

## **ORDINANCE No. 189159 As Amended**

\*Amend Police Review Board Code to implement stipulated discipline provisions for Portland Police Bureau members in accordance with amendments to the Settlement Agreement between the United States and the City of Portland. (Ordinance; amend Code Section 3.20.140)

The City of Portland ordains:

Section 1. The Council finds:

1. On August 24, 2017, by Ordinance No. 188570, City Council approved amendments to the Settlement Agreement (Settlement Agreement) between the United States and the City of Portland in United States District Court Case No. 3:12-cv-02265-SI.
2. On April 19, 2018, pursuant to stipulation and joint motion of the parties and enhanced amicus, the Albina Ministerial Alliance Coalition for Justice and Police Reform (AMAC), the District Court, at a status conference and fairness hearing held before United States District Court Judge Michael Simon, approved certain amendments to the Settlement Agreement, including an amendment to authorize a stipulated discipline process for Portland Police Bureau members under certain limited conditions and subject to approval in each case by the Police Chief and the Commissioner in Charge of the Police Bureau.
3. The Amended Settlement Agreement, at paragraph 131(d), authorized a process by which a PPB member may elect, in certain types of cases, to accept the investigative findings and recommended discipline following a full investigation of the alleged misconduct, issuance of the investigative findings, and concurrence with the findings by the Independent Police Review, the Professional Standards Division and the member's Branch Chief.
4. The process approved by Council and the Court excludes certain types of cases from consideration for stipulated discipline. The following categories of cases are not eligible for stipulated discipline: Cases involving alleged use of excessive force; cases involving alleged discrimination, disparate treatment or retaliation; reviews of officer involved shootings and in-custody deaths; and cases in which either the Police Chief or the Commissioner in Charge does not agree to accept the member's proposed stipulation to findings and recommended discipline.
5. The stipulated discipline process approved by Council and the Court provided that the scope of cases eligible for stipulated discipline "shall be identified in the authorizing code...."
6. To implement these provisions of the Amended Settlement Agreement approved by the Court, changes to Portland City Code Section 3.20.140 are thus required.
7. Additionally, Portland City Code Sections 3.20.140 B.1.c (4), 3.20.140 C.2.d, and 3.20.140 H.1.b (4) currently provide that the following type of cases will be reviewed by

the Police Review Board: "Less lethal incidents where the recommended finding is 'out of policy.'" Under Police Bureau practice, all use of force incidents where the recommended finding is "out of policy," not just less lethal use of force incidents, go before the Board for review. To make this clear in code, a further change to Portland City Code Section 3.20.140 is required.

NOW, THEREFORE, the Council directs:

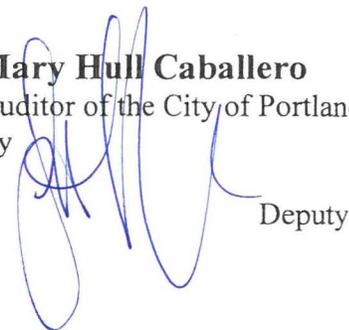
- a. . Portland City Code Section 3.20.140 is amended as set forth in Exhibit A.

Section 2. The Council declares an emergency exists because it is in the public benefit to implement the approved stipulated discipline process as soon as possible; therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council: SEP 05 2018

Mayor Wheeler  
Prepared by: Tracy Reeve  
Date Prepared: August 17, 2018

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



Deputy

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Agenda No.  
**ORDINANCE NO. 189159 As Amended**  
Title

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<b>INTRODUCED BY</b> Commissioner/Auditor: <b>Mayor Wheeler</b>	CLERK USE: DATE FILED <u>AUG 28 2018</u>
<b>COMMISSIONER APPROVAL</b> Mayor—Finance & Administration - Wheeler Position 1/Utilities – Fritz Position 2/Works – Fish Position 3/Affairs - Saltzman Position 4/Safety – Eudaly	Mary Hull Caballero Auditor of the City of Portland  By: <u><i>Susan Parsons</i></u> Deputy
<b>BUREAU APPROVAL</b> Bureau: City Attorney's Office Bureau Head: Tracy Reeve	<b>ACTION TAKEN:</b>
Prepared by: Tracy Reeve/cj Date Prepared: August 17, 2018	
<b>Impact Statement</b> Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	
<b>Portland Policy Document</b> If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
<b>City Auditor Office Approval:</b> required for Code Ordinances <i>Tom</i>	
<b>City Attorney Approval:</b> required for contract, code, easement, franchise, comp plan, charter <i>Tracy Reeve</i>	
Council Meeting Date <b>9/5/2018</b>	

<b>AGENDA</b>
<b>TIME CERTAIN</b> <input checked="" type="checkbox"/> <b>Start time: 2:50 pm</b>  <b>Total amount of time needed: 20 mins.</b> (for presentation, testimony and discussion)
<b>CONSENT</b> <input type="checkbox"/>
<b>REGULAR</b> <input type="checkbox"/>  <b>Total amount of time needed: _____</b> (for presentation, testimony and discussion)

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