

ORDINANCE No. 189673

*Amend Police Review Board Code to clarify that a Citizen Review Committee member will sit on the Police Review Board as an additional community member in all cases that go before the Board that involve use of force. (Ordinance; amend Code Section 3.20.140)

The City of Portland ordains:

Section 1. The Council finds:

1. Under the terms of the Settlement Agreement (“Settlement Agreement”) entered into between the United States and the City of Portland in United States District Court Case No. 3:12-cv-02265-SI, when the Police Review Board (“PRB”) reviews use of force cases, one of the two community members on the Board shall be drawn from the Citizen Review Committee (“CRC”) members.
2. Paragraph 131a. of the Settlement Agreement provides: “Currently, seven voting members of the PRB review use of force incidents, including two citizen members. When PRB reviews uses of force cases, one of the two citizen member slots shall be drawn from the Citizen Review Committee members.”
3. On May 4, 2019, the United States issued its Fourth Periodic Compliance Assessment Report under the Settlement Agreement. The United States found the City to be in substantial compliance with Paragraph 131a. and found, as a matter of practice, the Police Review Board in use of force cases has included two community members, one of whom was a CRC member. In connection with its finding of substantial compliance, however, the United States offered the technical assistance that the City should conform City Code 3.20.140 to clarify that, in accordance with Paragraph 131a., all use of force cases, regardless of how they are referred to the Police Review Board, will include a community member drawn from the Citizen Review Committee.
4. To clarify that all Police Review Board cases involving use of force, regardless of the level of force or how the case is referred to the Board, will include on the Board at least one citizen member from the Citizen Review Committee, a change to Portland City Code Section 3.20.140 C.2. is appropriate.

NOW, THEREFORE, the Council directs:

- a. Portland City Code Section 3.20.140 is amended as set forth in Exhibit A.

Section 2. The Council declares an emergency exists because it is in the public benefit to implement the approved clarification as soon as possible to ensure that a Citizen Review Committee member will sit on the Police Review Board as an additional community member in all cases that go before the Board that involve use of force, regardless of the level of force or how the case is referred to the Board; therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council: **AUG 28 2019**

Mayor Wheeler
Prepared by: Mark Amberg
Date Prepared: July 18, 2019

Mary Hull Caballero
Auditor of the City of Portland

By 

Deputy

Agenda No.
ORDINANCE NO. 189673
 Title

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<p style="text-align: center;">INTRODUCED BY Commissioner/Auditor: Mayor Wheeler</p>	<p>CLERK USE: DATE FILED <u> AUG 20 2019 </u></p>
<p style="text-align: center;">COMMISSIONER APPROVAL</p> <p>Mayor—Finance & Administration - Wheeler <i>[Signature]</i></p> <p>Position 1/Utilities – Fritz</p> <p>Position 2/Works – Fish</p> <p>Position 3/Affairs - Hardesty</p> <p>Position 4/Safety – Eudaly</p>	<p style="text-align: center;">Mary Hull Caballero Auditor of the City of Portland</p> <p>By: <u> <i>[Signature]</i> </u> Deputy</p>
<p style="text-align: center;">BUREAU APPROVAL</p> <p>Bureau: City Attorney's Office Bureau Head: Tracy Reeve <i>[Signature]</i></p>	<p>ACTION TAKEN:</p>
<p>Prepared by: M. Amberg Date Prepared: July 18, 2019</p>	
<p>Impact Statement</p> <p>Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p>	
<p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document.</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	
<p>City Auditor Office Approval: required for Code Ordinances <i>Tom/B...</i></p>	
<p>City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter</p>	
<p>Council Meeting Date 8/7/19</p>	

AGENDA	FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:																					
<p>TIME CERTAIN <input type="checkbox"/></p> <p>Start time: _____</p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>			YEAS	NAYS																			
CONSENT <input type="checkbox"/>																							
<p>REGULAR <input checked="" type="checkbox"/></p> <p>Total amount of time needed: 20 minutes (for presentation, testimony and discussion)</p>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">1. Fritz</td> <td style="padding: 2px;">1. Fritz</td> <td style="padding: 2px; text-align: center;">✓</td> <td style="padding: 2px;"></td> </tr> <tr> <td style="padding: 2px;">2. Fish</td> <td style="padding: 2px;">2. Fish</td> <td style="padding: 2px; text-align: center;">✓</td> <td style="padding: 2px;"></td> </tr> <tr> <td style="padding: 2px;">3. Hardesty</td> <td style="padding: 2px;">3. Hardesty</td> <td style="padding: 2px; text-align: center;">✓</td> <td style="padding: 2px;"></td> </tr> <tr> <td style="padding: 2px;">4. Eudaly</td> <td style="padding: 2px;">4. Eudaly</td> <td style="padding: 2px; text-align: center;">✓</td> <td style="padding: 2px;"></td> </tr> <tr> <td style="padding: 2px;">Wheeler</td> <td style="padding: 2px;">Wheeler</td> <td style="padding: 2px; text-align: center;">✓</td> <td style="padding: 2px;"></td> </tr> </table>	1. Fritz	1. Fritz	✓		2. Fish	2. Fish	✓		3. Hardesty	3. Hardesty	✓		4. Eudaly	4. Eudaly	✓		Wheeler	Wheeler	✓			
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