CITIZEN REVIEW COMMITTEE

Community Oversight of Portland Police Bureau

Michael Bigham, Chair
Message: 503-823-0926
Fax: 503-823-3530
TTD: 503-823-6868
E-mail: crc@portlandoregon.gov
www.portlandoregon.gov/auditor/ipr

Memo

Date: June 29, 2010

To: Mayor Sam Adams
Commissioner Amanda Fritz
Commissioner Randy Leonard
Commissioner Dan Saltzman
Commissioner Nick Fish

From: Michael Bigham, Citizen Review Committee Chair

Subject: Accept the Citizen Review Committee Report on the Structure of the Independent Police Review Division — With Recommendations

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The Citizen Review Committee (CRC), which monitors complaints about the Portland Police Bureau (Bureau) and helps develop policies to address patterns of problems with police services and conduct, released a comprehensive report that makes several recommendations in six primary focus areas for improved structure and increased authority of both CRC and the City Auditor's Independent Police Review division (IPR).

The "Structure Review Workgroup," a sub-committee of CRC, was formed in September of 2008 to respond to the 2008 "Performance Review of the Independent Police Review Division," report by Eileen Luna-Firebaugh, JD, MPA. When released, Luna-Firebaugh's report, as well as a number of citizen groups, raised several issues of concern about the system, including IPR's complaint handling process and the oversight role of CRC. The full CRC membership adopted the report titled "Structure of the Independent Police Review Division" at a public meeting on Wednesday, March 10, 2010.

A number of recommendations are included in the report. Examples of a few of those recommendations are listed below:

- Establish guidelines to require IPR to conduct an independent investigation in certain types of cases.
- Create a policy review workgroup of CRC to identify and analyze policy issues, include outreach to stakeholders and experts, and hold public hearings on policy recommendations.
- Provide a "dedicated" IPR staff person for committee and workgroup support.
- Increase the length of CRC members' terms from two to three years.
- Hold community forums / listening sessions to gather community concerns regarding police accountability.
- Establish annual or semi-annual CRC open house events for citizens to learn about IPR, CRC, and the complaint handling process.

Citizen Review Committee Report on the Structure of the Independent Police Review Division

With Recommendations

June 2010

Citizen Review Committee's
IPR Structure Review Workgroup

CRC Members
JoAnn Jackson
Mark Johnson Roberts
Michael Bigham

IPR Director
Mary-Beth Baptista

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IPR Structure Review Workgroup Report

INTRODUCTION

The Independent Police Review (IPR) Structure Review Workgroup, a subcommittee of the Citizen Review Committee (CRC), formed in September 2008 to respond to the report, research, and analysis of the "Performance Review of the Independent Police Review Division", presented to Portland City Council (Council) in January 2008, by Eileen Luna-Firebaugh, JD, MPA.

The workgroup defined six-primary focus areas: Complaint Process, Policy Development, Staffing and Training Issues, Outreach, Transparency, and Mediation Policy and Procedures. The report includes discussions of objectives, and makes a number of comprehensive recommendations to improve the Independent Police Review division and to enhance the oversight of the Citizen Review Committee in addressing community member and police issues.

Recommendations were based upon four questions. Will the recommendations: improve or streamline the complaint process; support safeguarding the rights of citizens; clarify IPR's purpose, power, and duties; and support and value citizen oversight of CRC?

The report was completed in monthly and bi-monthly meetings for over 19 months. The workgroup released an interim report on March 10, 2010. The workgroup members actively solicited feedback on the interim report by releasing it to the public and the media, posting it on IPR's website, making copies available at IPR's office, and specifically routing it to CRC members (as well as community members) who expressed interest in the report. A copy of the report was also provided to the Portland Police Bureau (Bureau or PPB). CRC members scheduled a special CRC meeting in April 2010 for the workgroup to present the report to the full committee.

On March 31, 2010, Portland City Council unanimously passed significant changes to IPR's governing Ordinance and City Code (Code) after having two public hearings. Specifically, the revisions strengthen IPR's ability to conduct independent investigations, strengthen its role in Portland Police Bureau investigations, and replace the current review board structure at the Portland Police Bureau with a more transparent "Police Review Board." Many of the recommendations included in this report were incorporated, and ultimately strengthened, the final Ordinance and City Code provisions adopted.

The IPR Structure Review Workgroup presented the "Citizen Review Committee Report on the Structure of IPR" to the full CRC on April 24, 2010. At that public meeting, the workgroup received feedback from CRC and the community on several recommendations as well as text and content of the report. After voting to amend some recommendations in the report, the full CRC adopted the report. CRC and public feedback has been incorporated into the final report.

EXECUTIVE SUMMARY

The IPR Structure Review Workgroup defined *six primary focus areas* to be addressed:

1. Complaint Process
2. Policy Development
3. Staffing and Training Issues
4. Outreach
5. Transparency
6. Mediation Policy and Procedures

Although a number of topics were discussed in the Luna-Firebaugh report, the topics overwhelming aligned with these six focus areas. Our workgroup has outlined suggestions and/or recommendations, often with examples, for each area.

Recommendations

(Related protocols, procedures, guidelines, codes, and ordinances are in the Appendix)

1. Complaint Process

- Establish guidelines to require IPR to conduct an independent investigation in certain types of cases (IPR powers and duties; IAD protocols and procedures; IPR guidelines).

- Require Bureau officers to cooperate with IPR investigations (Internal Affairs Division (IAD) protocols and procedures; labor contract change).

- Strengthen IPR's ability to do independent investigations by giving IPR subpoena power (IPR powers and duties).

- Explain IPR's involvement in the review of IAD investigations (IPR action).

- Give IPR the same authority in bureau-initiated cases that it has in Citizen-initiated cases (IPR powers and duties).

- Review duties and responsibilities of the Appeals Process Advisor (APA) to fulfill its requirement to advise complainants and strengthen the input for this role (CRC action).

- Determine if an outside agency should be permitted and / or provided to advocate on behalf of complainants at an appeal (CRC action).

- Change the standard of review for Appeals from "Reasonable Person" Standard to "Preponderance of the Evidence Standard" (CRC appeals procedures protocol).

- Monitor and report to the Citizen Review Committee cases that have not been appealed, but illustrate questionable police responses or possible policy, supervision, or training failures (IPR and IAD protocols and procedures).

- Return to the findings *unfounded, insufficient evidence, exonerated*, and *sustained,* and add three new findings of *"policy failure, training failure, and supervisory failure."* [Portland Police Bureau policy change; protocols and procedures] (Bureau action).

- Evaluate the possibility of a protest process for non-investigated complaints, IPR dismissals, Service Improvement Opportunities (formerly known as Service Complaints), and/or IAD declines (IAD protocols and procedures).

- Establish an effective review process for the formulation of allegations (IPR protocols and procedures).

- Establish a deadline for processing complaints and clarify ambiguities in case handling timelines (IPR action).

- Review the frequency, timeliness, and adequacy of notices sent to complainants by IPR and audit the process to ensure it is done appropriately (IPR and IAD protocols and procedures).

- Base the sustain rate as a proportion of all complaints (Bureau directive change; IPR action).

- Monitor complaints against specific officers who achieve or exceed five complaints in one year and officers who receive or exceed three complaints in a six-month period. Follow-up with Bureau supervisors who talk with the officer(s) and develop strategies to correct the problem(s) (IPR action).

2. Policy Development Protocol

- Create a policy review committee to identify and analyze policy issues, and include outreach to stakeholders and experts (CRC action; workgroup protocol).

- Recommend to City Council that the Ordinance defining the powers and duties of CRC be changed to state that CRC may make policy recommendations directly to the Bureau.

- Hold public hearings on policy recommendations (IPR protocol).

- Enforce the current 60-day response requirement / criteria of the Bureau's Chief of Police (Chief). Enforce the requirement that the City Auditor put the matter on the City Council calendar within 15 days (City Auditor and Bureau action).

3. Staffing and Training Issues

IPR

- Ensure IPR staff receives *ongoing* training in *civilian oversight* that is adequate and appropriate to fulfill their responsibilities. Including internal training and national training as provided by National Association for Civilian Oversight of Law Enforcement (NACOLE) (IPR and Council action).

- Ensure funding for CRC training necessary to fulfill its responsibilities for citizen oversight, including a combination of in-house and national training as provided by NACOLE (IPR and Council action; CRC duties and responsibilities).

- Hire outside investigators, when needed, for an independent investigation or special case; maintain a sufficient number of investigators on staff to handle special cases and independent investigations (IPR powers and duties).

- Hire outside counsel, when necessary, to avoid both actual and perceived conflicts of interest of the City Attorney's Office representing CRC, IPR and the Bureau (City charter change).

- Provide a "dedicated" IPR staff person for CRC committee and workgroup support (IPR action; CRC powers and duties).

CITY COUNCIL

- Ensure that IPR receives sufficient funding to accomplish its mission both thoroughly and expeditiously (Council action).

- Fund a "dedicated" IPR staff person for CRC committee and workgroup support (Council action; IPR action; CRC powers and duties).

- Dedicate funds for CRC to accomplish its mission.

- Direct the Portland Police Bureau to return to the finding categories of "unfounded, insufficient evidence, exonerated, and sustained," and add three new findings of "policy failure, training failure, and supervisory failure."

CRC

- Increase the length of members' terms to three years (CRC powers and duties).

- The Bureau should set a firm deadline for full utilization of the data and case management components of its Employee Information System (EIS). The Bureau should re-establish its EIS Advisory Board (which included CRC and other community members) and/or be open to involvement by IPR and CRC on EIS issues. Annual progress on EIS, and other functions of the Bureau's Office of Accountability and Professional Standards, should be publicly reported.

- Seek training of various topic areas including; civil rights, Bureau policy and procedures, problem solving and conflict resolution, and goal setting (IPR action; CRC action).

- Invite Bureau representatives to attend CRC meetings to answer policy questions (Bureau action).

4. Outreach

- Encourage the Mayor and each Commissioner to make a nomination to CRC (Council action; CRC action).

- Identify CRC members to be liaisons with unattached Commissioners and/or vice-versa (CRC action; Council role).

- Make joint quarterly and annual reports to City Council (IPR and CRC action).

- Work with police officers to change their view on the disciplinary process (IPR, Bureau, and CRC action).

- Schedule periodic ride-alongs with the Bureau (IPR and CRC action).

- Seek out and attend IPR Community Outreach Coordinator events (IPR and CRC action).

- Hold community forums / listening sessions to gather community concerns regarding police accountability (CRC action).

- Establish annual or semi-annual CRC open house events for citizens to learn about IPR, CRC, and the complaint handling process (CRC action).

- Develop and reformulate public education written materials (IPR action).

- Attend Bureau staff meetings and roll calls (IPR action).

- Discuss IPR's role and functions with police personnel (IPR action).

5. Transparency

- Make use of the Luna-Firebaugh report's language and suggestions for IPR and citizen oversight transparency – "the public's right to know the public's business" (IPR and CRC action).

- Open IPR and IAD files to CRC members for review if a concern arises regarding an IPR dismissal or IAD decline (IPR and IAD guidelines).

- Let the public know about negotiations and discussions between IPR and the Bureau regarding policies, and allow citizen comment (IPR and CRC action; IPR protocol).

- Ensure that IPR publicly reports quarterly and annually on its activities to Council (IPR action)
- Schedule outreach activities to inform the public about IPR's work (IPR action).
- Ensure that CRC regularly reports to the community about its activities through reports and outreach events (CRC action).
- Be open and willing to re-examine CRC's role and processes (CRC action).
- Be open to new ideas, new ways of doing the work, and communicating with the community (CRC and IPR action).

6. Mediation Policy and Procedures

- Define when a mediation session begins (IPR protocols).
- Return failed mediations to the IPR Director for case handling decisions (IPR protocols).
- Notify Bureau supervisors if an officer fails to appear for a scheduled mediation (IPR action/protocols).
- Follow-up with Bureau supervisors when an officer attends, but refuses to participate in good faith with a mediation session (IPR action and protocols).
- End the option for mediation and close the complaint if the community member refuses to participate in good faith or fails to appear without adequate and/or reasonable notice (IPR protocols).
- Develop guidelines for identifying cases eligible for mediation (IPR protocols).
- Include a mediation brochure in IPR's initial complaint response mailing (IPR protocols and procedures).

HISTORY AND OVERVIEW

History (2000–2007)

A study of the City of Portland's police oversight system was conducted in 2000. At that time, the Portland Police Internal Investigation Auditing Committee (PIIAC) was considered a "relatively effective police oversight system" (Portland Online 2001). However, City Council and community members raised a number of concerns about the effectiveness of the system to handle community member complaints of police misconduct. These concerns were reflected in the Majority and Minority Reports generated by the Mayor's Work Group on PIIAC. As a result, in January 2001, City Council asked City Auditor Gary Blackmer to study oversight systems in other cities and to propose changes to strengthen Portland's police complaint process and system.

The result of this study was a revised model for handling community member complaints about police behavior. The Independent Police Review division became the new model. The division was proposed in March 2001 by City Auditor Blackmer. The division receives initial complaints; reviews police investigative findings, monitors and reports on complaint status, and may conduct independent investigations when warranted. The division is limited in its scope – it is not authorized to investigate officer-involved shootings and in-custody deaths or to discipline officers, and its level of participation and oversight of cases initiated by the Bureau are at the Bureau's discretion.

City Auditor Blackmer also proposed the appointment of a Citizen Review Committee to review and decide on community member appeals of police and IPR investigative findings, develop, and submit recommendations to the Bureau for improvements to policies and procedures, and act as an advisory board to IPR.

Central Intake and Record Keeping

IPR receives, tracks, and records all initial contacts and complaints initiated by community members. IPR has the authority to dismiss complaints, offer mediation, or refer the complaint to other agencies. IPR and the Bureau share a networked database system to record and transmit complainant contacts. Complaint forms are available in various formats throughout the City.

Expanded Use of Mediation

IPR encourages mediation to resolve less serious complaints when appropriate. Mediation is voluntary, both the complainant and the officer must agree to participate, and the results are final.

Authority for Independent Complaint Investigation by IPR Staff

IPR oversees and may participate in an ongoing investigation conducted by the Bureau. It may also conduct independent investigations, with IAD involvement. If IPR decides to conduct an independent investigation, IPR will use its investigators or hire contract investigators.

Two Opportunities for Complainant Appeals

Complainants may request reconsideration of Bureau investigation findings and may appeal final investigative findings of IPR.

Consultant Hired (2007)

Mayor Tom Potter, using funding set aside by City Council, issued a *Request for Proposals* to contract with a consultant to review the IPR division, the complaint handling process, and the citizen oversight group (CRC), and to offer recommendations. Eileen Luna-Firebaugh, JD, MPA was hired and her report (including a number of recommendations) was completed in approximately six months. The report and recommendations entitled "Performance Review of the Independent Police Review Division," was presented to Portland City Council in January 2008.

This report, as well as a number of community member groups, (including Portland Copwatch, League of Women Voters, and other groups) raised several issues of concern about the current system. This led to the Citizen Review Committee's decision to form a workgroup in September 2008 to review the Luna-Firebaugh report, including its recommendations for IPR, its complaint handling process, as well as the role of CRC. The workgroup found it agreed with many of the consultant's recommendations. It recognized that additional updates, clarifications, and recommendations were needed to address the ongoing concerns surrounding the process and police behavior raised by citizen groups and the community.

Luna-Firebaugh

Luna-Firebaugh's analytical report included extensive research, analysis, requests for information, data, and information gathered through a variety of interviews, which included the following people:

- Independent Police Review Director and Staff Members
- Portland Police Bureau Chief of Police
- Internal Affairs Division Supervisors
- Citizen Review Committee Members
- City Auditor
- Community Leaders
- League of Women Voters Representatives
- Portland Copwatch Representatives

Contacts and interviews were conducted in person, by telephone, letter, email, and through the distribution of surveys to complainants and police officers.

Luna-Firebaugh also evaluated the aspects of Portland City Government. In her evaluation, she made recommendations for a number of areas in the Portland City Auditor's Independent Police Review division. These areas included reviewing the complaint handling process and the Citizen Review Committee. She provided discussion and best practice methods of other bureaus and citizen oversight committees around the country.

In addition, the report provided an overview of three general topics.

Assessments

1. Effectiveness of IPR for compliance with its directives from City Council.
2. Effectiveness of IPR in making recommendations for changes to police policies and procedures.
3. Effectiveness of CRC in making recommendations for changes to police policies and procedures.
4. The extent to which investigations conducted by IAD reviewed by IPR were sufficiently independent, objective, and free of conflicts of interest so as to meet the directives of City Council.

Satisfaction

1. Satisfaction level of the community as it relates to access, approachability, and treatment to the citizenry of Portland, Oregon.
2. Satisfaction level of the community as it relates to the handling, investigation, review, and outcome of citizen-initiated complaints.
3. Satisfaction level with the Citizen Review Committee.

Questions Raised

1. Does IPR have the key features of an effective police-monitoring agency? Are there better practices in place elsewhere?
2. Does CRC have the key features of an effective complaint hearings body? Are there better practices in place elsewhere?
3. Do IPR and CRC provide a reasonable system of checks to ensure that complaints are properly handled? Are there better practices in place elsewhere?
4. Do IPR and CRC have the key features to impact and improve police services? Are there better practices in place elsewhere? Are IPR and CRC using these features effectively?
5. Is there evidence of the Bureau making improvements as a result of IPR and CRC efforts? Are there better practices in place elsewhere?
6. Do IPR and CRC have the key features to improve public trust and credibility in police accountability? Are there better practices in place elsewhere?

IPR Structure Review Workgroup (2008)

Within CRC, workgroups are formed to address varied focus areas. The IPR Structure Review Workgroup was formed to respond to Luna-Firebaugh's report and analysis of IPR, the complaint handling process, and CRC. Additionally, the workgroup was formed to review IPR changes, updates, and process improvements that were made prior to and resulting from the Luna-Firebaugh presentation to City Council.

Under the leadership of the current Director of IPR, Mary-Beth Baptista, and the current City Auditor, LaVonne Griffin-Valade, changes were made to address some recommendations outlined in the report and those process improvements are noted. In addition, continued improvements are occurring.

Some of IPR's recent updates, changes, and improvements have resulted from the workgroup's discussions of objectives and recommendations, and from recognition of community member experiences and concerns. Discussions occurred in monthly IPR Structure Review workgroup meetings that were open to the public. The workgroup members include Michael Bigham – CRC chairperson, Mark Johnson - CRC member, JoAnn Jackson - CRC member and chairperson of the workgroup, and Mary-Beth Baptista - IPR Director.

Changes, updates, and final recommendations are outlined in the following six primary focus areas and defined thoroughly within this report. Criteria for the recommendations were based on the following four questions.

Will the recommendations:

1. Improve or streamline the complaint process?
2. Support safeguarding the rights of citizens?
3. Clarify IPR's purpose, power, and duties?
4. Support and value citizen oversight of CRC?

SIX PRIMARY FOCUS AREAS

One: Complaint Process

A member of the community who feels s/he may have witnessed or been subjected to police misconduct may contact the IPR office to file a complaint. An IPR investigator will take a statement from the complainant and the IPR Director or Assistant Director will categorize the complaint and either send it to the Bureau's IAD for investigation, initiate a "Service Improvement Opportunity" (SIO) — formerly known as a "Service Complaint" — suggest mediation between the officer and the civilian, or dismiss the complaint. IPR may also conduct an independent investigation with IAD involvement. Fully investigated complaints may be appealed to IPR's Citizen Review Committee; non-sustained complaints may be appealed by the complainant; sustained complaints may be appealed by the officer(s) in question. If at the appeal hearing, CRC challenges a Bureau finding and the Bureau refuses to change that finding, a hearing may be held before City Council – which has the final say.

A review of the complaint process itself, of necessity, consumed much of CRC's deliberations. The workgroup discussed a number of possibilities for improving the process and making it more transparent to the users. Here as elsewhere, some of the workgroup's ideas and suggestions have already been incorporated into the process by action of the IPR Director during the course of the division's review.

1. Establish Guidelines for Independent IPR Investigations

IPR has authority under the City Code to conduct independent investigations of police misconduct, but its repeated failure to do so calls into question its role as an "independent" reviewer of police misconduct cases. PCC § 3.21.120 D. The workgroup believes that IPR should implement its authority as a public guardian of the police review process by conducting independent investigations in appropriate cases. This section of the ordinance calls for IAD involvement in IPR investigations and raises questions regarding IPR's authority to compel officer testimony Luna-Firebaugh suggested that IPR conduct independent investigations in cases deemed of "community concern," which she categorized as the following:

- High-profile shootings,
- Deaths,
- Use of force with serious bodily harm,
- Racial profiling,
- Illegal searches,
- "High emotion in the community," or
- Conflicts of interest.

Of note, the Workgroup recognized that a separate CRC subcommittee – the "PARC (Police Assessment Resource Center) Workgroup" was simultaneously reviewing recommendations made from in-depth reviews of cases involving officer involved shootings and in-custody deaths. Understanding that the PARC workgroup was set to release a report in May of 2010 making specific recommendations regarding enhancing

IPR's authority and participation in police shooting and in-custody death cases, the Structure Review Workgroup declined to make any specific recommendations on that issue.

Other possibilities include independent investigations by recommendation of CRC or by request of the Chief. CRC has not embarked upon an independent evaluation of what the specific criteria should be, believing instead that those criteria should be a product of collaborative review by CRC, IPR, and the Bureau. A regulation should be developed and promulgated before the difficult, high-profile case is upon us, so that the various players will understand their roles when the time comes.

The workgroup notes the following additional provisions in the City Code, which have not been utilized by IPR:

> If the Director concludes that IAD has not done an adequate job investigating complaints against a particular member, the Director may determine that IPR should investigate a complaint against the member. If the Director concludes that IAD has not done an adequate job investigating a particular category of complaints, the Director may determine that IPR should investigate a complaint or complaints falling in that category. If the Director concludes that IAD has not completed its investigations in a timely manner, the Director may determine that IPR should investigate some complaints. PCC § 3.21.120 D.

The current Code creates a procedure by which IPR may compel testimony through a Bureau representative. PCC § 3.21.120 D. However, it does not provide a mechanism to compel the testimony of former Bureau members or civilian witnesses. To remedy that, the Code should be strengthened to give IPR subpoena power. Subpoena power would also enable IPR to compel the production of documents, photographs, or any other evidence. The workgroup recommends this Code change so that IPR may fully and thoroughly investigate a complaint or conduct a review.

Again, each of these powers of the IPR Director should be made the subject of an implementing regulation that can be applied dispassionately, should the need arise.

2. <u>Implement IPR Participation in IAD Investigations</u>

It is clear from the discussions surrounding the Luna-Firebaugh report that IPR's ability to participate in and review IAD investigations may be poorly understood. This could be due in part to the fact that it was so rarely exercised. CRC and this workgroup recommend that the IPR Director or a designee begin exercising the Director's authority to participate in at least some key IAD investigations. Such participation will bring more transparency to the IAD process and will allow IPR more fully to realize its role as a public participant in police misconduct investigations.

Another issue that came to light during our discussion was the limitations of IPR's role in bureau-initiated complaints. Per PSF § 5.02(1) a bureau-initiated complaint is a complaint against a Bureau member initiated at the behest of another Bureau employee or supervisor, while a citizen-initiated complaint is a complaint initiated by a member of the community against a sworn member (PSF § 5.01 (1)). The definitions in the Code

make it clear that IPR and CRC's jurisdiction extends only to complaints made by community members.

Portland City Code gives IPR jurisdiction over citizen-initiated complaints only. PCC § 3.21.070 and 3.21.120 describe IPR's authority to oversee and participate in Bureau Internal Affairs investigations or to conduct independent investigations of citizen-initiated complaints. Per the Bureau Directive, IPR also has the authority to controvert the Bureau's recommended finding in a citizen-initiated complaint. City Code further allows community members and officers who are dissatisfied with investigations a right to appeal the Bureau's decision to the Citizen Review Committee, which serves as an advisory body to IPR.

However, a community member does not have the right to appeal the Bureau's decision in a bureau-initiated case. Further, IPR's authority to participate in bureau-initiated cases is at the discretion of the Bureau. IPR does not have the authority to controvert findings of a bureau-initiated complaint.

Although, the workgroup is encouraged that the Police Bureau is being more proactive about investigating perceived misconduct without waiting for a community member to file a complaint, this practice significantly affects the rights of a community member. It is also unlikely that a community member would understand those limitations would be imposed unless s/he filed a separate citizen complaint with IPR. It also seems to be an unnecessary step for the community member to take if the Bureau has already agreed that an investigation of the incident is appropriate. The workgroup recommends preserving the community member's rights and IPR and CRC jurisdiction in all cases involving a community member without regard to who initiated the complaint.

Further, the community is also concerned with actions of Bureau members involved in incidents with other Bureau members. Therefore, we believe the role of civilian oversight should not be at the discretion of the Bureau or its authority limited in those cases. The workgroup recommends revising the Code and removing the limitations on IPR's role in bureau-initiated cases and providing it with the same authority it has in citizen-initiated cases. In addition, the Code should codify what is already part of the Police Bureau Directive, that IPR has the authority to controvert a Bureau finding after an investigation, irrespective of its origin.

3. Improve the Appeal Process

The workgroup recommends a number of changes to the appeal process to make it more transparent and user-friendly. First, we recommend that all disposition letters from IPR should contain all the information a complainant needs to file an appeal, including a copy of the necessary form. The IPR Director has already implemented this recommendation.

CRC has also refined its internal processes surrounding appeals throughout this review and will continue to do so. The workgroup recommends that the Appeal Process Advisor (APA) protocols be revisited with an eye toward making the APA's role more helpful to both CRC and the complainant. As a part of that process, the APA should be encouraged to make a statement at the appeal hearing about the APA's role. Further, the workgroup encourages CRC to work with outside agencies willing to volunteer their services to both assist appellants prepare for an appeal and/or advocate on his/her

behalf during the hearing. Recently, Bureau members whose conduct has been challenged have been notably absent at many appeal hearings. We also recommend that CRC encourages Bureau members to attend the appeal hearing.

In addition, the workgroup supports changing the standard of review on appeal from the "reasonable person" (substantial evidence) to "preponderance of the evidence." Although the preponderance standard cannot be reduced to a simple formula, it has been described as just enough evidence to make it more likely than not that the fact the complainant seeks to prove is true. The workgroup agrees with Luna-Firebaugh's statement that the 'reasonable person' standard is more difficult for a layperson to understand than the preponderance standard used by the Portland IAD in its investigations, by other civilian oversight agencies, and in Civil law" (Luna-Firebaugh, page 119).

Finally, IPR should monitor, and should report to CRC, cases not appealed, but illustrate questionable police responses or possible policy, supervision, or training failures.

4. Investigatory Findings Should Conform to Common National Practices

CRC recommends that investigations conclude with a finding on each allegation that conforms to common national practices, that is: unfounded, insufficient evidence, exonerated, or sustained. CRC also recommends that policy failure, supervision failure, and training failure be added to the list of options.

5. Establish a Protest Process for Non-investigated Complaints

Non-investigated complaints are those dismissed by IPR after a preliminary investigation; referred by IPR to IAD for investigation but IAD declines to investigate; and cases IAD handles as Service Improvement Opportunities. SIOs are complaints which involve minor rule violations the Bureau and IPR decide that supervision and corrective actions with the officer are more constructive than discipline. All three resolution decisions do not provide recourse for the citizen to request a CRC review.

The question presented is whether some form of protest process should be made available in those instances where a citizen complaint is closed without being investigated. CRC considers this issue important enough that it has established a separate study group to examine it specifically. CRC's *Recurring Audit Workgroup* is currently examining whether any change is needed in this area and, if so, what possibilities exist for handling these cases differently. At this time, a full appeal of these closed cases to CRC would require a City Code change to be implemented. PCC §§ 3.21.090, 3.21.160.

The Service Improvement Opportunity process provides a potentially valuable tool for disposing of non-investigated cases quickly and with high user satisfaction. If the Service Improvement Opportunity was implemented with the consent of both the officer and the complainant, the need for a review process would be circumvented, and officers might be more encouraged to contest the Service Improvement Opportunity in those circumstances where they do not believe that misconduct has occurred.

It is also noted that not all "minor" misconduct is viewed as a "Service Improvement Opportunity" to the public at large, as many complaints originate from unsolicited police

contacts. A speedy resolution is what most community members and officers desire from the process. The SIO provides a useful vehicle to that end if it is implemented appropriately and carried out effectively and timely. It appears that police supervisors may be missing an opportunity to increase community member satisfaction with the Service Improvement Opportunity process, when they do not follow-up with citizen complainants uniformly, effectively, and timely.

Irrespective of the disposition of the complaint, IPR should monitor complaints against specific officers who achieve or exceed five complaints in one year and officers who receive or exceed three complaints in a six-month period. IPR should follow-up with Bureau supervisors who talk with the officer(s) and develop strategies with her/him to correct the problem(s).

6. Establish an Effective Review Process for the Formulation of Allegations

As they prepare a complaint for investigation, IPR and IAD reduce the complainant's claims to a series of "allegations" that correspond to the specific rule violations claimed. For example, did the officer use excessive force? Alternatively, did the officer act discourteously?

Concerns have been expressed in some cases that multiple claims of misconduct have been consolidated into one allegation when they should have been dealt with separately. Nevertheless, the complaint process makes no provision for review of the formal allegations of an investigation other than as a matter of informal discussion between IAD and IPR. When the allegations reach CRC in the context of an appeal, they are often treated as unchangeable in the context of that investigation.

A couple of possibilities present themselves for addressing this problem. First, a mechanism could be created for a quick and timely review of the allegations by CRC members before IAD or IPR conducts an investigation. Second, CRC could be specifically empowered to reformulate and/or reclassify allegations at the time of an appeal, or when sending cases back at case file reviews, or appeal hearings when appropriate. CRC should engage in a discussion about these issues and make a recommendation to City Council. Alternatively, CRC could make broader use of its authority to reject and send cases back for further investigation (PSF-5.01 – Independent Police Review Division – Internal Affairs Division Protocols and Procedures Citizen-initiated Complaints).

7. Ambiguities in Applicable Timelines Should be Made Clear

A number of timelines applicable to the conduct review process need clarification. Code Section 3.21.120 F (2) places no time limit on filing a complaint. This is not reasonable. The workgroup recommends that the Code provide a 90-day window, (the Code currently states 90 days for minor complaints), after the challenged conduct occurred or was discovered, perhaps with authority delegated to the IPR Director to adopt rules for late filings as seen in Code Section 3.21.140 B. PSF-5.19(2) will need to be re-promulgated under the new Code provision. A provision could be "in the absence of criminal charges" or "civil litigation," the time limit is 90-days, but that longer timelines would automatically occur if criminal charges were attached, after the 90-day period.

8. IPR Should Provide Routine Notice on a Prescribed Schedule to Both Complainants and Officers Regarding the Status of Complaints

Code Section 3.21.130 requires that "the complainant and [officer] complained about [being] informed of the progress of the complaint or appeal." The workgroup recommends that the IPR provides information to the complainant and the involved officer continually through the complaint process. In response, the IPR Director informed us of the steps she has taken to remedy this problem. IPR now sends an initial contact letter to the complainant within seven days of receiving the complaint. The letter summarizes the complaint as heard by the IPR investigator and invites them to contact IPR with any corrections. It also explains each step of the complaint process as well as the case resolution options. The Director also now sends notice directly to an involved officer and his/her Commander when a complaint is dismissed.

9. Miscellaneous Procedural Changes

IPR should set a deadline for the processing of complaints and should seek funding adequate to meet the deadline. If funding is not adequate, then the deadline should be adjusted. Officers and the public both deserve to know that an investigation will be concluded in a timely manner.

In preparing performance statistics, IPR has for some time reported it's "sustain rate," the portion of cases in which allegations of misconduct are sustained, as a percentage of the complaints closed with an investigation. Excluded from this calculation have been cases dismissed by IPR, cases declined by IAD, and cases handled as Service Improvement Opportunities. That calculation presupposes that the three summary dispositions are not dispositions on the merits of the complaints, which, of course, they are. The sustain rate should be determined as a proportion of all numbered complaints.

Two: Policy Development

Policy Identification and Analysis

One of the tasks central to the CRC mission is the identification and analysis of Portland Police Bureau policy issues with a goal of making recommendations for improvements to Bureau policies and procedures. Fulfillment of this task would require the creation of two standing workgroups: one to review policy issues and the other to audit Bureau and IPR performance. The workgroups would identify and analyze policy issues, compile and evaluate results, and promulgate policy recommendations.

- Identify and analyze policy issues.

    1. Create a workgroup mission and timeline for approval by CRC.

    2. Create a CRC policy review committee.

    3. Send policy issues that arise from appeals to a CRC workgroup. The workgroup would be tasked with outreach to stakeholders and issue experts.

- Compile and evaluate results.

    1. Hold public hearings on policy recommendations, prior to the Bureau adopting or rejecting reports.

    2. Enforce the current 60-day response requirement / criteria of the Bureau's Chief of Police. Enforce the requirement that the City Auditor put the matter on the City Council calendar within 15 days.

- Promulgate policy recommendations.

    1. Recommend to the City Council that the Ordinance defining the powers and duties of CRC be changed to state that CRC may make policy recommendations directly to the Bureau.

    2. Maintain a list of policy recommendations that are rejected or only partially implemented.

    3. Monitor Bureau adherence.

    4. Analyze trends to determine if complaints are reduced because of policy changes.

    5. Participate in Bureau trainings to determine if policies are interpreted correctly.

Three: Staffing and Training Issues

A review of the staffing and training issues and needs for both IPR and CRC was an ongoing discussion through several workgroup meetings, primarily because the opportunities for improvement and the need for updated training revealed themselves during several workgroup discussions.

A number of possibilities were discussed. One addressed how to complete CRC's large workload, and whether increasing the number of members on the committee would be a help or a hindrance. The workgroup also discussed extending the term of a member from two to three years and restricting the member to no more than two full terms in a row. In addition, the discussions included concerns about keeping the committee fresh with new ideas and considerations that often come from adding new members and not retaining members for more than two full terms in a row.

Further, the workgroup discussed the training needs of CRC and IPR in light of several recommendations made by the Luna-Firebaugh report. Here as elsewhere in this report, some of the workgroup's ideas and recommendations have already been suggested by the IPR Director during the course of the division's review. We recognize that probable budget restrictions and time constraints may prevent some opportunities from being realized. Nevertheless, we wanted to provide recommendations that support improving the abilities of the Bureau, IPR and CRC.

The workgroup made the following recommendations and suggestions.

IPR

- Ensure IPR staff receives *ongoing* training in *civilian oversight* that is adequate and appropriate to fulfill their responsibilities. Including internal training and national training as provided by National Association for Civilian Oversight of Law Enforcement (NACOLE) (IPR and Council action).

- Ensure funding for CRC training necessary to fulfill its responsibilities for citizen oversight, including a combination of in-house and national training as provided by NACOLE.

- Hire outside investigators, when needed, for an independent investigation or special case; maintain a sufficient number of investigators on staff to handle special cases and independent investigations.

- Hire outside counsel, when necessary, to avoid both actual and perceived conflicts of interest of the City Attorney's Office representing CRC, IPR and the Bureau.

- Provide a "dedicated" IPR staff person for CRC committee and workgroup support.

CITY COUNCIL

- Ensure that IPR receives sufficient funding to accomplish its mission both thoroughly and expeditiously.

- Fund a "dedicated" IPR staff person for CRC committee and workgroup support.

- Dedicate funds for CRC to accomplish its mission.

- Direct the Portland Police Bureau to return to the finding categories of "unfounded, insufficient evidence, exonerated, and sustained," and add three new findings of "policy failure, training failure, and supervisory failure."

CRC

- Increase the length of members' terms to three years.

- CRC should have staffing adequate to carry out both its oversight and policy functions effectively. CRC will create its own policy recommendations and will have the assistance of IPR staff to examine whatever cases in CRC's jurisdiction it chooses.

- The Bureau should set a firm deadline for full utilization of the data and case management components of its Employee Information System (EIS). The Bureau should re-establish its EIS Advisory Board (which included CRC and other community members) and/or be open to involvement by IPR and CRC on EIS

issues. Annual progress on EIS, and other functions of the Bureau's Office of Accountability and Professional Standards, should be publicly reported.

- Seek training of various topic areas including civil rights, Bureau policy and procedures, problem solving and conflict resolution, and goal setting.
- Hire an outside trainer to instruct CRC members in how to establish goals and timelines.
- Invite Bureau representatives to attend CRC meetings to answer policy questions.

Four: Outreach

The Luna-Firebaugh Performance Review Report made many recommendations focusing on CRC and IPR outreach activities. In the furtherance of outreach objectives, the City Auditor contracted with EnviroIssues to prepare an outreach plan for IPR and CRC. IPR then hired a Community Outreach Coordinator in March 2009 to direct and engage in outreach activities. CRC has identified four specific targets for outreach: Portland City Council, Portland Police Bureau, the community, and Independent Police Review. The workgroup's recommendations are categorized by the intended audience.

<u>City Council</u>

1. Encourage each Commissioner and the Mayor to make a nomination to CRC.
2. Identify CRC members to be liaisons with unattached Commissioners and *vice versa*.
3. CRC and IPR should make joint quarterly and annual reports to City Council and hold annual work sessions with Council involving CRC, IPR, IAD, and Bureau representatives.
    - Review and record activities and accomplishments for the year just passed, as well ongoing activities and accomplishments.
    - Review status of case reviews.
    - Set program goals and policy objectives for the coming year.
    - Include tables / information on discipline.

<u>Portland Police Bureau</u>

1. Work with police officers to see the disciplinary process as a mechanism both for identifying officers who break the rules and for exonerating those who do not.
2. Encourage the Police Commissioner, Chief of Police, and Bureau to foster a culture in which officers understand that self-regulation is a privilege and IAD service is seen as an honor.

3. Explain the role of CRC with command staff and with officers.

4. Invite officers to CRC functions, including an open invitation to attend CRC monthly meetings.

5. Provide information to officers about CRC's role, activities, and functions.

6. Participate in periodic ride-alongs to learn more about the Bureau issues and to inform officers about CRC.

Community

1. Quarterly updates by the IPR Director to the press, television, or radio.

2. Seek out and attend outreach events and activities. IPR's Community Outreach Coordinator should provide a list of upcoming events via the outreach calendar for IPR staff and CRC members to attend.

3. Hold community forums / listening sessions to gather community concerns regarding police accountability.

4. Establish annual or semi-annual CRC open house events for citizens to learn about IPR, CRC, and the complaint handling process.

5. Develop and reformulate IPR public education written materials. Many materials have been revised by the IPR Director and Community Outreach Coordinator. IPR should attempt to obtain a work / study position to assist with this task.

    - Brochures
    - "Know your rights and responsibilities" card
    - Poster

6. Advertise and televise appeal hearings.

Independent Police Review

1. Attend roll calls and Bureau staff meetings.

2. Encourage officers to contact IPR with questions or comments.

3. Have coffee with police commanders.

4. Have repeat contacts with Bureau members on a rotating basis.

5. Discuss IPR's role and functions with police personnel.

Five: Transparency

The workgroup strongly agreed that transparency is necessary, and a valued reflection of the work process of IPR and CRC. Transparency must be intentional and continuously monitored to ensure it is occurring. The IPR Structure Review Report was created with a clear and intentional emphasis on transparency.

Transparency is about the "public's right to know the public's business" and "should be encouraged in all aspects of IPR/CRC processes" (Luna-Firebaugh, page 75). CRC and IPR should strive to be transparent about what they are doing and open to communicating to the public. The workgroup discussed a number of possibilities for improving the process in all its recommendations, and making them more transparent to both its audience and its users. Here as elsewhere, some of CRC's ideas and suggestions have already been incorporated into the process by action of the IPR Director during the course of the department's review and during the course of the workgroup's 19-months process. The workgroup has made the following recommendations to the IPR Director and CRC to support ongoing transparency.

1. Open IPR files to CRC members for review if concern arises regarding an IPR dismissal or IAD decline.

2. Let the public know about negotiations and discussions between IPR and the Bureau regarding policies, and allow citizen comment.

3. Ensure that IPR publicly reports quarterly and annually on its activities and makes presentations to City Council.

4. Schedule outreach activities to inform the public about IPR's work.

5. Ensure that CRC regularly reports to the community its activities through reports and outreach events.

6. Notify the community when IPR conducts an independent investigation or participates in a Bureau investigation.

7. Issue a monthly report stating how many investigations IPR is currently overseeing.

As noted in section one, IPR should ensure that both complainants and officers are updated on the stages and status of their complaints. Recently, improvements have been made to the complaint process to provide both officers and complainants with routine notice.

The IPR Director is currently meeting the Code requirements to publish quarterly and annual reports. The issuance of these reports is generally up to date. IPR voluntarily instituted the practice of presenting monthly written reports.

The following tools are recommended to help ensure greater transparency of IPR's activities. As previously mentioned, the IPR Director and CRC have implemented some of these recommendations.

- Monthly, quarterly, annual, and general update reports should be provided by the IPR Director. Requiring monthly reports from the Director should be added to protocol.

- IPR Director, CRC chairpersons, and/or members should make joint presentations to City Council and provide information sessions, as appropriate.

- IPR staff and CRC members should organize and participate in ongoing outreach activities.

The workgroup agreed that transparency is, and should continue to be, intentional and emphasized throughout its work. Transparency generates, supports, and helps to maintain trust with the public and with complainants involved in a complaint process and/or appeal process. The workgroup also agreed that transparency should be inherent in CRC meetings, discussions, work plans, and other areas of process. Transparency supports the work of both CRC and IPR and encourages citizens to engage in the IPR complaint handling process, attend CRC meetings, and become actively involved in improving the relationships of police and community members.

Six: Mediation Policy and Procedures

The workgroup discussed the complaint mediation policy and process in light of comments made by Luna-Firebaugh and others. The workgroup recommends that the policies and procedures surrounding mediation be reviewed and changed as appropriate with certain objectives in mind.

Guidelines should be developed and promulgated for identifying which cases are eligible for mediation. It has been suggested that certain classes of cases be made ineligible for mediation procedures, but the workgroup disagrees. Use-of-force cases should have individual eligibility at the discretion of the IPR Director. Likewise, disparate treatment cases should not be excluded per se, but rather should be individually considered for eligibility.

The decision to include disparate treatment cases, when eligible, created a broad discussion within the workgroup. Some members initially considered such cases to be too sensitive and/or egregious to be handled through a complaint process. Rather they believed that they should be elevated to immediate review of IAD and/or Bureau supervisors.

However, after much discussion, the workgroup (in total) agreed that some cases would greatly benefit from being handled through the complaint process and if agreed to, advanced to mediation. Such cases, if mediated, would / could provide learning opportunities for Bureau officers. In addition, perhaps improve the underlying tension, often inherent in differing communities and within the Bureau, and often noted in such cases. Mediation would help to improve the communication and relationship between the Bureau and community by developing a deeper understanding between the two.

The workgroup suggests the following general guidelines for mediation policies and procedures:

1. Define when a mediation session begins. The workgroup agrees that the process starts when the mediator and all parties have arrived to the scheduled meeting.

2. Return failed mediations to the IPR Director for case handling decisions

3. Notify Bureau supervisors if an officer fails to appear for a scheduled mediation.

4. Follow-up with Bureau supervisors when an officer attends, but refuses to participate in good faith with a mediation session.

5. End the option for mediation and close the complaint if the community member refuses to participate in good faith or fails to appear without adequate and/or reasonable notice.

6. Develop guidelines for identifying cases eligible for mediation. The workgroup agrees that eligible disparate treatment cases should be mediated.

The workgroup also recommended including a mediation brochure in the initial complaint response mailing. IPR agreed and implemented that recommendation.

CITY OF

PORTLAND, OREGON

OFFICE OF THE CITY AUDITOR

LaVonne Griffin-Valade, City Auditor
1221 SW 4th Ave., Room 140
Portland, Oregon 97204-1900
Phone: (503) 823-4078 Fax: (503) 823-4571
www.portlandonline.com/auditor
E-Mail: lavonne.griffin-valade@ci.portland.or.us

February 8, 2010

To: JoAnn Jackson
Mark Johnson
Michael Bigham

From: LaVonne Griffin-Valade, City Auditor

Re: Structure Review Workgroup Report and Recommendations

cc: Citizen Review Committee (CRC) members

Thank you for your thoughtful and detailed review of the organizational structure and operational processes that guide the work of the Auditor's Independent Police Review (IPR) division. In the spirit of continual improvement, one of my top three goals for FY 2010-11 is to strengthen the authority and oversight capacity of IPR. The extensive research, analyses, and recommendations provided in your report will inform these efforts.

I also want to extend my appreciation for the countless hours you have contributed to this workgroup, studying promising practices, weighing systemic issues, and deliberating recommendations. The City's responsibility for civilian oversight of the Portland Police Bureau is greatly strengthened by your commitment to the public at large and the Auditor's Independent Review program.

CITY OF

PORTLAND, OREGON

OFFICE OF THE CITY AUDITOR

Independent Police Review Division
Mary-Beth Baptista, Director
1221 SW 4th Ave, Room 320
Portland, Oregon 97204
Phone: (503) 823-0146
Fax: (503) 823-3530

February 8, 2010

To: JoAnn Jackson
Mark Johnson
Michael Bigham

From: Mary-Beth Baptista, Director, Independent Police Review Division

Re: Structure Review Workgroup Report and Recommendations

cc: Citizen Review Committee (CRC) members

In May 2007, Mayor Tom Potter commissioned a request for a performance review of the Auditor's Independent Police Review (IPR) division, including the Citizen Review Commission (CRC) for the years 2002 through 2007. Eileen Luna-Firebaugh was hired to conduct the review, and in January 2008, she issued a report assessing the effectiveness of IPR. Luna-Firebaugh's performance review of IPR made a number of recommendations to address issues she found present in the current system.

In September 2008, members of CRC formed the "Structure Review Workgroup" to address those recommendations. As this endeavor comes to an end, I want to acknowledge the thoughtful analysis that has occurred throughout the process. Structure Review Workgroup members considered every recommendation made in Luna-Firebaugh's performance review, as well as responses to her report.

The Workgroup assessed a range of topics regarding the performance of IPR and CRC, including whether IPR's oversight of investigations conducted by the Bureau's Internal Affairs Division were effective. In addition, the Workgroup studied the level of community satisfaction as it relates to access, approachability, and treatment by IPR staff, and they evaluated the ultimate outcome of complaints and how those complaints were processed by IPR. A significant amount of time was spent discussing methods to increase IPR's community outreach and transparency, areas of particular concern raised in Luna-Firebaugh's performance review.

Each Workgroup recommendation included in the attached report was made after careful consideration and, at times, lengthy debate. IPR staff has already started to work on several processes and procedures in an effort to improve the performance of IPR in each relevant topic area. Below are recommendations that IPR has already addressed and/or carried out:

Complaint Process

- Explain IPR's involvement in the review of IAD investigations.
- Evaluate the possibility of a protest process for non-investigated complaints, IPR dismissals, service improvement opportunities, and/or IAD declines.
- Monitor complaints against specific officers who achieve or exceed five complaints in one year and officers who receive or exceed three complaints in a six-month period. Follow-up with Bureau supervisors who talk with the officer(s) and develop strategies to correct the problem(s).
- Review the frequency, timeliness, and adequacy of notices sent to complainants by IPR and audit the process to ensure it is done appropriately.

Staffing and Training Issues

- Ensure IPR staff receives training that is adequate and appropriate to fulfill their responsibility to receive *ongoing* training in *civilian oversight* - both internal training and national training as provided by NACOLE.
- Ensure funding for CRC training necessary to fulfill its responsibilities for citizen oversight, including a combination of in-house and national training as provided by NACOLE.

Outreach

- Encourage the Mayor and each Commissioner to make a nomination to CRC.
- Make joint, quarterly and annual reports to City Council Work with police officers to change their view on the disciplinary process.
- Work with police officers to change their view on the disciplinary process.
- Schedule periodic ride-alongs with the Bureau.
- Attend Bureau staff meetings and roll calls.
- Discuss IPR's role and functions with police personnel.
- Seek out and attend IPR Community Outreach Coordinator events.
- Develop and reformulate public education written materials.

Transparency

- Make use of the Luna-Firebaugh report's language and suggestions for IPR and citizen oversight transparency – "the public's right to know the public's business."
- Open IPR and IAD files to CRC members for review if a concern arises regarding an IPR dismissal or IAD decline.
- Ensure that IPR publicly reports quarterly and annually on its activities to Council.
- Schedule outreach activities to inform the public about IPR's work (IPR action).

Mediation Policy and Procedures

- Define when a mediation session actually begins.
- Return failed mediations to IPR Director for case handling decisions.
- Notify Bureau supervisors if an officer fails to appear for a scheduled mediation.
- Follow-up with Bureau supervisors by the IPR Director should occur when an officer attends, but refuses to participate in good faith with a mediation session.
- End the option for mediation and close the complaint if the community member refuses to participate in good faith or fails to appear without adequate and/or reasonable notice.
- Include a mediation brochure in IPR's initial complaint response mailing.

I am continually impressed by the dedication, professionalism, and commitment shown by members of CRC. Being part of the Structure Review Workgroup has been a pleasure and an inspiration. I am eager to continue the conversations with respect to the remaining recommendations, and trust that the spirit of collaboration will continue until we have a system that provides the level of oversight, transparency, and service our community deserves.

CONCLUSION

The author of this report is the collective voice of the members of the IPR Structure Review Workgroup.

The complaint-handling process must be implemented appropriately and in a timely manner by the Independent Police Review division for it to effectively address police misconduct and strengthen the relationship between members of the community and the Portland Police Bureau. IPR's authority in this area is broad, but the workgroup believes that it does not exercise much of the authority granted. For example, IPR has the authority to conduct independent investigations and to investigate citizen complaints that have been dismissed by the Bureau and/or IAD, but have yet to do so. The workgroup recommends that IPR be aggressive in independently investigating such citizen complaints, especially in cases where the response of the Bureau or IAD raises additional questions regarding police behavior. IPR's ability to conduct independent investigations should be strengthened by granting it subpoena power. Further, IPR should be given the same authority to participate and oversee investigations in bureau-initiated cases that it currently has in citizen-initiated cases.

The Luna-Firebaugh report supports and recommends broader oversight by CRC. The workgroup also recommends the oversight authority of the Citizen Review Committee should be broadened to require certain complaints to be investigated more thoroughly. CRC should be permitted a second look of cases IPR has dismissed and given the authority to recommend certain complaints be referred to Bureau supervisors for potential disciplinary action of an officer. In addition, the workgroup recommends CRC identify issues, conduct studies, and make recommendations regarding the policies of the Bureau.

The workgroup recommends revisiting the Appeal Process Advisor protocols to make changes and to expand the advisor role as to be more helpful by providing advice to the complainant and to CRC, as well as making a statement explaining the APA's role. Further, the workgroup recommends working with outside organizations willing to provide an advocate on behalf of complainants at an appeal.

Throughout the workgroup's 19-month process, the IPR Director (representing IPR) has been an active and effective contributor to workgroup discussions. She has provided suggestions and clarified recommendations that support improvement of IPR's overall processes, the complaint handling process, and CRC's independence.

In addition, the workgroup has noted that regular attending community members have contributed suggestions (actually over several years) toward the enhancement of the complaint handling process, with a focus on improving relationships between citizens and police. Representatives from Portland Copwatch and League of Women Voters have participated in most workgroup meetings. They were valued and effective contributors in discussions and in the development of recommendations.

Throughout the meetings and discussions, the workgroup members encouraged each other to keep in mind four values in making recommendations for IPR, CRC, and the complaint process. Those four values include determining: if the recommendation will

improve the complaint process; if the recommendation supports safeguarding the rights of citizens; if the recommendation clarifies IPR's purpose, power, and duties; and if the recommendation further supports citizen oversight. These values shore up transparency and build community confidence.

Overall, this workgroup's report has discussed areas of needed improvement, as well as acknowledged improvements and changes already made, especially over the period this workgroup has convened. It is also noted that improvements continue to be made by the proactive response of the IPR Director and her dedicated staff members.

Finally, the members of this workgroup have appreciated the opportunity to discuss community member / police relationships and related significant issues, develop recommendations toward strengthening IPR's case handling process, and clarify ways of expanding CRC's independence and citizen oversight.

As citizens of Portland, members of CRC, and members of various workgroups, we dedicated each meeting toward improving the complaint process, supporting and safeguarding the rights of citizens, clarifying the power of IPR, and strengthening oversight of CRC. The 19 months have been extremely productive.

BIOGRAPHIES

City Auditor
LaVonne Griffin-Valade

LaVonne Griffin-Valade was sworn in as City Auditor on June 9, 2009. Before joining the City, she served as the elected Multnomah County Auditor, and prior to that, she was the Deputy County Auditor and a Senior Auditor in the County Auditor's Office beginning in 1998. She has a Master of Public Administration Degree from Portland State University and is a Certified Internal Auditor and a Certified Government Auditing Professional.

Portland has had an elected City Auditor since 1864. The City Auditor is the sixth elected official in Portland City government, along with the Mayor and four City Commissioners. The City Auditor is accountable to the residents of Portland and is administratively independent from the Mayor and other City Council members. This allows the Office of the City Auditor to audit City government departments and programs, as well as provide other services that require independence and neutrality.

As Portland's City Auditor, Ms. Griffin-Valade heads the 50-member Office of the City Auditor and its eight divisions, which are responsible for conducting performance audits of City operations, providing civilian oversight of the Portland Police Bureau, serving as the City Council Clerk, preparing the City Council agenda, managing City records and archives, providing hearings officers to adjudicate appeals of City actions, managing City elections, handling complaints against the City (through the City Ombudsman's office and the Independent Police Review division), working with financing of Local Improvement Districts, and administering foreclosures of City liens on property.

IPR Director
Mary-Beth Baptista

Mary-Beth Baptista took the position of Director of the Independent Police Review division on May 29, 2008. IPR receives and screens complaints about Portland Police officers. IPR may investigate, mediate, dismiss, or refer complaints to the Bureau. IPR oversees ongoing investigations, analyzes complaint patterns, and conducts policy reviews.

Prior to taking the Director position, she was a Deputy District Attorney in Multnomah County for over six years. She prosecuted a wide range of cases and held two specialized positions in the domestic violence unit. As the Violence Against Women Act Deputy and the Elder Abuse Deputy, she worked with victims of domestic violence by focusing on coalition building with the non-profit and social service community to prevent, identify, and respond to violent crimes against women from underserved populations and the elderly.

Ms. Baptista graduated from Syracuse University with Bachelor of Arts Degrees in both Political Science and Policy Studies and Public Affairs in 1994. Post graduation, she worked for a small non-profit organization in San Francisco organizing Earth Day events and teaching water conservation / environmental education in Bay Area schools. Ms. Baptista also worked at the Sierra Club's National Headquarters as the lead contact for the Environmental Public Education Campaign (EPEC) where she traveled to several EPEC sites across the country to train Club staff and volunteers with the media, organizing, and coalition building skills necessary to efficiently and effectively work on local campaigns. Ms. Baptista moved to Portland in 1998 to attend Northwestern School of Law at Lewis and Clark College and earned her JD in 2001.

CRC Member and Workgroup Chairperson
JoAnn Jackson

JoAnn Jackson was appointed to the Citizen Review Committee in January 2008. Her two-year term was completed December 31, 2009. During her term, she was a member of the Bias-based Policing Workgroup. As a member, she contributed to the completion of the workgroup's research, analysis, and final report. In addition, she met with former Chief Rosie Sizer as follow-up to the progress and completion of the report.

Ms. Jackson is the chairperson of the IPR Structure Review Workgroup, the basis of this report. Although her term ended December 2009, she was asked to continue as chairperson for the workgroup. She will do so through completion and presentation of the report.

Ms. Jackson attended Portland State University and Concordia University. She graduated with a Bachelor's Degree in Business Management and Leadership from Concordia University, and earned a Master's Degree in Business Administration from Concordia University in Portland.

She is a long-time resident of Portland and has been a Hospice volunteer for three years. She was a City employee for over 14 years with the Bureau of Emergency

Communications; and a senior manager and executive for over 12 years with the American Red Cross Pacific Northwest Blood Services Region. In addition, Ms. Jackson maintains a 20-year Mediation and Consulting practice specializing in workplace, cross-cultural, and business issues. Currently, she is employed as a Principle Executive for the State of Oregon with the Center of Health Statistics, Office of Disease Prevention, and Epidemiology.

CRC Member and Workgroup Member
Mark Johnson Roberts

Mark Johnson Roberts was appointed to the Citizen Review Committee in January 2008. His two-year term was completed December 31, 2009. During his term, he was a member of the Bias-based Policing Workgroup. As a member, he contributed to the completion of the workgroup's research, analysis, and final report, as well as met with former Chief Rosie Sizer as follow-up to the progress and completion of the report. Mr. Johnson Roberts is a member of the IPR Structure Review Workgroup, the basis of this report. He will continue his membership in the workgroup through completion and presentation of the report, although his term ended December 2009.

Mr. Johnson Roberts graduated from Reed College in 1982 and from Boalt Hall in 1987. He clerked for the United States District Court for the District of Oregon and for the Oregon Court of Appeals. He is a sole practitioner who mediates, arbitrates, and serves as a reference judge in Oregon family law cases (adoptions, surrogate arrangements, legal ethics, etc.). Mr. Johnson Roberts is Oregon's elected State Delegate to the American Bar Association (ABA). He serves on the ABA's Standing Committee on Professional Discipline and on the 2009–10 Diversity Commission appointed by ABA President Carolyn B. Lamm. He is past president of the Oregon State Bar, past president of the National Lesbian, Gay, Bisexual, and Transgender Bar Association, and past chair of Oregon's State Professional Responsibility Board.

CRC Chairperson and Workgroup Member
Michael Bigham

Michael Bigham has been a member of the Citizen Review Committee for several years. He retired from the Port of Portland Police Department as the Administrative Lieutenant. He holds a Bachelors Degree in Psychology from the University of Oregon, a Masters Degree in Criminal Justice from the University of Portland, and a Masters Degree in Fine Arts in Creative Writing from Vermont College. Mr. Bigham serves, in his second appointment, as the Chairperson of the Citizen Review Committee. He is also a member of the Sierra Club. Michael lives in southeast Portland.

LUNA-FIREBAUGH RECOMMENDATIONS

The Luna-Firebaugh report included many suggestions and recommendations. They are listed below.

Recommendations (6a):

1. The IPR Director and staff should become more active participants in complaint investigations. The office of Independent Police Review should exercise their authority under the Ordinance to conduct independent investigations where the complaint is one of public import, and with the concurrence of the CRC, where the following conditions exist.

A. Where the IAD has not done an adequate job investigating a particular category of complaints. If the number of a particular category of complaints rises more than 25% over the previous year, the Director should investigate a complaint or complaints falling in that category.

B. The IPR Director should closely monitor the IAD investigations. If more than 25% of the investigations exceed 120 days, independent investigations of complaints alleging use of force, racial profiling and legal violations should be conducted by the IPR until that deadline is again being met in 75% of the IAD investigations.

C. The IAD Director should conduct an independent investigation when the complainant has appealed to the CRC, and in the opinion of the CRC, more investigation is needed to consider the appeal.

D. The Director should monitor complaints against specific officers and report to the CRC if a particular officer has fit the criteria for Early Warning System (EWS) (5 complaints in one year, or 3 in a six-month period. The Director should then conduct independent investigations of the complaints against this officer during the subsequent year.

2. The IPR Director and/or their designee should participate on a routine basis in IAD investigations of publicly generated complaints of public import, including being present at interviews and questioning the interviewee.

3. The process of the Rapid Dismissal of complaints should be continued where appropriate. This allows for an expeditious handling of complaints where a referral to another agency is necessary (Multnomah County officer), or where the complaint alleges issues which should be handled in court (traffic ticket). These complaints should count as an inquiry rather than as a complaint.

4. Additional staff should be hired to handle independent investigations. In order to balance the IPR office, these new investigators should not have a police background. While it is important to retain existing staff, it is also important to broaden the recruitment, and selection process. Outreach for new staff positions should include civilian investigative arenas, for example, organizations that have investigators (e.g. OSHA, housing authorities, health care programs, and others),

Public Defenders, Private Investigators, attorneys, and legal workers. This will enhance public confidence in the office, while preserving dedicated staff in their positions.

NOTE: National Institute of Justice (NIJ) Position on Funding: As is stated in the NIJ report, a police auditor's office must have adequate resources to ensure that all duties can be conducted effectively and efficiently. The NIJ report suggests that the exact size of an auditor's office staff should be based on a formula reflecting the size of the law enforcement agency under the auditor's jurisdiction, as measured by the number of full-time sworn officers.

5. The sustain rate computation in Portland should include all complaints received by the IPR that are not referred to other agencies. This should include all complaints that are reviewed and a determination made by IPR to dismiss, decline, or refer to IAD. It should also include all complaints referred to IAD, regardless of the disposition decision made by IAD, whether it is to decline, to handle as a command referral, service complaint, or to fully investigate.

6. The training for existing staff should be civilianized. The NACOLE training should be conducted for all staff, and should continue on a bi-annual basis. IPR staff should be encouraged to attend NACOLE conferences with time release and fee reimbursement.

7. The IPR should offer and conduct the mediation or complaints at the request of either party, and the concurrence of both, on all complaints that make allegations of discourtesy or procedural complaints. The IPR should not offer mediation for complaints that allege use of force, legal violations such as improper stop, detention, search, or arrest, or where the officer has a pattern of misconduct.

8. The City Council needs to take a more active interest and role with the IPR system. The CRC should make an annual, public presentation to the City Council of its activities.

9. The City Council should direct the PPB to use the common law enforcement terms (Unfounded, Exonerated, Not Sustained, and Sustained) to identify the findings to which their investigations can lead. These findings should be expanded to include those that conclude the subject officer committed an act that was inappropriate but that hold the department responsible for the officer's misconduct:

   - Policy failure: Department policy or procedures require or prohibit the act;

   - Supervision failure: Inadequate supervision – the officer's sergeant or lieutenant should have informed the officer not to engage in the act or to discontinue it;

   - Training failure: The officer receives inappropriate or no training in how to perform the act properly.

10. The IPR should ensure that officers and complainants are routinely notified about the status of the complaint. As the Auditor found in his March 2001 study, IAD

(and now IPR) are consistently failing to notify complainants about the status of their complaints, even though this is required every six weeks.

Recommendations (6b):

1. The powers of the CRC should be broadened to include oversight of the Independent Police Review Director and the Appeal Process. To address this recommendation:

   a. The IPR Director should report to the CRC on the adequacy and timeliness of IAD complaints.

   b. Where it deems appropriate, the CRC should have the authority to review complaints as to the quality, thoroughness, and impartiality of investigation. The CRC should appoint a subcommittee to review individual complaints. While a citizen board may be limited in time, this is a very important role.

   c. The CRC should advise the IPR Director to conduct independent investigations where, to their opinion, the quality or timeliness has triggered the language of the ordinance that allows the IPR Director to conduct independent investigations.

   d. Independent investigations should be conducted on all complaints where an appeal has been granted, and before an appeal hearing is scheduled.

   e. The CRC should have a subcommittee that works with the IPR Director to monitor the PPB Early Warning System (EWS). If the EWS is triggered regarding a particular officer then the CRC should notify the IPR Director to conduct independent investigations of all complaints received against this officer for the subsequent year.

2. The CRC should determine what cases it chooses to hear. The CRC should establish a subcommittee that will conduct appeals. At present, the IPR Director decides what cases are dismissed or declined. The Director now also decides what complaints may be taken to appeal. This gives the IPR Director "two bites of the apple", and may be part of the reason that so few appeals are made to the CRC. The CRC should request that the City Council grant subpoena power on an ad hoc basis for appeal hearings. Conversely, the City Council should order that the PPB members testify as a condition of employment.

3. The CRC should take an assertive role in the identification of policy issues and the promulgation and implementation of policy recommendations. A subcommittee should identify policy issues that arise from review of ongoing IPR investigations, the review of closed cases, appeals, and from community input. CRC members with expertise or interest in a particular policy should form subcommittees to work on that particular policy topic.

4. New guidelines should be developed for the selection of the members of the CRC. The CRC should remain at nine members. The commissions should each have one appointee to the CRC. The four remaining members should be appointed by the City Auditor from a pool of candidates as set forth in 3.21.080

Citizen Review Committee. Personalizing the selection process and tying the appointee to the appointer could greatly enhance the relationship between the City Council and the CRC.

5. CRC meetings should be restructured with public comment at the beginning and an established agenda, which focuses on the work to be done at the meeting. Examine more effective ways of conducting CRC meetings. The CRC should have a secretary, who works with the IPR and the Chair to set the monthly agenda. This established agenda should be sent to police department policy personnel with requested reports on specific subjects set for a designated time on the agenda. The minutes and the agenda should be distributed with enough lead time to allow for the public and the CRC members to fully consider the information.

6. Outreach to all communities which explains the police complaint process. Presentations and brochures should be made available to community organizations. Discussions and presentations should be made regarding the complaint procedures of the IPR, the appeal process, and the function of the CRC. The CRC should form a Speakers Bureau, which reaches out to all community organizations, churches, and youth groups, with requests made for presentation time. A simple form related to the CRC appeal processes should be developed and distributed at these community meetings along with the IPR brochures.

7. The CRC should develop a training program using the recommended NACOLE training. All CRC members should receive training prior to participating in an appeal hearing. The NACOLE recommended training should be used as a guide for all new CRC members. New IPR staff should also attend this training. The CRC should include training in problem solving and conflict resolution skills, and should have a yearly, four-hour civil rights training session to be conducted by a civil rights attorney or advocacy group. They should also participate in a minimum of two ride-alongs every year with PPB officers. CRC members should be encouraged to attend NACOLE conferences with time release and fee reimbursement.

Recommendations (6c):

1. Transparency should be encouraged for all aspects of the IPR/CRC process. As the NIJ report asserts "TRANSPARENCY: Police auditors provide transparency for law enforcement agencies. Transparency helps to overcome community suspicion and hostility toward law enforcement. Transparency is achieved through public reports with information about the citizen complaint process, the policies and procedures of the law enforcement agency, and special reports on particularly sensitive issues such as racial profiling, use of force or particularly controversial incidents."

2. The IPR should have absolute deadlines on the processing of complaints.

3. A PPB representative should be present at CRC meetings to answer policy questions.

Recommendations (6d):

1. Policy issues that arise from appeals should be sent to a CRC subcommittee that considers policy issues and makes policy recommendations.

2. Public meetings should be held to discuss policy issues.

3. Interested citizens with expertise in policy issues should be included in policy meetings and should be invited and encouraged to participate in Task Forces and CRC subcommittees.

4. There should be outreach to professors of criminal justice, law, and public policy to request time for the IPR/CRC to do guest lectures to their classes. Student groups should be invited to participate in task forces and CRC workgroups, and should be encouraged to assist the CRC in policy development on issues of interests.

Recommendations (6e):

1. The CRC should form a policy review subcommittee, working with an assigned IPR staff person, to determine what policy issues should receive attention. This subcommittee should include students who could conduct research at no cost to the City, in exchange for credit hours. This would enhance community participation and community awareness of the important work of the CRC.

2. The IPR should monitor the accountability for adherence to new police policies by PPB members.

3. The CRC should participate in training programs for PPB officers and personnel on new policies developed through the action of the CRC.

Recommendations (6f):

1. The IPR should produce comprehensive reports on an annual basis. These reports should mirror the 2004 IPR Annual Report and should include information on discipline, and of numbers of officers disciplined as a result of citizen complaints, and numbers of days off the job.

2. The IPR Director should ensure that IAD investigations are adequate and that officers are being held responsible for misconduct. This should be done by close monitoring as well as by independent investigations of issues of community concern.

3. The IPR should develop an effective community outreach program. IPR staff should regularly request and schedule monthly presentations with community and business organizations, including communities of color, church groups, neighborhood organizations, and youth groups. They should encourage a question and answer approach to enhance community confidence in the accessibility of staff and program.

4. The IPR should help complainants fill out the file forms. The IPR should provide training to community volunteers, community center personnel, and to university legal students to provide assistance to complainants. A university legal clinic could provide interns to help with this important work.

5. The IPR should develop a "Know Your Rights and Responsibilities" card that would be distributed at community meetings and youth groups where presentations are made.

6. The IPR should develop a 'user-friendly' poster for the public areas of police division and community organization offices that explains the process for filing a complaint and gives the phone numbers and addresses of the IPR office.

7. The IPR should distribute brochures and complaint filing forms to neighborhood organizations and offices and make their distribution part of an outreach presentation.

8. The appeal hearings should be televised on a community access television channel and advertised as upcoming. This would enhance community information about the right to appeal and would also enhance community trust in the process through increased transparency.

APPENDIX

Definitions, Ordinances, and Purpose

Independent Police Review

3.21.010 – Purpose

- The City hereby establishes an independent, impartial office, readily available to the public, responsible to the City Auditor, empowered to act on complaints against Police Bureau personnel for alleged misconduct, and recommend appropriate changes of Police Bureau policies and procedures toward the goals of safeguarding the rights of persons and of promoting higher standards of competency, efficiency, and justice in the provision of community policing services.

Powers and Duties of IPR

3.21.070 – Amended by Ordinance No. 176317, effective April 12, 2002

- The IPR Director's powers and duties are the following:

    1. Intake: To receive complaints and select the appropriate manner to address the complaint.

    2. Report on complaint activities. To track and report on the disposition of complaints to the public, IAD, the Chief, and the Council to monitor and report measures of activity and performance of IAD and IPR.

    3. Monitor and conduct investigations. To identify complaints, which merit additional involvement of the Director to review evidence and IAD investigation efforts, participate in investigations with IAD investigators, or conduct the initial investigation.

    4. Communicate with complainants. To be the primary contact with the complainant regarding the status and results of the complaint to assist IAD in communicating with the CRC member.

    5. Arrange hearings of appeals. To explain the appeal options to complainants and schedule hearings before CRC and Council.

    6. Recommend policy changes. To evaluate complaint and other information and investigation practices to make recommendations to the Chief to prevent future problems.

    7. Outreach: To widely distribute complaint forms in languages and formats accessible to citizens, educate them on the importance of reporting complaints, and hold public meetings to hear general concerns about police services.

8. Notwithstanding any other provision of City law, to have access to and to examine and copy, without payment of a fee, any Bureau records, including records which are confidential by city law, subject to any applicable state or federal laws. The Director shall not have access to legally privileged documents held by the City Attorney or attorney-client communications held by the City Attorney clients. The Director shall not disclose confidential records and shall be subject to the same penalties as the legal custodian of the records for any unlawful or unauthorized disclosure.

9. To adopt, promulgate, amend and rescind rules and procedures required for the discharge of the Director's duties, including policies and procedures for receiving and processing complaints, conducting investigations, and reporting findings, conclusions, and recommendations. However, the Director may not levy any fees for the submission or investigation of complaints.

10. To hire a qualified person to review closed investigations pertaining to officer-involved shootings and deaths in-custody on an ongoing basis. To issue reports on an annual basis identifying any policy-related issues or quality of investigation issues that could be improved. The Director and the Citizen Review Committee shall address any policy-related or quality of investigating issues that would warrant further review.

<u>Citizen Review Committee</u>

3.21.080 – Amended by Ordinance No. 177688, effective July 9, 2003

- CRC shall consist of nine citizens. The committee members shall be appointed as follows:

    1. The Director shall solicit applications from the Office of Neighborhood Involvement, the seven Neighborhood Coalition offices, Mayor and Commissioners' offices, Bureau advisory committees, and the general public.

    2. The City Auditor shall appoint a committee that shall recommend to the Auditor the appropriate number of nominees to fill impending vacancies. The committee shall consist of three CRC representatives, either past or not applying for re-appointment, two members of the community, and the Director. Three of the committee members, including one CRC representative and the Director, shall serve as the interview panel.

    3. Selection criteria shall include a record of community involvement, passing a criminal background check performed by an agency other than the Bureau, and absence of any real or perceived conflict of interest. The Mayor and Commissioners may each submit an applicant who may be given preference over others of equivalent background and qualifications.

    4. The Auditor shall recommend nominees to Council for appointment.

    5. In the event a majority of the Council fails to appoint a person nominated under the provisions of City Code Section 3.21.080, the City Auditor shall initiate the process again within 30 days after the Council action.

- CRC members shall:

    1. Participate in orientation and training activities that may include review of Bureau and IPR procedures, attending the Bureau Citizens' Academy, ride-alongs with officers, and training on investigative practices.

    2. Each serves a term of two years, subject to re-appointment by Council. Upon expiration of the term, a committee member shall serve until re-appointed or replaced.

    3. Attend committee meetings or provide an explanation in advance for an absence.

    4. Serve staggered terms to better ensure continuity. Four members of CRC shall be appointed to one-year terms in July 2001.

    5. Select a Chair from among their members. Adopt such operating policies and procedures as necessary to carry out their duties.

<u>Powers and Duties of CRC</u>

3.21.090 – Amended by Ordinance No. 177688, effective July 9, 2003

1. Conduct meetings. To schedule and conduct at least four meetings, per year for the purpose of exercising the authority delegated to it. Quarterly meetings and hearings conducted shall be subject to the Oregon Public Meetings Law, ORS. 192.610 through 192.710. The number of CRC members required for a quorum shall be five.

2. Gather community concerns. To participate in various community meetings to hear concerns about police services.

3. Recommend policy changes. To help the Director identify specific patterns of problems and to participate in the development of policy recommendations.

4. Advise on operations. To review methods for handling complaints and advise on criteria for IPR dismissal, mediation, and investigation.

5. Hear appeals. To hold hearings of complainant or member appeals as defined in City Code Section 3.21.160; to recommend referral to a final hearing before Council; to publicly report its findings, conclusions, and recommendations.

6. Outreach to public. To advise and assist the Director to disseminate information about IPR and committee activities to organizations in the community; to present reports to Council.

7. Create other committees. To create special purpose subcommittees or committees including other citizens to address particular short-term issues and needs.

Protocols, Procedures, Guidelines, Codes, and Ordinances for Workgroup Recommendations

Complaint Process

1. Establish guidelines to require IPR to conduct an independent investigation in certain types of cases (PCC 3.21.070C Powers and Duties of IPR, PCC 3.21.120C, D Handling Complaints, PSF-5.01 – Independent Police Review Division – Internal Affairs Division Protocols and Procedures – Citizen-initiated Complaints, PSF-5.19 – Independent Police Review Division – Case Handling Guidelines).

2. Require Bureau officers to cooperate with IPR investigations (PCC 3.21.120C Handling Complaints, PSF-5.01 – Independent Police Review Division – Internal Affairs Division Protocols and Procedures – Citizen-initiated Complaints, labor contract change).

3. Strengthen IPR's ability to do independent investigations by giving IPR subpoena power (PCC 3.21.070C Powers and Duties of IPR).

4. Explain IPR's involvement in the review of IAD investigations (IPR action).

5. Give IPR the same authority in bureau-initiated cases that it has in citizen-initiated cases (PCC 3.21.120C Handling Complaints, PSF-5.01 – Independent Police Review Division – Internal Affairs Division Protocols and Procedures – Citizen-initiated Complaints).

6. Review duties and responsibilities of the Appeals Process Advisor (APA) to fulfill its requirement to advise complainants and strengthen the input for this role (PSF- 5.21 – Independent Police Review – Citizen review Committee – Appeal Process Advisor (CRC action).

7. Determine if an outside agency should be permitted and / or provided to advocate on behalf of complainants at an appeal (PSF- 5.21 – Independent Police Review – Citizen review Committee – Appeal Process Advisor).

8. Change the standard of review for Appeals from "Reasonable Person" Standard to "Preponderance of the Evidence Standard" (PCC 3.21.020-S and PSF – 5.16 and 5.03 – Independent Police Review – Citizen Review Committee - Appeals).

9. Monitor and report to the Citizen Review Committee (CRC) cases that have not been appealed, but illustrate questionable police responses or possible policy, supervision, or training failures (PSF-5.01 – Independent Police Review Division – Internal Affairs Division Protocols and Procedures – Citizen-initiated Complaints).

10. Return to the findings *unfounded, insufficient evidence, exonerated*, and *sustained* (Bureau policy change, Directive 330.00, PSF-5.01 – Independent Police Review Division – Internal Affairs Division Protocols and Procedures – Citizen-initiated Complaints).

11. Evaluate the possibility of a protest process for non-investigated complaints, IPR dismissals, Service Improvement Opportunities (formerly known as Service Complaints), and/or IAD declines (PSR-5.01 – Independent Police Review Division – Internal Affairs Division Protocols and Procedures – Citizen-initiated Complaints).

12. Establish an effective review process for the formulation of allegations (PSF-5.01 – Independent Police Review Division – Internal Affairs Division Protocols and Procedures – Citizen-initiated Complaints).

13. Establish a deadline for processing complaints and clarify ambiguities in case handling timelines (PSF-5.19 – Independent Police Review Division – Case Handling Guidelines).

14. Review the frequency, timeliness, and adequacy of notices sent to complainants by IPR and audit the process to ensure it is done appropriately (IPR action, PSF-5.01 – Independent Police Review Division – Internal Affairs Division Protocols and Procedures – Citizen-initiated Complaints).

15. Base the sustain rate as a proportion of all complaints (Directive change – 330.00, PSF-5.01 – Independent Police Review Division – Internal Affairs Division Protocols and Procedures – Citizen-initiated Complaints), (Sustain rate – IPR action).

16. Monitor complaints against specific officers who achieve or exceed five complaints in one year and officers who receive or exceed three complaints in a six-month period. Follow-up with Bureau supervisors who talk with the officer(s) and develop strategies to correct the problem(s) (PCC 3.21.170 Monitoring and Reporting, PSF-5.19 – Independent Police Review Division – Case Handling Guidelines).

<u>Policy Development Protocol</u>

1. Create a policy review committee to identify and analyze policy issues, and include outreach to stakeholders and experts (CRC action, PSF-5.12 – Citizen Review Committee – Workgroup Protocol).

2. Establish a permanent audit committee (CRC action, PSF-5.12 – Citizen Review Committee – Workgroup Protocol).

3. Hold public hearings on policy recommendations (CRC action, PSF-5.18 – Citizen Review Committee – Independent Police Review Division – Policy Review Protocol).

4. Enforce the current 60-day response requirement / criteria of the Bureau's Chief of Police (Chief). Enforce the requirement that the City Auditor put the matter on the City Council calendar within 15 days (City Auditor action, PCC 3.21.190 Response of Chief).

5. Include public comment on policy recommendations (City Council approval).

Staffing and Training Issues

- IPR

1. Ensure IPR staff receives *ongoing* training in *civilian oversight* that is adequate and appropriate to fulfill their responsibilities. Including internal training and national training as provided by National Association for Civilian Oversight of Law Enforcement (NACOLE) (IPR/Council action) (IPR action).

2. Ensure funding for CRC training necessary to fulfill its responsibilities for citizen oversight, including a combination of in-house and national training as provided by NACOLE (PCC 3.21.080 Citizen Review Committee and PSF-5.23 – Citizen Review Committee – Independent Police Review Division – CRC Member Duties and Responsibilities).

3. Hire outside investigators, when needed, for an independent investigation or special case; maintain a sufficient number of investigators on staff to handle special cases and independent investigations (IPR powers and duties).

4. Hire outside counsel, when necessary, to avoid both actual and perceived conflicts of interest of the City Attorney's Office representing CRC, IPR and the Bureau (City charter change).

5. Provide a "dedicated" IPR staff person for CRC committee and workgroup support (IPR action, CRC powers and duties).

- CITY COUNCIL

1. Ensure that IPR receives sufficient funding to accomplish its mission both thoroughly and expeditiously (Council action).

2. Fund a "dedicated" IPR staff person for CRC committee and workgroup support (Council action; IPR action, PCC 3.21.080 Citizen Review Committee, PCC 21.090 Powers and Duties of the Committee, or PCC 3.21.050 Staff and Delegation).

3. Dedicate funds for CRC to accomplish its mission.

4. Direct the Portland Police Bureau to return to the finding categories of "unfounded, insufficient evidence, exonerated, and sustained," and add three new findings of "policy failure, training failure, and supervisory failure."

- CRC

1. Increase the length of members' terms to three years. (PCC 3.21.080 Citizen Review Committee).

2. The Bureau should set a firm deadline for full utilization of the data and case management components of its Employee Information System (EIS). The Bureau should re-establish its EIS Advisory Board (which included CRC and other community members) and/or be open to involvement by IPR and CRC on EIS

issues. Annual progress on EIS, and other functions of the Bureau's Office of Accountability and Professional Standards, should be publicly reported.

3. Seek training of various topic areas including; civil rights, Bureau policy and procedures, problem solving and conflict resolution, and goal setting (IPR action; CRC action, PCC 3.21.080 Citizen Review Committee, and PSF-5.23 – Citizen Review Committee – Independent Police Review Division – CRC Member Duties and Responsibilities).

4. Invite Bureau representatives to attend CRC meetings to answer policy questions (Bureau action).

Outreach

1. Encourage the Mayor and each Commissioner to make a nomination to CRC (Council action; CRC action).

2. Identify CRC members to be liaisons with unattached Commissioners and/or vice-versa (CRC action, PCC 3.21.100 Council role).

3. Make joint quarterly and annual reports to City Council (PCC 3.21.170 Monitoring and Reporting).

4. Work with police officers to change their view on the disciplinary process (IPR, Bureau, and CRC action).

5. Schedule periodic ride-alongs with the Bureau (IPR and CRC action).

6. Attend Bureau staff meetings and roll calls (IPR action, PCC 3.21.180 Increasing Public Access).

7. Seek out and attend IPR Community Outreach Coordinator events (IPR action; CRC action, PCC 3.21.180 Increasing Public Access).

8. Hold community forums / listening sessions to gather community concerns regarding police accountability (CRC action).

9. Establish annual or semi-annual CRC open house events for citizens to learn about IPR, CRC, and the complaint handling process (CRC action).

10. Discuss IPR's role and functions with police personnel (IPR action).

11. Develop and reformulate public education written materials (IPR action).

Transparency

1. Make use of the Luna-Firebaugh report's language and suggestions for IPR and citizen oversight transparency – "the public's right to know the public's business" (IPR and CRC action).

2. Open IPR and IAD files to CRC members for review if a concern arises regarding an IPR dismissal or IAD decline (IPR action, PSF-5.19 – Independent Police Review Division – Case Handling Guidelines).

3. Let the public know about negotiations and discussions between IPR and the Bureau regarding policies, and allow citizen comment (IPR action; CRC action, PSF-5.18 – Citizen Review Committee – Independent Police Review Division – Policy Review Protocol).

4. Ensure that IPR publicly reports quarterly and annually on its activities to Council (IPR action).

5. Schedule outreach activities to inform the public about IPR's work (IPR action).

6. Ensure that CRC regularly reports to the community about its activities through reports and outreach events (CRC action).

7. Be open and willing to re-examine CRC's role and processes (CRC action).

8. Be open to new ideas, new ways of doing the work, and communicating with the community (CRC and IPR action).

Mediation Policy and Procedures

1. Define when a mediation session begins (PSF – 5.09 – Independent Police Review – Mediation Program Protocols).

2. Return failed mediations to the IPR Director for case handling decisions (PSF-5.09 – Independent Police Review – Mediation Program Protocols).

3. Notify Bureau supervisors if an officer fails to appear for a scheduled mediation (PSF-5.09 – Independent Police Review – Mediation Program Protocols, IPR action).

4. Follow-up with Bureau supervisors when an officer attends, but refuses to participate in good faith with a mediation session (PSF-5.09 – Independent Police Review – Mediation Program Protocols, IPR action).

5. End the option for mediation and close the complaint if the community member refuses to participate in good faith or fails to appear without adequate and/or reasonable notice (PSF-5.09 – Independent Police Review – Mediation Program Protocols, IPR action).

6. Develop guidelines for identifying cases eligible for mediation (PSF – 5.09 – Independent Police Review – Mediation Program Protocols).

7. Include a mediation brochure in IPR's initial complaint response mailing. (PSF-5.09 – Independent Police review – Mediation Program Protocols or PSF-5.01 – Independent Police Review Division – Internal Affairs Division Protocols and Procedures – Citizen-initiated Complaints).

CRC Recommendations and Additions to Interim Report

The Structure Review Workgroup presented the "Citizen Review Committee Report on the Structure of IPR" interim draft to the full CRC on April 24, 2010. At that public meeting, the workgroup received feedback from CRC and the community on several recommendations as well as text and content of the report. The following is a list of revised and additional recommendations voted on and approved by the full CRC.

Revised Recommendations

Report Recommendation: Limit CRC Members' Service to Two Full Consecutive Terms.
CRC members voted in favor of eliminating this recommendation and not imposing term limits. The committee members believe there is value in fresh ideas of new members as well as the historical perspective of members who have served on the committee.

Report Recommendation: Increase Membership of CRC to 11 Members.
The majority of CRC members were opposed to increasing the membership of CRC to 11 members. Discussion focused on whether 11 members would allow more community involvement and would help to spread the workload, or make CRC meetings more chaotic and lengthy. It was also noted that having 11 members would eliminate the possibility of the City Council nominating a majority of CRC members and would allow for greater diversity. The CRC ultimately voted in favor of continuing with a nine-member committee.

Report Recommendation: Change Standard of Evidence to "Preponderance of the Evidence."
CRC members voted in support of using "preponderance of the evidence" as the standard of proof. The reasoning advanced was that it would make it easier for CRC to arrive at decisions with more clarity. The group and community members present also voted that the Police Bureau and most civilian oversight agencies use preponderance of the evidence as their standard of proof.

Report Recommendation: Revert Findings Back to "Unfounded and Insufficient Evidence."
A motion was passed to ask the City Council to direct the Police Bureau to have a consistent list of seven findings, to revert back to Unfounded, Insufficient Evidence, and Exonerated, and add the findings of "Policy Failure, Training Failure, and Supervisory Failure."

Additional Recommendations

Dedicate Funds for CRC to Accomplish its Mission.
CRC voted unanimously to ask City Council to dedicate funds to accomplish its mission.

CRC May Make Policy Recommendations Directly to the Portland Police Bureau.
A motion to change the current Ordinance and City Code defining the powers and duties of CRC — to state that CRC may make policy recommendations directly to the Police Bureau — passed unanimously.

Revised Ordinance No. 183657 and Portland City Code Chapter 3.21 (adopted March 31, 2010)

ORDINANCE No. Substitute 183657 as Amended

*Establish Police Review Board and clarify investigatory powers and complaint handling procedures of the Office of Independent Police Review (Ordinance; amend Code Chapters 3.20 and 3.21)

The City of Portland ordains:

Section 1. The Council finds:

1. The City believes that an effective police force requires the community's trust and confidence.

2. The City remains committed to hearing community concerns and complaints about police services and responding quickly so that service is improved.

3. Creation of a Police Review Board that will include the Director of the Independent Police Review Division as a voting member and provide a report of its activities on a regular basis will increase the public's trust and encourage transparency,

4. Improving the Independent Police Review Division's investigatory and complaint handling procedures is an important step in increasing the public's confidence in police accountability.

5. Providing the Independent Police Review Division with an enhanced ability to gather information will lead to more effective handling of complaints.

6. The Council's intent is that administrative investigations and subsequent disciplinary actions regarding police officers employed by the City of Portland occur in an expeditious fashion.

7. The Council recognizes that implementation of certain provisions of this ordinance may be subject to an obligation under state law to collectively bargain the impacts of this ordinance's provisions on the wages, hours, and other conditions employment of non-probationary police officers employed by the City of Portland who are represented by a labor organization.

NOW, THEREFORE, the Council directs:

a. Code Chapter 3.20 is amended by replacing code section 3.20.140 Discipline Committee as shown in Exhibit A. The amendments to Code Chapter 3.20.140 shall apply to complaints filed on or after the effective date of the amendments, as specified in Section 3 of this ordinance;

b. Code Chapter 3.21 is amended as shown in Exhibit C. The amendments to Code Chapter 3.21 shall apply to complaints filed on or after the effective date of the amendments, as specified in Section 3 of this ordinance;

c. The Portland Police Bureau shall review and revise its directives to the extent that the directives conflict with these code provisions;

d. A stakeholder committee consisting of one member each from the Albina Ministerial Alliance, the IPR Citizen Review Committee, Oregon Action, the Portland Police Bureau, the Human Rights Commission, the Office of Independent Police Review, the National Alliance on Mental Illness, the National Lawyers Guild, the League of Women Voters, ACLU of Oregon, Copwatch, the Office of the Commissioner in Charge of Police, one representative from the Latino Network Center for Intercultural Organizing and one Native American representative, the City Attorney's Office, and a representative of each Council member's office shall convene to recommend additional improvements to the City's oversight of the Portland Police Bureau. Grant Commissioner Leonard the administrative authority to make sure that the community is well represented as a whole, including sexual minorities. The recommendations, including any proposed code amendments, shall be presented to the City Council within 90 days of the effective date of this ordinance;

e. The Portland Police Bureau, Independent Police Review Division, and the Bureau of Human Resources are directed to research, consult with impacted labor organizations, and develop discipline guidelines consistent with Bureau of Human Resources Administrative Rules for use in making discipline recommendations to the Chief, and return with a recommendation to Council.

f. The Portland Police Bureau and Independent Police Review Division are directed to confer with each other and impacted labor organizations regarding proposed timelines introduced at the March 18, 2010, Council meeting. Following conferral, the Bureau of Human Resources shall provide notice and bargain about timelines that are mandatory for bargaining.

Section 2. The Council declares that an emergency exists because of the Independent Police Review Division's need to quickly implement these reforms; therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Section 3. To allow the Independent Police Review and the Portland Police Bureau time to prepare for implementation, the amendments to Code Chapter 3.21 and Section 3.20.140 shall be effective from and after 30 days after the effective date of the ordinance.

Section 4. Council hereby declares that if any section, subsection, sentence, clause or phrase of this Ordinance, or the code amendments it adopts, is for any reason held to be invalid or unconstitutional, that shall not affect the validity of the remaining portions of the Portland City Code.

Passed by the Council: March 31, 2010

Auditor LaVonne Griffin-Valade
Commissioner Randy Leonard
Prepared by: Mary-Beth Baptista, Director of IPR
Date Prepared: March 11, 2010

LaVonne Griffin-Valade
Auditor of the City of Portland
By /s/Susan Parsons

Deputy

City Code: Chapter 3.21

CITY AUDITOR'S
INDEPENDENT POLICE REVIEW DIVISION

(Chapter replaced by Ordinance No. 175652, effective July 1, 2001.)

Sections:

3.21.010 Purpose.

The City hereby establishes an independent, impartial office, readily available to the public, responsible to the City Auditor, empowered to act on complaints against Police Bureau personnel for alleged misconduct, and recommend appropriate changes of Police Bureau policies and procedures toward the goals of safeguarding the rights of persons and of promoting higher standards of competency, efficiency and justice in the provision of community policing services. This office shall be known as the Independent Police Review Division.

3.21.020 Definitions.

(Amended by Ordinance Nos. 176317 and 183657, effective April 30, 2010) In this chapter:

A. "Appellant" means either:

1. A person who has filed a complaint with IPR and subsequently requested review of the investigation or

2. A member about whom a complaint has been filed with IPR and who has subsequently requested review by the Committee of the investigation.

B. "Bureau" means the Bureau of Police of the City of Portland, Oregon.

C. "Chief" means the Chief of the Bureau.

D. "Citizen" or "community member" means any person who is not an employee of the Bureau.

E. "Commissioner In Charge" means the Commissioner In Charge of the Bureau.

F. "Committee" means the IPR Citizen Review Committee, which is appointed by City Council members to assist the IPR in the performance of its duties and responsibilities pursuant to this Chapter.

G. "Complaint" means a complaint by a citizen, the Director, a member or other employee of the Bureau of alleged member misconduct.

H. "Complainant" means any person who files a complaint against a member of the Portland Bureau.

I. "Director" means the director of the Independent Police Review Division.

J. "Finding" means a conclusion reached after investigation as to whether facts show a violation of Bureau policy.

K. "Early Warning System" means the Bureau's method of identifying officers exhibiting a pattern of behavior that signals potential problems for both the Bureau and public, as explained in General Order 345.00.

L. "IAD" means the Internal Affairs Division of the Bureau, whose responsibilities and procedures are described in Section 330.00 of the Manual of Rules and Procedures of the Bureau, as amended from time to time.

M. "IPR Investigator" means an investigator of the Independent Police Review Division.

N. "IPR" means the Independent Police Review Division.

O. "Member" means a sworn employee of the Bureau. An "involved" member is a member about whom a complaint has been submitted to IPR or the Bureau.

P. "Misconduct" means conduct by a member which conduct violates Bureau regulations or orders, or other standards of conduct required of City employees.

Q. "Request for Review" means a request by an appellant that the Committee review an IAD or IPR investigation of alleged member misconduct.

R. "RU (Responsibility Unit) Manager" means a commanding officer or manager of a Bureau division, unit or precinct.

S. "Supported by the Evidence." A finding regarding a complaint is supported by the evidence when a reasonable person could make the finding in light of the evidence, whether or not the reviewing body agrees with the finding.

T. "Police Review Board" means the board established by Code Section 3.20.140.

U. "Policy-related issue" means a topic pertaining to the Police Bureau's hiring and training practices, the Manual of Policies and Procedures, equipment, and general supervision and management practices, but not pertaining specifically to the propriety or impropriety of a particular officer's conduct.

3.21.030 Independent Police Review Division.

There is established by the City Council the Independent Police Review Division within the Auditor's Office.

3.21.040 Director Selection.

The City Auditor shall select the Director of the IPR in accordance with any applicable civil service regulations and other laws. The Director shall be a person of recognized judgment, objectivity and integrity who is well-equipped to analyze problems of administration, and public policy, and shall have a working knowledge in criminal justice commensurate to the powers and duties of the office.

3.21.050 Staff and Delegation.

A. The Director may appoint other personnel necessary to carry out the provisions of this chapter, when in keeping within the adopted budget for the IPR.

B. The Director may delegate to his or her staff members any of his or her duties, unless otherwise specified in this chapter. The IPR Investigator shall succeed to all duties and responsibilities of the Director, including those specified by ordinance, when he or she is serving as the acting Director.

3.21.060 Office Facilities and Administration.

A. The City shall provide suitable office facilities for the Director and staff in a location convenient for the public but separate from the Bureau.

B. The IPR office shall be located within the City Auditor's office, and be

accountable to the City Auditor. The Director shall comply with City purchasing procedures but shall have sole discretion in choosing consultants to assist with investigations.

3.21.070 Powers and Duties of IPR.

(Amended by Ordinance Nos. 176317 and 183657, effective April 30, 2010.) The Director's powers and duties are the following:

A. Intake. IPR shall receive complaints and select the appropriate manner to address the complaint.

B. Report on complaint activities. IPR shall track and report on the disposition of complaints to the public, IAD, the Chief, and the Council and monitor and report measures of activity and performance of IAD and IPR. IPR will also monitor and track trends relating to member history and complaint type and frequency, consistency and adequacy of discipline imposed. In performing these duties, IPR shall have access to Bureau data and records, including but not limited to raw data, tabulated summary statistics, other source materials, and any other format source necessary for IPR to perform its duties. IPR shall also have direct access to original database sources as permitted by state and federal law.

C. Access to Police data and data sources. IPR shall have access to Bureau data and records, including but not limited to raw data, tabulated summary statistics, other source materials, and any other format source necessary for IPR to perform its duties. IPR shall also have direct access to original database sources as permitted by state and federal law.

D. Initiate, monitor and conduct investigations. IPR is authorized to initiate, monitor and conduct administrative investigations. IPR is authorized to identify complaints or incidents involving members that are of community concern which merit additional involvement of the Director and to review evidence and IAD investigation efforts, participate in investigations with IAD investigators, or conduct the investigations in conjunction with or independent of the Bureau. The Bureau shall notify the Director that it intends to conduct an administrative investigation into misconduct before initiating the investigation. IPR will conduct these investigations in accordance with Human Resources Administrative Rules regarding process and investigation of complaints of discrimination.

E. Compel review. In accordance with the procedures of Code Section 3.20.140, IPR Director (or designee) may compel review by the Police Review Board of any recommended findings of or recommendation for discipline by an RU Manager or Commanding Officer resulting from an internal or IPR administrative investigation of a member. IPR Director (or designee) may compel review by the Police Review Board on the basis of recommended discipline whether or not discipline was recommended as a result of the investigation.

F. Communicate with Complainants. IPR will be the primary contact with the complainant regarding the status and results of the complaint; to assist IAD in communicating with the Member.

G. Arrange hearings of appeals. IPR will explain the appeal options to complainants and schedule hearings before the Committee and Council.

H. Recommend policy changes. IPR will evaluate complaint and other information and investigation practices to make recommendations to the Chief to prevent future problems. Policy change recommendations shall be published for public review.

I. Outreach. IPR will widely distribute complaint forms in languages and formats accessible to citizens, educate them on the importance of reporting complaints, and hold public meetings to hear general concerns about police services.

J. Access to records. Notwithstanding any other provision of City law, IPR shall have access to and be authorized to examine and copy, without payment of a fee, any bureau records, including records which are confidential by city law, and police databases, subject to any applicable state or federal laws. The Director shall not have access to legally privileged documents held by the City Attorney or Attorney-Client communications held by the City Attorney clients. The Director shall not disclose confidential records and shall be subject to the same penalties as the legal custodian of the records for any unlawful or unauthorized disclosure.

K. Adoption of rules. IPR shall adopt, promulgate, amend and rescind rules and procedures required for the discharge of the Director's duties, including policies and procedures for receiving and processing complaints, conducting investigations, and reporting findings, conclusions and recommendations. However, the Director may not levy any fees for the submission or investigation of complaints.

L. Review of closed investigations. IPR shall hire a qualified person to review closed investigations pertaining to officer-involved shootings and deaths in custody on an ongoing basis. IPR shall issue reports on an annual basis identifying any policy-related issues or quality of investigation issues that could be improved. The Director and the Citizen Review Committee shall address any policy-related or quality of investigation issues that would warrant further review.

M. Additional public reports. The Director may issue public reports related to member misconduct trends and Bureau disciplinary practices.

N. All bureau employees shall be truthful, professional and courteous in all interactions with IPR. No member shall conceal, impede or interfere with the filing, investigation or adjudication of a complaint.

O. The Auditor may work through the City Attorney's Office to hire outside legal counsel when the Auditor and the City Attorney agree that outside legal advice is necessary or advisable.

3.21.080 Citizen Review Committee.
(Amended by Ordinance No. 177688, effective July 9, 2003.)

A. The Committee shall consist of nine citizens. The Committee members shall be appointed as follows:

1. The Director shall solicit applications from the Office of Neighborhood Involvement, the seven Neighborhood Coalition offices, Mayor and commissioners' offices, PPB advisory committees, and the general public.

2. The City Auditor shall appoint a committee that shall recommend to the Auditor the appropriate number of nominees to fill impending vacancies. The committee shall consist of three CRC representatives, either past or not applying for reappointment, two members of the community, and the Director. Three of the committee members, including one CRC representative and the Director, shall serve as the interview panel.

3. Selection criteria shall include a record of community involvement, passing a criminal background check performed by an agency other than the Bureau, and absence of any real or perceived conflict of interest. The Mayor and commissioners may each submit an applicant who may be given preference over others of equivalent background and qualifications.

4. The Auditor shall recommend nominees to Council for appointment.

5. In the event a majority of the Council fails to appoint a person nominated under the provisions of City Code Section 3.21.080 the Auditor shall initiate the process again within 30 days after the Council action.

6. In selecting Committee members, consideration shall be given to the current composition of the Committee and appointments should be made that will cause the group to best reflect the demographic make-up of the community.

B. The Committee members shall:

1. Participate in orientation and training activities that may include review of Bureau and IPR procedures, attending the Bureau Citizens' Academy, ride-alongs with officers, and training on investigative practices.

2. Each serve a term of two years, subject to reappointment by Council. Upon expiration of the term, a committee member shall serve until re-appointed or replaced.

3. Attend committee meetings or provide an explanation in advance for an absence.

4. Serve staggered terms to better ensure continuity. Four members of the Committee shall be appointed to one year terms in July 2001.

5. Select a chair from among their members. Adopt such operating policies and procedures as necessary to carry out their duties.

3.21.090 Powers and Duties of the Committee.
(Amended by Ordinance No. 177688, effective July 9, 2003.)

A. The Committee's duties and powers are the following:

1. Conduct meetings. To schedule and conduct at least four meetings per year for the purpose of exercising the authority delegated to it in this chapter. Quarterly meetings and hearings conducted pursuant to the Chapter shall be subject to the Oregon Public Meetings Law, ORS 192.610 through 192.710. The number of Committee members required for a quorum shall be five.

2. Gather community concerns. To participate in various community meetings to hear concerns about police services.

3. Recommend policy changes. To help the Director identify specific patterns of problems and to participate in the development of policy recommendations

4. Advise on operations. To review methods for handling complaints and advise on criteria for dismissal, mediation, and investigation.

5. Hear appeals. To hold hearings of complainant or member appeals as defined in City Code Section 3.21.160; to recommend referral to a final hearing before Council; to publicly report its findings, conclusions and recommendations.

6. Outreach to public. To advise and assist the Director to disseminate information about IPR and Committee activities to organizations in the community; to present reports to Council.

7. Create other committees. To create special purpose subcommittees or committees including other citizens to address particular short-term issues and needs.

3.21.100 Council Role.

A. Council shall review applications of nominees to the Committee and vote whether to approve each appointment.

B. Council shall hear final appeals as specified in 3.21.160.

3.21.110 Intake.
(Amended by Ordinance No. 179162, effective March 30, 2005.)

A. The Director shall receive complaints from any source concerning alleged member misconduct. The Director shall make reasonable accommodation when complainants cannot file their complaint at the IPR office.

B. The Director shall develop procedures for handling complaints and appeals involving matters currently in litigation or where a notice of tort claim has been filed. The Director shall not initiate a case where a grievance or other appeal has been filed under a collective bargaining agreement or City personnel rules; or with respect to employee or applicant discrimination complaints.

C. The Director, when requested, shall protect the confidentiality of complainants, members or witnesses consistent with the requirements of the Oregon Public Records Law, except insofar as disclosures may be necessary to enable the Director to carry out his or her duties, or to comply with applicable collective bargaining agreements, or the disclosure of records is directed by the District Attorney. When considering a request for public records, the Director shall consult with appropriate Bureau personnel and obtain approval from the Bureau prior to disclosure of records under the Oregon Public Records Law.

3.21.120 Handling Complaints.
(Amended by Ordinance Nos. 179162 and 183657, effective April 30, 2010.) To ensure appropriateness and consistency in handling complaints the Director shall work with the Committee to establish procedures for taking action based upon the characteristics of the complaint.

A. Mediation. The complainant, the Member who is the subject of the complaint, and Bureau administration must all agree before a mediation can be conducted. A complaint that undergoes mediation shall not be investigated. A mediation may be suspended if, in the opinion of the mediator, there is no reasonable likelihood of reaching resolution.

B. Complaint Types:

1. Complaint Type I: The Auditor's Independent Police Review division is the intake point for complaints from community members and others regarding the conduct of members during an encounter involving a community member. Type I complaints involve alleged misconduct of a member during an encounter involving a community member.

2. Complaint Type II: A complaint about alleged member misconduct that does not occur during an encounter involving a community member is a Type II complaint. Such a complaint may be initiated by another Bureau employee or supervisor, or may be based on information obtained from another law enforcement agency, an employee of governmental agency acting in his/her official capacity or a community member. These complaints may be filed with the Bureau or with IPR.

3. Complaint Type III: A complaint may be initiated by the IPR Director at the discretion of the Director that an administrative investigation is warranted. IPR can initiate a complaint whether or not the alleged misconduct occurred during an encounter involving a community member and is not dependent on a community or Bureau member filing a complaint.

   a. IPR will initiate and conduct administrative investigations in accordance with Human Resources Administrative Rules regarding process and investigation of complaints of discrimination.

   b. If a criminal investigation has been initiated against the involved member, or during the course of an IPR administrative investigation a basis for conducting a criminal investigation arises, IPR shall advise the City Attorney and/or District Attorney prior to initiating or continuing an administrative investigation. IPR shall take all steps necessary to meet constitutional requirements and comply with existing provisions of City labor agreements.

4. Complaint Type IV: When Bureau supervisors generate complaints about poor member performance or other work rule violations. RU managers are responsible for intake and investigation of allegations of Type IV cases.

C. Initial Handling and Investigation of Type I Complaints

1. Once IPR receives a Type I complaint regarding alleged misconduct of a member during an encounter involving a community member, IPR will:

   a. Gather information about the complaint through an intake interview;

   b. Assign an IPR/IAD Case Number;

   c. Make a case handling decision; and

d. Send a letter to the complainant summarizing the complaint and the Director's case handling decision.

2. If IPR determines an investigation is appropriate, IPR will identify the complainant's allegations and either:

a. Recommend that the Bureau/IAD conduct an investigation

The IPR shall gather information from the complainant and forward it to the Bureau/IAD. The IPR shall monitor the on-going Bureau investigation. The Director may determine that a Bureau/IAD investigation should also involve IPR personnel. When forwarding the complaint to the Bureau/IAD the Director shall notify the IAD Commander of the extent that IPR personnel must be included in the investigation. Bureau/IAD personnel shall schedule interviews and other investigative activities to ensure that IPR personnel can attend and participate.

When a collective bargaining agreement is applicable and specifies that a member may only be interviewed by a police officer, IPR personnel shall direct questions through the IAD investigator. The IAD investigator may repeat the question to the member and/or direct the member to answer the question.

IPR personnel shall have an opportunity to review and comment on draft reports regarding a Bureau/IAD investigation to ensure accuracy, thoroughness, and fairness. The investigation cannot be closed or sent to the RU manager without IPR's determination that the investigation is complete.

To facilitate review, IAD shall tape record all interviews with witnesses, including members of the Bureau, conducted during an IAD investigation and shall make those tapes, or accurate copies, available during a review of an IAD investigation.

In carrying out its functions, the IPR may visit IAD offices, examine documents, reports and files and take such other actions as the Director deems necessary and consistent with the purposes of this Chapter. To maintain the security of IAD documents, reports or files, the Chief may require that the examinations be conducted in the IAD offices.

b. IPR may conduct an independent investigation.

The IPR Director or designee may determine that IPR should investigate a complaint. If the Director concludes that IAD has not done an adequate job investigating complaints against a particular member, the Director may determine that IPR should investigate a complaint against the member. If the Director concludes that IAD has not done an adequate job investigating a particular category of complaints, the Director may determine that IPR should

investigate a complaint or complaints falling in that category. If the Director concludes that IAD has not completed its investigations in a timely manner, the Director may determine that IPR should investigate some complaints. The Director has the discretion to conduct an independent investigation. The Director may conduct an independent investigation whether or not the alleged misconduct involves an encounter with a community member.

IPR investigations shall be conducted in conformance with legal and collective bargaining provisions. When a collective bargaining agreement is applicable and specifies that a member may only be interviewed by a police officer, the Director shall notify the IAD commander that IPR has undertaken an investigation and the reason. The IAD commander shall appoint a liaison investigator from that office within two working days to arrange and participate in interviews. When members represented by a collective bargaining unit are being interviewed by IPR personnel, the IAD investigator may repeat the question and/or direct the member to answer the question. When a collective bargaining agreement is not applicable and does not specify that a member may only be interviewed by a police officer, then the Director shall ask the member the question directly and/or direct the member to answer the question.

The Director shall provide the IAD commander and the Police Chief with a report on the investigation, and present the IPR investigation to the RU manager for preparation of findings and proposed discipline. At the completion of the investigation and any appeal process the records of the investigation shall be transferred to the IAD offices for retention.

3. Referral. IPR may refer a complaint regarding quality of service or other rule violations that likely would not result in discipline according to the Bureau. The Director may refer the complainant to another bureau in the City or another agency that would be more appropriate to address the complaint.

4. Dismissal. If IPR declines to take action on the complaint, IPR will send a dismissal letter to the complainant. IPR will also notify the involved officer(s) and involved commanding officer within 30 calendar days of the dismissal. The Director may dismiss the complaint for the following reasons:

a. the complainant could reasonably be expected to use, or is using, another remedy or channel or tort claim for the grievance stated in the complaint;

b. the complainant delayed too long in filing the complaint to justify present examination;

c. even if all aspects of the complaint were true, no act of misconduct would have occurred;

d. the complaint is trivial, frivolous or not made in good faith;

e. other complaints must take precedence due to limited public resources;

f. the complainant withdraws the complaint or fails to complete necessary complaint steps.

g. it is more likely than not that additional investigation would not lead to a conclusion that the officer engaged in misconduct.

D. Initial Handling and Investigation of Type II Complaints

1. If a Type II complaint is filed with IPR, IPR will gather information about the complaint and make a case handling decision. When appropriate, IPR will assign an IPR/IAD case number. Before disposing of a complaint of alleged misconduct or initiating an investigation, IPR shall notify the Bureau in writing how it intends to process the complaint and whether it intends to refer the case to the Bureau/IAD to conduct an investigation or conduct an independent investigation as set forth below. IPR will make an entry regarding the allegations in the Administrative Investigation Management (AIM) or other appropriate database which can be reviewed by the IPR Director.

2. If a Type II complaint is filed within the Bureau, Bureau/IAD staff will create an intake worksheet and assign an IPR/IAD case number for use by IAD. Before disposing of a complaint of alleged misconduct or initiating an investigation, the Bureau/IAD shall notify the Director in writing how it intends to process each complaint and whether it intends to conduct an internal investigation. In addition, the Bureau/IAD will make an entry regarding the allegations in the Administrative Investigation Management (AIM) database or other appropriate database which can be reviewed by the IPR Director.

3. Bureau/IAD Investigation. If the Type II complaint is filed with IPR, the IPR shall gather information from the complainant and forward it to the Bureau/IAD. The IPR shall monitor the on-going investigation. The Director may determine that a Bureau/IAD investigation should also involve IPR personnel. When forwarding the complaint to the Bureau/IAD, the Director shall notify the Bureau/IAD Commander of the extent that IPR personnel must be included in the investigation. Bureau/IAD personnel shall schedule interviews and other investigative activities to ensure that IPR personnel can attend and participate.

When a collective bargaining agreement is applicable and specifies that a member may only be interviewed by a police officer, IPR personnel shall direct questions through the IAD investigator. The IAD investigator may repeat the question to the member and/or direct the member to answer the question. When a collective bargaining agreement is not applicable and does not specify that a member may only be interviewed by a police officer, then the Director shall ask the member the question directly and/or direct the member to answer the question.

IPR personnel shall have an opportunity to review and comment on draft reports regarding a Bureau/IAD investigation to ensure accuracy, thoroughness, and fairness. The investigation can not be closed or sent to the RU manager without IPR's determination that the investigation is complete.

To facilitate review, IAD shall tape record all interviews with witnesses, including members of the Bureau, conducted during an IAD investigation and shall make those tapes, or accurate copies, available during a review of an IAD investigation.

In carrying out its functions, the IPR may visit IAD offices, examine documents, reports and files and take such other actions as the Director deems necessary and consistent with the purposes of this Chapter. To maintain the security of IAD documents, reports or files, the Chief may require that the examinations be conducted in the IAD offices.

4. IPR independent investigation. The IPR Director or designee may determine that IPR should investigate a complaint. If the Director concludes that IAD has not done an adequate job investigating complaints against a particular member, the Director may determine that IPR should investigate a complaint against the member. If the Director concludes that IAD has not done an adequate job investigating a particular category of complaints, the Director may determine that IPR should investigate a complaint or complaints falling in that category. If the Director concludes that IAD has not completed its investigations in a timely manner, the Director may determine that IPR should investigate some complaints. The Director may conduct an independent investigation based on the Director's discretion that it is warranted. The Director may conduct an independent investigation whether or not the alleged misconduct involves an encounter with a community member.

IPR investigations shall be conducted in conformance with legal and collective bargaining provisions. When a collective bargaining agreement is applicable and specifies that a member may only be interviewed by a police officer, the Director shall notify the Bureau/IAD commander that IPR has undertaken an investigation and the reason. The Bureau/IAD commander shall appoint a liaison investigator from that office within two working days to arrange and participate in interviews. When members represented by a collective bargaining unit are being interviewed by IPR personnel, the IAD investigator may repeat the question and/or

direct the member to answer the question. When a collective bargaining agreement is not applicable and does not specify that a member may only be interviewed by a police officer, then the Director shall ask the member the question directly and/or direct the member to answer the question.

The Director shall provide the IAD commander and the Police Chief with a report on the investigation, and present the IPR investigation to the RU manager for preparation of findings and proposed discipline. At the completion of the investigation the records of the investigation shall be transferred to the IAD offices for retention.

5. Referral. IPR may refer a complaint regarding quality of service or other rule violations that likely would not result in discipline according to the Bureau. The Director may refer the complainant to another bureau in the City or another agency that would be more appropriate to address the complaint.

E. Initial Handling and Investigation of Type III Complaints

Upon opening a Type III IPR initiated complaint investigation. IPR staff will create an intake worksheet and assign an IPR/IAD case number. If a Type III case involves alleged member misconduct during an encounter involving a community member, the case will be handled following the same procedures as a Type I complaint. If a Type III case involves alleged member misconduct that does not occur during an encounter involving a community member, the case will be handled following the same procedures as a Type II complaint.

F. Initial Handling and Investigation of Type IV Complaints

RU managers are responsible for intake and investigation of allegations of Type IV cases. The RU manager will provide the IPR Director a summary of the complaint and a summary of any subsequent investigation of a sworn member. The IPR Director may refer the matter to IAD for further investigation, conduct additional investigation, or controvert the RU manager's recommendations and compel review by the Police Review Board after receiving the completed investigation.

G. Type I, II, III & IV Post-Investigative Case Handling Procedures:

1. Adequacy of investigation. When an investigation of any type of complaint is conducted by IAD or other designated PPB division, after the investigation is complete, IAD will provide the IPR Director or designee with a copy of and provide unrestricted access to the entire investigation file. Upon review of the file, the Director or designee must determine whether or not the investigation is adequate, considering such factors as thoroughness, lack of bias, objectivity, and completeness. If the Director or designee determines that the investigation is not adequate, the investigation shall be returned to the IAD or other designated division within the Bureau explaining the determination and providing direction. Such direction shall include, but not

limited to, rewriting portions of the summary, gathering additional evidence, conducting additional interviews, or re-interviewing officers or civilians. The investigation can not be closed or sent to the RU manager without IPR's determination that the investigation is complete. Upon receipt of IPR's determination that the investigation is complete, IAD shall send the investigation to the appropriate RU Manager.

2. Submission of recommended findings or proposed discipline. The RU manager will review the investigation for any type of complaint when the investigation is conducted by IAD, other designated PPB division or IPR and submit recommended findings and proposed discipline to the supervising Assistant Chief. The supervising Assistant Chief will circulate the recommended findings and proposed discipline to the Director and the Captain of IAD. After receipt of the recommended findings and proposed discipline, the supervising Assistant Chief, the Director or the Captain of IAD may controvert the RU Manager's recommended findings and/or proposed discipline.

3. Police Review Board meeting. If the recommended findings and/or proposed discipline are controverted, the Bureau shall schedule a Police Review Board meeting on the complaint. As specified in Code Section 3.20.140, the Police Review Board shall also hold a meeting for review of a case if it involves an officer-involved shooting, physical injury caused by an officer that requires hospitalization, an in-custody death, a less lethal incident where the recommended finding is "out of policy" or if the investigation resulted in a recommended sustained finding and the proposed discipline is suspension without pay or greater.

4. Notification and Appeals of Type I and III complaints without Police Review Board meeting. In Type I cases, and Type III cases where the alleged misconduct occurred during an encounter involving a community member, if the recommended findings are not sent to the Police Review Board for a meeting, the Director shall send a letter to the complainant explaining the disposition of the complaint and add any appropriate comment regarding the reasoning behind the decision. IPR will notify the complainant that they have a right to request a review of the Bureau's recommended findings to the Committee and provide an appeal form. The Bureau will notify the involved member regarding the disposition of the complaint. The Bureau will notify the involved member of the right to request a review of the recommended findings to the Committee. The Bureau will be responsible for providing the member and union representative with the appeal form. A copy of the communications sent by IPR and IAD will be placed into the AIM database or other appropriate database for both IPR and IAD review.

5. Notification and Appeals of Type I and III complaints after Police Review Board hearing. In Type I cases and Type III cases where the alleged misconduct occurred during an encounter with a community member and the recommended findings are sent to the Police Review Board for a meeting, the Director shall send a letter to the complainant explaining the disposition of the complaint and add any appropriate comment regarding the reasoning behind the decision. IPR will notify the complainant that they have a right to request a review of the recommended findings to the Committee and provide an appeal form. The Bureau will notify the involved member regarding the proposed findings of the Police Review Board. The Bureau will notify the involved member of the right to request a review of the recommended findings to the Committee. The Bureau will be responsible for providing the member and union representative with the appeal form. A copy of the communications sent by IPR and IAD will be placed into the AIM database or other appropriate database for both IPR and IAD review.

6. No appeal of Type II and certain Type III complaints. In Type II cases and Type III cases that involve alleged member misconduct that does not occur during an encounter involving a community member, the recommended findings may not be appealed to the Committee.

7. Nothing in this section prohibits the Bureau from terminating the employment of a probationary officer without following the procedures of this section.

3.21.130 Communications.

The IPR shall ensure that the complainant and member complained about are informed of the progress and status of the complaint or appeal. Communication may be accomplished orally or by first class mail.

3.21.140 Filing of requests for review.

(Amended by Ordinance No. 183657, effective April 30, 2010.)

A. Any complainant or member who is dissatisfied with an investigation of alleged member misconduct that occurred during an encounter with a community member may request a review.

B. The request for review must be filed within 30 calendar days of the complainant or member receiving IPR's notification regarding disposition of the case. The Director may adopt rules for permitting late filings.

C. A request for review must be filed in writing personally, by mail or email with the IPR Office, or through other arrangements approved by the Director.

D. The request for review shall include:

1. The name, address, and telephone number of the appellant;

2. The approximate date the complaint was filed (if known);

3. The substance of the complaint;

4. The reason or reasons the appellant is dissatisfied with the investigation.

E. The complainant or member may withdraw the request for review at any time.

3.21.150 Reviews and Supplementary Investigations.

A complaint resulting in an investigation may be reviewed or supplemented with additional investigative work as a result of an appeal. The IPR will act in accordance with applicable provisions of the collective bargaining agreements covering Bureau personnel when it participates in an IAD investigation, or when it initiates an investigation. The Director shall conduct a preliminary review of IAD's investigation and may conduct an investigation to supplement IAD work. The Director shall decide:

A. If no further investigation and consideration of evidence is warranted the Director shall inform the complainant or member of the basis for the decision and the opportunity for a hearing before the Committee or,

B. If additional investigation and consideration of evidence is warranted the Director shall request IAD reconsider its efforts and results. The Director shall review the additional work of IAD and may conduct supplemental investigation. The Director shall schedule the appeal for a hearing before the Committee.

3.21.160 Hearing Appeals.

A. Appeal hearings may be conducted either at the following points:

1. When a complainant or member appeals the finding the Committee shall decide:

a. If the finding is supported by the evidence. The Director shall inform the complainant, member, IAD and the Chief of the Committee's decision and close the complaint; or

b. If the finding is not supported by the evidence. The Committee shall inform the complainant, member, IAD and the Chief of what finding should have been made. The Director shall schedule a hearing before Council for final disposition. The Committee shall select one of its members to represent the Committee's viewpoint before Council.

2. In its hearing the Council shall decide:

   a. If the finding is supported by the evidence. The Director shall inform the complainant, member, IAD and the Chief of the Council's decision and close the complaint; or

   b. If the finding is not supported by the evidence. The Council shall decide what the finding is. The Director shall inform the complainant, member, IAD and the Chief of the Council's decision and close the complaint.

B. In reviewing the investigation, the Committee may examine the appeal form and any supporting documents, the file and report of the IAD and IPR, and any documents accumulated during the investigation and may listen to the tape recordings of the witnesses produced by IPR and IAD. The Committee may receive any oral or written statements volunteered by the complainant or the member or other officers involved or any other citizen. The complainant or member may appear with counsel.

C. In reviewing the investigation, the Council may examine the appeal form and any supporting documents, the file and report of the IAD and IPR, and any documents accumulated during the investigation and may listen to the tape recordings of the witnesses produced by IPR and IAD. The Council may receive any oral or written statements volunteered by the complainant or the member about whether or not they believe the finding is or is not supported by the evidence in the record. No new evidence may be introduced in the hearing. The complainant or member may appear with counsel.

D. Witnesses.

1. The Committee and Council may require within its scope of review the investigators and Commander of IAD and the Director to appear and answer questions regarding the investigation and may also require the responsible Bureau Commander to answer questions regarding the basis and the rationale for a particular decision.

2. Other Witnesses. Other witnesses shall not be required to appear involuntarily before the Committee.

3. Council may utilize the full powers granted by Section 2-109 of the Charter, including the power to compel the attendance and testimony of witnesses, administer oaths and to compel the production of documents and other evidence. The power to compel the attendance and testimony of witnesses in accordance with City Code Section 3.21.160 C.3. shall not be delegated by the Council to the Committee.

3.21.170 Monitoring and Reporting
(Amended by Ordinance No. 181483, effective January 18, 2008.)

A. The Director shall develop a data system to track all complaints received, develop monthly reports to inform IAD and the Chief regarding IAD workload and performance, and inform complainants and members regarding the status of complaints and appeals.

B. The Director shall use complaint and OMF Risk Management Division data to support the Bureau's Early Warning System.

C. The Director shall work with the Committee to develop recommendations to modify Bureau policies and procedures in order to prevent problems, improve the quality of investigations, and improve police-community relations.

D. The Director shall work with the Committee to develop quarterly and annual summary reports for the Chief, Commissioner in Charge, Council and public on IPR and IAD activities, policy recommendations, and Bureau follow-through on recommendations. The report may include analysis of closed files which were not appealed, but it is not the intent that the files be reopened.

3.21.180 Increasing Public Access

A. The Director shall work with the Committee to make complaint forms available in formats and locations to reach as many community members as possible.

B. The Director shall work with the Committee to develop programs to educate the public about the IPR and the importance of reporting problems.

C. The Director shall work with the Committee to develop programs to educate Bureau personnel on the complaint process, mediation, and IPR activities. Bureau personnel shall be informed that the IPR is the primary means for citizens to file complaints.

D. The IPR, Committee and Bureau shall develop guidelines for situations when a commander or supervisor in a precinct is directly contacted by a complainant with a complaint. In general, they may intervene and attempt to resolve the complaint themselves, but they must also inform complainants that they can still file with IPR if they do not achieve satisfaction.

3.21.190 Response of Chief.

A. The Chief, after reviewing a report provided by the IPR under City Code Section 3.21.170, shall respond promptly to IPR in writing, but in no event more than 60 days after receipt of the report. The response shall indicate

what, if any, policy or procedural changes are to be made within the IAD or the Bureau.

B. If the Chief fails to respond within 60 days after receipt of the Committee Report, the Auditor shall place the matter on the Council Calendar, for consideration by City Council, within 15 days thereafter.

3.21.200 Limitation on Power.

The Committee and Director are not authorized to set the level of discipline for any member pursuant to any request for review made under this Chapter. However, this Section shall not be construed to limit the authority granted to City Council by the City Charter, City Code, state statutes, and other applicable law.

3.21.210 Subpoenas.

(Added by Ordinance No. 183657, effective April 30, 2010.) IPR shall have the authority to issue subpoenas for the purpose of compelling witness testimony or the production of documents, photographs, or any other evidence necessary for IPR to fully and thoroughly investigate a complaint or conduct a review.

IPR personnel will not subpoena a sworn Bureau member employed by the Portland Police Bureau, but is authorized to direct Bureau members to cooperate with administrative investigations as described in Section 3.21.120.

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

CITIZEN REVIEW COMMITTEE

Community Oversight of Portland Police Bureau

City of Portland / Office of the City Auditor
Independent Police Review
1221 SW 4th Avenue, Room 320
Portland, Oregon 97204

E-mail: crc@portlandoregon.gov

Message: 503-823-0926
Fax: 503-823-3530
TTD: 503-823-6868

This report and other reports produced by the Independent Police Review division and the Citizen Review Committee are available on the Internet website at: www.portlandoregon.gov/auditor/ipr.

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Agenda No.

REPORT NO.

Title

Accept the Citizen Review Committee Report on the Structure of the Independent Police Review Division - With Recommendations (Report)

INTRODUCED BY Commissioner/Auditor: **Auditor**	CLERK USE: DATE FILED JUL 09 2010
COMMISSIONER APPROVAL	LaVonne Griffin-Valade Auditor of the City of Portland
Mayor—Finance and Administration - Adams	
Position 1/Utilities - Fritz	
Position 2/Works - Fish	By: _____ Deputy
Position 3/Affairs - Saltzman	
Position 4/Safety - Leonard	**ACTION TAKEN:**
BUREAU APPROVAL	JUL 14 2010 ACCEPTED
Bureau: Citizen Review Committee Bureau Head: CRC Chair Michael Bigham Michael Bigham	
Prepared by: Carol Kershner - Independent Police Review Date Prepared: July 1, 2010	
Financial Impact Statement Completed ☐ Amends Budget ☐ Not Required ☒	
Council Meeting Date **July 14, 2010**	
City Attorney Approval	

AGENDA
TIME CERTAIN ☒ **Start time: 10:15am** **Total amount of time needed: 20** **(for presentation, testimony and discussion)**
CONSENT ☐
REGULAR ☐ **Total amount of time needed: _____** **(for presentation, testimony and discussion)**

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	YEAS	NAYS
1. Fritz	1. Fritz	✓	
2. Fish	2. Fish	✓	
3. Saltzman	3. Saltzman	✓	
4. Leonard	4. Leonard	✓	
Adams	Adams	✓	