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190852

Emergency Ordinance

*Amend Police Review Board Code to change references to the Auditor's Office and make other process changes (amend Code Section 3.20.140)

Passed

Amended by Council

The City of Portland ordains:

Section 1. The Council finds:

1. City Council created the Independent Police Review in 2001. The Independent Police Review has been housed in the Office of the City Auditor.
2. In July 2015, the United States District Court for the District of Oregon entered the Order Entering Settlement Agreement between the City and the U.S. Department of Justice (DOJ) in the matter of The United States of America v. The City of Portland, Case No. 12-cv-02265-SI ("Settlement Agreement"). That Settlement Agreement requires the City to retain and enhance Independent Police Review (IPR) and the Citizens Review Commission to ensure officer accountability.
3. At the November 3, 2020 general election, Portland voters passed Ballot Measure 26-217 ("the Measure"), with an 82% yes vote. The Measure amended the City Charter to authorize a new, independent community police oversight board to investigate complaints against Portland police and impose discipline.
4. On December 8, 2020, the City Council voted on and approved Resolution No. 37527, to establish selection criteria for a Police Accountability Commission ("Commission") to craft the new police oversight system authorized by voters.
5. Resolution No. 37527 also required Council to continue to fund the Independent Police Review to maintain existing staffing and resources as needed pending the transition of its duties to the community police oversight board.
6. The City Council voted on and approved Ordinance No. 190694 on February 9, 2022 to approve proposed amendments to the

Changes

[Ordinance Number 190852](#)

July 1, 2022

Amend Police Review Board Code to change references to the Auditor's Office and make other process changes (amend Code Section 3.20.140)

[View all changes](#)

Introduced by

[Mayor Ted Wheeler](#)

Contact

Heidi Brown

Chief Deputy Attorney

✉ Heidi.Brown@portlandoregon.gov

📞 [503-823-3038](tel:503-823-3038)

Monday - Friday, 8:00am - 7:00pm

Requested Agenda Type

Regular

Changes City Code

Settlement Agreement, including a provision requiring the City Council and Auditor each to present to the DOJ plans for the orderly transition to the Community Police Oversight Board by ensuring the continuity of IPR operations while the Commission develops the Oversight Board for the City Council's approval.

7. In January 2022, after both the Council and Auditor presented their plans to DOJ, the Auditor withdrew her consent to hold the Independent Police Review in her office, effective June 30, 2022.
8. In accordance with the Auditor's withdrawal of consent, the City revised its transition plan with two primary goals: Maintaining IPR as an agency independent from the Portland Police Bureau and the Police Commissioner, and continuing existing IPR and Citizen Review Committee operations, duties and services unchanged.
9. On May 11, 2022, Council authorized changes to Code Chapter 3.21 in Ordinance No. 190812 to address removal of IPR from the Auditor's Office.
10. Changes are necessary to Chapter 3.20 to address removal of references to the Auditor's Office.
11. The Portland Police Bureau (PPB) recommends other changes to better streamline the process. These changes are:
 - A. Not requiring a PRB if any conflict between an RU Manager's findings and a controvert is only between not sustained, exonerated, or unfounded.
 - B. Allowing the Chief to determine whether to convene a PRB when a member separates from employment before a PRB occurs or to convene a PRB only if the member returns to City employment.
 - C. Removing reference to a manual from 2010 that is no longer controlling.
 - D. Changing references from "citizen member" to "community member."
 - E. In a PRB for use of force, allowing the use of the list for PRB community members as a second community member if no CRC member is available to hold the PRB within a reasonable amount of time.
 - F. Authorizing the Chief to recommend to the IPR Director removal from the list of PRB community members anyone, including CRC member, who fails to abide by sections (i) through (vii) of Portland City Code 3.20.140 C.1.c.
 - G. Updating Advisory Members to remove an "Assistant Chief not in the reporting chain of the involved member" and replace with the Portland Police Bureau Equity Manager or designee.
 - H. Adding language for ongoing community membership if the CRC is dissolved due to the implementation of the Community Police Oversight Board.
 - I. Allowing the facilitation of the PRB by the Review Board Coordinator as an option to an outside facilitator and removing the process for establishing a pool of facilitators.

NOW, THEREFORE, the Council directs:

- A. Amend City Code Section 3.20.140 as set forth in the attached Exhibit A.
- B. The effective date of the City Code amendments shall be July 1, 2022.

Section 2. The Council declares an emergency exists because the Auditor has withdrawn consent to house IPR and time is of the essence in removing references to the Auditor and updating them to the IPR Director; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Documents and Exhibits

 [Exhibit A - As Amended](#) (21.23 Kb)

An ordinance when passed by the Council shall be signed by the Auditor. It shall be carefully filed and preserved in the custody of the Auditor (City Charter Chapter 2 Article 1 Section 2-122)

Passed as amended by Council
June 1, 2022

Auditor of the City of Portland
Mary Hull Caballero

Impact Statement

Purpose of Proposed Legislation and Background Information

The proposed legislation amends City Code to transfer Independent Police Review (IPR) from the Auditor's Office to independent agency status reporting only to City Council.

- In November 2020, voters overwhelmingly approved a ballot measure to create a new, independent community police oversight board to investigate complaints against Portland police and impose discipline.
- The City must maintain IPR's critical police accountability program while the design work continues.
- IPR has been housed in the Office of the City Auditor, by the Auditor's consent, since 2001. In January 2022, the Auditor withdrew her consent to hold IPR in her office, after June 30, 2022.
- The proposed amendments to City Code remove references to the role of the Auditor and change it to the IPR Director. The amendments also change references from "citizen" to "community member", allow an internal Facilitator for the Police Review Board (PRB), allow an extra community member to be drawn from the PRB community volunteer list when a Citizen Review Committee member

is not available, and other changes to allow the process to move forward more expeditiously.

Financial and Budgetary Impacts

This legislation does not require changes to current FTE or budgets and does not result in new financial obligations.

Community Impacts and Community Involvement

The proposed code amendments are intended to preserve the operations of IPR and CRC without impact to the community, and to make the PRB process more expeditious. There was no community involvement.

100% Renewable Goal

Not applicable.

Agenda Items

477 Regular Agenda in [June 1-2, 2022 Council Agenda](#)

Passed As Amended

Motion to amend paragraph C.2 to remove reference to allow for a Police Review Board volunteer member to be put in place when a Citizen Review Committee member is not available. Moved by Wheeler and seconded by Hardesty. Vote not called.

Motion to amend exhibit to remove references to the Auditor and change to IPR or IPR Director and remove references to citizen and change to community members and all other changes would be deleted. Moved by Wheeler and seconded by Hardesty. (Y-4; Ryan absent)

Commissioner Dan Ryan Absent

Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Mayor Ted Wheeler Yea