

## IMPACT STATEMENT

**Legislation title:** Amend timeline and Case File Review for Citizen Review Committee appeals (Ordinance; amend Sections 3.21.140 and 3.21.150)

**Contact name:** Constantin Severe

**Contact phone:** (503) 823-0146

**Presenter name:** Constantin Severe

**Purpose of proposed legislation and background information:**

Comply with the City's obligations under the settlement agreement with the US Department of Justice. The agreement approved by Council in November 2012, requires in paragraph 121 that administrative investigations of Portland Police Bureau officer be completed within 180 days. Additionally the agreement requires that the Citizen Review Committee resolves its appeals of investigated community member complaints within 21 days.

**Financial and budgetary impacts:**

None.

**Community impacts and community involvement:**

The community at large would be impacted by the proposed changes to the Citizen Review Committee appeal process.

The proposed legislation was crafted through the efforts of a workgroup of Citizen Review Committee members and an IPR staff member. The workgroup meet twice during the fall of 2014 and all meetings were publicized and open to the public. The proposed legislation was then discussed at both the December 2014 and January 2015 Citizen Review Committee meetings. On February 13, the proposed legislation was posted on IPR's website and a public notification was sent out.

### Budgetary Impact Worksheet

**Does this action change appropriations?**

- YES:** Please complete the information below.
- NO:** Skip this section

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount

Referred to  
Auditor's City  
Office

## ORDINANCE No.

Amend timeline and Case File Review for Independent Police Review Citizen Review Committee appeals (Ordinance; amend Code Sections 3.21.140 and 3.21.150)

The City of Portland ordains:

Section 1. The Council finds:

1. That the Citizen Review Committee is the community's voice in the City's police accountability process.
2. One of the duties of the Citizen Review Committee is to hear appeals of findings in complaints of alleged police officer misconduct.
3. The settlement agreement between the United States Department of Justice and the City requires that administrative investigations of police officer misconduct, including Citizen Review Committee appeals, take no longer than 180 days.
4. The Settlement Agreement requires that appeals to the Citizen Review Committee should be resolved within 21 days.
5. In accordance with the spirit of the settlement agreement the City seeks to increase community faith in the police accountability system by ensuring administrative investigations, findings, and appeals are conducted in a timely manner.

NOW, THEREFORE, the Council directs:

- a. Amend Subsection 3.21.140B as follows:
  - B.** The request for review must be filed within 14 ~~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.
- b. Amend Section 3.21.150 Case File Review as follows:
  - A.** When the Director receives and accepts a timely request for review, a hearing consisting of a Case File Review and Appeal Hearing shall be scheduled before the Committee. When a timely appeal has been submitted to and accepted by the Director, the Director and the Committee chair will schedule a case file review meeting before the Committee to assess the completeness and readiness of the investigation for an appeal hearing.

- B. The Case File Review will be an opportunity for the Committee to assess the completeness and readiness of the investigation for an Appeal Hearing. As a result of the case file review, IPR or IAD may conduct additional investigation in accordance with applicable provisions of the collective bargaining agreements covering Bureau personnel per Section 3.20.120.
- C. During either the Case File Review or Appeal Hearing, the Committee may direct, by majority vote, additional investigation by either IA or IPR.
1. Only Committee members who have read the case file are eligible to vote.
  2. The Committee will have one opportunity to direct additional administrative investigation, all other requests will be at the discretion of either IA or IPR.
  3. All additional investigation will be conducted in a timely manner, with the Committee given regular updates.

Section 2. 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:

Auditor Mary Hull Caballero

**Mary Hull Caballero**  
Auditor of the City of Portland  
By

Prepared by: Constantin Severe, IPR Director  
Date Prepared: March 2, 2015


Deputy

Agenda No.  
**ORDINANCE NO.**

*Independent Police Review*

Title

Amend timeline and Case File Review for Citizen Review Committee appeals (Ordinance; amend Code Sections 3.21.140 and 3.21.150)

<p style="text-align: center;">INTRODUCED BY Commissioner/Auditor: <b>Auditor Mary Hull Caballero</b></p>	<p>CLERK USE: DATE FILED <u>MAR 06 2015</u></p>
<p style="text-align: center;"><b>COMMISSIONER APPROVAL</b></p>	<p style="text-align: center;">Mary Hull Caballero Auditor of the City of Portland</p> <p>By:  _____ Deputy</p> <p><b>ACTION TAKEN:</b></p> <p>MAR 11 2015 <i>Referred to City Auditor</i></p>
<p>Mayor—Finance and Administration - Hales</p>	
<p>Position 1/Utilities - Fritz</p>	
<p>Position 2/Works - Fish</p>	
<p>Position 3/Affairs - Saltzman</p>	
<p>Position 4/Safety - Novick</p>	
<p style="text-align: center;"><b>BUREAU APPROVAL</b></p>	
<p>Bureau: Auditor Bureau Head: <i>Mary Hull Caballero</i></p>	
<p>Prepared by: Kelsey Lloyd Date Prepared: 3/4/15</p>	
<p>Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p>	
<p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	
<p><b>City Auditor Office Approval:</b> required for Code Ordinances <i>Mary Hull Caballero</i></p>	
<p><b>City Attorney Approval:</b> required for contract, code easement, franchise, comp plan, charter <i>Mary Hull Caballero</i></p>	
<p>Council Meeting Date <b>3/11/15</b></p>	

<b>AGENDA</b>
<p><b>TIME CERTAIN</b> <input checked="" type="checkbox"/> Start time: <b>2:00 pm</b></p> <p><b>Total amount of time needed: 1 hour</b> (for presentation, testimony and discussion)</p>
<p><b>CONSENT</b> <input type="checkbox"/></p>
<p><b>REGULAR</b> <input type="checkbox"/></p> <p><b>Total amount of time needed:</b> _____ (for presentation, testimony and discussion)</p>

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz		
2. Fish	2. Fish		
3. Saltzman	3. Saltzman		
4. Novick	4. Novick		
Hales	Hales		