
Draft Transition Plan

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Definitions

<u>Transition Staff</u>	<u>Paid City of Portland employees working on setting up the oversight board and bureau prior to the hiring and training of its first Director.</u>
<u>Transition Volunteers</u>	<u>Volunteers working on setting up the oversight board prior to the appointment and training of the initial 33 members.</u>
<u>Transition Team</u>	<u>The collective term for transition staff and transition volunteers.</u>
<u>Pre-Transition</u>	The period beginning the day after the final PAC meeting <u>September 1, 2023</u> 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. <u>This period lasts for 180 days.</u> <u>During this period, all intake of complaints within the oversight board’s jurisdiction is handled exclusively by the oversight board. However, other bureaus (including IPR) will continue their work on complaints received prior to this period, even if those complaint types are under the oversight board’s jurisdiction.</u> <u>At this point, the board will be fully operational, but some parts of the old system will have 180 days to may be concludeing their work.</u>

Commented [PAC 06-221]: STAFF NOTE: Add “Transition Team” “Transition Staff” and “Transition Volunteers” to the definitions, including that Team = Staff + Volunteers.

Commented [PAC 06-222]: Commissioner comment (Dan): Want to revisit when discussing Section A.

Post-Transition Phase 2	<p>The period beginning 180 days after Post-Transition Phase 1.</p> <p><u>No other bureau will continue work on administrative investigations of police misconduct.* If any work is ongoing at other bureaus, they will transfer this unfinished work to the oversight board and bureau, who will complete the work.</u></p> <p><u>* This only applies to the types of complaints the oversight board has jurisdiction to address.</u></p> <p>when the Oversight Board assumes sole responsibility for complaints within its jurisdiction</p>
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A. Overview of Timeline

Commented [PAC3]: CO-CHAIRS NOTE: All of section A will become a graphic/visual timeline, replacing this text, prior to PAC approval.

A1. Pre-Transition

A. Council Initial Review (September 1, 2023-October 30, 2023)¹

- i. PAC presents work to Council
- ii. City Council passes a resolution:
 - a. Authorizing transition team
 - b. Allow for board outreach and prepare for recruitment
 - c. Allot a budget for the transition
 - d. Begin collective bargaining discussions
- iii. Council proposes Settlement Agreement amendments allowing for implementation of oversight board

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

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

i. Transition Team selected

ii. Bargaining begins on the basic parameters of the new board

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

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

Commented [PAC 06-224]: Commissioner proposed change (Dan):

Commented [PAC5R4]: FLAGGED FOR FURTHER DISCUSSION

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.

B. The 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 its 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.

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

³ 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 wrap up their existing work and conclude during Phase 1 of this period.

~~C. Phase 2 begins 180 days into the Post-Transition period, when the Oversight Board assumes sole responsibility for complaints within its jurisdiction~~

Commented [PAC 06-226]: FLAGGED FOR FURTHER DISCUSSION
(Co-chair Faythe), after going through Section F.

Commented [PAC7R6]: STAFF NOTE: Moved up to definitions.

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-among~~ bureaus
 - iii. Creating necessary City infrastructure for future board members (having IT permissions, protocols, and files in place)
- D. The Transition Team shall be selected 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.
- 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 negotiation and mediation with collective bargaining units related to the implementation of the Oversight Board. These responsibilities will be transferred to the Director upon their hiring and completion of training, and Board members, upon their appointment and completion of training.

Commented [PAC8]: Commissioner proposed change (Dan): PPB, IPR and the new system, at least, is more than two, so "among"

Commented [PAC 06-229]: STAFF NOTE: Revisit (as part of copy-editing between sub-committee referral and full commission discussion) splitting up pre-transition period into sub-phases, defining that in definitions, and using a short phrase here instead of this longer phrase.

Commissioner's suggestion (Dan): "during the second part of the Pre-Transition phase defined in Section A1B."

Commented [PAC10R9]: Co-chairs' recommendation: Leave in for clarity for readers.

- F. The Transition Team shall provide 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.

B2. Transition Staff

- A. During the Pre-Transition period, the City Council or its designee shall create a transition staff of at least 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.

B3. Transition Volunteers

- A. The transition staff shall appoint a group of up to 12 transition volunteers who recuse themselves from the initial appointment of board members. These volunteers will be drawn from former members of the 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.

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; PAC recommends that it 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 Month One of the Transition. Transition staff will manage the application process and the Transition Team will conduct outreach to the community.
- B. The Transition Team will review applications and will submit to the City Council a set of eligible candidates to consider.
- C. PAC requests that 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.⁴
- 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

Commented [PAC11]: Commissioner proposed change (Dan): Fixing passive voice.

⁴ 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>

Team shall also prioritize Board member selection requirements in each group of 11 ~~candidates~~ appointees to ensure diversity.

Commented [PAC12]: Proposed change (Co-Chairs) from “candidates” to “appointees”.

Commented [PAC13R12]: Commissioner proposed change (Dan) to “nominees” or keep as “candidates”

- F. Board members will begin to receive compensation and other forms of support upon appointment.⁵ 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.⁶

- B. Training that will normally be organized by staff may be delivered by Transition staff and/or by experts and affected parties, including but not limited to:⁷

Commented [PAC 06-2214]: Commissioner suggestion (Dan): Re-insert language from initial draft of training section with examples of experts.

- i. Civil rights attorneys

- ii. Public defenders

- iii. Civil rights activists particularly from overpoliced communities (such as BIPOC, people with mental illness/addiction issues, houseless community)

Commented [PAC 06-2215R14]: FLAGGED FOR FURTHER DISCUSSION

- B.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).⁸ 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.

⁵ Cite Board Membership.

⁶ PAC Areas of Agreement on Board Membership, §E-1

⁷ PAC Areas of Agreement on Board Membership, §E-1

⁸ PAC Areas of Agreement on Board Membership, §E-1

D. Initial Staff Hiring and Training

D1. Director Hiring

As soon as the Board members have been appointed by City Council, the search for a Director will commence. A draft job listing will be prepared by the Transition 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 procedure from PAC's Areas of Agreement on Oversight Staff to hire the Director.⁹

D2. Priority Staff Hiring During Transition period

- A. Once the Director is hired, they will work with the Transition Team 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.¹⁰
- C. ~~As outlined in the PAC Areas of Agreement on Oversight Staff, the Board shall be involved in hiring of the Auditor/Monitor/Inspector General and legal counsel.¹¹~~ During the Transition phase, the Director may also wish to hire the Auditor/Monitor/Inspector General and legal counsel to ensure a smooth ramp-up. If so, as outlined in the PAC Areas of Agreement on Oversight Staff, the Board shall be involved in hiring those positions.

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.¹²

⁹ PAC Areas of Agreement on Oversight Staff, §A-1b

¹⁰ DOJ Settlement Agreement §XI-195b <https://www.portland.gov/police/doj/documents/doj-settlement-agreement-revised-feb-28-2023/download>

¹¹ ~~Cite Oversight Staff.~~

¹² PAC Areas of Agreement on Oversight Staff, §B5

Commented [PAC16]: Proposed for removal (co-chairs):

- Auditor/Monitor/IG + legal counsel not indicated anywhere else as being in the most urgent hires (only intake, navigators, and investigators are listed)
- This is already stated in Oversight Staff.

Commented [PAC17]: Commissioner proposed change (Dan):

I think these SHOULD be considered as priorities as the Board will need both as they ramp up.

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, 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 incoming board members~~Transition Team~~ will have access to ~~all~~ 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.~~

~~B-C.~~ Necessary members of the transition team, after training on confidentiality, will have access to information and data related to cases being reviewed by IPR, the PRB, and the CRC only as needed to prepare trainings for incoming board members.

Commented [PAC 06-1218]: Staff note: Add citation to Access to Information.

Commented [PAC19]: Commissioner proposed change (Dan):

Commented [PAC20]: Co-chairs' proposed change to break this up and clarify board member access (B) and transition team access (C).

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.

E3. Information from IPR, PRB, and the CRC

- 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~~ if the transfer of information and data from these agencies cannot be completed in the Transition period, the Oversight bureau will work with the IPR, PRB, and/or CRC each agency to create a plan to transfer information and data within a reasonable timeframe not to exceed one additional year.

Commented [PAC21]: Typographical fix.

F. Post-Transition Period

F1. Independent Police Review

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.¹³

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.¹⁴ 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.¹⁵

~~B.C.~~ The Director of the Oversight Bureau may at their discretion hire the Director of IPR on staff and allow them to complete work for the old system while the new one ramps up.

F2. Citizen Review Committee

A. 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~~

Commented [PAC22]: STAFF NOTE: All headers updated by co-chairs.

Commented [PAC23]: Commissioner proposed change (Dan):

¹³ City Proposal Under Paragraph 195(a) of the DOJ Settlement Agreement

¹⁴ [PAC Areas of Agreement on Oversight Staff, §B6-b.](#)

¹⁵ DOJ Settlement Agreement §XI-195b <https://www.portland.gov/police/doj/documents/doj-settlement-agreement-revised-feb-28-2023/download>

are completed. This ensures the Oversight Board does not hear cases using older procedures and standards.

B. During Phase 1 of the Post-Transition period, the 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.

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

F3. Police Review Board

F2. Transition Items Related to PPB

A. During Phase 1 of the Post-Transition Period:

i. The PRB will continue to hear cases within the jurisdiction of the Oversight Board 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.

Commented [PAC24]: Commissioner proposed change (Dan): change to "initiated during the transition period"

ii. 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. PRB community volunteers may also concurrently serve on the Oversight Board.

Commented [PAC25]: Co-chairs removal proposal:

Commented [PAC 06-2226]: Commissioner proposed change (Dan): Reinsert the text previously removed.

B. By the start of Phase 2 of the Post-Transition Period:

i. The PRB member seat currently held for a member of the Citizen Review Committee will be changed to a second community member from the community pool of volunteers confirmed by City Council.

Commented [PAC27]: Commissioner proposed change (Dan):

ii. The responsibilities of the IPR Director to recommend volunteers to the pool of community members that may serve on the PRB, to recommend

community member removal from the pool for reasons outlined in City Code, and to serve on the PRB or send a designee, will be transferred to the Oversight Bureau Director.¹⁶

F4. Internal Affairs

~~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.~~

~~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.~~

A. 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.¹⁷

~~A.B. Internal Affairs shall sunset following the creation of the board and conclusion of its work addressing complaints received prior to the oversight board's full implementation.~~

F5. Transfer of Active Complaints Received Under Old System

- A. 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.

Commented [PAC28]: Commissioner comment (Dan): This is entirely new text with no explanation. The first part was in a package City Council tried to push through in 2022 and failed. The Settlement Agreement requires CRC members serve on the PRBs.

Commented [PAC29R28]: STAFF NOTE: The City Attorney's Office has advised the PAC that it can propose changes to the Settlement Agreement.

Commented [PAC 06-2230]: STAFF NOTE: Copied and pasted from Draft Areas of Agreement on Broader System, as referred by the Sub-Committee on Broader System to the full commission on 06-20-2023.

Commented [PAC31R30]: STAFF NOTE: Will be discussed as part of draft "Areas of Agreement on Broader System" discussion at full commission.

¹⁶ This relates to City Code 3.20.140, sections C1a(1), C1a(1)(c), and C1a(4).

¹⁷ PAC Areas of Agreement on Officer Accountability, §A-6b

ii. 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.

B. 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 06-2232]: Commissioner comment (Dan) about IPR Director.

Commented [PAC33R32]: STAFF NOTE: Addressed above with proposed new F1(C).