

New Leaders for Old Problems: The Portland Police Commission

There are many great ideas about how to change the Portland Police Bureau (the Bureau, hereafter). There is a real chance to make transformative changes and we must seize the initiative, but the key is to create *sustained change* once the police are no longer in the headlines, and this requires a change in the way that the police are *governed*. They need consistent attention and constant pressure, and it is clear that the status quo is failing to provide both, but it is not clear why and how to fix it. This memo will address both.

Goldilocks and the Three Ways to Govern Police Departments

Portland, as in most American cities, has one person (the Mayor) oversee the Bureau. The problem with this model is obvious. Even the best mayors have too wide a scope. They have to supervise the entire city and, therefore, cannot *consistently* focus on the Bureau. Mayors also *shouldn't* focus all of their attention on the Bureau because it would come at the expense of other pressing needs, like homelessness, sustainability, the budget, etc. This isn't to say that mayors aren't committed to overseeing the Bureau, but their inability to focus only on police matters means that they have to depend on politically-astute and reform-oriented Chiefs to change departments. It's a gamble that hasn't paid off well for the city. It also is not possible for one person to represent the diversity and interests of the city even if the mayor could only focus on the police.

Another alternative, having the City Council oversee the Bureau, would only make this problem dramatically worse. What is gained in diversity is lost with even less concentration on the police. Now, many people—with many different priorities, will let the police slip through the cracks. We need the diversity of a City Council, but with the concentration that neither the Mayor nor the City Council can offer. There's an alternative—a police commission.

Police Commission Background and History

Police Commissions function as “Boards of Directors” and the Chief of Police serves as “CEO”. Commissions don't micromanage the police, but set general guidelines and have the ability to hire and fire the Chief. They sometimes have budgetary power. This is the governance model for corporations and universities, but it is also one the primary one for school districts, which are run by school boards. Police Commissions are more rare for American big cities, but Milwaukee, Detroit, Kansas City, and Honolulu have them, and several large West Coast cities, Los Angeles, Seattle, and San Francisco, have them, too. Police Commissions were a common Progressive Era reform, but other cities have continued to adopt them as of late. Oakland created a police commission in 2017 with Measure LL because it wanted to improve community policing.

Portland had a police commission in its early history, but it was abolished because it suffered from three problems that are common to police commissions.

Typical problems and solutions

1. Police commissions may not be as insulated from politics as they are supposed to be because mayors fill the appointments. In the early twentieth century, mayors were accused of cronyism and even now, this is still a common complaint. San Francisco's Police Commission has had quite a bit of turmoil over the appointment of commissioners with two commissioners resigning in 2019 due to appointment politicking.
<https://missionlocal.org/2019/02/sf-police-commissioners-walk-out-of-meeting-in-protest-following-election-of-boards-president/>

Solutions: *Develop transparent, community-involved appointment process; put in prohibitions against cronyism and nepotism*

2. Part-time, non-experts have real difficulty overseeing departments, and do far more work than any corporate board member. LA Police Commissioners, for example, do 50-60 hours of work a week. Given the inability of board members to focus on overseeing the department on a full-time basis, and their lack of expertise, they often become dependent on the very police departments that they oversee— and their Chiefs. The City Auditor in Oakland recently issued a scathing report of its new police commission noting its many failures due to the inability of part-time commissioners to keep up with their myriad responsibilities. <https://www.sfchronicle.com/crime/article/City-audit-finds-Oakland-Police-Commission-falls-15301881.php>

Solutions: *Look for expertise in the appointment process; make Commissioners full-time, living-wage positions; allow for longer terms and for repeated terms on the board; provide expert staff*

3. Commissions also often lack the information to make good choices. This leads to the third problem: a lack of strategic vision. Police Commissions often struggle to keep up with the work of running their departments, respond to the community, and review disciplinary issues. They, therefore, do not have the bandwidth to set long-term goals for their police departments. The LA Police Commission, by no means a new body, has been accused of this failure in a Harvard report of LAPD under the Consent Decree. <http://assets.lapdonline.org/assets/pdf/Harvard-LAPD%20Study.pdf>

Solutions: *Provide independent staff to the police commission; require the commission to develop long-term plans and policies*

It should be clear that these are implementation failures—*how* one organizes a police commission. But every one of those is fixable, and most fundamentally, the principle is sound. There should be focused, direct, democratic control of the police. A commission provides what citizens and advocates are looking for, a venue where they can consistently focus on police matters and that has real authority.

Overview of the Proposal

Appended to this memo is a draft of language to revise the City Charter creating a nine-member Portland Police Commission with vigorous powers to oversee the Portland Police Bureau. The members of the Board will serve four-year terms, and be divided into four classes, so that two (or three) seats will get replaced every year, ensuring stability, but also flexibility to current concerns. It also addresses common problems with commissions, as summarized below.

-Cronyism: There's now a three-step appointment process. State and local community organizations will nominate members to the police commission. Individuals may not nominate themselves. The City Council (without the Mayor) will develop a shortlist from the community nominations with specific criteria, such as that they should represent communities with frequent encounters with the police. The Mayor must then choose from the shortlist. Every step must be made public. This three-step process is consistent with the current city charter requirement that the Mayor appoint members to boards with the confirmation of the City Council. The Council's "confirmation" is given through

their shortlist, and the mayor still makes an appointment, the new language just specifies how the mayor does so.

-Professionalism: The proposal requires that the Commissioners be paid full-time, and at least a living wage. The Commissioners will also have an Executive Director to administer their offices, and the Director of Independent Police Review will be under their control (and not the City Auditor) to help them investigate police misconduct, and function as their Inspector General. The Commission will also require the Chief to submit a report on the State of the Bureau.

-Strategic Guidance: Borrowing from Honolulu's model, the proposal requires the Police Commission to develop a four-year plan of goals for the Bureau, and hold an annual public hearing on progress towards achieving them.