

## IMPACT STATEMENT

**Legislation title:** Appeal of the Citizen Review Committee against Portland Police Bureau's finding regarding IPR/IA case No. 2015-C-0104/ Appeal No. 2015-X-0002.

**Contact name:** David Nguyen  
**Contact phone:** 503-823-0994  
**Presenter name:** Anika Bent-Albert

### **Purpose of proposed legislation and background information:**

At the Citizen Review Committee's conference hearing with Chief Michael Marshman held on December 7, 2016, the Committee voted 4 to 1 (abstained) to continue with their previous motion to CHALLENGE the Police Bureau's recommended finding of Exonerated with Debriefing on allegation #2 as not being supported by evidence:

2. Officer B used inappropriate force while taking the Appellant into custody. (FORCE) (Directives 1010.20 – Physical Force; 1051.00 Electronic Control Weapon System)

Per City Code section **3.21.160 A**, the Committee by majority vote, referred the case to City Council. At City Council appeal hearing, Council members shall decide if the finding is supported by the evidence. If the finding is not supported by the evidence, the Council shall decide what the finding is.

### **Financial and budgetary impacts:**

This is not a legislative action. This quasi-judicial action applies to a complaint case, per City Code 3.21.160.

### **Community impacts and community involvement:**

Any impacts associated with the outcome of this hearing will be recorded in the involved officer's disciplinary records.

Citizen Review Committee (CRC), comprised of community member volunteers, is an advisory board to IPR and the Police Bureau. CRC hold public meetings to hear community and Police Bureau member appeals of police misconduct investigations. Under City Code, Section 3.21.140, any complainant or Police Bureau member who is dissatisfied with an investigation of alleged member misconduct that occurred during an encounter with a community member may request an appeal before the CRC.

Written notices regarding this appeal hearing have been sent out to the involved parties including: appellant, involved officer, CRC and the Police Bureau.

The Council Hearing allows for a CRC representative to present their statement regarding the Police Bureau findings in this case. The appellant or appellant representative may also provide comments. The Police Bureau will also provide a presentation of their position in the appeal. A voluntary statement by the involved officer or representative is also permitted at the appeal hearing.

The outcome of appeal will not be known until the City Council makes its final decision.

### Budgetary Impact Worksheet

**Does this action change appropriations?**

☐ **YES:** Please complete the information below.

x ☒ **NO:** Skip this section

| Fund | Fund Center | Commitment Item | Functional Area | Funded Program | Grant | Sponsored Program | Amount |
|------|-------------|-----------------|-----------------|----------------|-------|-------------------|--------|
|      |             |                 |                 |                |       |                   |        |
|      |             |                 |                 |                |       |                   |        |
|      |             |                 |                 |                |       |                   |        |
|      |             |                 |                 |                |       |                   |        |

**MOTIONS FOR AGENDA ITEM #187, FEBRUARY 22, 2017:**

**#1.**

**Motion to uphold Police Chief's finding to exonerate with debriefing:** Moved by Saltzman seconded by Wheeler. (Y-2, Saltzman, Wheeler. N-3, Fritz, Fish, Eudaly)  
**MOTION FAILED.**

**#2.**

**Motion for a finding of Not Sustained:** Moved by Fish seconded by Eudaly. (Y-2, Fish, Eudaly. N-3, Fritz, Saltzman, Wheeler) **MOTION FAILED.**

**#3.**

**Motion to reconsider motion #2:** Moved by Fritz seconded by Fish. (Y-3, Fritz, Fish, Eudaly. N-2, Saltzman, Wheeler).

**#4.**

**Motion for a finding of Not Sustained:** Moved by Fritz seconded by Fish. (Y-3, Fritz, Fish, Eudaly. N-2, Saltzman, Wheeler)