

3.21.070: POWERS AND DUTIES OF IPR

CURRENT AUTHORITY	PROPOSED CHANGE	OUTCOME / EFFECT
31.21.070 (B): Permits access to Bureau records without cost.	3.21.070 (B) & (C): Provides access to Bureau records and data sources without cost.	Updates language for current technology. Increased accuracy of IPR reports based on data sources rather than reports compiled by the Bureau.
3.21.070(c): Authorizes IPR to monitor and conduct investigations in certain circumstances of a citizen complaint against a Bureau member.	3.21.070 (D): Authorizes IPR to monitor, conduct an investigation and/or initiate an investigation.	IPR will have the same authority to initiate and monitor an investigation of a citizen complaint. Proposal provides Director with additional authority to initiate an investigation in cases of community concern, whether or not a community member files a complaint.
PPB Directive 336.00: IPR Director may controvert a finding of an investigation and trigger a Performance Review Board.	3.21.070(E): IPR may controvert a finding or discipline imposed by an RU manager and trigger a Police Review Board in all cases.	Codifies the Bureau Directive giving IPR authority to controvert a finding, adds the ability to controvert when the case does not involve a community member, and adds the ability to controvert discipline to trigger a Board.
3.21.070 (F): IPR will evaluate complaints and investigations and make reports to the Chief. PSF 5.18: IPR and CRC reports recommendations to the public.	3.21.070(H) IPR will evaluate complaints and investigations and make recommendations to the Chief. Policy change recommendations shall be published for public review.	Codifies protocol regarding public reporting policy recommendations into the ordinance, combined the authority of the two provisions in one section of the Ordinance.
3.21.070 (F): IPR will evaluate complaints and investigations and make reports to the Chief. PSF 5.18: IPR and CRC reports recommendations to the public.	3.21.070 (M) Director may issue public reports related to member misconduct and Bureau disciplinary practices.	Specifically codifies the ability to make policy recommendations regarding discipline.
Current Bureau of Human Resources Rules; PPB Directives; and Oregon Revised Statutes.	3.20.070 (N) Requiring professional and truthful interaction with IPR and not impede investigations. Subject to ORS 162.235 & 162.305.	Codifies the ORS 162.235 & 162.305.

3.21.120: HANDLING COMPLAINTS

CURRENT AUTHORITY	PROPOSED CHANGE	OUTCOME / EFFECT
3.210.070: IPR is the intake point for citizen complaints. PSF 5.01 "Citizen Initiated Complaints" are initiated by a community member.	3.21.120(B)(1) Type 1: Complaints involve alleged misconduct of a Bureau member during an encounter involving a community member.	If the Bureau initiates an investigation of an incident involving a community member. Currently, a community member does not have to file a complaint to preserve IPR / CRC jurisdiction, including appeal rights.
PSF 5.02: "Bureau Initiated Complaints" are complaints initiated by a Bureau member regarding a Bureau member.	3.21.120(B)(2) Type II: Same definition as PSF 5.02	Permits Bureau members to file complaint with either IPR or IAD. Codifies Directive.
New to proposed Ordinance	3.21.120(B)(3) Type III: Establishes IPR Director's authority to initiate an investigation whether or not a community member files a complaint or involves a member of the community.	IPR will have the ability to initiate an investigation in cases of community concern, whether or not a community member files a complaint.
PPB Directive 342.00: RU managers are responsible for the initiation of investigations of allegations of member performance deficiencies.	3.21.120(B)(4): Type IV: Same definition as PPB Directive 342.00	Codifies Directive.
3.21.120 (B) IAD Investigations monitored by IPR. 3.21.120 (C) IAD Investigations with IPR Involvement. PSF 5.02 / Current practice in both Citizen and Bureau Initiated Complaints: After IAD investigation is complete and before IAD has forwarded the completed IAD investigation to the RU manager for review and recommendations, IAD will forward a copy of the summary investigative report to IPR for review, comments and concerns.	3.21.120(C) (2) (a): Recommend Bureau / IAD conduct an investigations with IPR involvement. IPR shall have an opportunity to review and comment on the 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.	Combines and codifies IPR's authority to participate in IAD investigations of complaints involving a community member. Maintains same collective bargaining provisions regarding IPR directing questions through IAD investigators when a collective bargaining agreement applies. Codifies current practices of reviewing and commenting on investigations prior to the RU manager's review and strengthens IPR's authority in IAD investigations. Desired affect is greater community confidence in IAD investigations. Clearly sets expectation that IPR will be involved in IAD investigations and that establishes IPR authority to determine when a investigation is complete and ready for review.

CURRENT AUTHORITY	PROPOSED CHANGE	OUTCOME / EFFECT
3.21.120 (D): IPR may conduct an independent investigation. IPR investigation shall be conducted in conformance with legal and collective bargaining provisions. RU manager makes proposed findings and discipline recommendations.	3.21.120 (C)(2) (b): IPR may conduct an independent Investigation. IPR investigation shall be conducted in conformance with legal and collective bargaining provisions. RU manager makes proposed findings and discipline recommendations. IPR Director may conduct an independent investigation whether or not the alleged misconduct involves an encounter with a community member.	Same criteria for independent investigations, adherence to collective bargaining provisions, and findings process. Adds provision for initiating an independent investigation whether or not the alleged misconduct involves a community member to alleviate community concern regarding IPR's limited authority to conduct independent investigations.
PSF 5.02: "Bureau Initiated Complaints" are complaints initiated by a Bureau member regarding a Bureau member. IPR participation is discretionary on the part of the Portland Police Bureau.	3.21.120(D): Type II complaints: IPR shall monitor the ongoing investigations, may involve IPR personnel, and may conduct an independent investigation. IPR shall comply with bargaining agreement provisions during any investigation. The investigation can not be closed with out IPR's determination it is complete.	Codifies 5.02 and the current practices of IPR and Bureau in most Bureau generated cases. Adds the provision that IPR's involvement is not at the discretion of the Bureau, authorizes IPR to conduct an independent investigation.
PSF 5.02 "Bureau Initiated Complaints" provides IPR the opportunity to review investigation prior to RU manager's findings at the Bureau's discretion. PSF 5.01 permits IPR to review investigation in all "Citizen Initiated Cases."	3.21.120(G) Type I-IV: IPR shall review investigation prior to RU manager's findings. Investigation shall not be closed until IPR determines it is complete. Timelines provided.	Codifies current practice of IPR's review of investigations prior to findings, and removed Bureau discretion regarding IPR's involvement.
PSF 5.02: no appeal rights in Bureau Initiated Cases. Current working practices of IPR and IAD.	3.21.120(G)(2)-(6) Notifications and Appeal rights with timelines.	Codifies current practice and included timelines.
	3.21.210 Subpoenas	New authority.

POLICE REVIEW BOARD

TOPIC AREA	CURRENT AUTHORITY	PROPOSED CHANGE	OUTCOME / EFFECT
Review Boards	PPB Directive 335.00, 336.00 Authorizes a Performance Review Board and Use of Force Board to Serve as an advisory board to Police Chief.	3.20.140 -- Creates Police Review Board (PRB) which combines current review board system into one board	Provides authority for Review Board in ordinance and replaces disciplinary committee in the current 3.20.140.
Power of PRB	PPB Dir. 335.00, 336.00, 341.00 provides Police Chief with recommended findings /discipline; along with policy/training recommendations.	3.20.140(B)(1) IPR's role in disciplinary process remains unchanged.	Codifies role currently described in PPB directive.
Discipline Guidelines	New in proposed ordinance	3.20.140(B)3. New in proposed ordinance	This change is an attempt to bring consistency and transparency in providing Police Chief guidance in the disciplinary process.
Board Composition	Currently in PPB Directives 335.00 and 336.00, with six voting & six advisory members. Additional peer and Citizen members when force board convenes.	3.20.140 (C) – Five Voting members and eight advisory members. Adds IPR Director as a voting member. Citizen members recommended by Auditor, approved by Council. Adds a representative from the Police Commissioner's Office as an advisory member.	Increases civilian role on PRB
Access to Information	Currently in PPB Directives 335.00 and 336.00, with Board members provided access to materials.	3.20.140(D) -- Requirement that members shall have access to all relevant documents at least 14 days before a PRB meeting.	Strengthens PRB members access to information
Board Facilitator	New in proposed ordinance	3.20.140(E) Non Bureau member who is not a PRB member, chosen By members of the PRB. Facilitator will write statement of findings and discipline.	Change will provide a trained Facilitator (ideally a former Judge/ALJ) to help with the PRB process.

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Board Recommendations	Currently in PPB Directives 335.00 and 336.00	3.20.140(F)	Maintains current framework of Board's decisions being findings and proposed discipline, with the final decision on discipline coming from the Police Chief and Police Commissioner.
Appeal of Board Recommendations	3.21.140 -160 For applicable cases	3.20.140(G)	Proposed change to 3.21.120, along with no change to 3.21.040-060 provides a template for handling complaints post PRB.
Public Reports	New to proposed ordinance	3.20.140(I) Summary reports published at least twice a year, and not to include the names of officers, witnesses, or PRB members.	Increase transparency and the public's knowledge and trust in the police accountability process.