

City of Portland
Police Accountability Commission
Areas of Agreement on Structural Oversight

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Appendix: Referenced Documents..... **Error! Bookmark not defined.**

Definitions

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| 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 |
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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.

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. 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.

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 the Board finds a systemic issue, 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)

Separate from an investigation regarding individual officer misconduct and any related disciplinary action being proposed, the Board may initiate forward-looking root cause systemic 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 proposed Policy Recommendations. The Board may consider provisions to require participation in these reviews.

B6. Directive Review

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

Potential policy recommendations identified for 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. Adopting and Rescinding 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.

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

If the Board recommends a change to City of Portland policy, the Board or staff shall within 15 days thereafter place the recommended change on the Council Calendar, for consideration and a decision by City Council.

The City Council shall consider and hold a vote on either kind of recommendation no more than three months after it has been presented.

D3. Follow-Up

If a Board recommendation is approved by either PPB or the City Council, the Board shall monitor and pursue 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 decides to take.

E. Collective Bargaining

The Bureau of Human Resources shall reserve, during negotiations with collective bargaining units representing PPB sworn officers and their supervisors, at least two seats for representatives chosen by the Board.

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(s).

The Board's ability to make recommendations shall include proposals for the collective bargaining contracts.

F. PPB Budget Review

The Oversight Board may facilitate a public review, of PPB proposed budget requests before their 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 qualified staff, a team, or independent expert(s) 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 or designee shall address any policy-related or quality of investigation issues that warrant further review.

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

G2. Continual Improvement

The Board shall ensure qualified staff, a team or independent expert(s) 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 **electe**d or appointed 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.

Commented [PAC1]: Co-Chairs' Proposed Change (07-20-2023):
Reflects comment from Commissioner KC during consideration of (then-Draft) Areas of Agreement on Broader System, that appointed officials may also be the best people for the Oversight Board to communicate with (e.g. the State of Oregon Law Enforcement Standards Commission).