

# City of Portland

## Police Accountability Commission

### Agenda and Scope

This Agenda and Scope defines the phases of work for the Police Accountability Commission as it develops the new police oversight board and accountability system. This is a living document, designed to order the tasks of the commission to meet the needs, concerns, and desires of the communities most impacted by policing, overpolicing, and police misconduct.

#### 1. Organizational Phase

- a. Build internal culture and collaboration models for Police Accountability Commission
- b. Begin internal / public education on equity and related concepts
- c. **Outcome Document:** Establish Values and Goals for the work of the Police Accountability Commission
- d. **Outcome Document:** Establish Bylaws for the Police Accountability Commission
- e. **Outcome Document:** Create Agenda and Scope (**this document**) for the work of the Police Accountability Commission
- f. **Outcome Document:** Develop a Community Engagement Framework for the Police Accountability Commission

#### Ongoing Tasks (Phases 2-6)

- a. Testimony and Engagement
  - i. DOJ stakeholders (City of Portland, Portland Police Association, US Dept of Justice, and amici Albina Ministerial Alliance Coalition for Justice and Police Reform, Mental Health Alliance)
  - ii. Impacted communities

- iii. Concerned constituents
- iv. Experts
- b. Report to Council on progress
- c. Work with City Attorney, Bureau of Human Resources on Collective Bargaining and other issues
  - i. “receive attorney-client privileged information in a private forum” (Resolution 37527)

## **2. Fact-Finding Phase**

- a. Review of Charter 2-10 (Ballot Measure 26-217, adopted by voters in Nov. 2020)
  - i. Review of Charter structures as they relate to police, police accountability, misconduct
  - ii. Develop recommendations for Charter changes to send to Charter Review Commission
- b. Internal / public education on different police-related entities in the City and what each does (e.g. IPR, IPR-CRC, PRB, TAC, LPSSC, PCCEP, FIT COG, etc.)
- c. Internal / public education on how Independent Police Review and the Police Review Board (as well as Citizen Review Committee) handle police misconduct cases now
- d. Information from current board (IPR? IPR-CRC?) on how issues that arise through investigations influence proposals to change/update policy and training.
- e. Information from current board on shootings and deaths in custody – IPR and Police Bureau roles
- f. Presentation from Internal Affairs and Police Review Board coordinator on how PPB handles conduct issues
- g. Overview of different types of oversight systems by outside expert(s) with information suggesting how Portland’s new system could function
- h. Investigate forms of governance to give the board the credibility of independence

- i. Information from DOJ and collective bargaining expert outlining potential limitations imposed by the settlement agreement and/or the police union contract.
- j. Meet with Portland Police Association and Portland Police Bureau leadership to discuss the design of the new system
- k. Presentation from City Council members, in particular Police Commissioner
- l. What is the current transition plan in place?
- m. Listen to any entity or individual who has interest in this issue
- n. **Outcomes:** Identify how police are not being held accountable and other problems in the current system
- o. **Outcomes:** Suggestions to consider from experts, other cities, etc.
- p. **Outcomes:** Suggested Charter changes to recommend to Charter Commission

### 3. Establishing Powers and Duties Phase

- a. How the Board can receive and compel testimony
- b. Access to records, data within state and federal law
  - i. Subpoena power and access to police records
- c. Case handling and investigative processes, including workflow description
  - i. Types of conduct/complaints the new agency will investigate and determine outcomes
  - ii. Current model: bureau complaints vs community complaints
  - iii. Complaint process: community member vs. internal bureau complaints
  - iv. Determination process
  - v. How to impose discipline
    - 1. due process and just cause rules

2. Appeal process – will police and community members be allowed to appeal their cases?
  3. Mediation options (community member and police officer)
- d. How to propose policy changes for PPB
    - i. Process for making policy and training recommendations from both community board and agency staff
    - ii. Chief and police commissioner's obligation to respond and follow oversight board's decisions and recommendations
  - e. **Outcomes:** Areas of Agreement (Access to Information, records, testimony, etc.)
  - f. **Outcomes:** Areas of Agreement (Complaint, Investigation, Determination, Discipline, etc. processes)
  - g. **Outcomes:** Areas of Agreement (Policy recommendation development, delivery, follow-through, etc. processes)

#### 4. Structure and Details

- a. Board membership
  - i. Number of members in the board
  - ii. Qualifications of the new board members
  - iii. Recruitment
  - iv. Paid/unpaid
  - v. Representation of specific impacted communities
  - vi. Onboarding process and training
- b. Selection and replacement of Board members
  - i. Appointment Process
  - ii. term lengths / renewability
  - iii. training requirements
  - iv. quorum
  - v. Removal requirements
- c. Staff of new Board
  - i. Agency director – qualifications, hiring process, authority, performance reviews

- ii. Staff structure
- iii. Will existing staff (IPR/IA/etc.) get preference to apply?
- iv. Inspector General or Police Auditor with full access to Bureau records, trainings, and staff
- v. Attorneys on staff with local, state, federal specializations
- d. Position within City
  - i. Budget – at least 5% of PPB budget
  - ii. Office location – How/where does it exist to be? free-standing?
  - iii. Where in the City org chart / bureau structure is the Board housed?
- e. New Board's reports to Council and how they are made
  - i. what information will be in Reports
- f. Public access and transparency
  - i. what reports are public
  - ii. what meetings are open to public
  - iii. what info on investigations is public
- g. **Outcomes:** Areas of Agreement (Board Membership)
- h. **Outcomes:** Areas of Agreement (Staff)
- i. **Outcomes:** Areas of Agreement (Office, Bureau, and Budget)
- j. **Outcomes:** Areas of Agreement (Reporting, transparency, and public access to information)

## 5. Transition Plan and Final Details

- a. Name of the Board and other details
- b. How the Board will relate to other City entities focused on police (PCCEP, FIT COG, etc.)
- c. Which entities within the City need to be adjusted to fit with the new Board? (Internal Affairs, etc.)
- d. How does the new Board relate to the County / State?
- e. How does the new Board relate to the DOJ and Settlement Agreement process?
- f. Transition Details

- i. IPR continuing and concluding work on ongoing investigations
  - ii. Key dates and transfer of responsibilities
- g. **Outcomes:** Areas of Agreement (Name and other Details)
- h. **Outcomes:** Areas of Agreement (Board relationship with other entities)
- i. **Outcomes:** Areas of Agreement (Suggested changes to other City entities as part of Board implementation)
- j. **Outcome Document:** Transition Plan

## 6. Concluding Phase(s)

- a. Code Change Package to City Council
  - i. Draft code language w/assistance from city attorney's office or outside counsel
- b. Share final draft proposal with stakeholders and create community support
  - i. Take public testimony
- c. Final Commission vote(s) on Code Package
- d. Develop Report(s)
- e. Present to City Council
- f. **Outcome Document:** Final Code Change Package
- g. **Outcome Document:** Final Report(s) of Police Accountability Commission