

## MENTAL HEALTH ALLIANCE

May 29, 2026

To members of the Community Board for Police Accountability.

In 2020, the people of Portland overwhelmingly passed a referendum to create a new independent police oversight board. The referendum recognized that Portlanders have a vital interest in protecting themselves and their community by holding officers who violate their oaths accountable. The word "independent" acknowledged that this interest can often conflict with the agendas of politicians, bureaucrats, commercial interests, and police representatives who seek to put their thumbs on the scale of justice. By creating the **Office of Community-Based Police Accountability** (OCPA), the people of Portland sent a clear message to the city government: we want justice, not politics.

Unfortunately, when it comes to the way our city is run, it is hard to keep politics out of the room for long. The independence of the OCPA has been under threat since the passage of Measure 26-217, and as all too often seems to be the case, that threat is coming from within City Hall itself. By nature of the complex and delicate work entrusted to them, the staff of the office and you, the members of the Accountability Board, need experienced, reliable, and independent legal advice to guide your processes and decisions. Yet, since the inception of the office and throughout its foundational startup process, its only source of advice has been the Portland City Attorney's Office.

The City Attorney's Office has a conflict of interest when it comes to advising the OCPA. Their primary responsibility is to defend the interests of the city government, which includes the police bureau itself. There is a direct, irreconcilable conflict between running a fair, thorough accountability process and trying to shelter the city from liability for police misconduct. It is akin to a Department of Justice prosecuting corruption within its own executive branch—the literal definition of the fox guarding the henhouse.

The Oregon Rules of Professional Conduct for lawyers are incredibly clear: an attorney cannot represent two different clients if "there is a significant risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client." The City Attorney's Office cannot provide legal advice to the OCPA, the Police Bureau, the Mayor's Office, and the City Council (several members of whom were endorsed by the police union which opposed the formation of the OCPA) at the same time without creating such a risk. They have an ethical duty to inform the OCPA of this conflict. Have they done this?

Furthermore, the **Police Accountability Committee** that designed the OCPA explicitly recommended the office have independent legal counsel. That recommendation, however, was quietly stripped out by the City Attorney's Office, the previous mayor, and the former city council. There is only one reason the City Attorney would deny the OCPA this option: to keep tabs on its work and steer the board in directions that serve the city's other clients. If we are to have the

truly independent accountability system that Portlanders voted for, this backroom control cannot be allowed.

There is a clear solution to this problem: **the OCPA must retain independent counsel** to advise them in their work. The ballot measure that created the OCPA granted it an ample budget to accomplish its objectives. It is nonsensical not to use a portion of those funds to hire a dedicated attorney who can guide the board's work objectively, without conflict, and with total loyalty to the public interest.

Sincerely,

Members of the Mental Health Alliance

Organizational Members

Disability Rights Oregon  
Oregon Justice Resource Center  
Mental Health Association of Portland  
The Urban League  
Pacific NW Family Circle

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