

City of Portland
Police Accountability Commission
Outline – Broader System

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A. The Oversight Board and City Government

A1. General Relationship with rest of City government

- Part of the City government
- Independent Bureau
- Independent Judgment
- Subject to HR rules and other administrative regulations

A2. Impact of Oversight Board implementation on City advisory entities

- A. To provide them with increased independence, as well as access to the Board’s investigatory and analytical resources, all current committees whose primary focus is police oversight (the PCCEP, FITCOG, TAC, BHUAC?) will be transferred to the Police Oversight Board.

Commented [PAC1]: Staff note: A-D from Co-Chair KC’s version. E from Commissioner Debbie’s version. Remaining portion of Commissioner Debbie’s text down below in “Reference Information”.

- B. At the discretion of the Board, these committees may be comprised of a mix of Board members and non-board citizen members appointed by the Board.
- C. Current members of these committees may apply for membership on the Police Oversight Board, or for appointment to the new committees under the Police Oversight Board. At its discretion, the Police Oversight Board may maintain the membership of any current member of committees being transferred to the Oversight Board's management.
- D. Committees whose primary purpose is to advise and collaborate with the Police Bureau shall not be transferred to the Police Oversight Board.
- E. Ideally, representatives from remaining volunteer bodies related to policing would meet periodically (every two or three months) with the oversight board in meetings open to the public to discuss policy issues that have emerged in their respective committees. There may be opportunities for them to form joint study committees to research those issues and develop joint recommendations.

A3. Impact of Oversight Board implementation on City staff entities

- A. PPB Internal Affairs
 - i. The Board will take over a large majority of the investigations that Internal Affairs currently conducts except for cases that do not impact community members at all or cases involving Officers who do not explicitly wish to have the Board investigate their complaint.
 - ii. IA may continue to operate following the creation of the board at a smaller capacity to continue taking on these cases if necessary. However, if possible this work shall be transferred to the Bureau of Human Resources (or equivalent agency) and IA will sunset following the creation of the board.
- B. Other PPB
 - i. Professional Standards Division
 - ii. Inspector-General

Potential oversight board liaison role (staff/member) to other levels of government (incl. DOJ)

Commented [PAC2]: Two points previously referenced:
 - There's a lot of professional standards division work that isn't in Internal Affairs, and collaboration/communication between Standards and Accountability / oversight board might be helpful to explain
 - (From Transition Plan) importance of PRB coordinator role in the immediate post-transition phase.

Commented [PAC3]: Staff note: Previous conversation (during "Oversight Staff" sub-committee) included a reference to possible confusion if there's an Inspector-General position within the PPB and another within the oversight bureau.

Commented [PAC 05-304]: Co-chair comment (KC): Independent Counsel may be best to communicate to DOJ; however, City Attorney's Office (CAO) is conduit to DOJ, and as the oversight board is part of the City, it's a party to the lawsuit represented by the CAO.

 Maybe best for CAO/DOJ/board's counsel to work this out later.

Commented [PAC5R4]: Staff note: This might be another part of this document.

B. Relationship with County Government

1. How the new system will relate to the county government (incl. DA's office)

a. Working relationship with oversight over Multnomah County Sheriff's Office (MCSO) or corrections due to police collaborations and police activity with relation to (county-run) jail

b. DA as an entity to appeal to for public records, confidentiality, etc.

c. Need to collaborate (or to keep information separate, e.g. compelled testimony) with relation to administrative investigations (oversight board) and criminal investigations (county)

a-d. Local Public Safety Coordinating Council (LPSCC)

Commented [PAC 05-186]: Commissioner comment (Sophia): Coroner's offices.

Commented [PAC 05-187R6]: Co-chair comment (Seemab): Local Public Safety Coordinating Council (LPSCC)

Commented [PAC 05-308R6]: Staff note: Multnomah County Medical Examiner's Office:
<https://www.multco.us/health/providers/medical-examiner>

Commented [PAC 05-309R6]: Also note Oregon State Police: "We manage all aspects of the state medical examiner program with responsibility for the technical supervision of county offices in each of Oregon's 36 counties."
<https://www.oregon.gov/osp/programs/pages/med.aspx>

Commented [PAC 05-3010]: LPSCC Website:
<https://www.multco.us/lpsc>

Open question: what should the relationship look like?
Consensus around having one but should it report or should it be a member?

C. Relationship with State Government

- a. Obligation to follow state rules including (as of July 1, 2025) discipline guide from LESC
- b. Subject matter expertise, and contributing to state lawmaking and policy-making processes
 - i. Law Enforcement Standards Commission
 - ii. Arbitration
 - iii. Collective Bargaining

Interactions with the state:

Oregon State police:

Oregon Advocacy Commissions Office

The Oregon Advocacy Commissions Office (OACO) was established to support the statutory work of all four OACs:

- Oregon Commission on Asian & Pacific Islander Affairs (OCAPIA)
- Oregon Commission on Black Affairs (OCBA)
- Oregon Commission on Hispanic Affairs (OCHA)
- Oregon Commission for Women (OCFW)

Oregon State Archives

Oregon State Bar Association

Oregon Commission for the Blind

The Office of the Chief Operating Officer (also known as the DAS Director's Office) manages all executive branch agencies; provides governmental and external communications; conducts economic analysis; and coordinates legislative activities.

Programs included within this division:

- Communications
- Internal Audit
- Legislative Coordination

- Office of Economic Analysis

State Audits Division

Conducts audits to protect public interest

Municipal and local audits

Department of Administrative Services

Doing business with the state

Oregon Council on Court Procedures:

Where do the Oregon Rules of Civil Procedure come from and how are they changed? If a particular rule is not effective or has been rendered obsolete by technology, or by practice, how may it be amended? The ORCP are the work product of the Council, and the Council is charged with the responsibility of maintaining the ORCP.

The Council on Court Procedures is the Oregon public body that is most directly involved in creating, reviewing, and amending the Oregon Rules of Civil Procedure that govern procedure and practice in all Oregon circuit courts (except for the small claims departments).

Oregon Court of Appeals

Oregon has two appellate courts, the Oregon Supreme Court and the Oregon Court of Appeals. The Oregon Supreme Court is the highest court in the Oregon judicial branch. The court has seven elected justices. They choose one of their own to serve a six-year term as Chief Justice. The only court that may reverse or modify a decision of the Oregon Supreme Court is the United States Supreme Court.

The Oregon Court of Appeals is Oregon's intermediate appellate court created by statute in 1969. With the exception of a limited number of appeals that go directly to the Oregon Supreme Court--most notably death penalty cases, ballot title cases, lawyer discipline matters, and tax court cases--the Court of Appeals

receives every appeal or judicial review taken from Oregon's trial courts and administrative agencies.

The Oregon Supreme Court and Court of Appeals are supported by a single records office. The Appellate Court Records office is responsible for processing all documents filed in those courts, calendaring all oral arguments, distributing opinions, and issuing appellate judgments.

Criminal Justice Commission

To improve the legitimacy, efficiency, and effectiveness of state and local criminal justice systems.

The mission of the Oregon Criminal Justice Commission is to improve the legitimacy, efficiency, and effectiveness of state and local criminal justice systems.

We do this by:

- Providing a centralized and impartial forum for statewide policy development and planning;
- Developing a long-range public safety plan for Oregon;
- Analyzing capacity and use of state prisons and local jails, implementation of community corrections programs and methods to reduce future criminal conduct;
- Funding and evaluating Oregon drug courts;
- Conducting research;
- Developing fiscal and racial / ethnic impact estimate of crime-related legislation;
- Providing a statistical and data clearinghouse for criminal justice;
- Administering Oregon felony sentencing guidelines; and
- Staffing the Public Safety Task Force and other advisory committees.

Employment Relations Board

Government Ethics Commission

Governor of Oregon

Justice Department of Oregon

Oregon State Legislature

Medical Examiner, state

Psychiatric Security Review Board

Public Defense Services

Public Safety and Standards

Supreme Court

D. Relationship with Federal Government

- a. DOJ support for independent judgment
- b. PAC process and Oversight Board Creation subject to Settlement Agreement directly (par. 195)
- c. Oversight Board may end up taking on accountability functions which are remedies in settlement agreement (and therefore be obligated to fulfil the City's obligations under the agreement)
 - i. If the Oversight Board is to take over any responsibilities currently tasked under the Settlement Agreement, the need to propose adjusting the settlement agreement to adjust / reassign those responsibilities.

E. Recommendations

The Police Accountability Commission, having evaluated the *USDOJ v. City of Portland* Settlement Agreement, agrees that the following items are necessary to

Commented [PAC11]: Staff note: This might actually fit into the Transition Plan rather than this, as the content area focuses on transition.

ensure the community police oversight board's success. The Police Accountability Commission's mandate from City Council does not include addressing these items. Nonetheless, 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 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

Commented [12]: Clarify with DOJ - does this preclude City Council from making changes to the charter language?

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.

d. 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."

Reference Information

Portland Police Bureau Advisory Groups

<https://www.portland.gov/police/advisory-groups>

Police Bureauwide Advisory Committee

This committee advises Bureau leadership on Citywide issues, provides input to staff about budget development, reviews plans on long-term Bureauwide projects, and provides feedback on community priorities. (A number of city bureaus have BACs that advise them on budget and other issues).

Police Equity Advisory Council

This council is charged with holding the Portland Police Bureau accountable for achieving the objectives of the Bureau's Racial Equity Plan.

Coalition of Advisory Groups

The eight groups listed below have seats on the **Coalition of Advisory Groups**. People who are not members of the coalition may attend by invitation only. They say decisions and statements are posted on their website, but there don't seem to be any listed at this time.

According to the PPB website, there are six Community and Culturally Specific Advisory Councils.

- African American Advisory Council
- Alliance for Safer Communities Advisory Council (representing the LGBTQ+ community) (according to a March 2023 article in Willamette Week, this group is on hiatus
<https://www.wweek.com/news/city/2023/03/24/portlands-lgbtq-police-advisory-council-quietly-disbanded-last-year/>)
- Asian and Pacific Islander American Advisory Council
- Latino Advisory Council
- Muslim Advisory Council
- Slavic Advisory Council.

These advisory groups are independent, self-organized bodies whose meetings are not open to the public if the group so-chooses.

There are also two Bureau Operational Advisory Councils:

- Behavioral Health Unit Advisory Committee (Settlement Agreement: Section VI -- Crisis Intervention)
- Training Advisory Council -- The TAC's mission is to provide ongoing advice to the Chief of Police and the Training Division in order to continuously improve training standards, practices and outcomes through the examination of training content, delivery, tactics, policy, equipment and facilities. (Settlement Agreement paragraphs 86 and 87)

These two groups hold public meetings (the BHUAC meetings are open to the public only on occasion, TAC meetings are open to the public) and post their minutes.

Police-Related Committees Housed Outside the Portland Police Bureau

Focused Intervention Team Community Oversight Group

The Police Bureau's Focused Intervention Team is led by a captain, lieutenant, and two sergeants and has 12 officers. The group is responsible for addressing gun violence and the proliferations of weapons in the city. They are advised by a Community Oversight Group, that began work in June 2021 and is responsible for assisting with recommendations to reduce gun violence through prevention, intervention, and response. <https://www.oregonlive.com/crime/2022/01/portland-police-bureau-new-focused-intervention-team-hits-streets-to-address-gun-violence.html>

Portland Committee on Community-Engaged Policing

PCCEP is a group of 13 community members who are independent from the City and the Portland Police Bureau (PPB). Its work includes independent assessment of the implementation of the DOJ Settlement Agreement and gathering input and exchanging information about PPB policies and practices. Their full committee and subcommittee meetings are open to the public and they encourage

community participation. They have the authority to make recommendations to the Police Bureau and City Council with a response from the city required. (Settlement Agreement: Section IX – Community Engagement and Creation of Portland Committee on Community-Engaged Policing)

Citizen Review Committee

The eleven-member committee was created in 2001 to help improve police accountability, promote higher standards of police services, and increase public confidence. Volunteer CRC members are appointed by City Council.

1. From Barriers and Best Practices

“3. Some parts of the current system are duplicative, confusing, and contradictory.

Recommended Findings: Multiple reviewers can recommend findings, and those recommendations sometimes contradict each other.

For example, unofficial recommended findings come from IA or IPR, then go to the commanding officer who makes the official recommended findings. Then the Branch Assistant Chief, the Internal Affairs Captain, and the IPR may choose to recommend findings that are different from the commanding officer (known as **controverting**). If the findings are controverted, or if the findings are sustained, or if the case involves deadly force, the Police Review Board then reviews the investigation and again recommends findings. PRB has no obligation to form a majority opinion, so the PRB may send multiple sets of recommended findings to the Chief. The case may then be appealed to CRC, which makes a majority-opinion recommendation on findings. If the Bureau disagrees with the CRC’s recommendation, the appeal goes to City Council. With the exception of cases which go to City Council, as provided in City Code, the Police Chief or Commissioner-in-Charge makes the ultimate final decision on findings.”

“7. Burdensome parts of the accountability system disproportionately impact community members who are part of historically excluded groups. Current accountability systems structurally fail to address or even take seriously the impacts of policing on historically excluded groups or the disproportionate level of effort it takes for those community members to participate in the accountability system as they attempt to pursue individual misconduct complaints.”

“9. The current system is governed and protected by several layers of local, state, and federal law and policy, including and especially labor law. Collective bargaining: The current system is subject to collective bargaining between the City government and the collective bargaining units. Most of the collective bargaining process is not open to the public. No representatives from either the volunteer or staff portions of the current community oversight system are part of collective bargaining processes. What currently exists is the result of many years of collective bargaining by the collective bargaining units. Law: Current labor laws do not take into consideration the input of the community, but rather favor the police collective bargaining units' input.”

“12. The current civilian accountability system lacks the comprehensive power necessary to be effective at reducing misconduct. Limitations of Scope: Some complaints have no avenue for resolution outside of private litigation. Importantly, not everyone has the capability to pursue private litigation. The system's limitations direct some potential complaints to be resolved in civil court, instead of through an administrative system. Civil courts focus on violations of rights, not of policy, and as a result are not the appropriate place for all types of complaints. For example, officer rudeness would not rise to the level of a civil rights violation but should be addressed by the administrative process. This results in some officer misconduct being excused that would not have been excused by a more comprehensive administrative accountability system.”

“15. People who are making decisions about and within the system have a vested interest in the system being upheld. Investigations: The current system relies on the Portland Police Bureau to investigate itself in most cases for both administrative and criminal allegations.

IPR was created in 2002 but didn't do their first investigation until 2013. IPR can't compel testimony and is still reliant on police to do so. This demonstrates that the police are still involved in nearly all cases.

Internal Affairs: PPB IA investigations give a tremendous amount of deference to involved officers. PPB officer judgement receives wide latitude from PPB IA investigators. PPB IA Investigations are not rigorous enough, especially when officer statements and physical evidence do not match up."

"19. Community volunteers who participate in the current system often feel their work is ineffectual because it lacks real authority.

Final decision-making: The final decision-making power is vested in entities other than the Citizen Review Committee, which makes members of that committee often feel their input is not heard when their recommendations are not taken. Community volunteers on the Police Review Board, which also only makes recommendations, are outnumbered by police.

Lack of response and implementation: Policy recommendations from community entities often do not receive a response from decision-makers in a timely fashion. Even when they are responded to, community input is regularly not taken. Public input and testimony from the Citizen Review Committee indicates that volunteers often feel like their work is meaningless because their recommendations are often ignored by the City and the police."

2. From Access to Information

"B3. The oversight board, with the assistance of legal counsel, shall have the authority to subpoena witnesses, administer oaths and require the production of evidence. Through legal counsel, the board shall apply to Multnomah County Courthouse (or to the appropriate court) for the enforcement of a subpoena or to impose the penalties for failure to obey a subpoena or order."

"B6. Any *person* who fails to comply with a subpoena may be subject to contempt proceedings as prescribed by State law; provided that such persons shall not be required to answer any question or act in violation of rights under the constitutions of the State or of the United States."

"C4. To the extent allowable under state and federal law, the oversight board shall have direct access to all relevant database networks to which the Bureau subscribes. This includes, but is not limited to:

- a. Regional Justice Information System (RegJIN)
- b. Criminal Justice Information Systems (CJIS)”

3. From Officer Accountability

“B1. Referral of criminal investigations

A. The Board has the authority to refer cases to the District Attorney or other authority for criminal investigation when the incident or allegations indicate possible criminal activity by the officer(s).”

4. From Structural Oversight

“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 elected 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.”

5. From Board Membership

“B3(2). Board Members cannot simultaneously be members of any other government-run advisory group related to police or policing.”

“C5. The applications of board applicants shall remain confidential to the extent allowable by law.”

“D6. The Oversight Board shall be empowered to advocate to other governmental entities (including the State of Oregon) for protections for oversight board members.”

6. From Oversight Staff

“B7b-vii. Community engagement includes discussions on how to improve police practices and policy which include soliciting community input.¹ Policy discussion should also include local, state, and federal laws which are not necessarily police

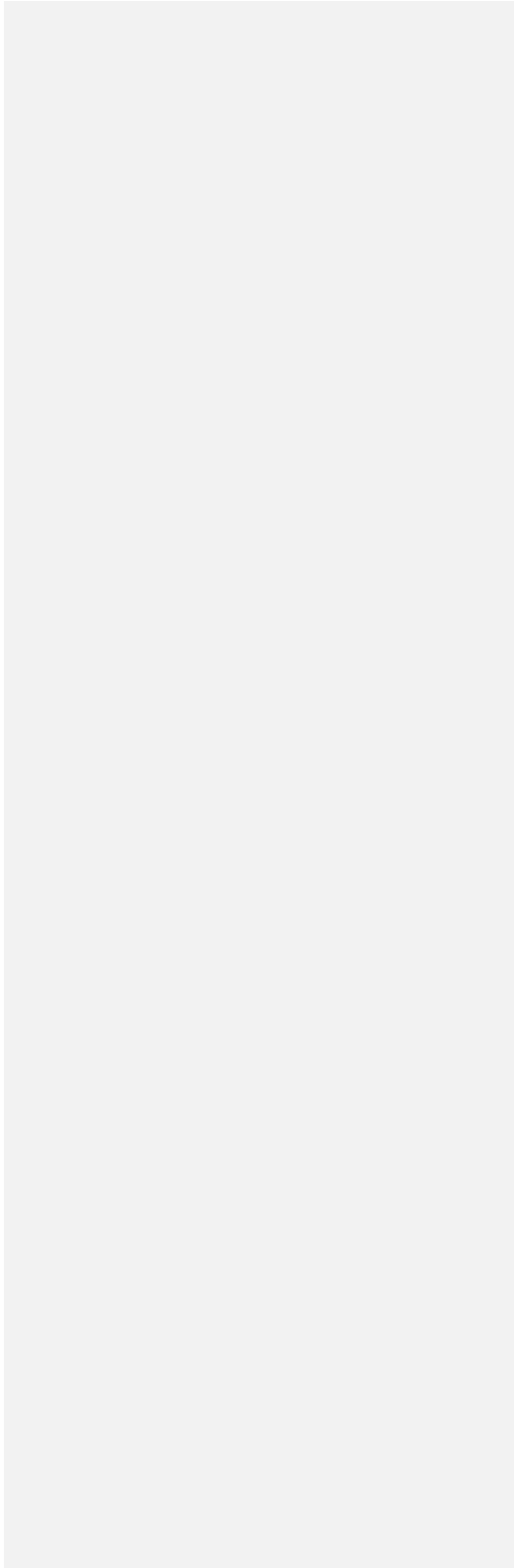
¹ From Chicago and Los Angeles County.

bureau policies.”

7. From Reporting and Transparency

(Nothing found in this document.)

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What we had coming out of 05-18 meeting:

1. Relationship with the County: Seemab, Tirsa
2. Relationship with the State: Seemab, Cameron, Sophia
3. Relationship with the Federal Government: Tirsa
4. Other City Advisory Groups Related to Police/Policing: Debbie, Sophia
5. Other City Agencies/Units/Staff Entities (including IA)

Possible reassignment (05-30, 06-08):

1. Relationship with the County: Seemab, Tirsa
2. Relationship with the State: Cameron, Sophia
3. Relationship with the Federal Government: Tirsa, KC
4. Other City Advisory Groups Related to Police/Policing: Debbie, Sophia, KC
5. Other City Agencies/Units/Staff Entities (including IA): Seemab, Christian