



City of Portland Charter Commission Agenda

Charter Commission Meeting
January 26, 2022 at 6:00 PM.

1. Call to Order

- a. Due to the existence of an "emergency or urgent issue", the Charter Commission Committees will conduct this meeting by remote methods/technology at the Zoom link provided below, in accordance with the requirements of 1 M.R.S. section 403 -B and the Charter Commission Remote Participation Policy.

You are invited to a Zoom webinar.

When: Jan 26, 2022 06:00 PM Eastern Time (US and Canada)

Topic: Charter Commission Governance Committee

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/82222487849?pwd=NHp0V2J5LzZpL0VHY25wODZQTEIHUT09>

Passcode: 270952

Or One tap mobile :

US: +13126266799,,82222487849#,,, *270952# or
+16465588656,,82222487849#,,, *270952#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592 or +1 346 248 7799 or
+1 720 707 2699 or +1 253 215 8782

Webinar ID: 822 2248 7849

Passcode: 270952

International numbers available: <https://us06web.zoom.us/j/82222487849?pwd=NHp0V2J5LzZpL0VHY25wODZQTEIHUT09>

2. Approval of the prior meeting minutes

- a. Approval of the Draft January 19, 2022 Draft City Council meeting minutes.

3. Extension Request

- a. Description: Commissioners will discuss and vote on whether and to what extent to ask the city council for an extension of the deadline to submit preliminary and final reports.

Relevant document(s)

- a. Memo from Attorney Katsiaficas regarding the city's timing constraints.

4. Public Comment, Deliberation, and Vote on Communications Proposal

- a. Description: the commission will take public comment on this agenda item, deliberate about the proposal, then take a vote on whether to submit this proposal to voters.

Relevant Document (s)

- a. Proposal for a Charter Provision Governing Communications Between City Staff and Elected Officials

- b. Description: the commission will take public comment on this agenda item, deliberate about the proposal, then take a vote on whether to submit this proposal to voters.

Relevant Document (s)

- a. Proposal for a Charter Provision Governing Communications Between City Staff and Elected Officials

5. Public Comment, Deliberation, and Vote on Preamble Proposal

- a. Description: the commission will take public comment on this agenda item, deliberate about the proposal, then take a vote on whether to submit this proposal to voters.

Relevant Document(s)

- a. Preamble Proposal

6. Public Comment, Deliberation, and Vote on Police Oversight Proposal

- a. Description: the commission will take public comment on this agenda item, deliberate about the proposal, then take a vote on whether to submit this proposal to voters.

Relevant Document(s)

- a. Civilian Police Review Board Amendment Proposal

7. New Business

8. Adjourn



City of Portland Charter Commission Meeting Minutes

January 19, 2022 (Remote via Zoom)

1. Call to Order

- a. Due to the existence of an "emergency or urgent issue", the Charter Commission Committees will conduct this meeting by remote methods/technology at the Zoom link provided below, in accordance with the requirements of 1 M.R.S. section 403 -B and the Charter Commission Remote Participation Policy.

You are invited to a Zoom webinar.

When: Jan 19, 2022 06:00 PM Eastern Time (US and Canada) Topic: Charter Commission Education Committee

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/82209775327?pwd=YlZwaDBGa0pGckNadjJoZ3NqaXM3dz09> Passcode: 006170

Or One tap mobile :

US: +16465588656,,82209775327#,,,,*006170# or
+13017158592,,82209775327#,,,,*006170#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 646 558 8656 or +1 301 715 8592 or +1 312 626 6799 or +1 720 707
2699 or +1 253 215 8782 or +1 346 248 7799

Webinar ID: 822 0977 5327

Passcode: 006170

International numbers available: <https://us06web.zoom.us/j/82209775327?pwd=YlZwaDBGa0pGckNadjJoZ3NqaXM3dz09>

- b. Chair Kebede called the meeting to order at 6:02 p.m.

Present were Chair Kebede, Vice Chair Stewart-Bouley, Secretary Eglinton, Commissioners Barowitz, Buxton, Chann, Houston, Lizanecz, O'Brien, Sheikh Yousef, Washburn, and Waxman (Quorum established)

2. Review and Approval of Minutes

- a. Motion to approve the draft meeting minutes of December 22, 2021. Moved by Commissioner Waxman, seconded by Commissioner Eglinton. Motion passes 12-0 by roll-call vote.

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3. Committee Reports

- a. Departments. Commissioner Lizanecz delivered the committee's report on its proposals:
 - 1) The committee will be examining the Chief of Staff/Ombudsman/Public Advocate position at an upcoming meeting and is in the preliminary stages of working with the Governance Committee on this issue.
 - 2) The Police Oversight and Review Board proposal is ready for presentation.
 - 3) In the time remaining, the committee is unlikely to present additional proposals.
- b. Education. Commissioner Houston delivered the committee's report on its proposals:
 - 1) Joint School Board-City Council committee on budget guidance, still in initial stages;
 - 2) Participatory budgeting;
 - 3) Language changes to Preamble; and
 - 4) Joint process on capital improvements.
- c. Elections. Commissioner Chann delivered the committee's report on its proposals:
 - 1) Clean Elections;
 - 2) Proportional Ranked Choice Voting for multi-seat elections;'
 - 3) Universal Resident Voting;
 - 4) Elections Commission; and
 - 5) Increase in number of City Council districts.
- d. Governance. Commissioner O'Brien delivered the committee's report on its proposals. The committee is looking at leadership models and reconciling the proposed concepts of chief of staff, ombudsman, chief information officer, and public advocate.
- e. Procedures. Commissioner Washburn delivered the committee's report on its proposals:
 - 1) Preamble language;
 - 2) Code of Ethics/Disclosure policy;
 - 3) Communications policy;
 - 4) Councilor pay; and
 - 5) Participatory budgeting

4. Public Comment

- a. Chair Kebede mentioned that this period was for general public comments. During subsequent meetings when votes are scheduled for specific reform proposals, the Commission will take proposal-specific public comments. He said that no proposals would be voted on at this meeting.
- b. Several members of the public presented their comments and suggestions.

5. Workshop on Governance Models

- a. Chair Kebede provided an overview of the workshop, saying that the members of the Governance Committee would describe the various features of the two models for the city's governing structure. The goal of the workshop was to increase commissioners' understanding of the various options and to begin full- commission deliberations about a final governance model proposal. He added that there would be no vote at this meeting.
- b. Governance Committee Leadership Model Recommendations. Commissioner O'Brien presented the major features of this model using a PowerPoint slide

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presentation (attached) summarizing the committee's report. He noted that the proposal is conceptual and represents a "zero-basis design," rather than trying to create a hybrid from the existing leadership structure. He explained that the issues the committee is trying to address are "Gatekeeping" (which prevents equal access by all councilors to data needed for policy development) and "Bottlenecking of Council priorities" (because of a lack of a formalized process to allow mayor and councilors to introduce policy initiatives). To address these issues the committee is discussing the concept of a new chief of staff position, which might also be called an ombudsman, chief information officer, or public advocate. This individual would be hired by and would report to the Council to facilitate Council's and public's access to the administration. The committee proposal also would change the mayor's powers by adding City budget development and the ability to create task forces to the mayor's current duties under the Charter. The committee has also discussed the creation of an arbitration panel consisting of three former commissioners from the most recent Charter Commission to hear and decide questions regarding interpretation of those Charter changes until such time as a court rules on those questions. Clarifying questions followed, including:

- How would this approach address concerns that many decisions in Portland are made by an unelected city manager? This model would allow more persons to initiate policy discussions, and the chief of staff position would be a tool to provide greater access to staff by councilors for policy development;
 - Is chief of staff the appropriate title? Would the individual have a staff? Where else has this approach been used? There would be no staff specified in the Charter. The committee is open to other titles for this position and function. Topeka, KS has a chief of staff and Wilmington, DE has a director of constituent services; and
 - Why not recommend a strong mayor? The committee was concerned about potential for turnover of department heads and staff with a change of strong mayor as frequently as four years – possible loss of institutional memory and of policy momentum.
- c. Commissioner Sheikh-Yousef Leadership Model Proposal. Commissioner Sheikh-Yousef presented the major features of her proposed leadership model using a PowerPoint slide presentation (attached) summarizing the key points, which include the following: a strong elected executive mayor who would not be a city councilor; an appointed city administrator; a strong elected city council with staff and a council president; and an elected public advocate, similar to New York City's in function, who would appoint the city clerk and city attorney. She explained that this structure would further the goals of placing democracy first and of providing a system of checks and balances among the mayor, Council, and public advocate. It also would increase efficiency; and would provide for accountability to the voters for all three branches of city government. Clarifying questions followed, including:
- Why place the city clerk and city attorney under the public advocate instead of remaining under the city council? Would this violate any State law or constitutional provisions regarding municipal clerks and their duties? This would provide for independence of the city clerk and city attorney from the mayor and council; if there are legal or practical difficulties with this, the Charter can keep remaining structure for city clerk and city attorney appointments;

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- Is the public advocate a good fit for either model? Are there legal and practical concerns? Position could be an appropriate way to be responsive to council and citizen requests and provide access to administration, but could be politicized if seen as stepping stone to mayor or other office; may be better appointed by council. Perhaps an auditor, controller, or position with an economic review component might be helpful.
- d. Chair Kebede introduced and led a discussion of two topics regarding the Commission's next steps: a. how to address the two governance proposals, and b. whether the Commission should be seeking an extension from the City Council of its time to submit preliminary and final reports.
 - 1) The governance concepts are not quite ready for presentation and hearing as a Committee and Commission proposal. Will be scheduled for both a public hearing (first) and a workshop (second) for further discussion at the Commission meeting in 1 to 2 weeks.
 - 2) The March 8 statutory deadline for issuance of a Commission preliminary report is fast approaching. Given anticipated higher voter turnout for November 2022 gubernatorial election, commissioners would prefer to finish this year to place its work before voters this November. The Commission asked its legal advisor to consult with Corporation Counsel and City Clerk to see what latest date is for submitting final report to allow election this November, and then to report to Commission next week on process to ask City Council for extension for the Commission's submission of preliminary and final reports to meet that date. The Commission would prefer to have City's agreement to this process in writing.
- 6. First read on Communications Policy
 - a. Members of the Procedures Committee described their proposal to change the styles that govern communications between city staff and elected officials (see document in the meeting packet).
 - b. No vote was taken at this meeting.
- 7. First read on Clean Elections
 - a. Members of the Elections Committee described their proposal for a clean election system (see documents in the meeting packet).
 - b. No vote was taken at this meeting.
- 8. First read of Civilian Police Review Board Proposal
 - a. Members of the Departments Committee described their proposal for a reform to Portland's civilian review board (see documents in the meeting packet).
 - b. No vote was taken at this meeting.
- 9. New Business

Commissioner Barowitz asked Chair Kebede to look into website issues, including meetings archived out of order and old meetings notices still posted.
- 10. Adjourn

Moved by Commissioner Houston, seconded by Commissioner O'Brien. Motion passes 12-0 by roll-call vote at 9:20 p.m.



Governance Committee Leadership Proposal

JANUARY 19, 2022

Foreword

This presentation represents high-level points of the Governance Committee's recommendations for leadership modifications to the Charter Commission. It does not intend to replace the ten-page formal report which highlights the details of the committee's four-months' work.

For a copy of the report, visit:

<https://drive.google.com/file/d/1Q6EB0Tkt1NWt5xUJVPgfkORNFwcL2TSc/view?usp=sharing>

The recommendations of the Governance Committee are intentionally conceptual in tone, rather than technical, in order to give the full Commission more leeway in their workshopping of the proposal.

Approach: Zero-Basis Model

At the meeting of September 8, committee members agreed to design a leadership model on a zero-basis, responding to issues identified from research and interviews, rather than adopting or hybridizing an existing model.

Work Plan: 8 meetings, 17 interviews



Identified Issues

GATEKEEPING AT CITY HALL

There is inconsistent access to staff/data at City Hall by the mayor, individual councilors, and the public, across multiple administrations.

The issue is not only about logistics. There is an inherent conflict of interest when a party is inquiring about information or programming that may be unflattering or contrary to the objectives of the administration.

Individual councilors do not have the ability to hire or fire a city manager. It is difficult to flex influence over a manager as only 1 of 9 votes.

BOTTLENECK OF COUNCIL PRIORITIES

There are limited means to study policies at the council. Right now, the primary method is through the council committee structure of issues identified at the annual priorities-setting meeting.

There are no formal ways by which a mayor, individual councilor, or member of the public may introduce policies for consideration by the council, outside of this process.

The result is more referenda are being pursued and succeeding at the polls.

Recommended Actions:

GATEKEEPING

Council appoints a direct-hire to facilitate all:

- Staffing needs and access to department heads
- Data/file requests by mayor/councilor(s)
- Constituent services
- Freedom of Information Act (FOIA) requests
- Notices public meetings and posts materials

Report calls this position “Chief of Staff”, but it could be called Public Advocate, Chief Information Officer, Ombudsman, City Auditor, or other possibilities.

Eliminates potential conflict of interest in processing inquiries.

Recommended Actions:

BOTTLENECKING

More ways to pursue policies:

- Mayor directs the development of the city budget
- Mayor may form a staffed public task force by right on any issue not already taken up by the council

Direct the council to craft procedures that allow:

- Individual councilors to introduce policy proposals not already assigned to a committee
- Individual councilors to sponsor a policy proposal from a member of the public
- Members of a council committee to make a motion on an item assigned to committee more than 90 days
- A public hearing at the council on a referendum campaign that has met a threshold of 2/3rds required qualifying signatures

Recommended Action:

ARBITRATION

Issue:

- There is no judicial branch at the municipal level. Charter language disputes are often resolved by the opinions of corporation counsel or outside hired counsel.

Recommendation:

- Require a duly elected Charter Commission to nominate three of its standing members and one alternate to serve on an arbitration panel after the Commission has been dissolved (and until such time as a new Commission is elected).
- The arbitration panel will convene when called upon by act of the City Council to interpret Charter language and provide a formal decision. These decisions will be binding for City business unless appealed to a court of law.



Clarifying questions

Elected Strong Council
Elected Executive Mayor
Elected Public Advocate

Balanced Power for Portland

How We Got Here

For Portland's first 100 years, we had two branches of government that were directly accountable to the people: a **Strong City Council & Elected Executive Mayor**. When elites feared their power was slipping into the hands of immigrants, workers and marginalized community, they created one branch of government that could be easily controlled through a small council and an appointed City Manager.

This system remains fundamentally unchanged today.

Vision

A government that serves and is accountable to the people of Portland.

Principles

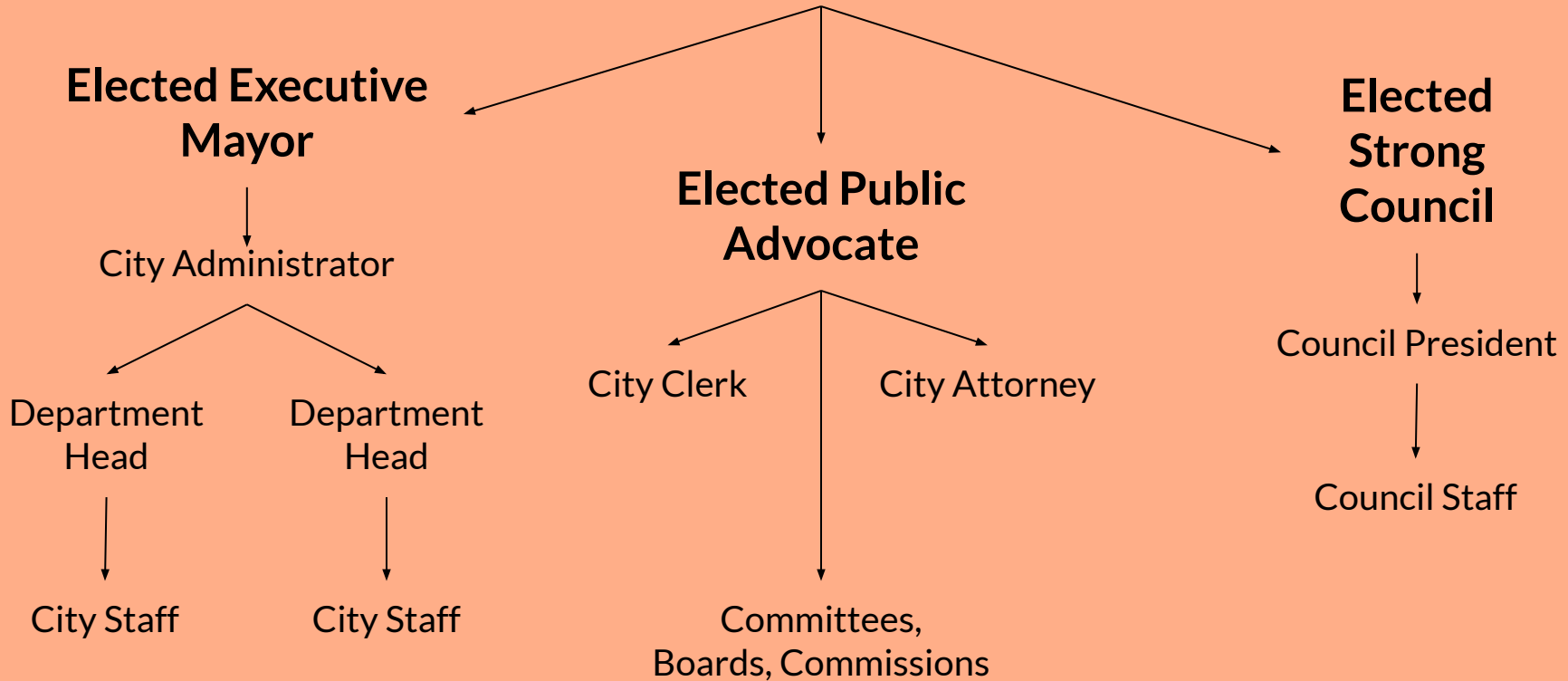
Democracy First

Strong Checks & Balances

Efficient Administration

Public Accessibility & Accountability

Voters



The Three Branches of Government

Powers of a Strong Elected Council

Operates independently from Mayor with staff support sufficient to meet its responsibilities

Is the policy making body for the City

Elects its own Council President to run meetings

Approves/rejects all nominees for Department Heads, Committees, Boards, and Commissions, City Attorney and City Clerk

Approves/rejects the City Budget, revenue changes, scrutinizes ongoing expenditures

May override mayoral veto with a three-fourths majority vote

Approves Emergency Powers during states of emergency

Powers of the Elected Executive Mayor

Carries out policy, and oversees the administration of the City

Proposes policy for Council consideration

Signs or vetoes all legislation enacted by the Council

Nominates for Council approval a City Administrator and all Department Heads. City Administrator performs daily supervision of Department Heads.

Approves/rejects the City budget and all revenue changes. Proposes the School Budget for School Board consideration (no veto, as it goes to the voters).

Serves a 4-year term, limited to two terms

Powers of the Elected Public Advocate

Mission is to improve the transparency and efficiency of City Government

Independent ombudsperson for the City

Assists with Constituent Services

Investigates citizen complaints about City services

Fulfills Freedom of Access Act (FOAA) requests

Nominates for Council approval City Clerk and City Attorney, all Committee, Board, and Commission seats

City Attorney & City Clerk

Independent offices overseen by the Public Advocate

City Clerk oversees elections and clerk's office. Reports to the Public Advocate

City Attorney provides independent advice to the City and each of its departments including the Council and Mayor. Reports to the Public Advocate

Neither the City Clerk or City Attorney are term limited

May only be removed by recommendation of the Public Advocate AND two-thirds approval by the Council

Meeting the Principles

Democracy First: all top city officials are elected and directly accountable to the voters.

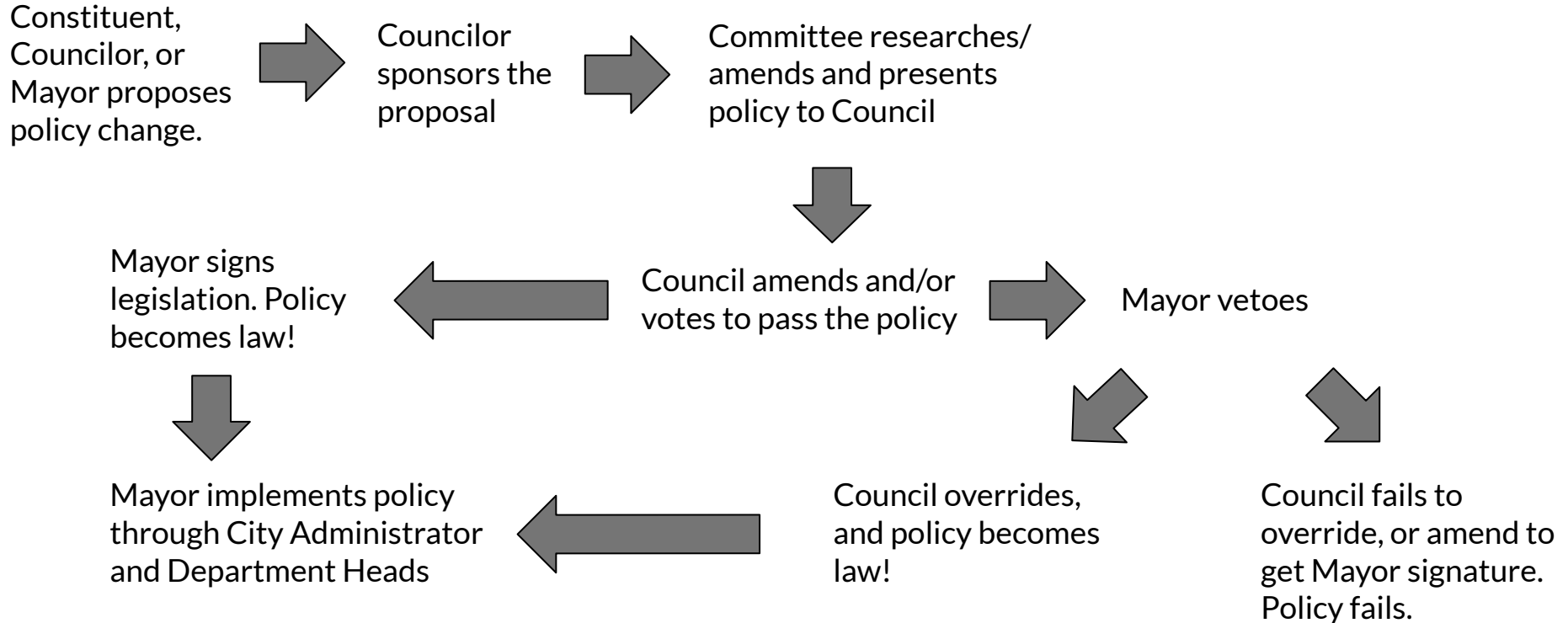
Checks and Balances: each elected branch of government holds the other accountable and is unable to act unilaterally.

Efficiency: administration now directly responsive to voters cutting out the middle person.

Accountability is increased when each branch must answer to the other through deliberation.

This proposal is projected to be revenue neutral.

How Policy is Made and Implemented



44 of 50 states have a Strong Council/Executive Mayor in their largest city. These 8 helped form this model:

Burlington, VT (pop. 43K)

Manchester, NH (pop. 179K)

Charleston, WV (pop. 45K)

Bridgeport, CT (pop. 145K)

Cheyenne, WY (pop. 64K)

Providence, RI (pop. 179 K)

Wilmington, DE (pop. 70K)

Boston, MA (pop. 700 K)

For Discussion...

Q: What recourse does the Council have if the Mayor refuses to implement a policy, or works to undermine existing policy?

A: The council can call hearings, pass stronger policy, or publicly expose the Mayor's failure, just as a State legislature could do if the Governor refused. Unlike with a City Manager, voters can vote the Mayor out.

Q: We would be stuck with an incompetent Mayor for four years. Isn't it easier to fire a City Manager?

A: No, in order for the people to get rid of a City Manager, they have to elect 5 City Councilors over two years willing to end a City Manager's contract. An executive Mayor can be directly recalled by the People.

Discussion Continued...

Q: Will an Executive Mayor system cause more turnover in Department Heads?

A: There is no evidence that a City Manager form of government creates more stability. In fact, we have seen just the opposite in Portland.

"In recent years, the city has replaced its city manager, corporation counsel, city clerk, police chief, fire chief, Health and Human Services director, shelter director, human resources director, communications director and finance director." Press Herald April 12, 2015

"...Portland's social services director is one of nine department or division leaders to leave their jobs within the last year." Press Herald June 1, 2019

Discussion continued...

Q: City Managers are credentialed professionals and therefore non-partisan. If we elect an Executive Mayor, will Portland become more politically divisive?

A: This proposal includes a credentialed City Administrator. Portland is a diverse community and there will always be disagreements. This is our strength. Our government structure should reflect this.

Q: Portland is a small City. Why do we need an Executive Mayor?

A: It's not about size. Portland is the economic, cultural, and social service center of Maine. The diverse and dynamic nature of our City demands a government led by the People, for the People and of the People. Voters already believe that our Elected Mayor runs the city. This proposal fulfills that expectation.

Draft Language for a Charter Provision Governing Communications Between City Staff and Elected Officials

FROM: Michael Kebede

TO: Portland Charter Commission Procedures Committee, Commissioners Washburn, Waxman, and Barowitz

DATE: November 22, 2021

RE: Communications between City Staff and Elected Officials

Article VI, Section 5 of the Portland City Charter shall be amended to include the following language:

The Chief Executive shall use their best efforts to see that the laws and City ordinances are enforced and that the duties of all subordinate officers are faithfully performed. The Chief Executive shall take care that the funds of the City are properly expended, and shall recommend to the consideration of the City Council whatever measures the Chief Executive may deem necessary for the prudent and efficient management of the affairs of the City, including but not limited to rules that govern communications between city staff and elected officials.¹

Article VI, Section 5 of the Portland City Charter shall be amended as follows:

~~Neither the mayor nor members of the city council shall direct, request or interfere with the appointment or removal of any of the officers or employees of the city for whom the city manager is responsible, nor shall any of them give an order, publicly or privately, to any such city officer or employee relating to any matter in the line of that officer's or employee's city employment.~~

~~Notwithstanding the foregoing, nothing herein is intended to prevent the city manager from assigning staff to work and communicate directly with councilors, boards and commissions, council committees, neighborhood and other groups and organizations, on city work.~~

¹ 24 App. V.S.A. ch. 3, § 116, *available at* <https://legislature.vermont.gov/statutes/section/24appendix/003/00116>.

Preamble and Land Acknowledgement

Replace the current Preamble with the following:

Preamble

We, the people of Portland, Maine, establish this Charter to secure the benefits of local governance and to provide for the health, safety, and common good of all people in our community. In so doing, we seek to build a representative, responsive, and effective government that encourages leadership and participation from all members of that community, with an emphasis on accountability, equity, and inclusion, and a system of public education that supports Portland's civic, intellectual, cultural, and economic life.

Land Acknowledgement

Portland is located in the unceded territory of the Aucocisco Band of the Wabanaki, which also includes the Abenaki, Maliseet, Mi'kmaq, Passamaquoddy, and Penobscot people. European colonizers displaced Wabanaki people by force and went on to displace and harm indigenous peoples throughout what is now Maine and the United States. We acknowledge that displacement and that harm with sorrow, even as we celebrate and honor the Wabanaki knowledge and culture that continue to thrive in the Tribal Nations that have and always will call this place, the Dawnland, their home.



Departments Committee Recommendation to Full Commission

Membership

- Ryan Lizanecz - Chair (District 5)
- Zack Barowitz - Vice Chair (District 3)
- Marcques Houston - Secretary (District 4)

Introduction

One overarching goal of the Charter Commission is to increase accountability and public trust in our city government. The Departments Committee has given special attention to the police department due to the fact that because mortal danger is inherent to police work, police reform has become one of the most pressing issues of our times.

However, the committee did not think that the charter is the appropriate forum to examine the intricacies of police procedures or the police budget. Instead, the focus was on improving the system of civilian oversight, specifically the practice of evaluating complaints brought against the police.

Portland's current oversight system is the Police Citizen's Review Subcommittee (PCRS) which is an appointed volunteer board that reviews completed investigation of complaints against the police as to whether the process met the standards of being "fair, objective, timely, and thorough" for which the PCRS submits an annual report to the city manager.

Because policing is a core function of municipal government, the committee recommends that citizen oversight should be in the charter to elevate the status of the existing board in order to mitigate the potential for harm, and to build broader public trust between civilians and police.

To these ends, the committee looked at various models and hybrid models¹. Including:

- The early oversight (1920s-1960s) took the form of volunteer **civilian review boards** wherein investigations conducted by police command/Internal Affairs are reviewed for being thorough, timely, objective and fair. This is the least active form of oversight and is the model that we currently use as with the PCRS.

¹ A review of research and documentation, including minutes can be found here:
<https://drive.google.com/file/d/1-LH1Dv4voOEeRDFDd3fmmML1so6aN514/view?usp=sharing>

- In the 1970s-1980s some cities initiated **investigative** offices of trained staffers to investigate misconduct. This is a far more active, and far more expensive, form of oversight than review boards.
- Beginning in the 1990s municipalities began to employ a professional **auditor** to get a big picture assessment by reviewing cases, looking for patterns, and making recommendations accordingly.
- Newer theories are focusing on gaining a degree of civilian control of policies and procedures.

Despite advances in the field, the rule of thumb of Civilian Oversight is not “best practice” but best *fit*. Given that Portland has both an excellent Police department and a low crime rate, the committee did not feel that chartering a professional investigative or auditing office was either operationally or fiscally necessary; and that such action is best left to the City Council or another office. Rather, the committee recommends retaining some of the current review board system with several enhancements to strengthen community involvement and oversight capabilities.

Methodology

The Departments Committee consulted with a diverse range of experts, readings, and community members for their input on this topic. They are as follows.

October 4th, 2021:

1. Maria Testa: (Former Member of the Portland Police Citizen Review Subcommittee)
2. Dr. Brendan McQuade: (Professor of Criminology at University of Southern Maine)
3. Cameron McElhiney: (Dir. of Training and Education at National Association Civilian Oversight of Law Enforcement)

October 25th, 2021:

1. Dr. Lelia DeAndrade: (Former Member of Portland’s Racial Equity Steering Committee)
2. Emily West: (Current Chair of the PCRS)
3. Ali Ali: (Former Member of Portland’s Racial Equity Steering Committee & Currently with Maine Youth Justice)

November 1st, 2021:

1. Discussion with Commission Attorney Katsiaficas

November 15th, 2021:

1. Workshop on Police Oversight Board language

December 6th, 2021:

1. Workshop on Police Oversight Board language
2. Unanimous vote for passage out of Committee

Documents & Research Consulted

- PCRS meeting minutes, videos and documents
- National Association for Civilian Oversight of Law Enforcement documents
 - “Guidebook for the Implementation of New or Revitalized Police Oversight”
 - “A Review of the Strengths and Weaknesses of Various Models of Police Oversight”
 - “Civilian Oversight of Law Enforcement: Assessing the Evidence”
- Portland’s Racial Equity Steering Committee Final Report
- Memo from Commission Attorney Katsiaficas
- Portland Police Chief Heath Gorham feedback & memo

Findings

AMENDMENT DRAFT LANGUAGE

Civilian Police Review Board

- **The establishment of a Civilian Police Review Board (CPRB)**
- **Purpose and Goals**
 - Increase confidence/trust in the police department by the public
 - Discourage police misconduct
 - Help officers feel vindicated in both their own eyes and the public
 - Reassure the public their complaints are investigated thoroughly and fairly.
 - Help the public understand the nature of police work.
 - To provide oversight to Internal Affairs.
 - Diffuse public hostility.
 - Reduce the likelihood of lawsuits against the City.
 - To improve police practices, procedures, policies in regards to interactions with the public. For example:
 - Helping officers identify individuals having a mental health crisis
 - Identifying people whose disability or medical condition may be affecting their behavior.
 - De-escalation methods
 - Crowd control techniques
- **Powers & Duties:**
 - The Board shall receive community complaints and shall refer complaints to Internal Affairs and/or Command.
 - Command Staff and Internal Affairs shall report their conclusions to the Board for consideration no more than 14 days upon conclusion of their investigations.
 - The Board shall review investigations by Internal Affairs for due process in terms of being fair, through, objective, and timely
 - The City Council shall create an appeals process for complaints within the confines of applicable law.
 - The Board shall be granted authority to refer appeals to an appropriate body.

- The Board may recommend data-driven policy evaluations of the Police Department and recommend policies based upon these findings annually to the City Council, as applicable.
- The Board shall be able to make policy recommendations.
- The Board shall prepare an annual report to the City Council, including (but not limited to) policy recommendations, funding, number of complaints, and number of resolutions.
 - The Board, at its discretion, may address the city council on a quarterly basis.
- The Board shall present the annual report to the City Council and Mayor.
- The City Council and Mayor may add duties and responsibilities as it sees fit to the Board at any time.
- The Council and Mayor may assign recommendations to members of city staff to enact.
- **Membership:**
 - Members of the board shall be any resident of the City of Portland over 18 years of age.
 - Three members of the board are appointed by the City Council.
 - Five members appointed by Community Chairs² if applicable (if not, council)
 - One member appointed by the Mayor
 - Three Non-Voting members: (e.g., community groups nominees, student reps, organizational representatives) as determined by the city council.
 - Length of term to be three years with opportunity for reappointment.
 - A plan whereby members of the current PCRS would become members of the new CPRB and to on-board new members by a specified time.
- **Staff & Funding:**
 - The Board shall be funded by the City Council in the annual budget.
 - The Board shall have professional staff.
 - Must include Community Liaison (“credible messenger”)
 - The Board shall work in partnership with the Communications Department, Internal Affairs, and any other offices and agencies including the Office of the Corporation Counsel and the Police Department/IA.
 - Shall include police liaison familiar with Standard Operating Procedures
 - Board members shall receive a stipend to be determined by the City Council. Members may opt out of the stipend.
 - Board members shall receive thorough training germane to the Board’s function
 - The Board shall engage city residents as to the board’s purpose and goals.
 - Findings
 - Complaint Process
 - Roles
 - Limitations

² Pending proposal to create another level of elected office - smaller than council district but larger than neighborhood - perhaps comprising 2-3 neighborhoods. Roles would be non-legislative, but they could have some duties, including (1) liaison between council member and community; (2) run participatory budgeting meetings; (3) role in appointments to boards and on committees; (4) review and recommend policy initiatives ; (5) platform for leadership development. Not under consideration by the Departments Committee at this moment. Should this proposal not advance, membership appointments shall return to the council.