

ORDINANCE No. 187136 As Amended

Amend timeline and Case File Review for Independent Police Review Citizen Review Committee appeals (Ordinance; amend Code Section 3.21.140 and replace Code Section 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 recommended 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 30 14 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. When good cause has been established, the Director may accept late filings. Good cause includes, but is not limited to:

1. Appellant has limited English language proficiency.
2. Appellant has physical, mental or educational issues that contributed to an untimely request for review.

b. Replace Section 3.21.150 Case File Review as follows:

- A. When the Director receives and accepts a timely request for review, a Case File Review and Appeal Hearing shall be scheduled before the Committee. The Director will notify the CRC Executive Committee upon receipt of a request of review. The Case File Review shall take place prior to the Appeal Hearing either on the same day or on an earlier date. 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 IAD and/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 IAD or IPR.
  3. The request for additional investigation may include multiple areas of inquiry.
  4. All additional investigation will be conducted in a timely manner, with the Committee given regular updates.
- D. If the committee agrees no further investigation and consideration of the evidence appears warranted, the committee shall vote on when to hold an Appeal Hearing.

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:

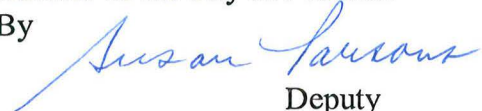
MAY 20 2015

Auditor Mary Hull Caballero

Mary Hull Caballero

Auditor of the City of Portland

By



Deputy

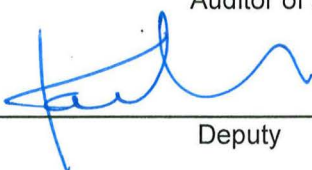
Prepared by: Constantin Severe, IPR Director

Date Prepared: May 7, 2015

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Agenda No. **187136** As Amended  
**ORDINANCE NO.**  
 Title

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

<b>INTRODUCED BY</b> Commissioner/Auditor: <b>Auditor Mary Hull Caballero</b>	CLERK USE: DATE FILED <u>MAY 08 2015</u>
<b>COMMISSIONER APPROVAL</b> Mayor—Finance and Administration - Hales Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Novick	Mary Hull Caballero Auditor of the City of Portland  By:  Deputy  <b>ACTION TAKEN:</b> MAY 13 2015 PASSED TO SECOND READING As Amended MAY 20 2015 <span style="float: right;"><b>2 P.M.</b></span>
<b>BUREAU APPROVAL</b> Bureau: Auditor Bureau Head: Mary Hull Caballero <i>Mary Hull Caballero</i>	
Prepared by: Kelsey Lloyd Date Prepared: 5/7/15	
Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/> <b>City Auditor Office Approval:</b> required for Code Ordinances <i>Eni</i>	
<input checked="" type="checkbox"/> <b>City Attorney Approval:</b> required for contract, code, easement, franchise, comp plan, charter <i>610</i>	
Council Meeting Date <b>5/13/15</b>	

<b>AGENDA</b>
<b>TIME CERTAIN</b> <input checked="" type="checkbox"/> <b>Start time: 2:00 pm</b>  <b>Total amount of time needed: 1 hour</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	1. Fritz	✓	
2. Fish	2. Fish	✓	
3. Saltzman	3. Saltzman	✓	
4. Novick	4. Novick	✓	
Hales	Hales	✓	