



ARA 6.01 OMBUDSMAN’S OFFICE POLICIES & PROCEDURES

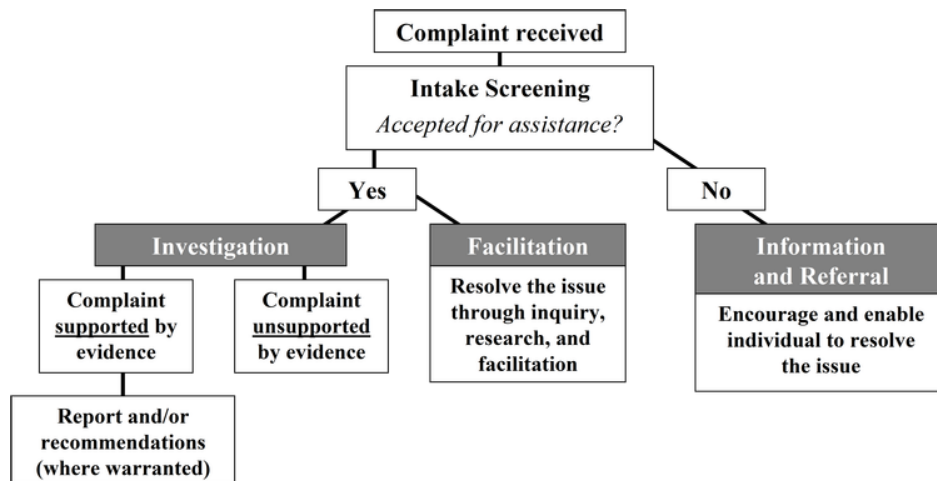
A. Purpose and Authority

This rule sets forth policies and procedures for the City of Portland’s Ombudsman’s Office. The Ombudsman’s Office serves as an independent advocate for a fair, reasonable, and just City government. The primary work of the Ombudsman’s Office is investigating and resolving complaints involving City of Portland agencies.

Section 2-506 of the Portland City Charter authorizes the City Auditor to adopt, amend, and repeal administrative rules to carry out the Auditor’s Office’s duties. In addition, [Code Section 3.77.110 H](#), authorizes the Ombudsman to adopt, amend, and rescind rules and regulations required for the discharge of the Ombudsman's duties.

B. Intake and Complaint Handling

1. The Ombudsman’s Office accepts complaints by telephone, email, fax, mail, or in person.
2. The Ombudsman’s Office conducts an intake review for each complaint received. Intake screening includes but is not limited to an assessment of jurisdiction, workload capacity, available alternative avenues, issue priority, and complexity. The Ombudsman’s Office reviews each complaint individually as follows to determine the appropriate response:



3. Where the Ombudsman's Office accepts a complaint for assistance, the office may conduct an independent and impartial investigation or attempt to secure resolution through facilitation.
 - a. The investigation of complaints is described in [Charter Section 2-509](#) and [Code Chapter 3.77](#).
 - b. Complaints that are most appropriately resolved through facilitation include those where:
 - i. There appears to be an unreasonable delay in service;
 - ii. The complainant's prior resolution attempts have been unsuccessful;
 - iii. The complaint involves more than one City bureau; and/or
 - iv. The complainant needs special assistance.

C. Referring, Declining, or Discontinuing Investigations

The Ombudsman's Office may refer, decline, or discontinue investigations into some complaints, even though they are within the jurisdiction of the Ombudsman's Office, including for the following reasons:

1. Refer and Monitor.
 - a. The Ombudsman's Office is not a substitute or replacement for a bureau's normal complaint resolution mechanisms. The Ombudsman's Office's goal is to ensure those internal grievance systems are producing effective, fair, and just resolutions to complaints. One of the first steps at intake is therefore to determine whether there are administrative options or appeals within the bureau, and if so, whether the complainant has taken advantage of them.
 - i. If the complainant has not yet brought the complaint to the attention of the bureau or has not yet exhausted all administrative remedies, the Ombudsman's Office normally refers the matter to the bureau to give the bureau an opportunity to resolve the problem.

- ii. Complainants may re-contact the Ombudsman's Office if, after going through the bureau process, they feel they have been treated unfairly or the result was unjust.
 - b. Where appropriate, the Ombudsman's Office may suggest that complainants seek assistance through an elected official's office, such as a Commissioner or the Mayor.
 - c. If bureau staff and/or staff from a Commissioner or the Mayor's office have been contacted but have not yet responded, the Ombudsman's Office may coordinate among various parties to avoid duplication of effort.
2. Decline or Discontinue. Reasons for declining or discontinuing an investigation include but are not limited to:
- a. The Ombudsman's Office prioritizes timely complaints and may choose not to investigate if an unreasonable amount of time has passed since the action underlying the complaint occurred. However, the Ombudsman's Office may choose to investigate an untimely complaint if the magnitude of the problem is significant or if it is part of an emerging pattern of problems.
 - b. The Ombudsman's Office may decline to investigate if the complainant is not sufficiently personally affected by an administrative act. For example, the Ombudsman's Office would likely decline to investigate a complaint filed in response to media coverage where the complainant has only a generalized interest in the subject of the complaint. However, the Ombudsman's Office would likely accept a complaint filed by a parent on behalf of a child, a child on behalf of an elderly parent, someone who is fluent in English on behalf of someone who is not, or someone assisting a person with a disability.
 - c. The Ombudsman's Office maintains broad discretion to decline complaints that appear to be presented for an improper purpose, made in bad faith, trivial or frivolous, or otherwise lack merit.
 - d. The Ombudsman's Office may decline to investigate a complaint if the office lacks sufficient resources or other complaints are of a higher priority. The Ombudsman's Office must balance the nature, severity, and complexity of a complaint against the office's caseload and resources.

- e. Generally, the Ombudsman's Office will refer police conduct complaints to the [Independent Police Review](#). The Independent Police Review is under the City Auditor and was created to respond to conduct complaints about sworn officers in Portland Police Bureau.
- f. Generally, the Ombudsman's Office will refer complaints about another division of the Auditor's Office to another authority because of the potential for an actual or perceived conflict of interest and/or a lack of sufficient structural independence.
- g. The Ombudsman's Office may discontinue an investigation if the office determines that further involvement is unnecessary, unwarranted, or impossible.

D. Fraud Hotline

Community members and City employees are encouraged to report suspected fraud, waste, or misuse of City resources or abuse of position by City employees through the Auditor's Office's [Fraud Hotline](#). The Fraud Hotline is a secure and confidential resource that accepts reports, including anonymous reports.

1. Fraud Hotline reports can be filed online at: PortlandFraudHotline.com, or by phone at: (866) 342-4148.
2. See [Auditor's Office Administrative Rule 10.01 – Fraud Hotline](#) for more information about the Fraud Hotline.

E. Referral Resources

The Ombudsman's Office does not handle complaints against other governments (county, regional, state, or federal agencies; Tri-Met; Metro; Port of Portland; Portland Public Schools, etc.) or disputes among private individuals or companies. Other sources of information and assistance include:

1. For [general information](#) about City services and referral assistance: City/County Information and Referral line at: (503) 823-4000. Popular City and County websites are listed at: <https://www.portlandoregon.gov/civic/article/22569>.
2. For claims against the City: The City's [Risk Management Division](#). Written notice of claims against the City must be filed with Risk Management by the deadline.

3. For legal services: [Oregon State Bar's Lawyer Referral Service](#) at: (503) 684-3763 in Portland, or toll-free elsewhere in Oregon at (800) 452-7636.
4. For conflicts at Portland Public Schools: PPS accepts confidential anonymous complaints by email at anonymouscomplaints@pps.net and phone at 503-916-3462. More information is available at: <https://www.pps.net/Page/240>.

NOTE: Filing deadlines apply to grievances, appeals, and legal claims. The Ombudsman's Office does not have the authority to extend these deadlines. Complainants wishing to file a grievance, appeal, or legal claim should take action as soon as possible to protect their legal rights.

F. Accessibility

The City of Portland, including the Ombudsman's Office, ensures meaningful access to City programs, services, and activities to comply with Civil Rights Title VI and ADA Title II laws and reasonably provides: translation, interpretation, modifications, accommodations, alternative formats, auxiliary aids and services. To request these services, contact 503-823-0144, City TTY 503-823-6868, Relay Service: 711.

Auditor's Office Administrative Rule Information and History

Questions about this administrative rule may be directed to the [Ombudsman's Office](#).

Approved by City Auditor and filed for inclusion in PPD on October 1, 2003.

Revision approved by City Auditor and filed for inclusion in PPD on February 9, 2016.

Last revised by the City Auditor *Click to enter date*.