Charter, Code and Policies

City of Portland

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PSF-5.16 - City Council Appeals Protocol for Independent Police Review Division's Citizen Review Committee Appeals

CITY COUNCIL APPEALS PROTOCOL FOR INDEPENDENT POLICE REVIEW (IPR) DIVISION'S CITIZEN REVIEW COMMITTEE (CRC) APPEALS
Administrative Rules Adopted by Bureau Pursuant to Rule-Making Authority

ARB-PSF-5.16

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1. Notice of Appeal Hearing to Parties

    a. After an appeal to the Citizen Review Committee regarding alleged police misconduct where CRC has challenged one or more of the Portland Police Bureau's (Police Bureau) findings and no agreement could be reached between CRC and the Police Bureau during a subsequent conference hearing, an appeal hearing before City Council (Council) shall be set in accordance with Portland City Code 3.21.160.

    b. IPR shall provide notice of the date and time of the Council appeal hearing (at least four weeks prior to the hearing) to the appellant, involved officers, CRC, and the Police Bureau.

2. Submission of Documents for Council Review

    a. Upon receiving notice of a case being appealed to Council, IPR will collect and submit the following documents to Council:

        i. A memo by IPR that includes the issues to be presented during the appeal, procedural history, and an IPR /CRC appeal report.

        ii. An Internal Affairs (IA) investigative report summary, police reports, and other documents necessary for Council to conduct its appeal, including all material reviewed by CRC in conducting its appeal hearing.

        iii. A written statement by CRC.

        iv. A written statement by the Police Bureau.

    b. Timing

        i. CRC and the Police Bureau shall be provided at least a one-week notice by IPR to submit their written statements.

        ii. IPR shall submit all the above documents to Council two weeks before the appeal is scheduled.

3. Review of Investigation

    a. In its review of the investigation, Council shall have access to all documents (including written or recorded statements) generated by the complaint in question, and recordings of the CRC case-file review and appeal hearing.

4. Appeal Hearing

    a. Standard of Review

        i. In its appeal hearing, Council shall decide if the finding is supported by the evidence.

        ii. No new evidence may be introduced at the appeal hearing.

        iii. Definitions:

(a.) Supported by the evidence: A finding regarding a complaint is supported by the evidence when a reasonable person could make the finding in light of the evidence, whether or not the reviewing body agrees with the finding.

b. Witnesses

  i. Council may require within its scope of review the investigators, IA Commander, and an IPR representative to appear and answer questions regarding the investigation. It may also require the responsible Police Bureau Commander to answer questions regarding the basis and the rationale for a particular decision.

  ii. Council may utilize the full powers granted by Section 2-109 of the Charter, including the power to compel the attendance and testimony of witnesses, administer oaths and to compel the production of documents and other evidence.

  iii. The complainant or officer may appear with counsel.

c. Council Hearing

  i. Opening case synopsis by CRC; presentation of procedural history and case summary by IPR.

  ii. CRC presentation of issues for Council to decide.

  iii. Comments by the appellant or a representative (10-minute time limit).

  iv. Police Bureau presentation (10-minute time limit).

  v. Voluntary statement by involved officers or a representative (or in the case of officer-initiated appeal, a statement by involved community member (10-minute time limit per officer/involved community member).

  vi. Council questions and discussion (as needed).

  vii. Motion and vote on whether the Police Bureau finding is supported by the evidence.

HISTORY

Submitted for inclusion in PPD June 16, 2003.
Approved by IPR Citizen Review Committee effective March 7, 2012.