



## ARA-6.01 - Ombudsman's Office Policies & Procedures

Administrative Rules Adopted by Bureaus Pursuant to Rule Making Authority (ARB)

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### OMBUDSMAN'S OFFICE POLICIES & PROCEDURES

*Administrative Rule Adopted by the City Auditor Pursuant to Rule Making Authority*

ARB-ARA-6.01

### INTRODUCTION

This document sets forth the policies and procedures for the City of Portland's Ombudsman's Office.

Notwithstanding the following policies and procedures, the Ombudsman's Office will make reasonable accommodations, use alternative formats for communication, and/or modify the Office's policies and procedures to allow complainants with disabilities and/or language barriers to access and benefit from the Ombudsman's Office's services.

The primary work of the Ombudsman's Office is investigating and resolving complaints involving City of Portland agencies. The Ombudsman does not handle complaints against county, regional, state, or federal agencies; Tri-Met; Metro; Port of Portland; Public Schools; or disputes between private individuals or companies.

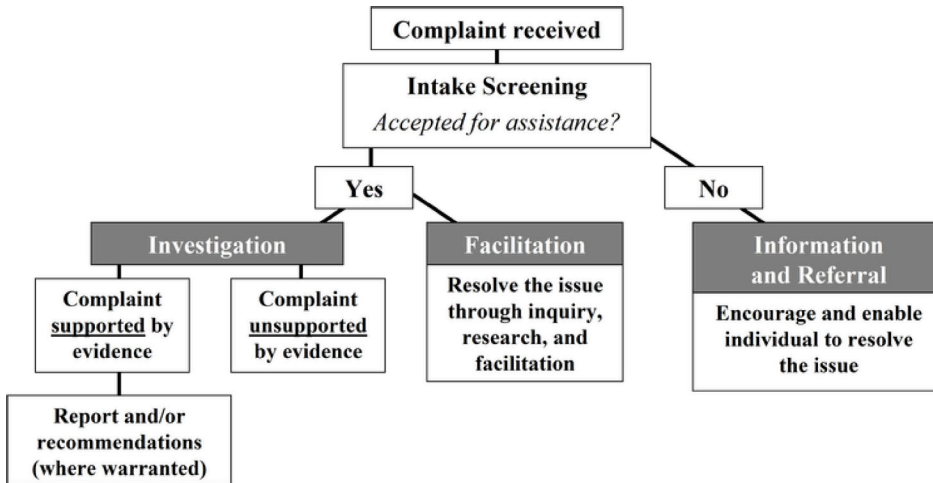
For information requests and referral assistance, the public should contact the City/County Information and Referral line at: (503) 823-4000.

### INTAKE AND COMPLAINT HANDLING

The Ombudsman's Office accepts complaints by telephone, email, fax, in person or delivered by mail. Complaints about suspected fraud, waste or misuse of City resources, or abuse of position may be reported anonymously through the Auditor's OpenCity Tipline, which is administered by the Ombudsman's Office under ADM-6.02.

The Ombudsman's Office conducts an intake review for each complaint received. Intake screening includes, but is not limited to, an assessment of jurisdiction, workload capacity, available alternative avenues, issue priority

and complexity. The Ombudsman's Office reviews each complaint individually to determine the appropriate response:



Where the Ombudsman's Office accepts a complaint for assistance, the Ombudsman may conduct an independent and impartial investigation or attempt to facilitate a resolution. **Investigation** of complaints is described in Portland City Code Chapter 3.77. Complaints that are most appropriately resolved through **facilitation** include those where:

- there appears to be an unreasonable delay in service;
- the complainant's prior resolution attempts have been unsuccessful;
- the complaint involves more than one City bureau, and/or;
- the complainant needs special assistance.

Some complaints may be referred, declined or discontinued, even though they are within the jurisdiction of the Ombudsman's Office. Below are some of the reasons why the Ombudsman may choose not to accept for assistance an otherwise jurisdictional complaint.

## Refer and Monitor

The Ombudsman's Office is not a substitute or replacement for an agency's normal complaint resolution mechanism. The Ombudsman's goal is to ensure those internal grievance systems are producing effective, fair and just resolutions to complaints. One of the first steps at intake is to determine if there are administrative options or appeals within the bureau and if the complainant has taken advantage of them. If the complainant has not yet brought the complaint to the attention of the bureau or has not yet exhausted all administrative remedies, the Ombudsman normally refers the matter to the bureau to give it an opportunity to resolve the problem. Complainants may re-contact the Ombudsman's Office if, after going through the bureau process, they feel they have been treated unfairly or the result was unjust.

Where appropriate, the Ombudsman may suggest that complainants seek assistance through an elected official's office. If bureau staff and/or staff from a Commissioner's or the Mayor's office have been contacted but have

not yet responded, the Ombudsman's Office may coordinate among various parties to avoid duplication of effort.

## Decline or Discontinue

The Ombudsman's Office may decline to investigate jurisdictional complaints and may discontinue investigations. Reasons for declining or discontinuing include, but are not limited to, the following:

- **Complainant has delayed too long.** The Ombudsman prioritizes timely complaints and may choose not to investigate if the complainant has waited an unreasonable amount of time since the action about which they are complaining occurred. However, the Ombudsman may choose to investigate an untimely complaint if the magnitude of the problem is significant or if it is part of an emerging pattern of problems.
- **Complainant does not have enough of a personal interest.** The Ombudsman may decline to investigate if the complainant is not sufficiently personally affected by an administrative act. An example is a complaint filed in response to media coverage where the complainant has only a generalized interest in the subject of the complaint. Examples where the Ombudsman would likely accept a complaint by a second party include: a parent on behalf of a child; a child on behalf of an elderly parent; someone who is fluent in English on behalf of someone who is not; and someone assisting a person with a disability.
- **Complaint is made in bad faith, determined to be trivial or frivolous.** The Ombudsman maintains broad discretion to decline complaints that are presented for an improper purpose or otherwise lack merit.
- **Ombudsman's Office lacks sufficient resources or other complaints are of a higher priority.** The Ombudsman must balance the nature, severity and complexity of a complaint against the office's caseload and resources.
- **Complaints about the Portland Police Bureau.** Generally, the Ombudsman will refer police conduct and policy complaints to the Independent Police Review. Independent Police Review is under the City Auditor and was created to respond to complaints about the Portland Police Bureau.
- **Complaints about other divisions of the City Auditor's Office.** Generally, the Ombudsman will refer a complaint about another division of the Auditor's Office to another authority because of the potential for actual or perceived conflict of interest and/or lack of sufficient structural independence.
- **Discontinue investigation into a complaint.** The Ombudsman may discontinue an investigation if further involvement is unnecessary, unwarranted, or impossible.

## HISTORY

Approved by City Auditor and filed for inclusion in PPD October 1, 2003.

Revision approved by City Auditor and filed for inclusion in PPD February 9, 2016.

Administratively renamed ARA-6.01 on December 6, 2022