

## PSF-5.03 - Citizen Review Committee - Independent Police Review Division - Appeals Procedures ([Printable Version](#))

### CITIZEN REVIEW COMMITTEE (CRC) - INDEPENDENT POLICE REVIEW DIVISION (IPR) - APPEALS PROCEDURES

*Administrative Rules Adopted by Bureau Pursuant to Rule-Making Authority*

ARB-PSF-5.03

1. Any complainant or officer who is dissatisfied with an investigation of alleged officer misconduct relating to a citizen-initiated complaint may request a review. (IPR Ordinance Section 3.21.140.A).
2. The request for review must be filed within 30 days of the complainant receiving notification from the Independent Police Review Division (IPR) regarding the disposition of the case. (IPR Ordinance Section 3.21.140.B). A police officer requested review must be filed within 30 days of the officer receiving notification from the Chief of Police regarding the disposition of the case.
3. The IPR Director shall conduct a preliminary review of the Internal Affairs Division (IAD) investigation and may conduct an investigation to supplement the work of IAD. (IPR Ordinance Section 3.21.150). The IPR Director may make recommendations to the Police Bureau Command staff regarding changes in findings or allegations as appropriate.
4. If no further investigation and consideration of the evidence appears warranted, the IPR Director shall order the preparation of an Interim IPR report for review by the members of the Citizen Review Committee (CRC). The Interim IPR report shall include a section highlighting issues of concern relating to the request for review of which the IPR Director believes the CRC should be aware.
5. The Chairperson of the Committee, in concert with the IPR Director, shall appoint two members of the Committee (based upon a rotating assignment schedule) to personally review the entire internal affairs investigation file in order to assist the Committee in making its decisions. A copy of the IPR Interim report shall be provided to all members of the CRC as well as the Commanding Officer of IAD for

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review and comment.

6. The IPR Director shall schedule each case for a pre-hearing review by the CRC upon the completion and distribution of the Interim IPR Report. At this pre-hearing review, the two assigned members shall make recommendations to the CRC as to whether a full appeal hearing should be conducted. Only the members of the CRC, IPR Staff and a representative of the City Attorney's Office shall be permitted to participate in the pre-hearing review. CRC members can also solicit input from a representative of IAD. In order for a hearing to be granted, a majority of the members of the CRC present at the pre-hearing review must vote in favor of holding a hearing. IPR Staff shall notify the appellant of the result of the CRC's pre-hearing review.
7. The IPR Director shall adopt a final report, which shall be provided to the Committee as a whole, if the appellant's request for a full hearing is granted by the CRC and after taking into account any comments proffered by the members of the CRC and the IAD.
8. The IPR shall schedule a hearing on the appeal as soon as practicable once a request for review has been approved by the CRC for a hearing. A copy of the IPR final report shall be mailed to the complainant, the involved Police Bureau officers, and the Portland Police Association at least one week prior to the scheduled hearing. Every member of the Committee who intends to participate in a hearing should review the IPR file prior to the time scheduled for the hearing.
9. The Committee hearing shall be conducted in the following manner:
  - a. Introduction by the Chair – Explanation of the roles of the participants and the procedures to be followed.
  - b. IPR Summary Presentation by a member of the IPR staff.
  - c. Statement by the appellant, a chosen representative of the appellant and any material witness proffered by the appellant.
  - d. Statement by the respondent officer or complainant, a representative of the respondent and any material witness proffered by the respondent.
  - e. IAD outline of the investigation and justification of the findings.
  - f. Comment by the assigned Committee members.
  - g. Committee member and IPR staff questions and discussion.
  - h. Public comment of limited duration relevant to the case under consideration.
  - i. Rebuttal comments proffered by the complainant or a representative, the involved officer(s) or a representative, and representatives of IAD.
  - j. City Attorney and/or IPR Director comments and instructions on the standard of proof and

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identification of issues to be addressed.

- k. Motion and second by Committee members to affirm or challenge a Bureau finding or refer the case to IAD for further investigation. (The first opportunity to make a motion will rest with assigned Committee members).
  - l. Roll Call vote by Committee members with each member providing an explanation of his or her vote. (The Committee member's vote can sustain the PPB finding, recommend a change in the finding or recommend further investigation by IAD or IPR. Committee members will not be permitted to abstain from voting unless recused by the Chairperson).
10. At the conclusion of the hearing, Committee members will discuss possible policy issues or quality of investigation issues to be addressed by an assigned workgroup for possible public hearings and recommendations.
  11. In a case where a majority of the voting members of the CRC affirms the Bureau's findings, the IPR shall send notice of the Committee's decision to the complainant, whether or not the complainant was present at the hearing, and the involved officers, via the Captain of the Internal Affairs Division.
  12. In a case where a majority of the voting members of the CRC challenges any of the Bureau's findings and recommends a different finding, the IPR Director shall send a notice to the Captain of the Internal Affairs Division to formally advise the Police Bureau of the Committee's recommendations. The IPR Director shall confer with the Internal Affairs Division and the Bureau's command staff in order to determine if the Bureau is willing to accept the CRC's recommendations.
  13. If the Bureau accepts the recommendations of the CRC, the IPR Director shall notify the CRC at the next regularly scheduled meeting. If the Bureau does not accept a CRC recommendation, the IPR Director shall schedule a CRC conference hearing at which time the Bureau Command Staff and the IPR Director will have the opportunity to advise the CRC of any concerns or disagreements they might have with respect to the Committee's prior recommendations. The IPR will provide the appellant and the involved officers with notice of this conference hearing.
  14. If the CRC, by a majority vote, is able to reach an agreement with the Bureau as to the appropriate findings, the appeal will be concluded and the case will be closed. If the CRC, by a majority vote, disagrees with any portion of the Bureau's proposed findings, the IPR Director shall schedule the case for a hearing before the City Council pursuant to IPR Ordinance Section 3.21.160.A.

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## **HISTORY NARRATIVE**

**Adopted 01-10-2002**

## Amended 03-14-2002

- Adopted the CRC pre-hearing review hearing process.
- Referred to IPR interim report to be prepared for a CRC pre-hearing review.
- Adopted a process for IPR to confer with the Police Bureau after the CRC has recommended changes in findings.
- Created a CRC "conference hearing" with Police Bureau command staff where the Police Bureau or the IPR do not believe the CRC recommendations should be followed.
- Added a reference to IPR/CRC Ordinance Section 3.21.160. A which provides for appeals to be sent to City Council where the Police Bureau and the CRC are unable to agree on an appropriate finding.

## Amended 09-03-2002

- Section 2. Added the following:
  - "A police officer requested review must be filed within 30 days of the officer receiving notification from the Chief of Police regarding the disposition of the case."
- Section 3. Added the following:
  - "The IPR Director may make recommendations to the Police Bureau Command staff regarding changes in findings or allegations as appropriate."
- Section 6. Added the following:
  - "IPR Staff shall notify the appellant of the result of the CRC's pre-hearing review."
- Verbiage changes to other sections.

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## **HISTORY**

Submitted for inclusion in PPD October 23, 2002.

Originally published as CRC PROTOCOL NO. 02-03, approved by IPR Citizen Review Committee, effective January 10, 2002.

Amended by CRC March 14, 2002 and September 3, 2002.

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