

**IMPACT STATEMENT**

**Legislation title:** \*Amend Police Review Board Code to implement stipulated discipline provisions for Portland Police Bureau members in accordance with amendments to the Settlement Agreement between the United States and the City of Portland. (Ordinance; amend Code Section 3.20.140)

**Contact name:** Tracy Reeve  
**Contact phone:** 823-4060  
**Presenter name:** Tracy Reeve

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

This ordinance amends City Code to implement changes approved by Council in Ordinance 188570. It sets forth the scope and nature of the cases eligible for stipulated discipline:

Ordinance No. 188570 stated:

81. The amendment to paragraph 131.i. (Ex. 4) will assist the City in reducing the complexity of its accountability system and the time to completion in certain investigations by permitting the City Council to adopt code authorizing a stipulated discipline exception to the full discipline process. This would occur where an officer elects to accept the investigative findings and recommended discipline following a full investigation of the alleged misconduct, issuance of the investigative findings and concurrence with those findings by the Independent Police Review, the Professional Standards Division, and the member's branch chief. Prior to stipulated discipline becoming available, the City Council will have to pass authorizing code which shall set forth the scope and nature of the cases eligible for stipulated discipline. At a minimum, cases involving alleged use of excessive force; alleged discrimination, disparate treatment or retaliation; officer-involved shootings and in-custody deaths; other categories of cases identified by Council in the code; and cases in which the Chief of Police or Police Commissioner does not agree to Stipulated Discipline shall not be eligible.

**Financial and budgetary impacts:**

This code change is not expected to have a significant financial or budgetary impact.

**Community impacts and community involvement:**

- There was substantial community involvement throughout the process of adopting the ordinance authorizing these changes.
- This code change will implement approved changes to the United States Department of Justice Settlement Agreement to allow for stipulated discipline in certain types of cases to enhance timely implementation of police discipline.

**Budgetary Impact Worksheet****Does this action change appropriations?**

- ☐ **YES:** Please complete the information below.  
☒ **NO:** Skip this section

189159

Eudaly  
Amendment  
9-5-18

**Item #953: Stipulated Discipline**  
**AMENDMENT**

Fritz 2nd  
Approved Y-5

Amendment #1: Amend language in Section J, subsection 2e. to delete "The Commissioner in Charge" and add "and City Council".

This is the code as amended:

e. With the exception of the categories of cases listed in Subsection 3.20.140 J.1., the categories or types of cases from the Police Bureau Discipline Guide eligible for stipulated discipline may be expanded upon mutual agreement of ~~the Commissioner in Charge~~, the Chief, ~~and~~ bargaining unit representatives, and City Council.

bargaining agreement. Where the names have not been previously released, the report may include the names if the public interest requires disclosure or if nondisclosure would undermine the public's confidence.

3. Any stipulated agreements where a final decision has been reached.  
 J. Stipulated Findings and Discipline

1. The following categories of cases are not eligible for stipulated findings and recommended discipline: cases involving alleged use of excessive force; cases involving alleged discrimination, disparate treatment or retaliation; reviews of officer involved shootings and in-custody deaths; and cases in which the Chief or the Commissioner in Charge does not agree to accept the member's proposed stipulation to findings and recommended discipline. These categories of cases, if they otherwise meet the criteria for review by the Board, shall go through Board review and recommendations.

2. The following categories of investigations are eligible for stipulated findings and recommended discipline without review by the Board when the involved member elects, with the concurrence of the Chief and the Commissioner in Charge, to accept the proposed findings and recommended discipline of the RU Manager following a full investigation of the alleged misconduct, issuance of investigative findings and concurrence with the findings by the Independent Police Review, the Professional Standards Division and the member's Branch Chief:

- a. First time offenses that fall under Category A through Category D of the Police Bureau Discipline Guide.
- b. Second time offenses that fall under Category A of the Police Bureau Discipline Guide.
- c. First time off-duty driving while under the influence offenses that fall under Category E of the Police Bureau Discipline Guide. To be eligible for stipulated discipline for an off-duty driving under the influence offense, there can be no other driving-related violations or charges and the member must comply with all court ordered conditions of a diversion or delayed prosecution.
- d. In an investigation involving multiple sustained violations, the violation with the highest category from the Police Bureau Discipline Guide will be used to determine whether the case qualifies for stipulated discipline.
- e. With the exception of the categories of cases listed in Subsection 3.20.140 J.1., the categories or types of cases from the Police Bureau Discipline Guide eligible for stipulated discipline may be expanded upon mutual agreement of the Commissioner in Charge, the Chief, and bargaining unit representatives.

Fritz  
 Amendment  
 9-5-18

2nd by  
 Saltzman  
 Approved Y-5

189159

FRITZ 2nd  
Approved Y-5

## Wheeler Amendment to 3.20.140(J) – Stipulated Discipline

### Wheeler Amendment 1

*edited by City Attorney for clarity*  
*JP*

Amend 3.20.140(J)(1) to add “***including those categories of cases listed under PCC 3.20.140(B)(1)(c)***” immediately after the excluded category of cases involving alleged use excessive force.

The amended sentence reads: *The following categories of cases are not eligible for stipulated findings and recommended discipline: cases involving alleged use of excessive force; **including those categories of cases listed under PCC 3.20.140(B)(1)(c)**; cases involving alleged discrimination, disparate treatment, or retaliation; reviews of officer involved shootings and in-custody deaths; and cases in which the Chief or the Commissioner in Charge does not agree to accept the member’s proposed stipulation to findings and recommended discipline.*