

336.00 POLICE REVIEW BOARD

- 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

1. STATEMENT OF PURPOSE

- 1.1.** The purpose of this policy is to establish procedural guidelines for the Police Review Board.

2. DIRECTIVE SPECIFIC DEFINITIONS

- 2.1. Action Items:** Recommendations for the review of policies, training, supervision, tactics and equipment that are identified during the review board process.
- 2.2. Case File:** File containing the originals or copies of the Internal Affairs (IA) file or other investigation materials for a Police Review Board (PRB) case and the proposed findings.
- 2.3. Controverted Recommendation:** RU manager's recommended findings or proposed discipline that is challenged by the PSD manager, by a Branch chief or the Independent Police Review (IPR) Director.
- 2.4. Involved Member:** The member whose actions are the subject of review.

3. POLICY

- 3.1.** The Police 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.

4. POLICE REVIEW BOARD SCOPE

- 4.1.** The PRB will review all cases involving non-probationary sworn Involved Members when:
- 4.1.1. An investigation resulted in a proposed sustained finding with proposed discipline of suspension without pay or greater.
 - 4.1.2. Recommended findings are controverted by IPR, PSD, or the involved member's Branch chief.
 - 4.1.3. When requested by the Chief, Branch chief, PSD manager, or IPR Director.
 - 4.1.4. An investigation regarding alleged violations of City of Portland rules regarding discrimination results in a proposed sustained finding.
 - 4.1.5. The case involves the following types of Use of Force:
 - 4.1.5.1. Officer involved shooting.
 - 4.1.5.2. In-Custody Death.
 - 4.1.5.3. Proposed sustained findings for out-or-policy deployment of less lethal weapons.
 - 4.1.5.4. Physical injury caused by a member that requires hospitalization.
- 4.2.** The PRB may review cases involving probationary sworn Involved Members at the request of the Chief, Branch chief, or IPR Director (or designee). However the

Bureau may discipline or terminate the employment of a probationary officer without convening a PRB.

- 4.3. The PRB may also review any case involving a non-sworn Involved Member at the request of the Chief or Branch chief. However, the Bureau may discipline or terminate the employment of a non-sworn member without convening a PRB.

5. **TYPES OF FINDINGS FOR DEADLY FORCE AND IN CUSTODY DEATHS**

- 5.1. In Policy: The member's actions complied with policies. An In Policy finding may include a recommendation for a debriefing regarding any of the following:
 - 5.1.1. Tactical development: An opportunity to develop new tactics or modify existing tactics was identified.
 - 5.1.2. Organizational Review: Issues regarding Bureau organizational structure or process were identified.
 - 5.1.3. Performance analysis: While there were no policy violations identified, an Involved Member or supervisor would benefit from a critique of the incident.
- 5.2. Out of Policy: The member was found to be in violation of policy.

6. **POLICE REVIEW BOARD RESPONSIBILITIES**

- 6.1. Voting members shall review the Case File before participating in the PRB hearing. Voting members may request from the Review Board Coordinator (RBC) any additional information they feel necessary to make recommendations to the Chief.
- 6.2. Advisory members may participate in case discussions and raise issues as appropriate.
- 6.3. Voting members may make recommendations regarding the following issues:
 - 6.3.1. Adequacy and completeness of an investigation.
 - 6.3.2. Findings and the level of discipline. In cases where discipline is recommended, the PRB shall recommend a level of discipline that is consistent with applicable City and Bureau rules, including obligations derived from collective bargaining agreements.
 - 6.3.3. Action Items
 - 6.3.4. Training, policy and supervisor response.
- 6.4. Information about case files and PRB discussions and deliberations is strictly confidential.
- 6.5. By majority vote, the PRB may request that investigations of misconduct be returned to its investigating entity to complete the investigation as to factual matters necessary to reach a finding regarding alleged misconduct. The investigating entity must make reasonable attempts to conduct the additional investigation or obtain the additional information within 10 business days or provide a written statement to the PRB explaining why additional time is needed.

7. **REVIEW BOARD COMPOSITION**

- 7.1. Refer to City Code 3.20.140

8. INVOLVED MEMBER'S RESPONSIBILITIES

- 8.1.** Involved Member must be given fourteen (14) days to review the case file before the PRB meeting.
- 8.2.** If the Involved Member elects to be present, he/she may provide a personal account of relevant incident details after the presentation of the case. The Involved Member must make this presentation him/herself. Bargaining unit representatives and attorneys are allowed in an advisory role only, and may not make separate presentations to the board.
- 8.3.** The Involved Member may provide information to the PRB in written or oral format.
- 8.4.** The Involved Member may remain until executive session.

9. PROFESSIONAL STANDARDS DIVISION (PSD) CAPTAIN RESPONSIBILITIES

- 9.1.** The PSD Captain is the Bureau official in charge of organizing and authorizing the scheduling of a Police Review Board (PRB) hearing.
- 9.2.** The PSD Captain will present a qualifying case file for a PRB hearing to the Review Board coordinator authorizing the scheduling of a hearing date.
- 9.3.** On the date of the hearing, the PSD Captain will meet with the involved member, if present, peer and citizen voting members, and either a representative of the involved member's bargaining unit or attorney, and explain the PRB process.
- 9.4.** The PSD Captain will notify the representative of the involved member's bargaining unit and the Chief of Police, of the PRB's recommended finding.
- 9.5.** The PSD Captain is the only official authorized to provide this notification.
- 9.6.** The PSD Captain will not disclose the identity of voting members regardless of rank and/or position.

10. REVIEW BOARD COORDINATOR RESPONSIBILITIES

- 10.1.** Upon receipt of a qualifying case file or request from IA, set a hearing date that is within twenty one days (21) of receipt of the file.
- 10.2.** Select the facilitator, community member, and peer member(s) for the PRB.
- 10.3.** At least fourteen (14) days prior to the hearing, notify the voting and advisory members and Involved Member(s) of the date, time and location of the hearing.
- 10.4.** Facilitate review of the case file by the Involved Member, bargaining unit member, community member, and peer member at a Bureau facility selected by the RBC.
- 10.5.** Distribute copies of the case file to other voting members at least five days (5) prior to the meeting.
- 10.6.** Provide PRB members with a written description of the PRB procedures.
- 10.7.** Notify the PSD in writing of the PRB recommendations at the conclusion of the PRB.
- 10.8.** Notify the Board members of the final decision by the Chief regarding the case.
- 10.9.** Custodian of records for all PRBs.
- 10.10.** Maintain a record of all Action items recommended and document the actions taken in response to the recommendations.

11. REVIEW BOARD FACILITATOR RESPONSIBILITIES

- 11.1.** Maintain neutrality. The facilitator is not to express any opinions on matters considered by the PRB.

- 11.2.** Draft PRB recommendation statement and submit it to the Chief through the RBC within fourteen (14) calendar days of the PRB meeting. The statement should include:
 - 11.2.1.** PRB recommended findings and a brief explanation of the rationale.
 - 11.2.2.** PRB's recommended range of discipline, if any.
 - 11.2.3.** Any policy, training or supervisory issues.
 - 11.2.4.** If the vote is not unanimous, the statement will also contain a description of the minority member's recommendation and rationale.
 - 11.2.5.** Case Summary
- 11.3.** At least twice each calendar year, the RBC will release a public report including the summations of the statements of findings and any training or investigative issues written by the PRB facilitators. The report will not include the names of Involved Officers, witnesses, or complainants. A case will not be included in the report until a final decision, including any discipline, is made by the Chief or Commissioner in Charge.
- 11.4.** Facilitators will maintain strict confidentiality of all case file information and PRB discussions and deliberations.

12. HISTORY

- 12.1.** Established July 1998
- 12.2.** Revision #3 (by D. Famous)
- 12.3.** Effective August 2014
- 12.4.** Review by August 2015