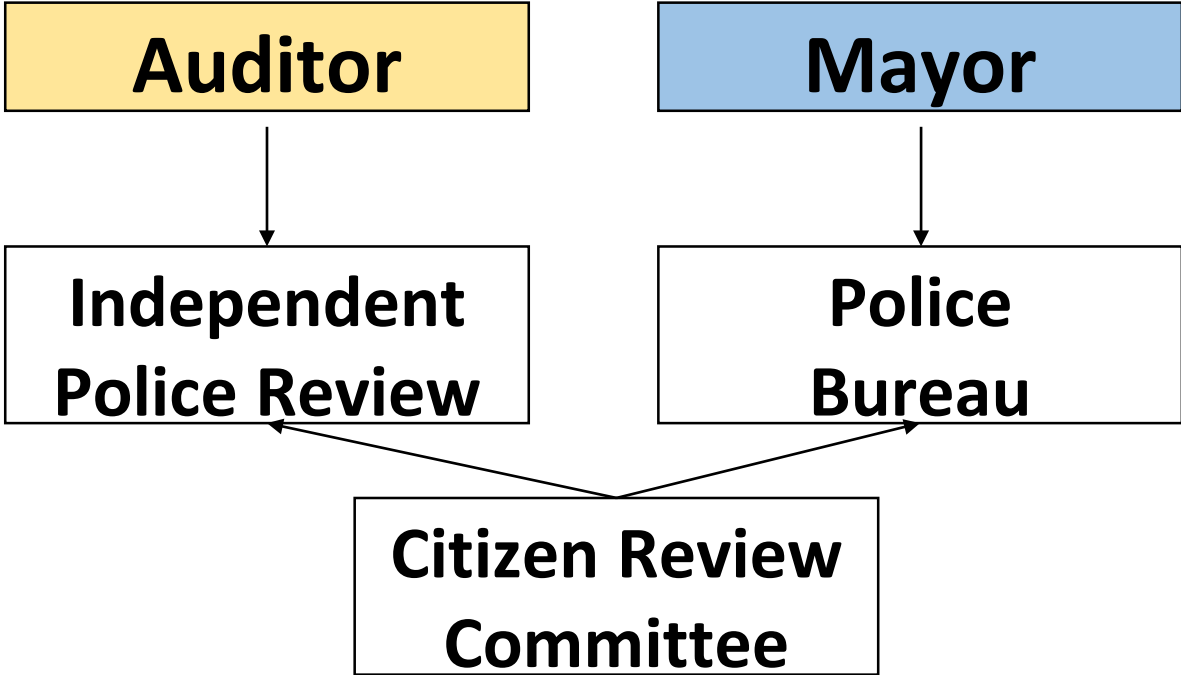
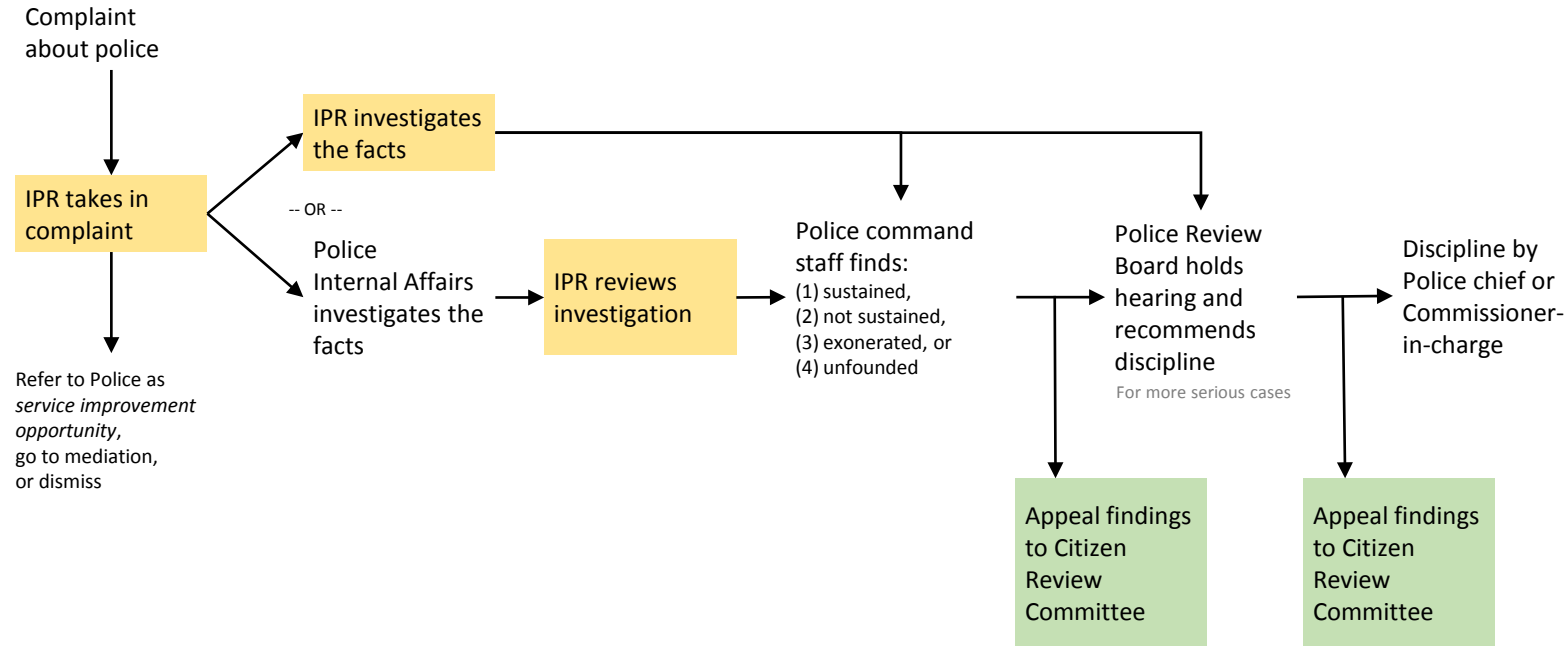


Police accountability system is a shared responsibility



Police accountability system is hard to explain



Several entities have responsibilities for police oversight in Portland:

Independent Police Review (IPR) Portland Police Bureau (PPB)

Citizen Review Committee (CRC) Police Review Board (PRB)

11 community volunteers appointed by the City Council, administrative support by IPR

A body of police employees, community members, 1 IPR manager, and 1 CRC member, acting as advisory body to the Police Chief

Entities involved in misconduct complaints

Task	Auditor's Independent Police Review	Police Internal Affairs	Police Commanders	Police Review Board	Police Chief	Police Commissioner (Mayor)	Arbitrator
Receives complaints	■	■					
Assigns/Dismisses complaints	■						
Investigates complaints	■	■					
Decides if violation occurred			■	■	■	■	■
Recommends discipline			■	■	■		
Decides discipline						■	■
Monitors process	■						

Proposed Code Change 3.21

APRIL 13, 2017

Values Reflected in Code Changes

- Community complaints are an important and direct feedback mechanism
- City needs to move towards an officer accountability system as opposed to a focus on misconduct
- In order for complaints and investigations to be useful to the involved community member and officer they must be completed in a timely manner
- Portland's officer accountability system must be fair and reflective of the values of our community
- Accountability system must be able to withstand outside scrutiny
 - As much as possible must incorporate national best practices of civilian oversight of police and internal investigations
 - NACOLE
 - IACP
 - Look to comparable agencies

How Code Change Developed

- Community Feedback
 - IPR better articulate the cases that it will investigate
- Feedback from DOJ
 - Reduce redundancy
 - Lower dismissal rate
 - Added disposition to lower level investigations
-

DOJ Settlement Agreement

- Paragraph 121 - All administrative investigations of officer misconduct shall be completed within 180 days from intake to recommended chief's findings. CRC Appeals within 21 days.
- Paragraph 123 - City must identify sources of delays in the officer accountability system and implement an action plan
- Paragraph 128 - IPR must have the ability to conduct meaningful independent investigations into officer misconduct

Outstanding Issues

- IPR
 - Ability to investigate officer involved shootings (bargaining issue)
 - Compel officer testimony without utilizing internal affairs (bargaining issue)
 - IPR providing recommended findings(bargaining issue)
- CRC
 - Standard of Review
 - Increasing size of CRC
 - Removing Conference Hearing when Chief and CRC disagree
 - CRC being able to hear officer involved shootings/in custody deaths appeals(bargaining issue)
- Consolidated Review Board
 - Tension between confidentiality of disciplinary cases versus public access
 - Lack of consensus

3.21.110 (A)(1) Intake

- Community members may file complaints regarding misconduct with
 - IPR
 - Internal Affairs
 - Police Bureau
 - Mayor's Office
 - Police Bureau member
- All complaints forwarded to IPR or IA and entered into database
- All Bureau facilities that have public access will have complaint and commendation forms
- Bureau business cards will have IPR's phone number and email address

3.21.110(A)(2) Investigative Tracks

- Complaints of officer misconduct will be investigated as either
 - **Formal Administrative Investigations** conducted by either IPR or IA
 - Examples
 - Force
 - Biased Based Policing/Racial Profiling
 - Truthfulness
 - **Supervisory Investigations**
 - Minor non disciplinary complaints
 - Examples
 - Courtesy/Rudeness issues
 - Quality of services provided community member
 - Reviewed by IA and IPR

3.21.110 Improved Notification

- Requirement that IPR Director is notified when Assistant Chief of Investigations, Captain IAD, or Police Commissioner's staff become aware of officer behavior that is subject to criminal/administrative investigation
- Ability of IPR to request that Police Bureau open an administrative deadly force investigation in a situation where IPR believes that the Bureau member used force capable of causing death or serious physical injury.

3.21 Citizen Review Committee Appeals

- Public Comment reserved for the end of meetings when there is a case file review or an appeal
- Constitutional due process concerns/fairness considerations
 - Public does not have access to file
 - Appeal hearings are part of the administrative record
 - Statements made by members of the public, may be used to overturn disciplinary decision by Arbitrator
- Follows similar practice in several cities with civilian oversight component

Appeal Hearings - Comparable Cities

- Eugene – public comment during general meetings, none when cases are being reviewed
- Austin – public comment allowed at the end of meeting
- Albuquerque – public comment allowed at end of meeting
- Los Angeles(Police Commission) - public comment at general meetings, disciplinary hearings closed to the public