CITY OF PORTLAND, OREGON

Bureau of Police
Tom Potter, Mayor
Rosanne M. Sizer, Chief of Police
1111 S.W. 2nd Avenue • Portland, OR 97204 • Phone: 503-823-0000 • Fax: 503-823-0342

Integrity • Compassion • Accountability • Respect • Excellence • Service

EXECUTIVE ORDER

DATE: December 21, 2007

TO: All Bureau members

RE: New directive: 336.00 Performance Review Board

336.00 PERFORMANCE REVIEW BOARDS
Index: Title
Refer: DIR 330.00 Internal Affairs, Complaint Investigation Process
DIR 341.00 Discipline Process
DIR 342.00 Performance Deficiencies
DIR 343.00 Criminal Investigations of Portland Police Employees
DIR 344.00 Prohibited Discrimination
Applicable Bargaining Agreements

POLICY
The Performance Review Board (336.00)
The Performance Review Board (PRB) will serve as an advisory body to the Chief of Police. The PRB will review cases as defined in subsequent sections of this directive for adherence to policy and generally accepted standards. A quorum of five board members is required.

PROCEDURES (336.00)
Directive Specific Definitions
Action items: Recommendations for the review of policies, training, supervision, tactics, and equipment that are identified during the review board process.
Board member: Bureau member or citizen serving on a Performance Review Board with the right to ask questions and to vote on each item being considered.
Case File: File containing the originals or copies of the Internal Affairs file or other investigation materials for a PRB case.
Controverted finding: Determination that is challenged by a Branch chief, the IAD manager or IPR director.
Involved member: The member whose actions are the subject of the review.
Witness member: Member who observed some or all of an incident being reviewed by the PRB.

Selection Process for Board Members (336.00)

a. The Chief of Police will select volunteers to form a pool of citizen members to serve on the PRB.
    1. Citizen board members must pass a background check, participate in training to become familiar with Bureau training and policies and sign a confidentiality agreement. Training for Board members will include such topics as use of force, just cause, discipline policy and Bureau directives.
    2. Citizen members will be required to participate in ride-alongs to maintain sufficient knowledge of police patrol procedures.
b. The Chief of Police will also appoint Bureau members from each rank to serve as peer members for the boards. Peer member applications will be reviewed by the Services Branch chief and representatives of the Bureau's bargaining units. Pool representatives will not serve on a PRB for a member of the pool representative's RU.
c. All Board members will serve at the discretion of the Chief of Police.
d. All Board members will receive a comprehensive orientation regarding the PRB process.

The Performance Review Board's Scope (336.00)

The PRB is to review all cases that involve:

a. Investigations resulting in a sustained finding and the proposed discipline are suspension without pay or greater. See DIR 341.00 Discipline Process for procedures for Discipline Process-Less than Suspension.
b. A controverted finding.
d. A request for review by the Chief of Police or a Branch chief.
e. All completed Equal Employment Opportunity investigations.

The PRB may make recommendations regarding the adequacy and completeness of the investigation, the findings of the investigation, the proper charges, and the level of discipline. The PRB may also suggest action items to address training or policy issues that have emerged from an investigation or various investigations. In cases where discipline is recommended, the PRB will recommend a level of discipline that is consistent with the applicable City and Bureau rules, including obligations under collective bargaining agreements.

Performance Review Board Composition (336.00)

A PRB will be composed of six voting members and five advisory members:

a. Three Branch chiefs. The Services Branch chief will serve as the chair.
b. One peer member of the same or comparable rank/classification as the member being reviewed, and will be selected from a pre-approved pool of Bureau representatives.
c. One citizen member, selected from a pre-approved pool of citizen volunteers.
d. Member's RU manager.
e. The Review Board Coordinator (advisory member).
f. A representative from the Bureau of Human Resources (advisory member).
g. A representative from the City Attorney's Office (advisory member).
h. The Internal Affairs Division Manager (advisory member)
i. The Independent Police Review Director (advisory member)

During the presentation of the case there may also be representatives from the following:

a. Training Division.
b. Investigative divisions (IAD, Detectives, Precinct).
c. Bargaining units.

Involved Members' Responsibilities (336.00)

a. The involved member has at least 14 days to review the case file before the PRB meeting.
b. If the involved member elects to be present, he/she may, after the presentation of the case, provide information to the PRB regarding the incident.
c. The involved member may provide information to the PRB in written or oral format.
d. The involved member may be accompanied before the Board by a bargaining unit representative or an attorney.
e. The involved member is allowed to remain until executive session.

Review Board Coordinator Responsibilities (336.00)

The Review Board Coordinator (RBC) is a non-sworn position assigned to the Chief of Police's office. The RBC convenes the PRB and oversees its function.

a. Upon receipt of a case file from IAD select a date within 21 days to convene the PRB.
   1. The RBC will select members to form each PRB.
b. Notify the involved member of the date and time of the PRB at least 14 days prior to the PRB meeting and facilitate the member's review of the case file.
c. Issue an invitation to the involved member (s) to be present and to participate in providing a personal account of the incident details.
d. Provide the involved member with a written description of the PRB procedures.
e. Retain a copy of the case file during the PRB process.
f. Notify IAD in writing of the PRB's recommendations. Notify IAD in writing if the Chief's decision changes the PRB's recommendations.
g. Notify the Board members of the final decision by the Chief of Police of those cases heard by the members.
h. Coordinate with citizen and peer members for review of the case file.
i. Assist in the review process as required.
j. Maintain a record of all recommendations identified and document the actions taken in response to the recommendations.
k. Advise and assist in ensuring that all proper procedures are adhered to.
l. Assist in the preparation of appropriate documents.

Branch Chief Responsibilities (336.00)

a. Review the RU manager's recommendations for findings and discipline within seven days and then forward to IAD.
b. If a finding includes discipline that is less than a suspension, return the case file to the RU manager to implement discipline. Documentation of the completed discipline will be returned to the Branch chief who will forward it to IAD.
c. If a finding includes discipline of a suspension or greater, forward the case file to IAD.

Chief of Police's Responsibilities (336.00)

a. Review and evaluate the recommended finding(s) and discipline.
b. Determine the appropriate course of action and/or discipline.
c. Return the case to the RBC for processing.
d. In a case where suspension without pay, demotion or discharge is being considered, conduct (or delegate the authority to conduct) a due process meeting.

e. Consider information presented by the employee in the due process meeting, and if discipline is the final recommendation, make the final recommendation to the Commissioner-in-Charge and, once finalized, forward documentation of the imposed discipline and the investigative file to the Review Board Coordinator.

FOR MORE INFORMATION:
Please contact Marsha Palmer, Strategic Services Division, at 503-823-0264.

ROSANNE M. SIZER
Chief of Police

RMS/mp