

Police Accountability Commission

Quarterly Report to the Portland City Council

April-June 2022



Introduction

The Police Accountability Commission (PAC) was convened in December 2021 and held its Organizational Phase of Work through March 2022. It entered the Fact-Finding Phase of Work, which began April 1, 2022, and extended through much of the summer of 2022. This is the quarterly report of the City of Portland Police Accountability Commission covering April through June 2022.

During this quarter, the Police Accountability Commission held fourteen meetings, including ten full-commission public meetings, three sub-committee public meetings, and one private community-building session designed to develop the working relationships of community members serving on the PAC.

During this period the PAC continued with its work on its Fact-Finding Phase. It will culminate in the approval of three documents:

1. Areas of Agreement on **Barriers to Police Accountability, and Best Practices**, in Portland's current system.
2. Areas of Agreement on **Best Practices, and Practices to Avoid, from Other Jurisdictions** that the PAC researched.

3. Areas of Agreement on **Proposals to Consider, and to Avoid, from Subject Matter Experts** received during the PAC’s research.¹

The conclusion of the Fact-Finding Phase is expected to occur in the third quarter of 2022 and will be captured in a subsequent report.

The PAC appreciates that all Council offices, as well as the City Attorney’s Office, sent representatives to observe PAC meetings during the quarter. We thank the Council and City Attorney’s Office for their interest in our work.

Background

Following the murder of George Floyd in May 2020 by Minneapolis police and amidst a nationwide reassessment of police accountability and oversight systems, the Portland City Council adopted Resolution 37499 on July 29, 2020.² This resolution placed Ballot Measure 26-217 on the November 2020 ballot for the consideration of Portland voters.³ Voters approved the ballot measure by an 82%-18% margin in November 2020.⁴ The ballot measure authorized a new, independent community police oversight board & accountability and disciplinary system for the Portland Police Bureau (PPB).

The PAC held its first two public meetings in December 2021, agreeing to preliminary and interim understandings on how the commission would be managed throughout the Organizational Phase of work, which extended through the end of March 2022. This work resulted in four guiding documents: Values and Goals, Agenda and Scope, Bylaws, and a Community Engagement Framework. These documents helped form the phases and tasks that the commission will complete and led to the start of the Fact-Finding Phase of work in April 2022.

Fact-Finding Phase

The Police Accountability Commission is in the Fact-Finding Phase of work, the second of six defined phases under the PAC Agenda and Scope document (approved March 31). The start of this phase coincided with the start of the period covered by this quarterly report; the Fact-Finding Phase continued into the next quarter. Early in this phase the Commission approved Commissioners Faythe Aiken, Seemab Hussaini, and Lovisa Lloyd as Co-Chairs for the Fact-Finding Phase. The Commission also created two sub-

¹ <https://www.portland.gov/sites/default/files/2022/pac-agenda-and-scope-03-31-2022.pdf>

² <https://www.portland.gov/sites/default/files/2021/portland-city-council-resolution-37499-07-29-2020.pdf>

³ <https://www.portland.gov/sites/default/files/2021/portland-ballot-measure-26-217-11-03-2020.pdf>

⁴ <https://www.portland.gov/elections/elections-results#toc-city-measure-election-results>

committees, one on Research and one on Community Engagement Events; each had two co-chairs approved by the Commission.

The Fact-Finding Phase is focused on developing an understanding of the problems that the PAC is aiming to fix; understanding how other jurisdictions have addressed similar problems (and assessing their practices); reviewing proposals from subject matter experts and assessing them; and listening to key stakeholders in the process, including affected communities.

The PAC held several briefings during this quarter.⁵ Some were required by Council, which the Commission chose to include in the Fact-Finding Phase. Others were added to ensure that a broad range of sources of information and opinion will help shape the PAC's views.

The Fact-Finding Phase also begins an ongoing set of tasks, which extend from April 2022 through the end of the Commission's mandate. These tasks include testimony and engagement with stakeholders and those affected by the current system regarding the PAC's proposed changes; consultation with the City Attorney's office and Bureau of Human Resources; and reports to the City Council on progress, including this quarterly report.

Briefings from Key Stakeholders

The Commission received briefings during the period covered in this report from:

1. Commissioner Jo Ann Hardesty (April 26)
2. Independent Police Review Director Ross Caldwell and Deputy Director Dana Walton-Macaulay (May 23)
3. Citizen Review Committee Chair Candace Avalos and Vice Chair Yume Delegato (May 23)
4. Mayor Ted Wheeler (May 26)
5. Commissioner Mingus Mapps (June 6)
6. Portland Police Bureau Chief Charles Lovell and Deputy Chief Mike Frome (June 16)
7. PPB Internal Affairs Acting Captain Greg Pashley and Professional Standards Division Commander Jeff Bell (June 23)
8. PPB Police Review Board Coordinator Christopher Paillé (June 30)

Each briefing consisted of a presentation by the briefer(s), an opportunity for members to ask questions, and a public comment and question-and-answer period with the briefers.

⁵ <https://www.portland.gov/sites/default/files/2022/pac-agenda-and-scope-03-31-2022.pdf>

Members also had an opportunity to discuss the briefing and their key takeaways after most briefings.

The briefers were generally asked to give their views on:

1. Barriers to police accountability in Portland's current system
2. Best practices in Portland's current system
3. Their recommendations for the Police Accountability Commission's proposals
4. (Where applicable) An explanation of their role in the system and how they approach it

The Police Accountability Commission thanks the twelve individuals above, as well as their support and scheduling staff, for making the briefings possible. Their contributions to this process are appreciated and will have a large impact on the work of the Commission going forward.

Barriers and Best Practices

In its Agenda and Scope (03-31-2022), the Police Accountability Commission defined one of the outcome documents for the Fact-Finding Phase as “identify[ing] how police are not being held accountable, and other problems in the current system.”⁶ As discussions on this matter progressed, Commission members expressed a desire to also develop a list of best practices in the current system, which will help the Commission maintain the positive impacts of those practices in the new system.

As the Commission held the eight briefings noted above, Commission members reflected and synthesized the barriers and best practices that were shared. The barriers and best practices, including key takeaways from these meetings, will be synthesized into a final document at the conclusion of the Fact-Finding Phase, the “PAC Areas of Agreement on Barriers to Police Accountability, and Best Practices, in Portland's Current System”.

Research into Practices in Other Jurisdictions and Proposals from Subject Matter Experts

The Police Accountability Commission formed a Sub-Committee on Research in April. It began meeting in June and is expected to conclude in September of 2022. The Sub-Committee was charged with conducting research on jurisdictions outside Portland. It also reviewed materials from subject matter experts designated as areas of interest by the full PAC, and explored additional topics generated by sub-committee members. The sub-

⁶ <https://www.portland.gov/sites/default/files/2022/pac-agenda-and-scope-03-31-2022.pdf>

committee met twice in June and subcommittee members began researching and reporting back on outside jurisdictions of interest to the PAC. This research will be used as reference material by the PAC in future phases.

On June 2, the Sub-Committee on Research met for the first time. It discussed suggestions made by the full PAC on April 26 regarding outside jurisdictions and subject matter experts of interest to the PAC. The sub-committee then had a round-robin discussion in which members of the subcommittee suggested additional jurisdictions and subject-matter experts for potential research. Staff kept a running list of suggestions and sub-committee members volunteered to cover specific research topics. On June 27, the Sub-Committee on Research met for a second time, and members gave brief reports summarizing their research. Members sent their research notes to staff and co-chairs where, with some help from committee members, they were compiled into a spreadsheet to be used later when drafting the Areas of Agreement document.

Community Engagement

On April 21, the Police Accountability Commission held a Work Session on Community Engagement as the first meeting of the period covered by this report; it was also the first meeting of the PAC following the conclusion of the Organizational Phase and shift into the Fact-Finding Phase of work.⁷ The work session discussed working definitions of two types of community engagement and public education events:

- Town Halls, when a group or organization puts on an event for its members to give input to the PAC directly.
- Listening Sessions, when the PAC puts on an event for members of the public broadly, or members of a specific group, community, or demographic, to come give input to the PAC.⁸

Co-Chairs for this phase of work created the Sub-Committee on Community Engagement Events and tasked it with “co-creating community education and community engagement events for the full Police Accountability Commission.”⁹ This sub-committee met once during the second quarter (June 13) and began planning three Town Hall events to be held during the third quarter of 2022.¹⁰

Internal Processes

⁷ <https://www.portland.gov/police-accountability/events/2022/4/21/pac-work-session-community-engagement>

⁸ <https://www.portland.gov/sites/default/files/2022/PAC%2004-21-2022%20Meeting%20Slides.pptx>

⁹ <https://www.portland.gov/sites/default/files/2022/pac-fact-finding-phase-sub-committee-one-pagers.pdf>

¹⁰ <https://www.portland.gov/police-accountability/events/2022/6/13/pac-sub-committee-community-engagement-events>

Appointments

The Commission's membership was full, with all twenty positions filled by volunteer community members, at the beginning of the period covered by this report. A member resigned in April and was replaced by City Council on May 4 (Resolution 37573).¹¹ A member also took a leave of absence in April, which under the PAC Bylaws (03-31-2022) could extend into July and after the conclusion of this reporting period.¹²

Internal Processes Document

The Police Accountability Commission Bylaws included a provision allowing for the creation of "additional operating policies to be included in a separate document," reflecting discussions in the Organizational Phase about items that were not placed in the Bylaws.¹³ The Commission originally scheduled a work session on May 2, which was rescheduled for May 16 due to the lack of a quorum and added a second work session on May 19.¹⁴

During these two work sessions, the Commission developed an Internal Processes document which included three sections:¹⁵

1. Community Agreements
2. Communications Guidelines: Media Relations, Community Engagement, and social media
3. General Operating Procedures

The Community Agreements were adopted on an interim basis during the previous reporting period (on December 9) and updated and ultimately superseded by the first section of the Internal Processes document.¹⁶ The Communications Guidelines and General Operating Procedures sections each built upon parts of the Bylaws which allowed for the development of additional guidance in ancillary documents (sections IX and VI-F, respectively)¹⁷

The commission collaboratively developed and adapted this document at its May 16 and May 19 work sessions, ultimately approving the Police Accountability Commission Internal Processes by consensus on May 19.¹⁸

¹¹ <https://www.portland.gov/council/documents/resolution/adopted/37573>

¹² <https://www.portland.gov/sites/default/files/2022/pac-bylaws-03-31-2022.pdf>

¹³ <https://www.portland.gov/sites/default/files/2022/pac-bylaws-03-31-2022.pdf>

¹⁴ <https://www.portland.gov/police-accountability/events/2022/5/16/pac-work-session-internal-processes>
<https://www.portland.gov/police-accountability/events/2022/5/19/pac-work-session-internal-processes>

¹⁵ <https://www.portland.gov/sites/default/files/2022/PAC%20Internal%20Processes%20Document%2005-19-2022.pdf>

¹⁶ <https://www.portland.gov/sites/default/files/2021/pac-interim-community-standards-12-09-21.pdf>

¹⁷ <https://www.portland.gov/sites/default/files/2022/pac-bylaws-03-31-2022.pdf>

¹⁸ <https://www.portland.gov/police-accountability/events/2022/5/19/pac-work-session-internal-processes>

Letter to City Council on Quorum Issues

In discussions during the previous reporting period (December 2021-March 2022) that eventually led to the creation of the Bylaws, several members of the commission expressed concern that the quorum standard (eleven members of the twenty total membership positions) would inhibit the ability of the PAC to hold successful meetings and accomplish its goals.

Members who had been on the Organizational Phase's Sub-Committee on Bylaws and Internal Processes drafted a letter to the City Council and revised it, which was first circulated to the full commission during the period covered by this quarterly report. This draft letter included two requests of the City Council: first, to lower the quorum standard when the PAC has inactive members to a majority of *active* members, with quorum never dropping below seven members; and second, to identify a pool of PAC alternates.¹⁹ The Commission discussed and eventually approved the draft letter at the May 16 Work Session on Internal Processes, tasking the Co-Chairs and staff with reformatting the document and sending it to City Council and to staff. The reformatted letter was sent to City Council towards the end of the period covered by this quarterly report, with an updated version sent shortly thereafter.

What's Next

The Police Accountability Commission Agenda and Scope, adopted on March 31, outlined the designated tasks of the Police Accountability Commission during the Fact-Finding Phase. The Fact-Finding Phase continued past the end of the period discussed in this report.

The PAC continued its Fact-Finding Phase by scheduling briefings with the Mental Health Alliance and Albina Ministerial Alliance Coalition for Justice and Police Reform, the two *amici* to the *USDOJ v. City of Portland* lawsuit and settlement agreement; with the Portland Police Association, an intervenor in *USDOJ v. City of Portland*; and with City Commissioners Carmen Rubio and Dan Ryan. A private, attorney-client privileged briefing was also scheduled with the City Attorney's Office to learn about ongoing labor and DOJ issues. Further meetings through July and August were scheduled to allow for eventual briefings with the Department of Justice and the authors of the Charter Amendment (Ballot Measure 26-217, which became Charter 2-10), as well as to continue discussions and eventually create and approve the three outcome documents of the Fact-Finding Phase. The Commission also began making plans for community engagement events.

¹⁹ <https://www.portland.gov/sites/default/files/2022/pac-letter-to-city-council-on-quorum-issues.pdf>

The full Police Accountability Commission event calendar can be found at:
<https://www.portland.gov/police-accountability/events>

Appendix A: Meetings of the PAC from April – June 2022

April 21, 2022	PAC Work Session on Community Engagement
April 26, 2022	PAC Meeting with Commissioner Hardesty
May 12, 2022	(Private) Community-Building Session
May 16, 2022	PAC Work Session on Internal Processes
May 19, 2022	PAC Work Session on Internal Processes
May 23, 2022	PAC Work Session with Independent Police Review and the Citizen Review Committee
May 26, 2022	PAC Meeting with Mayor Wheeler
June 2, 2022	PAC Sub-Committee on Research
June 6, 2022	PAC Meeting with Commissioner Mapps
June 13, 2022	PAC Sub-Committee on Community Engagement Events
June 16, 2022	PAC Meeting with PPB Chief Lovell and Deputy Chief Frome
June 23, 2022	PAC Meeting with PPB Internal Affairs and PPB Professional Standards Division
June 27, 2022	PAC Sub-Committee on Research
June 30, 2022	PAC Meeting with PPB Police Review Board Coordinator

Full event calendar at: <https://www.portland.gov/police-accountability/events/past>

Appendix B: Documents approved by the Police Accountability Commission from April – June 2022

1. PAC Internal Processes:
<https://www.portland.gov/sites/default/files/2022/PAC%20Internal%20Processes%20Document%2005-19-2022.pdf>
2. PAC Letter to City Council on Quorum Issues:
<https://www.portland.gov/sites/default/files/2022/pac-letter-to-city-council-on-quorum-issues.pdf>

Appendix C: Documents published by the Police Accountability Commission Co-Chairs from April – June 2022

1. PAC Fact-Finding Phase Committee One-Pagers:
<https://www.portland.gov/sites/default/files/2022/pac-fact-finding-phase-sub-committee-one-pagers.pdf>