



P O R T L A N D
CITY AUDITOR
 Mary Hull Caballero

Hardesty Proposal for 7-29-2020	Current authority and practice
Creates a board of community members to	Elected officials and appointed community members
Independently investigate sworn employees and supervisors	Independent Police Review in Auditor's Office investigates and monitors all Internal Affairs cases
Promptly, fairly, and impartially	In substantial compliance with Department of Justice settlement agreement timelines and other terms
Impose discipline	Police Commissioner makes final discipline decision
As determined appropriate by the board	Published discipline guide required by settlement agreement for consistency across cases
Make recommendations regarding police practices, policies, and directives to the Police Bureau with primary focus on community concerns	Auditor's Independent Police Review makes recommendations in policy reviews and memos to the Chief that stem from community complaints that would not lead to discipline
Hire a Director	A director leads Independent Police Review and reports to the Auditor, who is independent of the Police Commissioner and Chief
Who serves at the pleasure of the board without civil service protection	Director serves without civil service protection; Auditor is elected.
Professional staff as classified employees are covered by civil service protections	Professional staff as classified employees are covered by civil service protections
Board exercises independent judgment without interference from elected officials, City departments, bureaus, and administrative agencies	The Auditor's Office has powers for rulemaking, human resources, procurement, and legal services independent of City bureaus.
Physical office shall be located outside of a Police Bureau facility	Auditor's Independent Police Review is in City Hall
Guarantees budget of 5% of Police Annual Operational Budget	Council decides budget for Auditor's Independent Police Review and Bureau's Internal Affairs annually. Five percent of the Police "total operations" budget is \$11.5 million, which is more than the total budget

	of the Auditor’s Office (\$11.1 million, 51 FTE). Independent Police Review and Internal Affairs combined receive about \$6.5 million currently.
Subpoena and compel documents	Auditor’s Independent Police review is authorized to subpoena and compel documents
Make policy and directive recommendations to the Bureau and City Council	Auditor’s Independent Police Review makes recommendations in policy reviews and memos to the Chief and Police Commissioner
Bureau shall accept or reject all recommendations	Chief is responsible in Code for responding to recommendations and implementing them when Chief agrees to accept them.
If the Bureau rejects a policy or directive recommendation, then at the request of the Board, City Council must consider and vote to accept or reject the recommendations; Council’s decision will be binding on the Bureau	The Police Commissioner is the executive responsible for overall management of the Police Bureau. The Police Chief manages the daily operations of the Bureau.
Gather and compel all evidence,	The Auditor’s Independent Police Review is authorized in Code to gather and compel all evidence.
Access all police records to the extent allowed by law,	The Auditor’s Independent Police Review is authorized in Code to gather and compel all evidence except as prohibited by state law or FBI confidentiality requirements for sensitive law enforcement data, such as criminal history and fingerprints.
Compel statements from witnesses, including officers	The Auditor’s Independent Police Review is authorized to subpoena non-sworn witnesses. Code requires sworn officers to participate truthfully in Independent Police Review interviews, and the Bureau’s Internal Affairs managers attend the interviews to read the Chief’s statement requiring that they do so or be disciplined.
Regular and open meetings, public transparency, and reporting on Board’s activities	State law protects the confidentiality of officers who are the subject of complaints. The Citizen Review Committee holds public meetings, including for appeals, but officers’ names are masked. The Auditor’s Independent Police Review maintains data

	dashboards and publishes quarterly and annual reports of complaint and case activity in the aggregate.
One goal is to remove barriers for Board members to fully participate in the work of the Board	Managers and administrative staff from the Auditor’s Independent Police Review support the Citizen Review Committee. They schedule meetings, provide public notification, record, and attend meetings to provide information to and receive advice from the Committee. Administrative staff also maintain public records for the committee, including email correspondence, and schedule meetings for Committee members.
Power to compel sworn members of the Police Bureau and their supervisors to participate in investigations and to completely and truthfully answer all questions	The Auditor’s Independent Police Review is authorized in Code to subpoena non-sworn witnesses. Code requires sworn officers to participate truthfully in Independent Police Review interviews, and the Bureau’s Internal Affairs managers attend the interviews to read the Chief’s statement requiring that they do so or be disciplined.
Refusal to answer all questions may result in discipline up to and including termination	Code requires sworn officers to participate truthfully in Independent Police Review interviews, and the Bureau’s Internal Affairs managers attend the interviews to read the Chief’s statement requiring that they do so or be disciplined. Case law says officers can only be compelled to testify by someone in their chain of command who has the authority to discipline them.
Investigate certain Police actions, including but not limited to all deaths in custody and uses of deadly force	Internal Affairs investigates in-custody deaths and officer-involved shootings, and the Auditor’s Independent Police Review monitors those investigations. The Auditor also contracts with experts to review closed officer-involved shooting files; the experts’ published reports are presented to Council and community groups.
All complaints that result in injury, discrimination against a protected class, violations of federal or state constitutional rights	The Auditor’s Independent Police Review and the Bureau’s Internal Affairs share investigative duties but are assigned cases by category. Independent Police Review

	investigates complaints of biased treatment based on demographic characteristics, from vulnerable community members, including juveniles, people experiencing mental illness, and people with a physical disability; complaints of retaliation for filing a complaint, and cases that involve complaints against high-ranking officers, or conflicts of interest for Internal Affairs.
Other complaints or incidents of misconduct as the Board sees fit or as mandated by City Code	The Auditor's Independent Police Review and the Bureau's Internal Affairs investigate all complaints.