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191379

Emergency Ordinance

*Amend Police Review Board Code to refine procedures for Police Review Board hearings and other process changes (amend Code Section 3.20.140)

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. The City Council established the Police Review Board (PRB) process through Ordinance 183657 in 2010 as a critical part of the police accountability system. The PRB is an advisory body to the Chief of Police and recommends findings and proposed discipline to the Chief.
2. The PRB is part of the Portland Police Bureau (Bureau or PPB) and is found at Portland City Code section 3.20.140.
3. The PRB reviews incidents and investigations into complaints of alleged misconduct by sworn police officers in cases defined by Code.
4. The PRB is composed of five voting members in most instances and is composed of seven members when the incident involves any use of force.
5. The Bureau has only one facilitator and has not had more facilitators for the last year. Despite repeated efforts to increase the pool of facilitators through the procurement process in the last few procurement processes, the Bureau has not received sufficient applications from external facilitators to meet the scheduling needs of the Police Review Board. The Bureau has also sought internal facilitators who work outside of the Bureau, but due to workload demands on other City staff, these efforts have also not been successful. The current facilitator has limited ability that does not meet the demands of the Police Review Board. The Code currently requires the Board be facilitated by a person who is not employed by the Bureau.
6. Other changes proposed in these amendments will update City Code for the Police Review Board and make more efficient other sections.
7. The amendments to City Code herein, if adopted, will do the following:
 - A. Allow a neutral person who is not a voting member of the Board to facilitate the Board hearings.
 - B. Not require a PRB if any conflict between an RU Manager's findings and a controvert is only between not sustained, exonerated, or unfounded.
 - C. Allow 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.
 - D. Remove a reference to a superseded manual.
 - E. Clarify that Citizen Review Commission members are part of the pool of community volunteers eligible to serve on non-force Boards.
 - F. Remove all references to community volunteers as "citizens."

Changes

[Ordinance 191379](#)

July 19, 2023

[View all changes](#)

Introduced by

[Mayor Ted Wheeler](#)

Bureau

[Police](#)

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Requested Agenda Type

Regular

Date and Time Information

Requested Council Date

July 19, 2023

Time Requested

15 minutes

Changes City Code


- G. Allow a designee of the Assistant Branch Chief to serve on the Board.
- H. Update the title of the Bureau's leader of Professional Standards.
- I. Include the Bureau Equity Manager as an advisory member, in lieu of an Assistant Chief.
- J. Change the Stipulated Discipline process to correlate with the new Corrective Action Guide numbering.

NOW, THEREFORE, the Council directs:

- A. City Code Section 3.20.140 is amended as set forth in the attached Exhibit A.

Section 2. The Council declares an emergency exists because the amendments will help ensure fair, considered, just and timely resolution of allegations, and help ensure the City meets the deadlines required for completion of misconduct investigations at the Police Bureau; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Documents and Exhibits

 [Exhibit A \(https://www.portland.gov/sites/default/files/council-documents/2023/exhibit-a-corrected-7-19-23.docx\)](https://www.portland.gov/sites/default/files/council-documents/2023/exhibit-a-corrected-7-19-23.docx) 31.26 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 by Council
July 19, 2023

Auditor of the City of Portland
Simone Rede

Impact Statement

Purpose of Proposed Legislation and Background Information

The amendments to City Code, if adopted, will streamline procedures and to facilitate the timely administration of this critical part of the current police accountability system. The amendments to City Code will:

- Allow a neutral person who is not a voting member of the Board to facilitate the Board hearings.
- Not require a PRB if any conflict between an RU Manager's findings and a controvert is only between not sustained, exonerated, or unfounded.
- Allow 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.
- Remove a reference to a superseded manual.
- Clarify that Citizen Review Commission members are part of the pool of community volunteers eligible to serve on non-force Boards.
- Remove all references to community volunteers as "citizens."
- Allow a designee of the Assistant Branch Chief to serve on the Board.
- Update the title of the Bureau's leader of Professional Standards.
- Include the Bureau Equity Manager as an advisory member, in lieu of an Assistant Chief.

- Change the Stipulated Discipline process to correlate with the new Corrective Action Guide numbering.

Financial and Budgetary Impacts

These City Code changes do not implement changes to current FTE or budgets and do not result in new financial obligations.

Community Impacts and Community Involvement

These changes will facilitate the timely administration of this critical part of the current police accountability system.

100% Renewable Goal

Not applicable.

Budget Office Financial Impact Analysis

The amendments to City Code are designed to streamline procedures and to facilitate the timely administration of the Police Review Board portion of the current police accountability system. These City Code changes do not implement changes to current full time positions or budgets.

Agenda Items

608 Regular Agenda in [July 19, 2023 Council Agenda](https://www.portland.gov/council/agenda/2023/7/19)
(<https://www.portland.gov/council/agenda/2023/7/19>)

Passed

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Commissioner Dan Ryan Yea

Commissioner Carmen Rubio Yea

Mayor Ted Wheeler Absent