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# 190812

Emergency Ordinance

## **\*Amend City Auditor's Independent Police Review Code to transfer the Independent Police Review from the Auditor to independent agency status reporting to City Council (amend Code Chapter 3.21)**

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. City Council created the Independent Police Review in 2001. The Independent Police Review has been housed in the Office of the City Auditor.
2. In July 2015, the United States District Court for the District of Oregon entered the Order Entering Settlement Agreement between the City and the U.S. Department of Justice (DOJ) in the matter of The United States of America v. The City of Portland, Case No. 12-cv-02265-SI ("Settlement Agreement"). That Settlement Agreement requires the City to retain and enhance Independent Police Review (IPR) and the Citizen Review Committee to ensure officer accountability.
3. At the November 3, 2020 general election, Portland voters passed Ballot Measure 26-217 ("the Measure"), with an 82% yes vote. The Measure amended the City Charter to authorize a new, independent community police oversight board to investigate complaints against Portland police and impose discipline.
4. On December 8, 2020, the City Council voted on and approved Resolution No. 37527, to establish selection criteria for a Police Accountability Commission ("Commission") to craft the new police oversight system authorized by voters.
5. Resolution No. 37527 also required Council to continue to fund the Independent Police Review to maintain existing staffing and resources as needed pending the transition of its duties to the community police oversight board.
6. The City Council voted on and approved Ordinance No. 190694 on February 9, 2022 to approve proposed amendments to the

**Introduced by**

[Mayor Ted Wheeler](#)

**Contact**

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Monday - Friday, 8:00am -  
7:00pm

**Requested Agenda Type**

Consent

**Date and Time Information**

**Requested Council Date**  
May 11, 2022

Changes City Code

Settlement Agreement, including a provision requiring the City Council and Auditor each to present to the DOJ plans for the orderly transition to the Community Police Oversight Board by ensuring the continuity of IPR operations while the Commission develops the Oversight Board for the City Council's approval.

7. In January 2022, after both the Council and Auditor presented their plans to DOJ, the Auditor withdrew her consent to hold the Independent Police Review in her office after June 30, 2022.
8. In accordance with the Auditor's withdrawal of consent, the City revised its transition plan with two primary goals: Maintaining IPR as an agency independent from the Portland Police Bureau and the Police Commissioner, and continuing existing IPR and Citizen Review Committee operations, duties and services unchanged.
9. Changes to Code Chapter 3.21 included in this Ordinance are required to remove Independent Police Review from the Auditor's Office, and to establish it as an independent agency with a Director accountable to the City Council in limited circumstances.
10. The Director of IPR may obtain advice, services and assistance from any City department, bureau, administrative agency, officer, employee or agent in the performance of the duties of the Office of IPR.
11. Council shall fund the Office of IPR at an amount that continues the current number of budgeted positions until, upon completion of the work of each position, the work transitions to the new Police Community Oversight Board.

NOW, THEREFORE, the Council directs:

- A. City Code Chapter 3.21 is amended as set forth in the attached EXHIBIT A.
- B. The effective date of the City Code amendments shall be July 1, 2022.

Section 2. The Council declares that an emergency exists because the Auditor has withdrawn her consent to house IPR and time is of the essence in establishing IPR as its own office; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

## Documents and Exhibits

 [Exhibit A](#) (22.23 Kb)

An ordinance when passed by the Council shall be signed by the Auditor. It shall be carefully filed and preserved in the custody of the Auditor (City Charter Chapter 2 Article 1 Section 2-122)

Passed by Council  
May 11, 2022

Auditor of the City of Portland  
Mary Hull Caballero

## Impact Statement

### Purpose of Proposed Legislation and Background Information

The proposed legislation amends City Code to transfer Independent Police Review (IPR) from the Auditor's Office to independent agency status reporting only to City Council.

- In November 2020, voters overwhelmingly approved a ballot measure to create a new, independent community police oversight board to investigate complaints against Portland police and impose discipline.
- The City Council has constituted a 20-member Police Accountability Commission to design the new community police oversight board.
- The City must maintain IPR's critical police accountability program while the design work continues.
- IPR has been housed in the Office of the City Auditor, by the Auditor's consent, since 2001. In January 2022, the Auditor withdrew her consent to hold IPR in her office after June 30, 2022.
- The proposed amendments to City Code are designed to ensure IPR's independence from the Portland Police Bureau, the Police Commissioner and any individual elected official, and to preserve IPR and Citizen Review Committee (CRC) operations, duties and services unchanged.

### Financial and Budgetary Impacts

- IPR will become a separate office with its own budget and staff. Staff and resources now supporting IPR and the CRC will be transferred out of the Auditor's Office, effective with the City's FY 2022-23 budget.
- This legislation does not require changes to current FTE or budgets, and does not result in new financial obligations. The Council may consider adjustments in the upcoming budget.

### Community Impacts and Community Involvement

The proposed code amendments are intended to preserve the operations of IPR and CRC without impact to the community. They are driven by necessity, as the Auditor has withdrawn consent to house IPR in her office, and not by any desire to change the community's interactions with, and support from, the IPR and CRC.

### 100% Renewable Goal

Not applicable.

## Agenda Items

### 374 Consent Agenda in May 11-12, 2022 Council Agenda

Passed

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Mayor Ted Wheeler Yea