

Exhibit A

Language to be added is shown in underline.

Language to be deleted is shown in ~~striketrough~~.

[no changes]

Chapter 3.21 Office of ~~City Auditor's~~ Independent Police Review

3.21.010 Purpose.

The City hereby establishes an independent, impartial office, readily available to the public, ~~responsible to the City Auditor,~~ empowered to act on complaints against Police Bureau personnel for alleged misconduct, and recommend appropriate changes of Police Bureau policies and procedures toward the goals of safeguarding the rights of persons and of promoting higher standards of competency, efficiency and justice in the provision of community policing services. This office shall be known as the Office of Independent Police Review.

3.21.020 Definitions.

In this Chapter:

A. "Appellant" means either:

1. A person who has filed a complaint with the Office of Independent Police Review (IPR) and subsequently requested review by the Citizen Review Committee (Committee) of the investigation or
2. A member about whom a complaint has been filed with IPR and who has subsequently requested review by the Committee of the investigation.

B. "Bureau" means the Bureau of Police of the City of Portland, Oregon.

C. [no changes]

D. [no changes]

E. [no changes]

F. [no changes]

G. "Complaint" means a complaint about a member by a citizen, the Director, a member or other employee of the Bureau ~~of alleged member misconduct~~.

H. "Complainant" means any person who files a complaint against a member of the Portland Police Bureau.

I. "Director" means the director of the Office of Independent Police Review or the Director's designee.

J. [no changes]

K. [no changes]

L. [no changes]

Exhibit A

M. "IPR Investigator" means an investigator of the Office of Independent Police Review.

N. "IPR" means the Office of Independent Police Review.

O. to V. [no changes]

3.21.030 Office of Independent Police Review.

There is established by the City Council Office of the Independent Police Review, ~~a division within the Auditor's Office.~~

3.21.040 Director Selection and Removal.

A. The City Auditor Council shall select the Director of IPR, in accordance with the Auditor's City's human resource policies and rules and any other applicable laws, by the following process:

1. Each Council member shall select a member of their staff to be part of the recruitment and selection process;
2. The selected Council staff shall work with the Director of the Bureau of Human Resources (BHR) or designee to create a job posting that comports with the necessary and desired qualifications for an IPR Director;
3. The Director of BHR or designee shall assess minimum qualifications and provide the eligibility list to the selected Council staff, who shall then determine at least three candidates best qualified to interview;
4. The selected Council staff shall interview the candidates and the top scoring candidate will be moved forward;
5. The top scoring candidate shall be presented to Council for consideration and vote; and
6. Council shall determine whether the presented candidate is well-suited for the position and may vote either to appoint the candidate as IPR Director or not to appoint the candidate, and if not appointed, then the selected Council staff shall present the next top scoring candidate to Council for consideration. The selection process shall continue as stated until Council votes to appoint a candidate as the IPR Director; this shall include reopening the recruitment process if none of the interviewed candidates are appointed by Council.

B. The Director shall be a person of recognized judgment, objectivity and integrity who is well-equipped to analyze problems of administration, and public policy, and shall have a working knowledge in criminal justice commensurate to the powers and duties of the office.

C. The Director of IPR shall be removed from office only upon a finding of cause and by a vote of four or more members of Council.

3.21.050 Staff and Delegation. [no changes]

3.21.060 Office Facilities and Administration.

A. [no changes]

Exhibit A

B. ~~The IPR office shall be located within the City Auditor's office, and be accountable to the City Auditor.~~
The Director shall comply with the Auditor's City's purchasing procedures but shall have sole discretion in choosing consultants to assist with investigations.

3.21.070 Powers and Duties of IPR.

A. to O. [no changes]

P. The Auditor Director may retain or employ independent legal counsel.

3.21.080 Citizen Review Committee.

A. The Committee shall consist of eleven citizens. Five members shall constitute a quorum of the Committee. Decisions shall be made by a majority of Committee members present and constituting a quorum. However, adoption or amendment of rules of procedures or protocols requires an affirmative vote of six members. The Committee members shall be appointed as follows:

1. Committee staff ~~The Director~~ shall solicit applications to fill vacancies in the Committee's membership from the Office of Community & Civic Life, the seven Neighborhood Coalition offices, Mayor and commissioners' offices, PPB advisory committees, and the general public.
2. The Director ~~City Auditor~~ shall appoint a committee that shall recommend to the Director ~~Auditor~~ the appropriate number of nominees to fill impending vacancies. The selection committee shall consist of three CRC representatives, either past or not applying for reappointment, two members of the community, and the IPR Deputy Director. Three of the selection committee members, including one CRC representative and the IPR Deputy Director, shall serve as the interview panel.
3. Selection criteria shall include a record of community involvement, passing a criminal background check performed by an agency other than the Bureau, and absence of any real or perceived conflict of interest. The selection committee will nominate individuals who are neutral, unbiased, and capable of making objective decisions. The Mayor and eCommissioners may each submit an applicant meeting these qualifications.
4. The Auditor Director shall recommend nominees to Council for appointment.
5. In the event a majority of the Council fails to appoint a person nominated under the provisions of City Code Section 3.21.080 the Director ~~Auditor~~ shall initiate the process again within 30 days after the Council action.
6. [no changes]

B. The Committee members shall:

1. to 3. [no changes]
4. Serve staggered terms to better ensure continuity. ~~Four members of the Committee shall be appointed to one year terms in July 2001.~~
5. to 7. [no changes]

3.21.090 Powers and Duties of the Committee. [no changes]

3.21.100 Council Role.

A. Council shall review applications of nominees to the Committee and vote whether to approve each appointment as specified in Section 3.21.080.

B. [no changes]

C. Council shall select and remove the Director as specified in Section 3.21.040.

3.21.110 Intake. [no changes]

3.21.120 Handling Complaints.

To ensure appropriateness and consistency in handling complaints the Director shall work with the Committee to establish procedures for taking action based upon the characteristics of the complaint.

A. to F. [no changes]

G. Type I, II, III & IV Post-Investigative Case Handling Procedures:

1. to 7. [no changes]

8. The Police Commissioner ~~and the City Auditor~~ shall be notified and provided with explanatory information in all cases where an administrative investigation exceeds 129 days, and the information posted on the City's website.

3.21.130 Communications [no changes]

3.21.140 Filing of requests for review. [no changes]

3.21.150 Case File Review. [no changes]

3.21.160 Hearing Appeals. [no changes]

3.21.170 Monitoring and Reporting

A. to C. [no changes]

D. The Director shall work with the Committee to develop quarterly and annual summary reports for the Chief, Commissioner in Charge of the Bureau, Council and public on IPR and IAD activities, policy recommendations, and Bureau follow-through on recommendations. The report may include analysis of closed files which were not appealed, but it is not the intent that the files be reopened.

3.21.180 Increasing Public Access [no changes]

3.21.190 Response of Chief.

A. [no changes]

B. If the Chief fails to respond within 60 days after receipt of the Committee Report, the Director ~~Auditor~~ shall place the matter on the Council Calendar, for consideration by City Council, within 15 days thereafter.

Exhibit A

3.21.200 Limitation on Power. [no changes]

3.21.210 Subpoenas. [no changes]

3.21.220 Bureau Witnesses. [no changes]