

## Chapter 35 Community Police Oversight Board

### 1 **35A.010 Creation of City of Portland Community Police Oversight Board** 2 **(“Board”).**

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4 A. Portland City Charter Chapter 2, Article 10 has established the City of Portland  
5 Community Police Oversight Board. The name of the Board shall be the  
6 Community Board for Police Accountability (“Board” or “CBPA”).

7 1. Reporting to the Board and established by this Code is the Office of  
8 Community-based Police Accountability (“Office” or “OCPA”) which will  
9 be staffed with professional administrative staff and professional  
10 investigators. The Office shall be an independent bureau of the City.

11 2. The oversight board (Board) and independent bureau (Office), which are  
12 described above, collectively form the “Oversight System.” References  
13 to “Oversight System” in this Code are intended to refer to the Board  
14 and the Office, consistent with their roles and functions as outlined in  
15 Charter and this Code. References to “Board” and “Office” in this Code  
16 chapter should be understood as referring to the Oversight System  
17 collectively, and specifically, the Board may delegate authority given to  
18 it under the Charter and this Code to the Office, to permit the Oversight  
19 System to fulfill its obligations established under Charter 2-10.  
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21

22 B. Purpose. The mission of the Board is to independently investigate Portland  
23 Police Bureau (PPB) sworn employees and supervisors thereof promptly, fairly,  
24 and impartially, to impose discipline as determined appropriate by the Board,  
25 and to make recommendations regarding police practices, policies, and  
26 directives to the Portland Police Bureau with a primary focus on community  
27 concerns.

28

29 C. To the extent that any provision in this Code package (or any implementing  
30 rules) require bargaining, those provisions shall not go into effect unless and  
31 until the City fulfils its bargaining obligations with the Portland Police  
32 Association (PPA) and Portland Police Commanding Officers Association  
33 (PPCOA), consistent with the Public Employees Collective Bargaining Act  
34 (PECBA).

34

- 35 D. Board Commitment to Continuous Improvement.  
36 The Board shall ensure qualified staff, a team or independent expert(s)  
37 examine the Board’s performance, the Charter, City Code and Board policies,  
38 protocols on an ongoing basis. The Board may make recommendations to the  
39 appropriate decision-making bodies.  
40
- 41 E. Other City advisory groups related to police and policing, whose functions  
42 incorporate officer accountability and/or policy recommendations, may  
43 independently and voluntarily seek to conclude operations and request that  
44 the Board assume their duties. This process would be initiated through mutual  
45 consent by the advisory group, the Board, and the bureau associated with the  
46 advisory group. Other details would be developed between the incorporated  
47 group, following their voluntary choice to pursue incorporation, and the Board.  
48
- 49 F. No sooner than two years after the Board has begun receiving complaints from  
50 the public, it may undertake a review of all advisory groups related to oversight  
51 of police and policing, including communicating directly and transparently with  
52 volunteers serving on those groups, and may make recommendations to the  
53 Mayor and/or City Council regarding how the different aspects of the current  
54 oversight system will function, or cease to function, including how and when to  
55 wind down the current oversight systems.  
56
- 57 G. Prior to establishing any new advisory groups related to police or policing, the  
58 Mayor and/or City Council shall discuss the proposal with the Board and give  
59 sufficient time for a response.  
60
- 61 H. The Board shall have the authority to adopt bylaws, and as part of developing  
62 bylaws, it will decide, among other things:  
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- 64 1. whether or not to establish a chairperson, co-chairs, or other leadership  
65 positions;
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  - 67 2. the role of Board alternates;
  - 68
  - 69 3. procedures that allow for the creation, management, and elimination of  
70 sub-committees;
  - 71

- 72 4. voting thresholds for the full Board, sub-committees, and panels  
73 (preliminary, hearings, disciplinary, and appeals); and  
74  
75 5. any other internal Board procedures, including but not limited to those  
76 identified for elaboration in this Code and not otherwise addressed by law.  
77  
78 Unless stated otherwise by the Board, all bylaws changes are effective upon  
79 adoption.  
80  
81 Copies of all current bylaws will be posted on the Oversight System’s website.

82 **35A.020 Definitions**

83

84 In this Chapter:

85 A. **“Board”** refers to the Community Board for Police Accountability, the  
86 community police oversight board established under Charter 2-1001.

87

88 B. **“Office”** refers to the Office of Community-based Police Accountability, an  
89 independent bureau of the City of Portland, whose Director is established  
90 under Charter 2-1005.

91

92 C. **“Oversight System”** refers collectively to the Board and Office.

93

94 In this Chapter, the following definitions are also used:

95 D. **“Accountability”**

96 A comprehensive system of checks and balances aimed at ensuring that when  
97 law enforcement fails to carry out their duties properly, including when their  
98 actions are damaging to other individuals or the community at large, they are  
99 held responsible through a fair and transparent process.

100

101 E. **“Case”**

102 An incident or situation involving potential misconduct by a sworn Portland  
103 Police Bureau (PPB) sworn employee or supervisor thereof. Cases are either  
104 complaints, which are filed by a community member or a PPB officer, or are  
105 incidents which the Board is required by law to investigate.

106

107 F. **“Complainant”** a person who has filed a complaint about misconduct, or has  
108 been the recipient of alleged misconduct even if they did not file a complaint.

109

110 G. **“Effective/Constructive Custody”**

111 The custody of a person who is not under direct physical control but whose  
112 freedom is controlled by legal authority.

113

114 H. **“Garrity warning” or “Garrity Notice”:**

115 An advisement given to a sworn officer who is the subject of an internal  
116 administrative investigation or review. This notice warning apprises the officer  
117 that they are required to answer questions asked by investigators and are

118 subject to discipline, up to and including termination, for failing or refusing to  
119 answer the questions.

120

121 I. **“Independent Judgment”** A demonstrable absence of real or perceived  
122 influence from law enforcement, political actors, and other special interests  
123 looking to affect the operations of the Office.

124

125 J. **“Just Cause”** is a cause reasonably related to the public safety officer’s ability  
126 to perform required work. The term includes a willful violation of reasonable  
127 work rules, regulations or written policies.

128

129 K. **“Law Enforcement Agency”**

130 Agencies that primarily employ police officers, corrections officers, or  
131 prosecutors.

132 1. This includes county sheriffs, municipal police departments, police  
133 departments established by a university, state police, tribal police, and  
134 law enforcement agencies of the federal government. It also includes  
135 district attorney’s offices. Finally, it includes correctional departments.

136 2. Agencies which perform duties related to investigating allegations of  
137 officer misconduct or reviewing police policies and practices, whose  
138 main function is not to engage in policing activities, are not considered  
139 law enforcement agencies under this definition.

140

141 L. **“Officer”**

142 A sworn employee of the Portland Police Bureau (PPB). This term will be used  
143 throughout this Chapter to also include supervisors of officers, in line with the  
144 Board’s authority noted in Charter 2-1001, 2-1007(a), and 2-1007(d).

145

146 M. **“Panel”**

147 A subset of the Board’s full membership empowered to make decisions related  
148 directly to cases of potential administrative misconduct by PPB sworn officers  
149 and supervisors.

150

151 N. **“Preponderance of the Evidence”** is a standard of review in which a majority  
152 of evidence is required to support a finding on an allegation (applies to In  
153 Policy, Out of Policy and Unfounded findings).

154

- 155 O. **“Responsibility Unit Manager”**  
156 A commanding officer or manager of a PPB division, unit or precinct.  
157
- 158 P. **“Sentinel Event Reviews”**  
159 Forward-looking, root cause reviews of undesirable police-related outcomes,  
160 designed to allow for the development of recommendations for preventing  
161 reoccurrence through continuous process improvements.  
162
- 163 Q. **“Sub-Committee”**  
164 A subset of the Board’s membership empowered to take actions as defined in  
165 the Board’s bylaws, subject to review by the full Board.  
166

167 **35A.030 Obligation to Follow Law**

168

169 In the performance of its duties, the Board is obligated to follow all applicable  
170 federal, state and local laws and rules, including but not limited to the United  
171 States Constitution and Oregon Constitution (and protecting the rights of all  
172 parties under both constitutions); City Charter; collective bargaining agreements  
173 (as per the Public Employees Collective Bargaining Act); *USDOJ v. City of Portland*  
174 *(Case No. 3:12-cv-02265-SI)* Settlement Agreement, including any amendments;  
175 Oregon public records and public meetings law, and as of July 1, 2025, statewide  
176 discipline guides.

177

178 **35A.040 Status as Independent Bureau**

179

180 A. As specified by Charter, the Board and the Office of Community-based Police  
181 Accountability (“OCA” or “Office”) will be an independent bureau. Collectively,  
182 these two entities comprise the Oversight System.

183

184 B. The Board has an obligation to exercise independent judgment and offer  
185 critical analysis in the performance of its duties under this Chapter. The  
186 Oversight System shall exercise its responsibilities under this Chapter without  
187 interference from any person, group, or organization, including the Mayor, City  
188 Council, Auditor, City departments, Police Chief, bureaus, and other  
189 administrative agencies.

190

191 C. The Board shall be operationally independent of the Portland Police Bureau  
192 (PPB) in all respects. To maintain the independence of the Board and PPB, the  
193 Board shall not hire current and former police officers as staff. The Board’s  
194 location and communications shall reflect its independence and impartiality.

195 1. As a general matter, staff shall not seek administrative and legal  
196 guidance from the Police Bureau, unless necessary to perform their  
197 duties. In addition, as a general matter, staff shall not be trained  
198 alongside administrative investigators within the Portland Police Bureau  
199 (PPB), unless necessary to perform their duties.

200

201 D. The physical office of the Board shall be located outside of a Portland Police  
202 Bureau facility.

203 1. The Board and Office shall also not be housed in the same building as  
204 the Mayor, City Council, and any other agency that has a law  
205 enforcement or public safety component as part of its function.

206 2. The Board and Office shall not be in a space where security is provided  
207 by law enforcement.

208 3. The Board and Office shall be located in a location convenient for the  
209 public, including accessibility to public transit.

210 4. The offices of the Board may be located in private office space.

211

212 E. Notwithstanding its independent status, the Board shall develop working  
213 relationships with other parts of City government to ensure its ability to  
214 participate in relevant City processes related to the tasks required of the Board



215 by law or regulation. These include but are not limited to the Portland Police  
216 Bureau, Bureau of Human Resources, City Attorney's Office, and Office of  
217 Government Relations.  
218

219 **35A.050 Powers and Duties of the Oversight System**

220

221 The Board and Office have the following powers and duties, as mandated by the  
222 Charter and by the authority of City Council:

223

224 A. **Intake.** The Board and Office shall receive complaints concerning police actions  
225 and select the appropriate manner to address all complaints consistent with  
226 this Code and Board procedure.

227

228 B. **Initiate and conduct administrative investigations.** The Board exclusively is  
229 authorized to initiate and conduct administrative investigations that involve  
230 any of the following: 1) all deaths in custody and uses of deadly force; 2) all  
231 complaints of force that result in injury, discrimination against a protected  
232 class, violations of federal and state constitutional rights; and 3) other  
233 complaints or incidents of misconduct that are of community concern because  
234 of their impact on community members.

235

236 1. For formal investigations conducted by the Board, investigation reports  
237 will include factual findings and will be resolved in one of four ways: 1)  
238 out of policy (meaning the action is found to have violated City policy; 2)  
239 in policy (meaning the officer's actions were within the law and City  
240 policy; 3) unfounded (meaning the evidence shows the alleged events  
241 did not occur; and 4) insufficient evidence (meaning there is not enough  
242 information or evidence to determine if the officer's actions were out of  
243 policy or in policy).

244

245 2. The Board shall notify the Police Chief that it intends to conduct an  
246 administrative investigation into misconduct before initiating the  
247 investigation.

248

249 C. **Communicate with Complainants.** The Board and Office will be the primary  
250 contact with the complainant and the PPB officer or supervisor regarding the  
251 status and results of the complaint.

252

253 D. Conduct hearings as described in Sections 35D.190 and 35D.200.

254

- 255 E. Hold Loudermill (due process) hearings as described in Section 35D.230.  
256
- 257 F. Arrange hearings of appeals. The Board or Office will explain the appeal  
258 options to complainants and schedule hearings before an appeals panel as  
259 described in Section 35D.240  
260
- 261 G. Recommend policy changes. The Board shall have authority to make policy and  
262 directive recommendations including but not limited to the Portland Police  
263 Bureau and City Council as well as the inherent or implied authority to take  
264 other measures as necessary to effectuate this as described in Section 35E.010.  
265
- 266 H. Outreach. The Board and Office will widely distribute complaint forms in  
267 languages and formats accessible to community members, educate them on  
268 the importance of reporting complaints, and hold public meetings to hear  
269 general concerns about police services.  
270
- 271 I. The Board and Office shall have the authority to obtain information to  
272 administratively respond to allegations of misconduct, incidents which may  
273 involve allegations of misconduct, and conduct structural oversight effectively.  
274
- 275 1. Consistent with other provisions of this Code, the Board and Office shall  
276 have the authority and ability to compel all evidence during the course  
277 of an investigation.  
278
- 279 2. Consistent with other provisions of this Code, the Board and Office shall  
280 have the authority to compel sworn officers of the Portland Police  
281 Bureau and their supervisors to participate in investigations and to  
282 completely and truthfully answer all questions. The Board is authorized  
283 to direct Portland Police Bureau officers to cooperate with administrative  
284 investigations.  
285
- 286 J. Board access to information. In accordance with City, state or federal law and  
287 collective bargaining agreements, the Board and Office shall have direct access  
288 to and be authorized to examine and copy, without payment of a fee, any PPB  
289 information and records, including confidential and legally privileged  
290 information and records so long as privilege is not waived as to third parties,  
291 and police databases.

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1. Records include but are not limited to PPB policies and directives, police reports, body camera footage, Digital Information Management System (DIMS), Versaterm Computer-Aided Dispatch (VCAD), or other, future CAD systems, after action reports, training records, global positioning system (GPS) data; discipline and complaint history of individual officers; and audit records related to PPB.
2. Access to Police data and data sources. In order to perform its duties, the Oversight System shall have access to Portland Police Bureau data and records, including but not limited to raw data, tabulated summary statistics, other source materials, and any other format source necessary for the Board to perform its duties. The Board shall also have direct access to original database sources (such as, but not limited to, Regional Justice Information System (RegJIN) and Criminal Justice Information Systems (CJIS) as permitted by state and federal law.
3. The Oversight System shall have direct access to all relevant database networks to which PPB subscribes (such as, but not limited to, Regional Justice Information System (RegJIN) and Criminal Justice Information Systems (CJIS) as permitted by state and federal law.
  - a. The Board shall allot adequate funding from the Board’s budget, using the best estimate available, to fully pay for any fees the Board incurs when accessing information from a non-PPB source.
4. The Portland Police Bureau must make available to the Oversight System its records for copying, inspection and access within five business days after a written request from the Board. Consistent with the City Charter and this Code, the Police Chief remains the custodian of record for all Portland Police Bureau records. If the Police Chief (or designee) determines that specific records requested by the Board pursuant to this section should be withheld or redacted, the Portland Police Bureau must provide the Board with a written explanation setting forth the specific records or reasonably segregable portions of the records being withheld or redacted, the reason for the withholding or redactions, and the legal justification supporting the

329 withholding or redactions. If the Board disagrees with the Police Chief's  
330 decision to withhold records or redact information, the Board may seek  
331 disclosure through its subpoena power as defined by the Charter and this  
332 Code.

333

334 5. The Board and Director shall ensure that staff who access PPB records  
335 described above are trained and certified to do so.

336

337 6. All body camera footage of every event that is made available to the  
338 Oversight System pursuant to this section shall be available in full without  
339 any editing or tampering and will be verified for authenticity.

340

341 The Board and Office shall maintain confidentiality where required to do so  
342 and support transparency where allowable. The Oversight System shall not  
343 disclose confidential or legally privileged information or records and shall be  
344 subject to the same penalties as the legal custodian of the information or  
345 records for any unlawful or unauthorized disclosure.

346

347 K. As a separate source of information for the Oversight System's administrative  
348 investigations, the Board shall have access to PPB officers' statements from any  
349 criminal investigation, as well as relevant police reports. Information shared  
350 pursuant to this provision will not be done in a way that undermines or  
351 interferes with an ongoing criminal investigation or prosecution or impacts the  
352 officer's Garrity rights.

353

354 L. Attend Portland Police Bureau Trainings. The Board and Office shall have access  
355 and be authorized to attend PPB trainings as observers for the purpose of  
356 evaluating, monitoring, and making recommendations to PPB regarding  
357 training, policy and directives.

358

359 M. Adoption of bylaws. The Board is empowered to write its own bylaws covering  
360 its internal processes not addressed in law.

361

362 1. Establish sub-committees as appropriate.

363

364 N. Adoption of rules. The Board and Director shall adopt, promulgate, amend and  
365 rescind rules and procedures required for the discharge of the Board's duties,

366 including policies and procedures for receiving and processing complaints,  
367 conducting investigations, and reporting findings, conclusions and discipline  
368 procedures. The Oversight System may also adopt rules and procedures for  
369 making raw data available to the public. However, the Oversight System may  
370 not levy any fees for the submission or investigation of complaints.

371  
372 O. Review of closed investigations. The Oversight System shall hire a qualified staff  
373 member, a team, or independent expert(s) to review closed investigations  
374 pertaining to officer-involved shootings, deaths in custody and uses of deadly  
375 force that do not result in death on an ongoing basis.

376  
377 1. For purposes of this section, “closed investigation” shall mean that the  
378 investigation has been completed, any discipline arising from the incident  
379 has been issued and the involved officer(s)’ grievance and appeal rights  
380 have been exhausted.

381  
382 2. Consistent with applicable law and collective bargaining agreements, the  
383 completed reviews of these closed investigations shall be described in  
384 periodic reports available to the public and include case and investigative  
385 summaries, policy implications, and recommendations for improvements in  
386 police and Oversight Board policies or practices.

387  
388 3. These deadly force reports will be presented to the public and City Council.  
389 Contemporaneous public testimony, including oral testimony, will be  
390 accepted at City Council sessions.

391  
392 P. Review of undesirable police-related outcomes (“Sentinel Event Reviews”)  
393 Separate from an investigation regarding individual officer misconduct and any  
394 related disciplinary action being proposed, the Board may initiate forward-  
395 looking root cause systemic reviews of undesirable police-related outcomes  
396 and develop recommendations for preventing reoccurrence through  
397 continuous process improvements.

398 1. The review may involve representatives from law enforcement, the  
399 judicial branch, forensics, Board members, civil rights lawyers, members  
400 of the public, and other relevant participants. The Board may consider  
401 provisions to require participation in these reviews.

402 2. The Board will take public comment throughout the process.

403 3. The Board will issue a report at the conclusion of the review, which may  
404 include proposed policy recommendations.

405

406 Q. The Board will publish a written annual report with an Executive Summary by a  
407 consistent date each year. The report will be presented at a public meeting of  
408 the Board with public comment and questions encouraged. The annual report  
409 will also be presented at a public City Council session with oral testimony  
410 accepted.

411

412 1. The Annual Report shall include the following information:

413 a. Overview of the Board, its staff, and its functions;

414 b. Summary of recommendations submitted by the Board to the Police  
415 Bureau and/or City Council regarding changes to policy, directives or City  
416 Code along with status and outcomes (accepted/rejected/modified) for  
417 each listed recommendation;

418 c. A status update on implementation for those policy recommendations  
419 (with an emphasis on persistent community concerns) which are  
420 accepted in whole or in part by the Council or Police Bureau;

421 d. Recommended changes to collective bargaining agreements (if  
422 applicable) and state or federal law;

423 e. Analysis of closed case reviews;

424 f. Summary of complaints received by the Board over the year (including  
425 as applicable and as consistent with the law and collective bargaining  
426 agreements, the named employee, nature of allegations, type (as in  
427 35D.060), case-handling decision, findings and discipline imposed);

428 g. Number of employees who have received two or more complaints  
429 where their actions were deemed out of policy within one year;

430 h. Number of complainants who filed multiple complaints, and issues that  
431 were raised by multiple complaints;

432 i. Demographic profiles of the complainants to the extent that information  
433 exists or is voluntarily provided by the complainants;

434 j. Number and percentage of cases that were appealed to the Board and  
435 the outcomes (i.e., whether the findings or case-handling decision  
436 changed);

437 k. Number and percentage of cases that were resolved by informal  
438 resolution (including mediation) and the outcomes;

439 l. Number and percentage of cases referred to mediation;

- 440 m. Number of discipline decisions that were grieved under the applicable  
441 collective bargaining agreement or appealed to the Civil Service Board  
442 and outcome;
- 443 n. Number and percentage of all complaints handled directly by frontline  
444 supervisors, referred for Supervisor Action, Management Action, training  
445 or alternative resolution;
- 446 o. Number of times a PPB employee failed to comply with the Board’s  
447 request for an interview or for the production of documents, and the  
448 number of times a PPB sworn employee failed to comply with a valid  
449 subpoena, and whether discipline was imposed for any such non-  
450 compliance;
- 451 p. Number, nature, and settlement amount of civil suits against PPB officers  
452 regardless of whether the City is a defendant in the litigation;
- 453 q. Number of cases involving either uses of deadly force or deaths in  
454 custody, as well as (to the degree allowable by existing legal standards)  
455 details about how the Board processed those cases, the outcomes  
456 where available, and the names of the involved parties;
- 457 r. Number of cases in which the Board failed to complete its administrative  
458 investigation within 6 months of receipt of a complaint of misconduct, or  
459 discovery of misconduct by other means as specified in Code Sections  
460 35D.010 through 35D.240;
- 461 s. Identification of trends with respect to officer history, complaint types,  
462 and frequency, consistency and adequacy of discipline imposed; and
- 463 t. Complainant satisfaction survey results and community feedback.  
464
- 465 2. In addition to its Annual Report, the Board may issue quarterly reports to  
466 Council.  
467
- 468 R. Public Access to Raw Data. The Oversight System shall make raw data available  
469 for download, inspection, and analyses by members of the public. “Raw Data”  
470 shall be redacted as consistent with existing legal standards and shall include  
471 as applicable complaints, case-handling decisions, findings, discipline,  
472 complainant demographics and geographic origin of complaints.  
473
- 474 S. The Oversight System shall develop interactive dashboards around the  
475 oversight data so that it can be visualized in different ways. The Oversight  
476 System may also display policy recommendations in a dashboard.



- 477
- 478 T. Conduct investigative interviews of Portland Police Bureau employees,  
479 consistent with applicable law and collective bargaining agreements.  
480
- 481 1. All PPB employees shall be truthful, professional, and courteous in all  
482 interactions with the Board. No PPB employee shall conceal, impede, or  
483 interfere with the filing, investigation or resolution of a complaint.  
484
- 485 U. The Board may obtain legal advice and representation from the City Attorney  
486 or may retain or employ independent legal counsel. If the Board retains or  
487 employs independent legal counsel, the Board shall be the client and is entitled  
488 to the benefits and privileges thereof.  
489
- 490 V. Establish a standard by which the Portland Police Bureau reports data to the  
491 Oversight System, including required aggregated information (e.g., use of force  
492 cases) and frequency (e.g., monthly, quarterly, annually).  
493
- 494 W. The Board and Office may retain or employ independent experts, including law  
495 enforcement experts, as needed to advise on any matter under investigation,  
496 review, or evaluation by the Board or Office.  
497
- 498 X. Maintain Working Relationships.  
499
- 500 1. The Board and Office shall maintain working relationships with other  
501 parts of City government, and collaborate with those entities to ensure  
502 there is no duplication of names and titles, processes and terminology.  
503
- 504 2. The Board and Office will maintain a working relationship with the PPB  
505 Professional Standards Division, including staff working on the Employee  
506 Information System (EIS).  
507
- 508 3. The Board and Office shall maintain a working relationship with other  
509 advisory committees related to police and policing. Representatives from  
510 the Board and other advisory committees will meet periodically in public  
511 to discuss emerging issues and policy concerns they have encountered in  
512 the course of their work. If meetings are not practical, at a minimum  
513 they will share by email or other means information on those topics

514 among themselves. This information will be reported back to members  
515 of the various advisory committees. They may choose to create joint  
516 study committees to research those issues and develop joint  
517 recommendations.

518  
519 4. Other Law Enforcement Agencies. Maintenance of the following working  
520 relationships will be beneficial to the Board and Office fulfilling their  
521 duties due to police collaborations and joint operations, and police  
522 activity with relation to jails, prisons and detention centers.

523  
524 i. The Board and Office shall maintain a working relationship with  
525 the Multnomah, Clackamas, and Washington Counties' Sheriff's  
526 Offices, as well as each county's corrections agencies, medical  
527 examiners' offices, and with oversight groups for those entities.

528  
529 ii. The Board and Office may seek membership for a representative  
530 in Multnomah County's Local Public Safety Coordinating Council  
531 (LPSCC), to assist with developing working relationships and  
532 exchanging information in pursue of oversight goals and  
533 responsibilities.

534  
535 iii. The Board and Office shall maintain a working relationship with  
536 the Oregon State Police (OSP), including the State Medical  
537 Examiner's Office, as well as the Department of Corrections (DOC),  
538 and with oversight groups for these entities.

539  
540 iv. The Board and Office shall also maintain a working relationship  
541 with law enforcement agencies outside of the Portland Police  
542 Bureau, including but not limited to those municipalities whose  
543 law enforcement officers may interact with community members  
544 in Portland, TriMet police, and private security agencies serving in  
545 public spaces while acting in an official or unofficial law  
546 enforcement capacity.

547  
548 5. Coordination with District Attorneys' Offices.

549

- 550 i. In instances where officer misconduct that is investigated by the  
551 Board also results in criminal complaints alleging criminal  
552 misconduct by officers, the Board and Office shall coordinate to  
553 the extent allowable under law with the Multnomah, Clackamas,  
554 and Washington County District Attorneys' Offices, including  
555 information sharing where appropriate, which may include access  
556 to court records and case information pertinent to complaints  
557 under Board investigation. To ensure officers' constitutional rights,  
558 in no case shall compelled testimony from officers be transferred  
559 to any prosecutors' offices.  
560
- 561 ii. The Oversight System, working through legal counsel, shall  
562 coordinate with the District Attorneys' offices to determine  
563 appropriate disclosure of requested public records, and protection  
564 of confidential information, including through clarifying and  
565 appeal to the District Attorneys' offices.  
566
- 567 6. Sharing of Information with DPSST. The Board and Office shall also  
568 maintain a working relationship with the Department of Public Safety  
569 Standards and Training (DPSST), including in a manner consistent with  
570 applicable law, sharing information about cases in which officers were  
571 found to have committed misconduct and cases in which a finding of  
572 "training failure" was reached. This relationship shall benefit the  
573 community by promoting improvement in training and performance of  
574 officers.  
575
- 576 7. The Board and Office shall maintain a working relationship with the state  
577 Employment Relations Board (ERB). This relationship will be beneficial to  
578 the Board for understanding arbitration and its role in the process of  
579 addressing allegations of officer misconduct.  
580
- 581 8. Criminal and Civil Proceedings Involving Officer Misconduct. In instances  
582 where officer misconduct that is investigated by the Board also results in  
583 criminal complaints alleging criminal misconduct by or civil lawsuits  
584 against officers, the Oversight System shall cooperate with these judicial  
585 proceedings to the extent requested and as permitted by law. To ensure  
586 officers' constitutional rights, in no case shall compelled testimony from

587 officers be transferred to any prosecutors' offices.

588

589 Y. Alone or in cooperation with other city agencies/bureaus, the Office will also  
590 audit police surveillance and other technologies. Relevant data from these  
591 Board-conducted audits will be published, including on online dashboards.

592

593 Z. The Office may reach outside city structures to complete its work. The Board  
594 and Office may consider working with law school faculty and/or students or  
595 other community resources. The Director will establish internal procedures.

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597 **35B.010 Oversight Board Membership**

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- A. The Board shall consist of thirty-three members.
  - 1. The Board shall also have no less than five alternates, selected by the Council from individuals who apply for Board membership and meet the qualifications included in this Code section.
  - 2. Whenever there is a vacancy on the Board, Council will select a successor Board member from among the current alternates.
  - 3. Alternates may not serve on panels reviewing complaints, nor are they considered voting members of the Board. However, the Board may define other responsibilities and rights of alternates in its bylaws.
- B. Board members and alternates shall be appointed to the Board by a vote of the City Council.
  - 1. Individual applications shall be referred by the Board to City Council based upon its review of the qualifications and selection criteria (below).
  - 2. Council shall review applications of nominees to the Board and vote on whether to approve each appointment within 45 days of receiving the nomination.
- C. **Quorum Requirements.**
  - 1. **Matters Affecting Full Board:** A simple majority of Board seats shall constitute a quorum of the Board for decisions about procedures, protocols, or other decisions affecting the full Board.
  - 2. **Adoption of Bylaws or Other Significant Matters Affecting Full Board:** A quorum for purposes of adopting bylaws or other significant matters (including a proposed recommendation to Council to remove a Board member) shall be two-thirds of Board seats.

633 3. **Panels (Hearings, Due Process and Appeals):** Quorum for panels shall be a  
634 majority of the members of the panel.

635  
636 4. **Sub-Committees:** Sub-Committees established by the Board shall have a  
637 defined number of members as established by the Board. A simple majority  
638 of Sub-Committee members shall constitute a quorum.

639  
640 D. Board members shall be appointed as follows:

641  
642 1. At a minimum, Board staff shall solicit applications to fill vacancies in the  
643 Board's membership from the Office of Equity and Human Rights, Office of  
644 Community and Civic Life, the Neighborhood Coalition offices, Mayor and  
645 Council offices, other PPB-focused advisory committees, community  
646 organizations that focus on disciplines important to the Board's work (such  
647 as those working on racial justice, mental health advocacy, and houseless  
648 organizing, nonprofits, other grassroots organizations and others), and the  
649 general public. After review based on the evaluation of each applicant  
650 against the listed qualification and selection criteria for Board membership,  
651 qualified applicants shall be referred to City Council for consideration and  
652 possible appointment.

653 a. The Board may create a nominating committee to review applicants for  
654 Board membership prior to referring to the City Council for  
655 consideration for appointment. The nominating committee may include  
656 individuals who are not current Board members.

657  
658 2. **Qualifications and Selection Criteria:** Prospective applicants shall be  
659 considered for vacancies on the Board based upon the following  
660 qualifications and selection criteria:

661  
662 a. Individual Board members must live, work, play, attend school or  
663 worship in the City of Portland for at least twelve months prior to their  
664 appointment.

665  
666 b. Board members must be representative of Portland's diverse population,  
667 drawn from different socio-economic backgrounds and racial, ethnic,  
668 gender identity, and age groups. In order to allow the Board to fulfill its  
669 responsibilities, some members shall represent or be knowledgeable of

670 those who (1) have encountered systemic racism; (2) have been  
671 impacted by over-policing policies; (3) have mental illness, or substance  
672 abuse disorders or (4) are houseless. In filling Board vacancies from  
673 alternates, consideration shall be given to the current composition of the  
674 Board and appointments shall be made that will cause the Board to best  
675 reflect the demographic make-up of Portland to the extent possible.  
676

677 c. The Board shall include people experienced with community outreach;  
678 law enforcement practices; law enforcement oversight; police  
679 accountability; investigative procedures; case-handling and audit  
680 procedures; constitutional, criminal, or labor law; social justice;  
681 advocating for and providing service to houseless community members;  
682 or other relevant professional experience. Altogether, there shall be a  
683 balance that allows the Board as a whole to benefit from the knowledge  
684 and expertise of its individual members.  
685

686 d. Individual Board members must have a commitment to the need for and  
687 responsibilities of civilian police oversight in ensuring that Portland  
688 policing practices comply with state and federal constitutional  
689 protections and other applicable legal standards. Individual Board  
690 members must also have a demonstrated commitment to racial justice.  
691

692 e. Board members must be capable of making fair and impartial decisions  
693 based on the evidence presented to them in an environment where  
694 controversy is common. Fairness includes considering lived experience,  
695 the experiences of the community members, and of the police officers  
696 involved in the case.  
697

698 3. Prerequisites for Appointment:  
699

700 a. A prospective Board member must comply with ORS Chapter 244  
701 (Government Ethics) and Portland City Code Chapter 1.03 (Code of  
702 Ethics) and disclose at the time of their application any potential or  
703 actual conflicts of interests.  
704

705 b. The Board member must sign a confidentiality agreement.  
706

707 c. Background Check  
708 Prior to nominating any applicant to the City Council for appointment to  
709 the Board, potential nominees will undergo a criminal background  
710 check. The primary purpose of this background check is to ensure that  
711 Board members may access police databases and facilities necessary to  
712 perform their duties. Background checks are not intended to be used to  
713 exclude people who have important lived experience from service on the  
714 Board.

715  
716 i. Staff shall initiate a criminal background check, and shall use an  
717 agency other than the PPB itself, or an agency used by PPB for  
718 its checks. The only exception is that staff may initiate a  
719 criminal background check through the Oregon State Police.  
720

721 ii. Where the substance of an offense that led to a previous  
722 conviction would impact the applicant's ability to perform their  
723 duties if appointed, the nominating entity shall discuss with the  
724 prospective board member about how they would respond to  
725 concerns that they are unable to fully discharge their duties.  
726 The Board may also request a review of the criminal record in  
727 question by the appropriate law enforcement entity to  
728 determine whether to grant a waiver to allow the applicant to  
729 have access to law enforcement databases.  
730

731 iii. The nominating entity may opt to pass an applicant's  
732 nomination to City Council after this conversation and review.  
733

734 iv. The nominating entity shall only consider potentially-  
735 disqualifying convictions which would impact the applicant's  
736 ability to fully perform their duties if appointed.  
737

738 4. Restrictions on Board Membership. The following individuals are not  
739 eligible for service on the Board:

740 a. An individual currently employed by a law enforcement agency;  
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742 b. An immediate family member of an individual currently employed by a  
743 law enforcement agency;



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- c. An individual formerly employed by a law enforcement agency;
- d. An individual who is currently a member of any other government-run advisory group, board, or commission related to police or policing, except for the Citizen Review Committee and Police Review Board, and any other body as defined in the Ordinance(s) establishing the Board.

E. **Training Requirements.** A Board member (and alternates) shall complete these training requirements within six (6) months of appointment, unless they can show good cause for having not done so:

1. Complete all paperwork necessary to ensure access to City resources, including compensation and other support services;
2. Complete orientation and training applicable to all members of a City advisory body;
3. Become familiar with the City Charter Chapter 2, Article 10, chapters of this Code, that address the Board’s roles and responsibilities;
4. Receive training on the Board’s history, internal structure and processes (including bylaws, and rules and procedures);
5. Receive training in the legal requirements of Oregon’s Public Records and Public Meetings laws;
6. Receive training about the Portland Police Bureau, including the following: its history, procedures, the relevant provisions of the City’s collective bargaining agreements with the Portland Police Association (“PPA”) and Portland Police Commanding Officers Association (“PPCOA”) and as applicable other represented City employees; and receive a briefing on the settlement agreement in the case of *United States v. City of Portland*, Case No. 3:12-CV-02265-SI, all related court orders for so long as they remain in effect and a discussion of the historical policing practices addressed in the litigation;

- 781 7. Training about how civilian oversight of law enforcement functions;  
782  
783 8. Training about the City’s Civil Service Board, and other relevant City  
784 personnel policies and procedures;  
785  
786 9. Receive training in basic principles of constitutional due process,  
787 constitutional civil rights guaranteed to all people as such rights are affected  
788 by law enforcement, and administrative hearing procedures;  
789  
790 10. Receive training in the legal requirements for maintaining the  
791 confidentiality of personnel records and other confidential documents or  
792 information.  
793

794 The Oversight Board shall review its own training structures and curriculum on a  
795 regular basis and may revise these training requirements, including establishing a  
796 peer training component and establish a list of responsibilities and topics to be  
797 covered during peer training.  
798

799 **F. Term Lengths and Renewability.**

- 800 1. Board members shall each serve a term of three years, subject to  
801 reappointment by Council.  
802  
803 2. Upon expiration of the term, a Board member shall serve until re-appointed  
804 or replaced or removed by Council.  
805  
806 3. A Board member may apply to renew their term twice, and will be  
807 considered for the position. The Board will establish procedures to allow  
808 Board members to seek reappointment.  
809  
810 4. Board Member Leave of Absence. A Board member may be granted a leave  
811 of absence, if needed, for good cause, including in instances of illness or  
812 injury or other personal hardship.  
813

814 **G. Board Member Support and Compensation**

815 Board members shall be eligible for compensation subject to applicable law, City  
816 policy, and rulemaking. This compensation can be up to the maximum allowable  
817 for volunteers under applicable law. In addition, Board members shall be

818 reimbursed for expenses associated with service on the Board. The Board may  
819 establish non-financial support systems within or outside of City structures to  
820 support Board members. The Board shall establish processes, systems, and  
821 applicable amounts and/or limits for member support and compensation in its  
822 Bylaws and Administrative Rules. The Board shall regularly review details of its  
823 member support and compensation, and revise as needed.

824 **35B.020 Resignation and Removal from Board**

825

826 A. A Board member may resign prior to the expiration of their term with written  
827 notice to the Board and the Council.

828

829 1. A Board member seeking election or appointment to a public office shall  
830 inform Board leadership of their intent to seek office. A Board member  
831 seeking election or appointment to a public office that will give rise to a  
832 conflict of interest shall resign their Board membership at the time of their  
833 appointment or election. Depending upon the position which they are  
834 pursuing, the Board member may be required to disclose a conflict of  
835 interest upon their decision to run for office or seek appointment. An  
836 individual Board member who resigns to seek other public office may re-  
837 apply for a future Board vacancy upon conclusion of holding the other  
838 public office.

839

840 2. Upon this notification, the Council must consider the position vacant and  
841 eligible for the Council to appoint a new member from the alternates to  
842 serve for the remainder of the vacating member's term. In filling Board  
843 vacancies, consideration shall be given to the current composition of the  
844 Board and appointments shall be made that will cause the Board to best  
845 reflect the demographic make-up of Portland to the extent possible.

846

847 B. City Council may remove a Board member for cause.

848

849 1. A member must immediately notify the Board and cease further  
850 participation on the Board, pending a vote of removal by the Council, if any  
851 of the following circumstances occur during the member's term:

852

853 a. the member is incarcerated in any jail or prison and unable to complete  
854 their responsibilities as a Board member; or

855

856 b. the member is convicted during the member's term of a criminal offense  
857 that would preclude the member from continuing to perform their  
858 duties.

859

- 860 2. The Council’s consideration of the removal and replacement of the member  
861 pursuant to this section must occur within 45 days following the Council’s  
862 receipt of notice under this subsection.  
863
- 864 3. Cause for removal includes but is not limited to:  
865
- 866 a. Official Misconduct (See ORS 162.405-162.415);
  - 867
  - 868 b. Unexcused absence;
  - 869
  - 870 c. Excessive excused absences (including unforeseen events, health  
871 reasons, being out of town, or missed meetings due to conflicts of  
872 interest);
  - 873
  - 874 d. Failure to timely disclose an actual conflict of interest which prevents the  
875 Board member from performing their responsibilities;
  - 876
  - 877 e. Loss of eligibility: No longer meeting any of the requirements such as  
878 live, work, play, attend school, or worship in the City of Portland (as  
879 outlined in Code section 35B.010 D2a);
  - 880
  - 881 f. Unmet minimum participation, or workload requirement;
  - 882
  - 883 g. Breach of confidentiality agreement;
  - 884
  - 885 h. Inactivity in Board activities including subcommittee work or hearing,  
886 appeals, misconduct, or due process panel participation;
  - 887
  - 888 i. Failure to complete training within 6 months of appointment unless  
889 good cause exists to excuse this;
  - 890
  - 891 j. Misconduct, such as harassment, discrimination, and retaliation; or
  - 892
  - 893 k. Any other cause which impacts the Board’s effective operations,  
894 standing or independence.  
895

- 896 4. Other reasons for removal could include death, or incapacitation.  
897
- 898 C. The Bureau of Human Resources shall investigate allegations of misconduct  
899 regarding Board members, and communicate their findings to the Oversight  
900 Board. In instances where the complaint of misconduct is sustained, Council  
901 may remove a member.  
902
- 903 D. Removal of a Board member prior to the end of their term requires a majority  
904 vote of City Council. Removal of a Board member may occur upon a  
905 recommendation from BHR, a recommendation of the Board, or upon Council's  
906 own motion. The Board retains discretion to suspend a member, or place them  
907 on leave, pending action by Council.  
908

909 **35B.030 Meetings of the Board**

910

911 In conducting its meetings and hearings, the Board shall comply with all  
912 requirements of Oregon Public Meetings Law (ORS 192.610 through 192.710).

913

914 A. Proper notice, agendas, meetings summaries, and meeting materials will be  
915 made available to the public in a timely way.

916

917 B. The Board shall hold regular meetings open to the public and offer time for  
918 community input, including through public comment, testimony, or other  
919 means. At public meetings, public comment will be allowed at a minimum  
920 before key decisions are made, consistent with applicable law. Public  
921 involvement in hearings is addressed in 35D.190 and 35D.200.

922

923 C. The Board may also hold special meetings of the full Board or sub-committees  
924 as necessary.

925

926 D. The Director will provide written updates at full Board meetings with  
927 information on the status of investigations and of those conducted by the  
928 Police Bureau.

929

930 E. The Board will regularly host the Police Chief, Mayor and other relevant  
931 officials at its public meetings.

932

933 F. While matters may be addressed in executive session, consistent with the law,  
934 any final action or final decision by the Board shall be made in open session.

935

936

937 **35B.040 Board Budget**

- 938 A. The Board shall have a publicly disclosed budget.
- 939 1. As per Charter 2-1004, “funding for the Board shall be proportional to no  
940 less than 5 percent of the Police Bureau’s Annual Operations Budget.”
- 941 2. The Board will have discussions in public about how to allocate its budget,  
942 and, at its discretion, may appoint an independent budget advisory  
943 committee from the community.
- 944
- 945 B. After evaluation of its budget, the Board shall be able to request a larger  
946 budget allocation as part of the City’s annual budget process.
- 947
- 948 C. The Director shall comply with the City’s purchasing procedures and except as  
949 otherwise provided here, the Director shall have sole discretion in choosing  
950 staff persons, contractors, and other employees and in making other decisions  
951 about expenses. The Board may require that the Director make certain  
952 hiring/purchasing decisions only with the Board’s approval.
- 953
- 954



955 **35C.010 Director Selection and Removal**

- 956
- 957 A. The Board shall hire a Director for the Office of Community-based Police
- 958 Accountability (“OCA” or “Office”) who shall be appointed by, and serve at the
- 959 will and pleasure of the Board. As specified by Charter, and consistent with
- 960 these procedures, the selection process for the Director shall be done through
- 961 a community process led by the Board.
- 962
- 963 B. The Board shall select the Director of the OCA, in accordance with the City’s
- 964 human resource policies and rules and any other applicable laws, by the
- 965 following process:
- 966
- 967 1. A subset of the Board (“Hiring committee”) shall work with the Director of
  - 968 the Bureau of Human Resources (BHR) or designee to create a job posting
  - 969 that comports with the necessary and desired qualifications for a Director;
  - 970
  - 971 2. In coordination with the Bureau of Human Resources, the Hiring Committee
  - 972 shall assess minimum qualifications by screening applicants and resumes,
  - 973 and the Hiring Committee shall select at least three candidates best
  - 974 qualified to interview. The Hiring Committee may choose to involve
  - 975 community members in the screening process.
  - 976
  - 977 3. The full Board shall interview the candidates and the top scoring candidate
  - 978 will be moved forward;
  - 979
  - 980 4. At that meeting or the next appropriate meeting, the Board shall vote
  - 981 whether to appoint the top scoring candidate;
  - 982
  - 983 5. If the top candidate is not appointed, then the Hiring Committee shall
  - 984 present the next top scoring candidate to the Board for consideration and a
  - 985 vote. The selection process shall continue as stated until the Board votes to
  - 986 appoint a candidate as the Director; this shall include reopening the
  - 987 recruitment process if none of the interviewed candidates are appointed.
  - 988
- 989 C. The hiring procedures described in section B, above, are intended to comply
- 990 with ORS 192.660(2)(a).
- 991

- 992 D. Director Qualifications.  
993 At a minimum, the Director shall possess the following necessary and desired  
994 qualifications:  
995  
996 1. Be well-equipped to analyze problems of administration, and public policy;  
997  
998 2. Working knowledge in criminal justice sufficient for the powers and duties  
999 of the Office;  
1000  
1001 3. Experience and knowledge working with communities impacted by police  
1002 misconduct;  
1003  
1004 4. Be trauma-informed, possess an equity lens, and have experience engaging  
1005 the community in collective decision making; and  
1006  
1007 5. The Director shall possess other necessary and desired qualifications for the  
1008 position as identified by the Board.  
1009  
1010 E. As part of its role in managing the Director, the Board shall, at a minimum,  
1011 conduct annual performance reviews.  
1012  
1013 F. The Director shall serve at will and may be removed from office by a vote of a  
1014 supermajority of the Board (to be determined by the Board according to its  
1015 procedures). The decision of whether to remove a Director shall be in the  
1016 Board's sole discretion and may be for any reason.  
1017

1018 **35C.020 Director Roles, Responsibilities, and Delegation**

1019

1020 A. The Director shall manage the professional administrative staff and  
1021 professional investigators, and make operational and administrative decisions  
1022 for the Office.

1023

1024 B. The Director may appoint other personnel necessary to carry out the duties of  
1025 the Office, keeping within the adopted budget for the Office.

1026

1027 1. The Director shall hire an auditor/monitor/inspector-general, who will be in  
1028 charge of auditing records and other aspects of the accountability system.

1029

1030 a. Audits conducted by staff will include but not be limited to police  
1031 practices, policies, training, and directives, including regular audits of  
1032 police communications with the public (news releases, social media,  
1033 etc.).

1034

1035 b. Board members will be involved in the hiring of the  
1036 auditor/monitor/inspector-general and participate in, at minimum,  
1037 annual performance reviews for this position.

1038

1039 2. The Director shall hire legal counsel to provide legal advice for the Board  
1040 and staff separate from the City Attorney's office.

1041

1042 a. Board members will be involved in the hiring of legal counsel and  
1043 participate in performance reviews for this position.

1044

1045 3. Professional staff of the Oversight System shall be appointed by and serve  
1046 under the direction of the Director. The Director shall hire part or full-time  
1047 staff members focusing exclusively or in a combination on the following:

1048

1049 a. Policy work;

1050

1051 b. Mediation;

1052

1053 c. Investigation;

1054

d. Hearings support;

e. Records;

f. Outreach/Community Engagement;

g. Intra-governmental affairs;

- 1055 h. Data analysis;  
1056 i. Equity and inclusion;  
1057 j. Public affairs/communications; and  
1058 k. Other administrative staff and personnel as necessary for the Board and  
1059 Office's functioning, including to assist Board members.  
1060
- 1061 C. The Director shall ensure that a qualified staff person goes directly to the scene  
1062 of an officer deadly force incident and other incidents which may involve police  
1063 misconduct needing immediate attention.  
1064
- 1065 D. The Director shall protect the confidentiality of Board members, complainants,  
1066 officers, and witnesses consistent with the requirements of Oregon Public  
1067 Records law. Consistent with the law, disclosures may be necessary to enable  
1068 the Director to carry out their duties, to comply with applicable collective  
1069 bargaining agreements, where the public interest requires disclosure in a  
1070 particular instance, or other reasons consistent with the law.  
1071
- 1072 E. The Director is authorized to adopt, amend, and repeal rules, procedures, and  
1073 forms to implement the provisions of this Chapter including for the discharge  
1074 of duties, including policies and procedures for receiving and processing  
1075 complaints, conducting investigations and hearings, and reporting findings,  
1076 conclusions and recommendations. All such policies shall be sent to the Board  
1077 for its review and feedback prior to beginning the public comment period (if  
1078 applicable).  
1079
- 1080 1. Before adopting, amending, or repealing a rule, the Director must notify  
1081 interested parties and hold a public comment period. Such notice, which  
1082 may be provided by mail or electronic means, such as posting on the  
1083 Office's website, must be published at least 33 days before the close of the  
1084 public comment period. The notice must include instructions on how an  
1085 interested party may comment on the proposed rule, a brief description of  
1086 the subjects covered by the proposed rule and how to access the full text  
1087 of the proposed rule.  
1088
  - 1089 2. During the public comment period, the Director will receive written  
1090 comments concerning the proposed rule. At the conclusion of the public  
1091 comment period, the Director will either adopt the proposed rule, modify

1092 it, or reject it, taking into consideration the comments received. If a  
1093 substantial modification is made, an additional public comment period will  
1094 be held. Unless otherwise stated, all rules are effective upon adoption by  
1095 the Director. Copies of all current rules will be posted on the Office's  
1096 website.

1097  
1098 3. Notwithstanding Subsections 1. and 2., the Director may adopt an interim  
1099 rule without prior public notice upon a finding that failure to act promptly  
1100 will result in serious prejudice to the public interest or the interest of the  
1101 affected parties, stating the specific reasons for such prejudice. An interim  
1102 rule adopted pursuant to this Subsection is effective for a period of no  
1103 longer than six (6) months. The Director may extend the interim rule past  
1104 the six (6) months for good cause, as determined in the Board's sole  
1105 discretion.

1106  
1107 F. The Director may delegate to a designee any or all duties or responsibilities.  
1108

1109 **35C.030 Staff Training and Qualifications**

1110

1111 A. Staff shall be trained on issues specific to their roles, such as:

1112

1113 1. PPB and Board policies and directives,

1114 2. Interviewing,

1115 3. Evidence,

1116 4. PPB patrol training and tactics,

1117 5. PPB and Board operations,

1118 6. Legal issues including stops, frisks, and searches.

1119 7. Trauma-informed service delivery, focused on interviewing and other  
1120 community interactions.

1121 8. Anti-racism, anti-bias, cultural competency, and collaborative decision-  
1122 making; and

1123 9. Other training needs as identified by the Director.

1124

1125 B. Minimum experience requirements. While the Director has authority in hiring  
1126 staff, the following shall be considered in their hiring process:

1127

1128 1. The Director, in consultation with the Bureau of Human Resources including  
1129 evaluating experience requirements of comparable positions, may specify a  
1130 minimum number of years of experience required for each position, such as  
1131 investigators. The minimum number of years of experience shall not exceed  
1132 five years, and the experience requirement should not be a barrier to  
1133 consideration of otherwise qualified applicants.

1134

1135 C. Preferred qualifications for Office staff shall include working with community;  
1136 being versed in contemporary legal topics related to policing; public defense or  
1137 civil rights backgrounds; and investigative, policy, and/or management skills  
1138 such as civilian homicide investigation certification and use of force expertise.

1139 Investigative backgrounds can include Child Services, personnel, safety,  
1140 housing, and medical and insurance investigations.

1141

1142 **35C.040 Staff community engagement**

1143

1144 A. The Board shall conduct public education on the role of the oversight system  
1145 and community members' rights, keeping the community informed of its  
1146 activities, how to file complaints and seek recourse in case of retaliation, and  
1147 receive input.

1148

1149 B. Where appropriate, oversight staff shall train trainers who can go into specific  
1150 communities and train in ways that work for those groups, in addition to the  
1151 Board training the public at large directly.

1152

1153 C. Staff shall set up community engagement events, which may involve the Board  
1154 members when available.

1155

1156 D. The outreach shall be conducted in ways that are accessible in terms of  
1157 language, abilities, and other considerations.

1158

1159 E. Communities to engage shall include youth and community partners,  
1160 immigrant communities including people of undocumented status, people with  
1161 mental illness, and other communities disproportionately affected by police  
1162 misconduct.

1163

1164 F. Outreach locations shall include but not be limited to schools, libraries,  
1165 community organizations, neighborhood meetings, and organizations serving  
1166 the houseless population.

1167

1168 G. Community engagement shall include discussions on how to improve police  
1169 practices and policy, which includes soliciting community input. These  
1170 discussions may include local, state, and federal laws and policies, not solely  
1171 Police Bureau policies.

1172

1173 H. The oversight system shall conduct education on its activities for law  
1174 enforcement personnel and bargaining unit representatives.

1175 **35D.010 Basic Elements of Administrative Investigations**

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- A. Beyond the basic elements listed here and in other parts of this Code, the Oversight System shall develop investigative procedures to provide guidance for staff operations and shall train staff on these procedures.
  
- B. Investigations shall comply with federal and state constitutions and laws, city charter, Oversight System rules and regulations including Administrative Rules adopted by Bureau (ARBs), relevant collective bargaining agreements, and the National Association for Civilian Oversight of Law Enforcement (NACOLE) ethics code. For non-represented sworn officers of the Portland Police Bureau, investigations shall be conducted in a manner that is consistent with applicable law and the officer’s employment status.
  
- C. In all investigations involving Officer Involved Shootings and other cases which may involve criminal misconduct, officers shall receive Garrity warnings that they are being compelled to testify for administrative investigation, and the content of the interview cannot be used in a criminal proceeding.
  
- D. Investigations must be conducted in a manner that is ethical, independent, thorough, timely, fair, and impartial.
  
- E. Investigations shall follow these steps and shall include, if these elements exist and are reasonably available:
  - 1. When an investigation begins, except for information that would compromise the integrity of the investigation, an officer shall be informed in writing:
    - a. of the nature of the investigation;
    - b. whether the officer is a witness or an involved party; and
    - c. other information necessary to reasonably inform the involved officer of the nature of the allegations, including the time, date, and location of the incident (if known).



- 1212 2. Interviews of the complainant, officer(s), and witness(es);  
1213  
1214 3. Gathering evidence including photos, videos, proof of injuries and other  
1215 relevant medical records;  
1216  
1217 4. Examining police roll calls, logs, assignments, and other relevant  
1218 information; and  
1219  
1220 5. Site visits as deemed appropriate.  
1221
- 1222 F. Interview Guidelines:
- 1223 1. Interviews with officers shall all be recorded and conducted in a manner  
1224 that is consistent with the applicable collective bargaining agreement.  
1225
- 1226 2. Interviews with community members will be recorded, unless the  
1227 community member requests not to be recorded. In these instances, the  
1228 request by the community member shall be documented, and a  
1229 stenographer will be enlisted to ensure the interviewee's answers are  
1230 captured accurately.  
1231
- 1232 a. However, a community member concerned about confidentiality of  
1233 certain information may request that parts of their transcript be  
1234 redacted for confidentiality purposes, so long as the redaction does  
1235 not interfere with the ability to fully investigate or the due process or  
1236 other contractual rights of the officer. In these cases, the City shall  
1237 treat the information as submitted confidentially to the extent  
1238 permitted by law.  
1239
- 1240 3. Civilian interviews can take place at locations other than the oversight  
1241 system's offices.  
1242
- 1243 G. An investigation shall be completed even if an officer retires, resigns, or is  
1244 terminated.  
1245
- 1246 H. The Board will investigate complaints submitted anonymously and complaints  
1247 with unidentified officers to the full extent possible. If necessary, such  
1248 complaints will be left open pending identifying the person(s) involved, in a

1249 manner consistent with other provisions of this Code, applicable law, and  
1250 collective bargaining agreements.

1251

1252 I. If during the investigation, investigators decide that there is not enough  
1253 information to finish the investigation, the investigator shall close the  
1254 investigation on this basis. (This is considered a “decision not to investigate”)  
1255 The complainant has the right to appeal that finding as outlined in this Code  
1256 (35D.240) by providing further information.

1257

1258 J. Staff shall review all misconduct investigations to ensure they are complete  
1259 before they are sent to the Board to make findings and determine discipline.

1260

1261 **35D.020 Timelines for Completion**

1262

1263 A. Investigations shall be completed within 6 months. Investigations may extend  
1264 past 6 months and continue until resolved consistent with applicable law.

1265

1266 1. If investigators are unable to meet these timeframe targets, the staff shall  
1267 undertake and provide a written review of the process for the Board to  
1268 identify the source of the delays and implement an action plan for reducing  
1269 future delays.

1270

1271 B. Informal complaints shall be resolved in 60 days or less.

1272

1273 C. The timelines listed in paragraphs (A) and (B) may be extended if more time is  
1274 needed, including at the request of a complainant and/or their attorney,  
1275 consistent with applicable law.

1276

1277 D. The investigative staff shall inform the Board, the complainant (and their  
1278 assigned complaint navigators) and the officer(s) (and their support persons) if  
1279 an investigation goes beyond the mandated timeline. They shall also inform  
1280 the officer's supervisor, the Chief of Police, and other officials who may be  
1281 involved in the discipline process.

1282

1283 E. Investigations related to use of deadly force and deaths in custody (as defined  
1284 in 35D.060) shall be prioritized for completion.

1285

1286 **35D.030 Providing information to complainants**

1287

1288 A. During intake, the complainant shall be informed of any obligations the Board  
1289 may have to report something that is stated to them as part of a complaint and  
1290 to provide the complaint itself to the involved officer where required by law or  
1291 collective bargaining agreement. Except as otherwise required by law, the  
1292 Board shall not turn over any admission of civil violations, criminal conduct, or  
1293 criminal intent unless there is an imminent threat of harm to the complainant  
1294 or others. That part of the investigation or interview which could incriminate  
1295 the complainant in criminal proceedings will be considered confidential.

1296

1297 1. During intake, staff shall not express opinions about the complainant or the  
1298 truth or merit of their allegations.

1299

1300 2. However, if the staff conducting intake has some kind of bias or conflict  
1301 regarding the complaint, complainant, or nature of the allegations, they  
1302 shall disclose that bias. At that point, the Director or designee shall assign  
1303 another staff member to complete the intake.

1304

1305 3. If they perceive bias, complainants may request another staff person to  
1306 complete the intake.

1307

1308 B. The Board shall provide Complainants with records of their complaint,  
1309 including:

1310

1311 1. Confirmation of the receipt of the complaint, including a summary of the  
1312 allegations;

1313

1314 2. Literature about the Board and its process including explanation of  
1315 confidentiality issues;

1316

1317 3. If appropriate, a medical release form for records related to the complaint;

1318

1319 4. Notice if the investigation cannot be completed in the timeline required by  
1320 this Code;

1321

1322 5. Notice of completion of the investigation in a final report; and

- 1323
- 1324 6. A survey about their experience with the complaint system.
- 1325
- 1326 C. The Board shall make information about the complaint available to the
- 1327 complainant online.
- 1328
- 1329 D. The complainant shall be provided as much information about their complaint
- 1330 as possible, consistent with applicable law, even if some material has to be
- 1331 redacted.
- 1332
- 1333 1. The complaint navigator shall have access to all available records in order to
- 1334 best advise the complainant, even information the complainant or their
- 1335 support people are not legally authorized to access. Such materials may also
- 1336 be redacted to comply with applicable law.
- 1337
- 1338 E. The oversight system shall not charge any fees to complainants for access to
- 1339 information about their complaint.
- 1340
- 1341 F. Board communication with a complainant shall not be made by postcard or
- 1342 other means of written communication that jeopardizes the complainant's
- 1343 privacy.
- 1344

1345 **35D.040 Referral of criminal investigations**

1346

1347 The Board has the authority to refer cases to the District Attorney or other  
1348 authority for criminal investigation when the incident or allegations indicate  
1349 possible criminal activity by the officer(s). To ensure officers' constitutional rights,  
1350 in no case shall compelled testimony from officers be transferred by the oversight  
1351 system.

1352

1353 **35D.050 Who May File**

1354

1355 A. Anyone who experiences or witnesses alleged officer misconduct can file a  
1356 complaint with the oversight system. The right to file a complaint is absolute  
1357 and unconditional.

1358

1359 1. Parents and guardians may file complaints on behalf of minors up to the age  
1360 of 18. Minors can file complaints on their own beginning at age 15.

1361

1362 2. The complainant pool is inclusive regardless of age, immigration status,  
1363 residence, criminal record, or language used. Incarcerated people can file  
1364 complaints.

1365

1366 3. Anonymous complaints will be accepted, and will be placed in priority  
1367 depending on the nature and severity of allegations and, for more minor  
1368 complaints, the Board's workload.

1369

1370 4. Complaints involving any community members can be filed by third parties,  
1371 such as other individuals or organizations.

1372

1373 B. Police officers from the Portland Police Bureau can file complaints alleging  
1374 misconduct by other Portland police officers.

1375

1376 C. Law enforcement officers from other law enforcement agencies can file  
1377 complaints alleging misconduct by Portland police officers.

1378

1379 D. No member of the community, or Portland Police Bureau employee, shall face  
1380 retaliation, intimidation, coercion, or any adverse action for filing a complaint,  
1381 reporting misconduct, or cooperating with a misconduct investigation.

1382

1383 **35D.060 Types of conduct/complaints within Board jurisdiction**

1384

1385 A. The Board shall investigate certain Police actions, including but not limited to:

1386

1387 1. All deaths in custody (including effective/constructive custody) and uses of  
1388 deadly force;

1389

1390 2. All complaints of force that result in injury, discrimination against a  
1391 protected class (whether defined by applicable local, state, or federal law),  
1392 or violations of federal or state constitutional rights.

1393

1394 B. The Board shall also investigate allegations of the following to determine if City  
1395 or Police Bureau policy has been violated:

1396

1397 1. dishonesty/untruthfulness including perjury;

1398

1399 2. false reports & concealing evidence;

1400

1401 3. sexual assaults, sexual misconduct, or sexual harassment;

1402

1403 4. domestic violence;

1404

1405 5. unlawful search/arrest;

1406

1407 6. neglect of duty;

1408

1409 7. discourtesy, including use of profanity;

1410

1411 8. improper discharge of a firearm;

1412

1413 9. criminal conduct, including off-duty criminal conduct;

1414

1415 10. improper or illegal act, omission or decision that directly affects a person  
1416 or their property;

1417

1418 11. violation of orders which affect a community member;

1419



- 1420 12. harassment;  
1421  
1422 13. intimidation;  
1423  
1424 14. retaliation;  
1425  
1426 15. force used at protests (to the extent not covered by Section A);  
1427  
1428 16. abuse of authority (such as use of police credentials in a personal dispute);  
1429  
1430 17. officer failure to identify;  
1431  
1432 18. theft of money;  
1433  
1434 19. corruption (to the extent not covered by other Code provisions);  
1435  
1436 20. membership or participation in hate groups, racial supremacist  
1437 organizations or militant groups (as defined in ORS 181A.688);  
1438  
1439 21. cases of substantial public interest; and  
1440  
1441 22. where data show a pattern of inappropriate policies.  
1442  
1443 C. The Board may also investigate:  
1444  
1445 1. Any alleged misconduct directly affecting the public, including work-related  
1446 allegations such as tardiness if they affect a community member; and  
1447  
1448 2. Other allegations of officer misconduct which do not originate from a  
1449 complaint, at the discretion of the Board.  
1450  
1451 3. Complaints filed by PPB officers, alleging misconduct by another PPB officer  
1452 which does not impact a community member, when the complaint includes  
1453 a request by the complainant for Board investigation.  
1454  
1455 D. If the involved officer is within their probationary period and is terminated by  
1456 the Police Bureau prior to the conclusion of the Board's administrative

1457 investigation of the complaint, the Oversight System shall complete its  
1458 investigation.

1459

1460 E. If a complainant asks the Board not to investigate a case that falls under the  
1461 Board's mandate in the Charter, the Board shall evaluate its legal obligations,  
1462 and weigh the interests of community concerns and the need for  
1463 accountability against the wishes of the complainant (and/or their attorney if  
1464 there is one).

1465

1466 F. The following types of complaints which are outside the Board's jurisdiction,  
1467 shall be handled as follows:

1468

1469 1. When the complaint involves officers from another law enforcement  
1470 agency, the Board shall ask permission from the complainant to forward  
1471 their complaint to the proper investigating authority to investigate the  
1472 officers' alleged misconduct. If the complainant declines, the Board shall  
1473 dismiss the complaint for lack of jurisdiction and notify the complainant of  
1474 its decision.

1475

1476 2. When the alleged violations do not impact a community member, except as  
1477 noted in C3 above, another City investigatory body shall investigate.

1478

1479 3. When a complaint is generated by a Portland Police Bureau supervisor  
1480 about poor officer performance or other work rule violations, Responsible  
1481 Unit managers are responsible for intake and investigation.

1482

1483 **35D.070 Filing Timelines**

1484

1485 A. The timeline to file a complaint shall be 12 months after the incident except in  
1486 the following circumstances:

1487

1488 1. The Director and/or designated Board leadership may extend the timeline  
1489 for good cause; or

1490

1491 2. until a civil case involving the same underlying conduct has concluded;  
1492 and/or

1493

1494 3. for the term of the involved community member's incarceration.

1495

1496 B. If the timeline is extended for reasons identified in A.2-3, it may be extended  
1497 to a maximum of five years.

1498

1499 C. Good cause for extending the timeline may include (but is not limited to) fear  
1500 of retaliation, or if an officer who was not previously identified has their  
1501 identity become known after the 12-month deadline.

1502

1503 **35D.080 Methods for Filing Complaints; Board Receipt of Complaints**  
1504

1505 A. The Board shall ensure that complaints can be filed and received through  
1506 multiple methods (including but not limited to in-person, by mail, phone,  
1507 email, online submittal, text message, collect calls, or by other common  
1508 technological means of communication) to ensure access to the complaint  
1509 process.

1510  
1511 1. The Board shall ensure that complaint forms are widely available.  
1512

1513 a. All Portland Police Bureau facilities will have complaint forms available in  
1514 areas accessible to the public.  
1515

1516 b. All Portland Police Bureau issued business cards intended to be given to  
1517 community members during actions/encounters will have the Board's  
1518 phone number and email address printed on them.  
1519

1520 2. The Board shall offer translation for documents and for verbal  
1521 communications with appropriate interpretation to be inclusive of people  
1522 for whom English is not their preferred language, and in accommodation of  
1523 people with disabilities.  
1524

1525 3. The Board will ask the complainant to state their preferred method of  
1526 communication at the beginning of the process.  
1527

1528 B. Should a community member contact the Portland Police Bureau or the City's  
1529 information line (such as 311) or any other City bureau regarding alleged  
1530 officer misconduct, the complainant will be directed to the Board and Office.  
1531

1532 C. The Police Bureau shall inform the Board immediately upon their knowledge  
1533 that an officer, or supervisor thereof, has engaged in conduct that may be  
1534 subject to criminal and/or administrative investigation.  
1535

1536 1. By immediate, it is intended to mean without delay and unless for  
1537 reasonable cause, within 24 hours of occurrence.  
1538

1539 D. The Board's offices shall be open to accept complaints for longer hours than  
1540 Monday through Friday, 9:00AM to 5:00PM, including early mornings,  
1541 weekend times and evenings.

1542

1543

1544 **35D.090 Intake**

1545

1546 A. The Director shall hire/retain complaint navigators (“advocates”) to help  
1547 complainants navigate their cases.

1548

1549 1. All complaint navigators shall be trained both on culturally  
1550 sensitive/competent support for complainants and on sexual  
1551 assault/survivorship for community members, so that even if someone from  
1552 the relevant group isn't available when a person calls in everyone can  
1553 provide support.

1554

1555 2. Complainants may request culturally competent/sensitive intake.

1556

1557 3. Complaint navigators will be required to receive continuing education.

1558

1559 4. Complaint navigators will assist in staff delivery of community education  
1560 about the complaint process.

1561

1562 B. The oversight system will provide a complaint navigator for each complainant.  
1563 To the extent possible, the complaint navigator will be appropriately culturally  
1564 attuned to the complainant's needs.

1565

1566 C. Community members can additionally have two support people including an  
1567 attorney for a total of up to three support people. However, the support  
1568 person cannot be a witness to the incident.

1569

1570 D. If the complainant is an officer, who already has the automatic ability to have a  
1571 bargaining unit representative (if applicable) and an attorney, they can also  
1572 bring a peer officer or community member of their choosing (who is not a  
1573 witness to the incident). This means they may also have as many as three  
1574 support people.

1575

1576 E. If the officer is not a part of a bargaining unit, they will be assigned a complaint  
1577 navigator from the pool for community members. The officer can decline this  
1578 option.

1579

1580

F. Interviews will be scheduled around the community member's work schedule and can be rescheduled if needed. Interviews will include accommodations for people with disabilities, and interpreters, if needed.

1581

1582

1583

1584 **35D.100 Preliminary Investigations; Initial Case Handling Decision**

1585

1586 A. The Director shall hire investigators to conduct preliminary investigations, full  
1587 investigations, and follow-up investigations as necessary and as outlined by this  
1588 Code and related Board procedures and rules.

1589

1590 B. When the Board receives a complaint regarding alleged misconduct of a  
1591 Portland Police Bureau officer, or supervisor thereof, or opens a case not  
1592 originating from a complaint, staff shall:

1593

1594 1. Assign a case number;

1595

1596 2. Conduct a preliminary investigation (including gathering information about  
1597 the complaint through an intake interview);

1598

1599 3. Make a case-handling decision (i.e., should case proceed to a full  
1600 investigation; suggested for mediation; addressed by some other means; or  
1601 dismissed);

1602

1603 4. If appropriate for a full investigation, identify the complainant's allegations  
1604 or possible types of misconduct; and

1605

1606 5. Communicate to the complainant summarizing the complaint and the case-  
1607 handling decision.

1608

1609 C. Incomplete complaints can be investigated if the Board determines an  
1610 investigation is warranted.

1611



1612 **35D.110 Informal Complaints**

1613

1614 A. If the complainant expresses an interest in resolving their complaint informally  
1615 through discussion with the officer's supervisor, the Board shall determine  
1616 whether such resolution is appropriate.

1617

1618 1. The Board shall confer with the officer's supervisor about the possibility of  
1619 an informal resolution process, and the supervisor shall make a  
1620 determination whether to resolve the case informally or send it back to the  
1621 Board for full investigation.

1622

1623 2. Once approved for informal complaint resolution, a case can be resolved  
1624 without formal investigation and the complainant will be informed of this  
1625 decision.

1626

1627 3. If the case is sent back for full investigation by the supervisor, or informal  
1628 resolution is unsuccessful, the Board will inform the complainant.

1629

1630 **35D.120 Mediation**

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- A. The Director shall arrange for professional mediators.
  
- B. The Board has the authority to provide for voluntary mediation between community members and law enforcement, to improve police-community relations and build better policies. There shall be no cost to any party to utilize the mediation option.
  - 1. The Board shall determine whether the case is eligible for mediation based on the nature of the allegations and the officer's history.
    - a. The community member shall be able to consult with their complaint navigator and/or their other support persons before deciding whether to agree to mediation.
    - b. Complainants shall not be unduly pressured to choose mediation if they prefer an investigation to take place.
    - c. An officer's supervisor must clear them for approval before the officer can agree to mediation.
  
- C. Mediation is not offered for complaints involving use of force, profiling, legal violations such as improper stop, detention, search, or arrest, or for officers with a pattern of misconduct. No case identified as an automatic investigation by the Charter shall be eligible for mediation.
  - 1. Mediation is offered for complaints involving discourtesy and procedural complaints including unwarranted action other than those described in C (above), and neglect of duty.
  - 2. If the complainant filed the misconduct complaint based on actions during an incident in which the officer filed criminal charges or citations against the community member, once those criminal allegations have been resolved, mediation about the misconduct complaint can still proceed, consistent with applicable law.

- 1667 3. If there is a civil lawsuit or criminal case pending against the officer about  
1668 the incident, mediation cannot proceed.  
1669
- 1670 D. The discussions that take place in the mediation are confidential unless the  
1671 parties agree otherwise.  
1672
- 1673 E. Mediators shall be screened and trained properly about power dynamics,  
1674 cultural awareness, racial bias, and other issues which may underlie the  
1675 incident.  
1676
- 1677 F. For eligible cases, mediation is an alternative to full investigation.  
1678
- 1679 1. If either party rejects mediation, the case is sent to a full investigation.  
1680
- 1681 2. Either party to the mediation, or the mediator, can determine that  
1682 mediation has not been successful, and ask for a full investigation.  
1683
- 1684 G. Mediation shall be made accessible to all parties.  
1685
- 1686 1. Upon request, the mediation process will make accommodation for people  
1687 with disabilities, as well as interpreters as needed.  
1688
- 1689 2. To accommodate schedules, complainants can provide adequate notice of  
1690 cancelation on as many as two separate occasions before mediation is  
1691 abandoned.  
1692
- 1693 3. Mediation is available to complainants, as well as to family members of  
1694 people subjected to alleged police misconduct or other community  
1695 members, with the complainant's permission, even if complainants do not  
1696 themselves participate. In situations where the complainant does not  
1697 participate, the outcome of mediation will be binding on all parties.  
1698
- 1699 a. Upon agreeing to the confidentiality of the mediation, one support  
1700 person of each party's choosing may attend, but not engage in the  
1701 mediation, to provide moral support and consult during breaks.  
1702

1703 4. Mediation shall take place at a neutral location that is mutually acceptable  
1704 to all parties.

1705

1706 H. Successful mediation will conclude with a signed mediation agreement by all  
1707 parties. Violation of the agreement may result in the case proceeding to a full  
1708 investigation and/or other next steps as outlined in the agreement itself.

1709 Portions of the mediation agreement which could incriminate any party in  
1710 criminal or administrative proceedings will be considered confidential to the  
1711 extent allowed by law. The parties may mutually agree to publicly disclose the  
1712 substance of the mediation as part of the agreement.

1713

1714 **35D.130 Grounds for Dismissal of a Case Following Preliminary Investigation**

1715

1716 A. After a preliminary investigation, the Board may dismiss the case.

1717

1718 1. If the case is dismissed, the Board will provide notification to the  
1719 complainant.

1720

1721 2. The Board will also notify the involved officer(s) and their commanding  
1722 officer once the appeal deadline has passed (see 35D.240).

1723

1724 B. The Board may dismiss a complaint for the following reasons:

1725

1726 1. The complaint is only related to criminal charges or alleged violations  
1727 against the complainant, and does not allege misconduct;

1728

1729 2. The complaint was filed outside the timeline to file (35D.070) and there is  
1730 no good cause or other grounds to excuse the late filing;

1731

1732 3. Even if all aspects of the complaint were true, no act of misconduct would  
1733 have occurred;

1734

1735 4. Even if all aspects of the complaint were true, the misconduct would be so  
1736 minor that the matter would be better addressed through other means;

1737

1738 5. The complainant withdraws their complaint or fails to complete necessary  
1739 steps to continue with the complaint. It may benefit the community to  
1740 finish the investigation. However, lack of cooperation and lack of consent  
1741 from a complainant may make it impossible or inappropriate to complete  
1742 the investigation; and

1743

1744 6. Lack of jurisdiction (see 35D.060).

1745

1746 C. Notwithstanding its decision to dismiss a complaint under Section B, the Board  
1747 may initiate potential policy recommendations from dismissed complaints.

1748

- 1749 D. At minimum, for the duration of the *US DOJ v. City of Portland* Settlement  
1750 Agreement, cases alleging excessive force shall only be dismissed under B3  
1751 when there is "clear and convincing evidence" that the allegation has "no basis  
1752 in fact."  
1753  
1754 E. Dismissals based on B3 and B4 will be considered for mediation or informal  
1755 complaint.  
1756

1757 **35D.140 Board Authority to Take Interim Measures**

1758

1759 A. The Board can take interim steps prior to findings being determined in specific  
1760 cases.

1761

1762 1. A case can be prioritized if an officer is retiring or being promoted.

1763

1764 2. The Board can recommend placing an officer on administrative leave while  
1765 administrative charges are pending.

1766

1767

1768 **35D.150 Portland Police Bureau Witnesses**

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- A. Portland Police Bureau sworn officers and supervisors thereof shall attend investigative interviews conducted by the Office, cooperate with and answer questions asked by the Office during an administrative investigation of a PPB sworn officer (or supervisor thereof) conducted by the Office. If an employee refuses to attend an investigative interview after being notified to do so by the Board or Office, or refuses to answer a question or questions asked by the Office during an investigative interview, the Police Chief, the Bureau of Human Resources, or appropriate City authority shall direct the employee to attend the interview and truthfully answer the question or questions asked.
  - 1. In use of deadly force and death in custody cases, the Board’s administrative investigators shall coordinate with criminal investigators external to the Board and prosecutors (if applicable). The Board’s investigator shall have the ability to compel testimony within 48 hours of the criminal investigators having completed their interview after issuing a *Garrity* notice, or the officer has postponed their interview with criminal investigators.
- B. To the extent that it is consistent with applicable law and collective bargaining agreements, the PPB employee shall comply with a request for compelled testimony within 48 hours of the request being made.
- C. All Oversight System interviews of PPB employees shall be conducted in conformance with legal requirements and collective bargaining provisions.
- D. To the extent that it is consistent with collective bargaining agreements, compelled or requested testimony may be done in-person or in a virtual setting when the Board deems it appropriate.
- E. Prior to being interviewed, a PPB employee whose testimony is requested or compelled will:
  - 1. Be notified of the time, date, and location of the interview and that this is an administrative investigation.



- 1805 2. Be informed of the right to bring a collective bargaining representative to  
1806 attend the interview, consistent with *Weingarten* and PECBA (as  
1807 applicable). To the extent consistent with the collective bargaining  
1808 agreement, the PPB employee may also bring support persons.  
1809
- 1810 3. Be read a statement (“Garrity Notice”), that the employee is directed to  
1811 attend the interview, cooperate during the interview and answer all  
1812 questions fully and truthfully and, further told that if the employee fails to  
1813 attend the interview, cooperate during the interview or answer any  
1814 questions fully and truthfully, the employee will be subject to discipline or  
1815 discharge.  
1816
- 1817 4. Be asked to sign an acknowledgement that they received the Garrity  
1818 Notice prior to providing compelled statements or testimony.  
1819
- 1820 5. Be provided with any other information or protections required by any  
1821 applicable collective bargaining agreement.  
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- 1823 F. As provided by this Code, the Board may subpoena a sworn PPB officer who  
1824 fails to comply with a properly issued written interview notice to cooperate  
1825 with an administrative investigation as described in this section.  
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- 1827 G. In addition, a refusal of a sworn PPB officer to truthfully and completely  
1828 answer all questions may result in discipline up to and including termination.  
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1831 **35D.160 Subpoenas**

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1833 A. The Board shall have the authority to issue subpoenas for the purpose of  
1834 compelling any witness testimony or the production of documents,  
1835 photographs, video or audio recordings, or any other evidence necessary for  
1836 the Board to fully and thoroughly investigate a complaint or conduct a review.

1837

1838 B. If a witness fails to appear before the Board at the time and date set by  
1839 subpoena, or in the case of a subpoena duces tecum, if a record is not  
1840 produced as required, the Board, through appropriate legal counsel, may apply  
1841 to a court of competent jurisdiction for the enforcement of a subpoena or to  
1842 impose penalties for failure to obey a subpoena.

1843

1844 C. In general, initial efforts to compel the testimony of a PPB employee shall be  
1845 made through the administrative process (and directives). However, if a PPB  
1846 sworn officer refuses to comply, the Board may subpoena their presence via  
1847 this Code provision.

1848

1849 D. Any person who fails to comply with a subpoena will be subject to contempt  
1850 proceedings as prescribed by State law; provided that such persons shall not  
1851 be required to answer any question or act in violation of rights under the  
1852 constitutions of the State or of the United States.

1853

1854 1. The Board will make a case-by-case determination as to whether to pursue  
1855 a contempt charge arising from an individual's refusal to cooperate.

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1857 **35D.170 Procedures specific to use of deadly force or death in custody**

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- A. The Board shall have authority to investigate all deaths in custody (including effective/constructive custody) and uses of deadly force.
- B. When an incident involves police use of deadly force or a death in custody, the Board shall follow these procedures:
  - 1. Oversight System investigators shall head to the scene and shall coordinate with and assist criminal investigators in gathering information.
  - 2. Board investigators may sit in on interviews of witnesses (including officers who are witnesses) that are conducted for the criminal investigation but may not ask questions of involved officers.
  - 3. When those criminal investigation interviews are completed, if there are questions about possible administrative violations, Office investigators will ask questions of witnesses.
  - 4. When those criminal investigation interviews are completed or the officer has postponed their interview, if there are questions about the possible administrative violations, Office investigators will ask questions of the involved officers (following issuance of a Garrity Notice).
  - 5. The investigations shall include a review of the supervisors and others who were on the scene, including officers who used force or may have precipitated the use of deadly force.
- C. The final investigation will also be sent to the PPB Training Division for an analysis to be presented to the Board at the hearing on the deadly force incident.
- D. The community member subjected to use of deadly force, or their survivors if the interaction resulted in death, shall be considered as complainants and

1892 shall have full rights to appeal.

1893

1894 E. In cases in which survivors choose not to file a complaint, the investigation  
1895 shall still be handled in the same way as all other misconduct investigations.

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1897 **35D.180 Creation of Hearings Panels**

1898

1899 A. The Board shall create panels (“Hearing Panels”) to hear cases to determine  
1900 findings about whether policies were violated.

1901

1902 1. Panels shall be no smaller than five Board members.

1903

1904 2. The Board shall ensure that panels have more than 5 members for serious  
1905 cases.

1906

1907 3. Panel assignments shall be made in rotation and in a manner that will  
1908 ensure the Panel reflects the demographic and life experience make-up of  
1909 the Board to the extent possible. Altogether, the Board shall ensure a  
1910 balance that allows the Panel as a whole to benefit from the knowledge and  
1911 expertise of its individual members.

1912

1913 4. Each panel shall have a presiding individual over each hearing. The Board  
1914 shall develop procedures for the selection of the presiding individual.

1915

1916 **35D.190 Hearings Panel: Initial Procedures and Preliminary Hearing**

1917  
1918 A. Members of the hearing panel shall review all investigative materials.

- 1919  
1920 1. In reviewing the case, the panel may examine any supporting documents,  
1921 the file and report of the staff, and any documents accumulated during the  
1922 investigation. They may also listen to and/or watch the recordings of all  
1923 interviews.

1924  
1925 B. The panel shall hold a preliminary hearing to assess the completeness and  
1926 readiness of the investigation for a full hearing.

- 1927 1. The complainant and officer will be notified of the date of the preliminary  
1928 hearing, but are not required to attend. They may appear with any or all of  
1929 their support persons.

- 1930  
1931 2. The Board shall publicly announce the date of a preliminary hearing at least  
1932 7 days in advance of the hearing, including a case number. This notice shall  
1933 also include methods by which members of the public who may have  
1934 information or evidence can contact an assigned investigator.

- 1935  
1936 3. The Board will decide whether some or all of the preliminary hearing will be  
1937 held in open session or executive session in accordance with existing legal  
1938 standards and considering the public interest, the officer's preference (see  
1939 ORS 192.660[2][b]), the complainant's preference, precedents set by the  
1940 existing oversight system, and other relevant factors.

- 1941  
1942 4. At the commencement of the preliminary hearing, the presiding individual  
1943 shall state that members of the public who may have additional information  
1944 or evidence should contact an assigned investigator, prior to the full  
1945 hearing. The presiding individual may allow members of the public to  
1946 comment about the readiness of the case, consistent with federal and state  
1947 law and collective bargaining agreements.

1948  
1949 C. At the preliminary hearing, the panel will decide whether to:  
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- 1951 1. Send the case back for further investigation, specifying the information  
1952 sought;  
1953  
1954 2. Send the case forward to a full Hearing; or  
1955  
1956 3. Evaluate the case for eligibility for stipulated discipline (per Code Section  
1957 35D.220).  
1958  
1959 D. The panel's decision on the complaint readiness will be made in open session.  
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1961 E. The Board shall permit public comment after the decision.  
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1964 **35D.200 Hearing Panel: Full Hearings Process**

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- A. The Board may choose to hold hearings on misconduct complaints and investigations. Should it choose to do so, those hearings will be conducted pursuant to this section, subject to and consistent with collective bargaining agreements, Oregon Public Records and Public Meetings laws, state and federal constitutions, and other applicable law.
- B. The Board shall welcome public involvement in this process to the extent consistent with the law and collective bargaining agreements.
- C. The hearings shall be recorded.
- D. The Board shall publicly announce, with a case number, the date of a full (fact-finding) hearing at least 7 days in advance of the hearing. This notice shall also include methods by which members of the public who may have information or evidence can contact an assigned investigator.
- E. The Board will decide whether some or all of the full (fact-finding) hearing will be held in open session or executive session in accordance with existing legal standards and considering the public interest, the officer’s preference (see ORS 192.660[2][b]), the complainant’s preference, precedents set by the existing oversight system, and other relevant factors.
- F. The complainant and officer shall be given access to the same information as allowable by law. Any information that is provided to the officer but not the complainant shall be shared with confidentiality protections with the complainant’s complaint navigator.
- G. Attendees to the Hearing:
  - 1. The complainant can appear with their complaint navigator, as well as a support person and/or an attorney.
  - 2. The officer can appear with their bargaining unit representative/complaint navigator, and/or their attorney and/or support person consistent with the collective bargaining agreement.



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3. A person from the upper management of the Police Bureau's Training Division shall attend all hearings to answer questions about police policy, training, or procedure.
  4. Any other witnesses requested by the Panel, complainant, or officer. (Witnesses will ordinarily be sequestered until they are called to testify.)
  5. Given adequate notice for arrangements to be made, the Board shall provide interpreters and/or accommodations for people with disabilities. (The Board will develop procedures describing how complainants and other witnesses can request such accommodation or interpreters for hearings held pursuant to this chapter.)
- H. Information submitted during the administrative investigation by parties in confidence to the Office shall not be publicly disclosed during the hearing. Examples of reasons to keep information confidential include but are not limited the need to protect the identity of a victim or private medical information. Other conditions may require subsequent disclosure to the officer and their bargaining unit representative or attorney, such as to comply with the collective bargaining agreement and the officer's due process rights.
- I. All decisions on findings shall still be made publicly in open session even if part or all of the hearing is held in executive session.
- J. Throughout the hearing process, if held in an open hearing, at the officer's request, the presiding individual shall remind the audience of the seriousness of the employment matter being discussed while acknowledging community responses.
- K. **Procedure for the hearings** (Note: throughout this subsection, "complainant" and "officer" may include their representatives.)
1. The basic circumstances of the case and allegations shall be read into the record by the presiding individual (or designee) at the beginning of the hearing.

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2. The complainant and officer can make opening statements; the complainant can choose whether to provide their statement before or after the officer.
3. The presiding individual begins questions of witnesses, followed by other panel members.
  - a. Except as provided in c, Oversight System staff involved in the administrative investigation can ask questions at the invitation of the presiding individual.
  - b. The officer or complainant can request specific items about which the panel may ask more questions of witnesses.
  - c. Except as otherwise provided here, only the presiding individual shall ask questions of the officer, including on behalf of other people attending the hearing. The presiding individual may designate additional panel members or staff persons to question the officer consistent with existing legal standards.
4. Once recognized by the presiding individual, the complainant and officers have the ability to do the following:
  - a. ask questions directly of witnesses (including cross-examining witnesses);
  - b. request that the panel ask additional questions of a witness;
  - c. call additional witnesses;
  - d. introduce exhibits; and
  - e. suggest that the panel impeach witnesses.
  - f. The complainant and officer can offer rebuttal evidence to the evidence submitted by the other party.

- 2075
- 2076 5. Once all evidence has been received, the officer and complainant can
- 2077 make closing statements.
- 2078
- 2079 6. Once closing statements have concluded, the case shall be considered
- 2080 submitted. The panel shall deliberate on the evidence applying the
- 2081 preponderance of evidence burden of proof. The panel may convene an
- 2082 executive session to confer with legal counsel as needed in reaching its
- 2083 findings.
- 2084
- 2085 7. The presiding individual may allow members of the public to comment
- 2086 about the case, consistent with federal and state law and collective
- 2087 bargaining agreements.
- 2088
- 2089 L. Upon completion of its deliberations, the panel will decide its finding(s) by a
- 2090 simple majority of the members of the panel. Where the public interest
- 2091 warrants a discussion of the findings on the records, each panel member
- 2092 may explain their position. Those who disagree can include their reasons for
- 2093 dissenting along with the findings.
- 2094
- 2095 1. When a decision on findings is made at the end of a public hearing, the
- 2096 presiding individual shall explain the next steps, including the appeal
- 2097 process.
- 2098
- 2099 2. If any finding is made outside the public hearing process where an
- 2100 appeal is still possible, or the complainant does not appear at the
- 2101 hearing, a Board representative can explain the process or delegate that
- 2102 responsibility to staff.
- 2103
- 2104 M. Should the panel find that one or more allegation is in violation of Portland
- 2105 Police Bureau policy (i.e., out of policy), the case will proceed to the
- 2106 proposed corrective action and discipline phase (as set forth in Code section
- 2107 35D.230).
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- 2109 1. Following the decision of the panel, a summary of the panel's findings
- 2110 shall be shared in writing (or other means if requested) with the
- 2111 complainant and officer(s), consistent with applicable law.

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- N. General guidelines for hearings conducted pursuant to this section:
  - 1. Hearings can be held even if parties fail to appear.
  - 2. The panel may receive any oral or written statements volunteered by the complainant, the involved officer, other officers involved, or any other person.
  - 3. Hearsay is admissible; evidence is allowed if "responsible persons are accustomed" to using such information in "serious affairs." However, the panel shall be entitled to decide the weight of the evidence offered.
  - 4. When the Hearing process develops new information, the panel may consider the new information when determining if additional investigation is warranted, but if it chooses not to direct further investigation, the panel may not use the new information to determine findings.
- O. The Board shall establish bylaws or rules provisions, guidelines, and methods for the processes described in this Code section.

2133 **35D.210 Board Burden of Proof and Findings**

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- A. Burden of Proof. Findings are determined using the Preponderance of the Evidence Standard.
  
- B. The Board will use a standard set of four options in all cases when making decisions on findings:
  - 1. Out of Policy: meaning the action is found to have violated policy. In some jurisdictions, this is also known as “sustained;”
  - 2. In Policy: meaning the officer's actions were within the law and policy. In some jurisdictions, this is also known as “exonerated;”
  - 3. Unfounded: meaning the evidence shows the alleged events did not occur; and
  - 4. Insufficient Evidence: meaning there is not enough information or evidence to attach any of the other findings.
  
- C. The Board may add additional findings related to systemic aspects of the incident which led to Board’s consideration of the case:
  - 1. Policy Issues: meaning the Board recommends that PPB revise its policy;
  - 2. Training Issues: meaning the Board recommends that PPB revise its training;
  - 3. Supervisory Issues: meaning someone in the chain of command supervising the officer engaged in an action that contributed to the incident;
  - 4. Communication Issues: meaning involved officers did not communicate well among themselves or information was otherwise not properly relayed by others to the involved officer(s) ; and

- 2169 5. Equipment Issues: meaning the equipment provided did not function  
2170 properly or was not adequate.  
2171
- 2172 D. When the Board finds a systemic issue, the Board will automatically initiate  
2173 a policy review, which may include Board members and/or staff preparing a  
2174 proposed Policy Recommendation for consideration by the Board as  
2175 outlined in 35E.  
2176
- 2177 E. All of these findings shall be applied whether the case is generated by a  
2178 complaint or if the Board investigates as required by City Code and Charter.  
2179
- 2180 F. These findings shall also be used for consistency by any other investigating  
2181 body or supervisor who investigates officer complaints which do not involve  
2182 community members.  
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2184 **35D.220 Stipulated Findings and Discipline/Corrective Action**

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- A. In certain cases, as defined in this Code section, the officer may admit to the misconduct, and the Board and officer may agree to the proposed findings and discipline/corrective action to allow for a more timely resolution. Stipulating to findings and discipline will not reduce the level of discipline imposed. In all cases, the level and degree of discipline/corrective action shall be in keeping with the seriousness of the offense, taking into account the circumstances relevant to the case and consistent with the applicable Corrective Action Guide.
  
- B. The officer may have up to 7 days following receipt of the Pre-Determination Notice to inform the Board that they will stipulate to the Findings and proposed Discipline/Corrective Action. By stipulating to the proposed discipline/corrective action, the officer waives all four possible avenues of appeal (to an Appeals Panel of the Oversight Board, to the Portland Civil Service Board, through a grievance or through a due process hearing).
  
- C. The following categories of cases are not eligible for stipulated discipline/corrective action:
  - 1. cases involving alleged use of excessive force including officer shootings and deaths in custody;
  - 2. cases involving alleged discrimination, disparate treatment or retaliation; and
  - 3. cases in which the panel that will determine the imposition of discipline or corrective action does not agree to accept the officer’s proposed stipulation to findings and recommended discipline.
  
- D. The following categories of cases are eligible for stipulated discipline:
  - 1. First time offenses that would not ordinarily lead to discipline/corrective action of more than one day off without pay (per the applicable Corrective Action Guide);

- 2221 2. Second time offenses that would only lead to command counseling or a  
2222 letter of reprimand (per the applicable Corrective Action Guide).  
2223
- 2224 E. In an investigation involving multiple potential violations, the violation with the  
2225 highest category from the applicable Corrective Action Guide will be used to  
2226 determine whether the case qualifies for stipulated discipline/corrective  
2227 action.  
2228
- 2229 F. Stipulating to out-of-policy findings and discipline/corrective action does not  
2230 remove the complainant's ability to appeal any other finding.  
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2232 **35D.230 Discipline and Corrective Action**

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A. The following guidelines for imposition of discipline and corrective action, and application of the City’s Corrective Action Guide, shall be followed in determining proposed discipline/corrective action and imposition of a final disciplinary action.

1. As established by Charter, the Board has the authority to issue disciplinary action up to and including termination for all sworn officers and supervisors thereof within the Police Bureau.

a. Because the Bureau of Human Resources has authority over every city employee, if for some reason the Board is unable to directly impose discipline/corrective action, the Bureau of Human Resources shall enact the will of the Board.

b. Discipline/corrective action may include various consequences for the officer, as well as education-based alternatives to promote a positive outcome and avoid employee embitterment.

2. The discipline imposed must be done in a manner that is consistent with applicable law, collective bargaining agreements, and the applicable Corrective Action Guide (“Guide”), including exceptions that are written into the Guide.

3. In determining the level of appropriate discipline and corrective action, the panel can take into account the officer’s individual history consistent with the Guide.

4. The Portland Police Bureau (PPB) may not issue discipline less than what the Board chooses to impose.

a. If PPB would like to impose a higher level of discipline, they need to appear before the Board to discuss the reasoning. The Chief or representative will have to describe the aggravating and mitigating factors informing their proposal.

- 2269           b. The Board has the authority to accept or reject the Portland Police  
2270           Bureau's proposal after consideration of the aggravating factors  
2271           presented.  
2272
- 2273           5. The discipline process shall also be consistent with due process and just  
2274           cause considerations, to the extent one or both of those terms applies to  
2275           the involved officer.  
2276
- 2277           a. The state of Oregon defines "just cause" for represented employees as  
2278           "a cause reasonably related to the public safety officer's ability to  
2279           perform required work. The term includes a willful violation of  
2280           reasonable work rules, regulations, or written policies." (ORS 236.350)  
2281
- 2282           b. For represented employees, due process includes the officer's right to a  
2283           due process ("Loudermill") hearing. These hearings are required to be  
2284           administered by the panel prior to imposing any discipline (except in  
2285           those instances where discipline is stipulated). In the imposition of  
2286           discipline of any non-represented sworn officer of the Portland Police  
2287           Bureau, the Board will comply with applicable City civil service rules and  
2288           applicable law.  
2289
- 2290           1. When discipline is imposed by the Board, a panel made up of Board  
2291           members shall hold the due process hearing.  
2292
- 2293           2. When discipline is imposed by the Bureau of Human Resources, one  
2294           or more representatives of the Board's panel shall attend the due  
2295           process hearing to aid in deliberations.  
2296
- 2297           3. The panel (or the Bureau of Human Resources) shall offer the  
2298           involved officer a due process hearing (and if applicable a name  
2299           clearing hearing), with advance notice provided to the officer,  
2300           consistent with Oregon Public Meetings law and the applicable  
2301           collective bargaining agreement.  
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- 2303           a. If the presumptive discipline for the conduct is termination, ,  
2304           the due process hearing may also serve as a name-clearing  
2305           hearing, consistent with applicable law.

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4. In lieu of holding a due process hearing, the officer may choose to submit a written response.
  - c. In all cases, when reaching a discipline decision, the panel shall:
    1. consider the evidence presented by the officer;
    2. reach a discipline decision that is supported by the evidence and consistent with the applicable Guide;
    3. The evidence relied upon must be substantial, in this process defined as a preponderance of the evidence;
    4. The decision must be made based on the evidence presented by the officer at the due process hearing (if held), or on evidence contained in the record (including from the investigative hearing, if applicable) and disclosed to the parties affected consistent with the applicable collective bargaining agreement;
    5. In deciding whether to impose the proposed discipline, the panel must act on their own independent consideration of the law, policy, and facts and not simply accept the views of a subordinate (such as staff of the Office) in arriving at a decision; and
    6. The panel shall, in all controversial questions, make its decision in such a manner that the parties to the proceeding can know the various issues involved, and the reason for the decision made (consistent with applicable law and collective bargaining agreements).
  - B. The Board shall establish, through adoption of bylaws and rulemaking, further guidelines and methods for the processes described in this Code section.

2340 **35D.240 Appeals**

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2342 A. Grounds to Appeal.

2343 1. The complainant may appeal findings from an administrative investigation  
2344 or investigative hearing (if held), dismissals, or decisions not to investigate.

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2346 2. Police officers may also appeal findings, dismissals, or decisions not to  
2347 investigate.

2348

2349 a. Supervisors cannot file appeals on behalf of officers.

2350

2351 b. Officers may alternately file appeals with the Civil Service Board or  
2352 initiate a grievance procedure, which may lead to arbitration  
2353 pursuant to the collective bargaining agreement.

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2355 3. Appeals that involve a request that the Board reopen an investigation will  
2356 be decided according to applicable law. Consistent with applicable law, the  
2357 Board also has independent authority to reopen cases.

2358

2359 B. The request for an appeal will include the name of the complainant or officer  
2360 who is filing, date of the incident, finding(s) being appealed (if applicable), and  
2361 reason(s) for the appeal.

2362

2363 1. The complaint navigator provided by the Oversight System shall assist the  
2364 complainant in filing the appeal form.

2365

2366 2. The Board shall supply paper and online forms to file appeals.

2367

2368 3. The Board shall have authority to determine appropriate grounds for  
2369 appeals, and may do so through rulemaking.

2370

2371 C. A request to end an appeal may be made at any time, but withdrawal should  
2372 be done in consultation with the complaint navigator and may include  
2373 confidential information. If practical and appropriate, the appeal might still  
2374 proceed without the complainant.

2375

2376 D. Timelines for appeals

- 2377 1. Complainants have 30 days to appeal from date of issuance of findings,  
2378 dismissal, or decision not to investigate, but exceptions can be made to  
2379 extend the timeline.  
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- 2381 a. The Board may adopt rules for permitting late appeal filings up to 60  
2382 days, for reasons including, but not limited to:  
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- 2384 1) The complainant has limited English language proficiency; or  
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- 2386 2) The complainant needs physical, mental, or educational  
2387 accommodations.  
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- 2389 2. Officers who are the subjects of a case have 30 days to appeal from the date  
2390 of issuance of findings, dismissal and or decision to not investigate, but  
2391 exceptions can be made to extend the timeline.  
2392
- 2393 a. The Board may adopt rules for permitting late appeal filings by officers  
2394 up to 60 days for reasons including:  
2395
- 2396 1) if they are incapacitated; or  
2397
- 2398 2) if they are unable to receive or send information to the Board  
2399 through no fault of their own.  
2400
- 2401 3. Until the appeal period has expired, and if an appeal is filed, until there is a  
2402 final decision by the Board, the Board may not initiate any proceedings to  
2403 impose discipline. Should the appeal require extension of the time period  
2404 for completing an investigation and initiating discipline proceedings as  
2405 outlined in ORS 236.360(6), the Board will comply with its legal obligations  
2406 in extending the time period.  
2407

#### 2408 E. Appeals Hearings 2409

- 2410 1. Appeals will be heard by a different panel of Board members than heard the  
2411 original case, except in cases in which the basis for the appeal is the  
2412 discovery of new information. In either situation, this will be referred to as  
2413 an Appeals Panel.

- 2414
- 2415 a. A certain number of Board members may be assigned to a Board
- 2416 Appeals Committee whose main function is to hear appeals.
- 2417
- 2418 b. If an appeal is referred to the original panel and a member of the
- 2419 original panel is unavailable, a Board member or Appeals Committee
- 2420 member who was not part of the original hearing may be assigned to
- 2421 the appeals hearing.
- 2422
- 2423 c. If there are not enough members of the Appeals Committee, other
- 2424 members of the Board who did not hear the original case may be
- 2425 assigned to the hearing.
- 2426
- 2427 d. In the case that an appeal is based on the discovery of new evidence,
- 2428 investigators will confirm the validity of the evidence prior to an appeal
- 2429 hearing.
- 2430
- 2431 e. The Board may select a subset of between 2-5 members to process
- 2432 appeals of dismissals or decisions not to investigate.
- 2433
- 2434 2. At an appeal hearing, decisions by the Appeals Panel on the findings shall
- 2435 be made on a preponderance of the evidence.
- 2436
- 2437 3. Prior to the appeals hearing, all members of the Appeals Panel shall review
- 2438 recordings and all records of the original hearing.
- 2439
- 2440 4. Appeals hearings shall follow the same procedure described in 35D.200; the
- 2441 panel may expedite matters by not repeating information already in the
- 2442 record.
- 2443
- 2444 a. At the start of the hearing, the basic circumstances of the case,
- 2445 allegations and original findings shall be read into the record.
- 2446
- 2447 b. At the end of the hearing, the Appeals Panel may decide:
- 2448
- 2449 1) To recommend further investigation; or
- 2450

- 2451 2) To affirm the original findings, after which the Board staff shall  
2452 close the case based on those findings; or  
2453  
2454 3) To determine a different finding based on the evidence, and refer  
2455 for disciplinary proceedings consistent with this code, if there are  
2456 findings that the officer violated policy.  
2457

2458 5. Members of the Appeals Panel shall have the same authority to compel  
2459 officer testimony and subpoena witnesses or documents as the original  
2460 Hearings Panel consistent with applicable law and collective bargaining  
2461 agreements.  
2462

2463 6. Notifications of the appeal outcomes to complainants and officers shall be  
2464 the same as under the Hearings process. All decisions of the Appeals Panel  
2465 are final and no further appeals are allowed through the Board.  
2466

2467 7. Office staff shall schedule appeal hearings in consultation with the Board  
2468 leadership or designee.  
2469

2470 F. Appeals to City's Civil Service Board or Arbitration; Board's Role  
2471

2472 1. If an officer chooses to appeal to the City's Civil Service Board, the Hearings  
2473 panel shall receive a copy of the appeal and provide a written statement  
2474 about the misconduct and supporting evidence.  
2475

2476 a. One or more Hearings panel members may attend the Civil Service  
2477 Board hearing, subpoena witnesses, present evidence, and cross-  
2478 examine, consistent with City policy.  
2479

2480 2. If an officer chooses to file a grievance and an arbitration hearing is held,  
2481 the Hearings panel shall receive a copy of the grievance and provide a  
2482 written statement about the misconduct and supporting evidence.  
2483

2484 a. The Hearings panel may have one or more representatives attend the  
2485 arbitration hearing to present evidence and answer questions about the  
2486 findings.  
2487

2488 3. To the extent consistent with applicable law and collective bargaining  
2489 agreements, the complainant will be allowed to attend, or at least remain  
2490 apprised of appeals held outside of the Board's direct scope and authority,  
2491 with their complaint navigator assigned until a final decision is made.  
2492



2493 **35E.010 Policy Recommendations**

2494

2495 A. The Board shall have authority to make policy and directive recommendations  
2496 including but not limited to the Portland Police Bureau and City Council as well  
2497 as the inherent or implied authority to take other measures as necessary to  
2498 effectuate this. As noted in Charter section 2-1007, the City Council is required  
2499 to vote on whether or not to implement Board recommendations about PPB  
2500 policies and directives previously rejected by PPB. The Board’s  
2501 recommendations that are submitted to PPB and/or City Council shall be  
2502 published for public review, including on the Board’s website and other  
2503 relevant platforms.

2504

2505 1. Any recommendation will include an outline of the new policy or policy  
2506 change being recommended.

2507

2508 2. The Board shall develop internal procedures for presentation,  
2509 consideration, discussion, adopting, or rescinding of proposed policy  
2510 recommendations, as well as follow-up and monitoring. The Board’s  
2511 procedures shall be made public.

2512

2513 3. The Board may make policy recommendations based on individual  
2514 misconduct cases. The Board shall initiate a policy review based on any  
2515 issues identified under sections 35A.050P or 35D.210C.

2516

2517 4. Staff may also initiate policy review, including through auditing completed  
2518 misconduct cases. If the staff initiates a policy review, it shall inform the  
2519 Board and invite participation throughout the process, including submitting  
2520 a proposed Policy Recommendation to the Board for approval.

2521

2522 5. The Board may request whatever additional materials and research it  
2523 believes is necessary to help make an informed decision on a proposed  
2524 policy recommendation. If needed, the Board may rely upon its subpoena  
2525 powers to compel production of requested information. The Board shall  
2526 have access and be authorized to attend PPB trainings as observers for the  
2527 purpose of evaluating, monitoring, and making recommendations to the  
2528 PPB regarding training, policy and directives. The development of policy

2529 recommendations, procedures or practices will incorporate equity and anti-  
2530 racist lenses.

2531

2532 6. The Police Chief, and if necessary City Council, shall consider any policy  
2533 recommendation referred to the Chief or Council pursuant to Charter 2-  
2534 1007b and Code Section 35E.020.

2535

2536 B. As part of its policymaking authority, the Board may facilitate a process for  
2537 Board and community review and development of Portland Police Bureau  
2538 policies and directives. This includes engagement in the Bureau's directive  
2539 review and development process. The Board shall schedule timelines  
2540 compatible with the PPB's processes. The Board will transmit  
2541 recommendations on revised and newly proposed policies and directives to  
2542 PPB, and if necessary, City Council.

2543

2544 **35E.020 Response of Police Chief; Referral to City Council**

2545

2546 A. The Chief of Police, after reviewing a policy or directive recommendation  
2547 submitted by the Board under City Code Section 35E.010, shall respond  
2548 promptly to the Board in writing, but in no event more than 60 days after  
2549 receipt of the report. The response shall indicate what, if any, of the  
2550 recommended policy, directive or procedural changes are to be made within  
2551 the Portland Police Bureau.

2552

2553 B. If the Police Chief rejects a recommendation, or a portion of a  
2554 recommendation, or fails to respond within 60 days after its receipt from the  
2555 Board, the Board shall place the matter on the Council Calendar, for  
2556 consideration and decision by City Council, within 15 days thereafter.

2557

2558 C. The Council shall consider and vote on a Board referred policy change no more  
2559 than three months after it has been presented.

2560

2561 D. If a Board recommendation is approved by either PPB or the City Council, the  
2562 Board shall monitor and pursue full implementation of the recommendation.  
2563 This may include continued advocacy, requesting the Chief or designee to  
2564 attend and brief the Board, and requesting data or reports from PPB to  
2565 determine the level of progress towards implementation, or any other action  
2566 the Board decides to take.

2567

2568 **35E.030 Board Proposals Related to Federal and State Law**

2569 A. The Board may officially endorse legislation/policy ideas and shall have the  
2570 authority to testify in front of relevant government bodies and  
2571 communicate its policy positions with employees and elected or appointed  
2572 officials at any level of government.

2573  
2574 B. The Office of Government Relations shall consult directly with the Board as  
2575 part of its development of the City’s legislative agenda, in a manner  
2576 equivalent to any other top-level administrative division of the City  
2577 government.

2578

2579 **35E.040 Collective Bargaining**

2580 A. The Bureau of Human Resources shall reserve, during negotiations with  
2581 collective bargaining units representing PPB sworn officers and their  
2582 supervisors, at least two seats for representatives chosen by the Board.

2583  
2584 B. The City Attorney shall consult with the Board during collective bargaining  
2585 processes and inform the Board as soon as practicable regarding any  
2586 potential changes to the police contract(s).

2587  
2588 C. The Board's ability to make recommendations shall include proposals for  
2589 collective bargaining.

2590

2591 **35E.050 PPB Budget Review**

2592

2593 The Board may facilitate a public review of PPB's proposed budget requests before

2594 their official submission, and receive public comment to transmit to PPB and the

2595 City Council.

2596

2597 **35E.060 Relationship with Other Oversight Entities**

2598

2599 A. The Board should seek to be a model for other jurisdictions that review and  
2600 adapt their own oversight systems.

2601

2602 B. The Board and Office shall maintain a working relationship with oversight  
2603 entities outside of Portland, to exchange information, best practices, and  
2604 solutions to barriers faced by entities working on law enforcement  
2605 oversight.

2606

2607 C. The Board and Office shall maintain a working relationship with regional,  
2608 national, and international groups focused on law enforcement oversight, to  
2609 have access to trainings and conferences that can help the Oversight System  
2610 perform its duties more effectively.

2611

2612 **PAC Proposed Change to 3.20.050 Subordinate Officers.**

2613

2614 The Deputy Chiefs, Captains and other ranks or grades of police within the Bureau  
2615 of Police shall possess like power and authority as the Chief of Police with respect  
2616 to peace officer powers, except as herein provided. The Chief of Police shall have  
2617 control over the Deputy Chiefs, Captains and all other employees of the Bureau of  
2618 Police when they are on duty, and shall see that the City ordinances and rules,  
2619 orders and regulations for the government of the police force are observed and  
2620 enforced. He/she shall have power to recommend for suspension to the [Oversight](#)  
2621 [Board and](#) Commissioner in Charge any subordinate officer, member or employee  
2622 for a violation of the same as prescribed by the Civil Service rules.

2623