1. Any complainant or officer who is dissatisfied with an investigation of alleged officer misconduct relating to a complaint involving a community member may request to appeal.

2. The appeal must be filed within 30 days of the complainant receiving notification from the Independent Police Review regarding the disposition of the case (Portland City Code 3.21.140.B). A police officer requested appeal must be filed within 30 days of the officer receiving notification from the Chief of Police regarding the disposition of the case. (See Protocol 5.15 for exceptions.)

3. IPR and CRC will schedule a case-file review to assess the completeness and readiness of the investigation for appeal. (See 3.21.150 and Protocol 5.11.)

4. If CRC agrees no further investigation and consideration of the evidence appears warranted and the appeal is timely, CRC shall schedule a hearing on the appeal as soon as practicable.

5. The CRC Chair shall appoint two members (based on a rotating assignment schedule) to review the entire IPR and/or Internal Affairs (IA) investigation and report to CRC as to its timeliness, completeness of files and tapes, adequacy of witness interviews, etc. These two members shall prepare a case summary to present at the hearing. The case summary will not contain any recommendations regarding the recommended findings, but must include the following:

   a. A synopsis of the complaint;
   
   b. A summary of the appellant, officer and witness interviews;
   
   c. A summary of the information brought forth from the Case File Review (See Protocol 5.11) and any new information, including timeliness, completeness, and adequacy of that new information;
   
   d. A recitation of the specific allegations, the findings related to each of those allegations, and the definitions of those findings; and
   
   e. Summarize the options available to CRC at the appeal.

A draft of the case summary shall be delivered to IPR, IA, and the complainant at least two weeks prior to the scheduled hearing, for corrections. Any corrections shall be provided in writing to IPR for distribution to the CRC Chair and the two assigned members within five calendar days after receipt of the draft. Copies of the final case summary shall be delivered to the complainant, involved officers, and the Portland Police Association no later than one week prior to the scheduled hearing. Every member of CRC will review the IA and IPR files prior to the time scheduled for the hearing. A copy of the case summary will be made for public viewing upon request.

6. The appeal hearing shall be conducted in the following manner:

   a. Introduction by the CRC Chair – explanation of the roles of the participants and procedures to be followed. The CRC Chair will impose time limits, if necessary.
   
   b. Designated CRC members give case summary presentation.
   
   c. Statement by the appellant, a chosen representative of the appellant and any material witness(es) proffered by the appellant.
d. Statement by the respondent officer or complainant, a representative of the respondent, and any material witness(es) proffered by the respondent.

e. IA outline of the investigation.

f. Explanation of Command Staff's findings by a designated Portland Police Bureau (Police Bureau) representative.

g. IPR comments on the case.

h. CRC Chair or designee's recitation of each allegation and finding, and CRC's options in reviewing each finding — CRC questions and discussion.

i. Public comment of limited duration relevant to the case under consideration.

j. Rebuttal comments proffered by the complainant or a representative, the involved officer(s) or a representative, and representatives of IA.

k. City Attorney and/or IPR Director comments and instructions on the standards of proof and identification of issues to be addressed.

l. CRC questions and clarifications.

m. Motion and second by CRC members to affirm or challenge a Police Bureau finding or refer the case to IA or IPR for further investigation.

n. Roll call vote by CRC members with each member providing an explanation of her or his vote. (CRC can vote to affirm the Police Bureau findings, challenge the Police Bureau findings, recommend a change in the findings, or recommend further investigation by IA or IPR. CRC members will not be permitted to abstain from voting unless a reason is given.

o. CRC Chair explanation to appellant of outcome of votes and next steps.

7. At the conclusion of the hearing, CRC members will discuss possible policy, training, or quality of investigation issues to be addressed at a later time.

8. In a case where a majority of the voting members of CRC affirms the Police Bureau's findings, IPR shall send notice of CRC's decision to the complainant and the Police Bureau.

9. In a case where a majority of the voting members of CRC challenges any of the Police Bureau's findings and recommends a different finding, the IPR Director shall draft a notice of CRC's recommendations to be approved by the CRC Chair and at least one other member who voted with the majority. Once the draft notice is approved, the IPR Director shall send a notice to the complainant and the Captain of Internal Affairs to formally advise the Police Bureau of CRC's recommendations. The IPR Director shall confer with the IA Captain and the Police Bureau's command staff in order to determine if the Police Bureau is willing to accept CRC's recommendations.

10. If the Police Bureau accepts the recommendations of CRC, the IPR Director shall notify CRC at the next regularly scheduled meeting. If the Police Bureau does not accept a CRC recommendation, the IPR Director shall schedule the case for a CRC conference hearing. At the hearing, the Police Bureau Command Staff will have the opportunity to advise CRC of any concerns or disagreements they might have with respect to CRC's prior recommendations. IPR will have the opportunity to discuss any opinions or concerns about the disagreement between CRC and the Police Bureau. IPR will provide the appellant and the involved officers with notice of this conference hearing.

11. If CRC, by a majority vote, is able to reach an agreement with the Police Bureau as to the appropriate findings, the appeal will be concluded and the case will be closed. If CRC, by a majority vote, disagrees with any
portion of the Police Bureau's findings, the IPR Director shall schedule the case for a hearing before the City Council pursuant to 3.21.160.A. IPR will keep appellant apprised of the appeals process until its conclusion.

HISTORY NARRATIVE

Adopted 01-10-2002

Amended 03-14-2002

- Adopted the CRC pre-hearing review hearing process.
- Referred to IPR interim report to be prepared for a CRC pre-hearing review.
- Adopted a process for IPR to confer with the Police Bureau after the CRC has recommended changes in findings.
- Created a CRC "conference hearing" with Police Bureau command staff where the Police Bureau or the IPR do not believe the CRC recommendations should be followed.
- Added a reference to IPR/CRC Ordinance Section 3.21.160.A which provides for appeals to be sent to City Council where the Police Bureau and the CRC are unable to agree on an appropriate finding.

Amended 09-03-2002

- Section 2. Added the following:
  - "A police officer requested review must be filed within 30 days of the officer receiving notification from the Chief of Police regarding the disposition of the case."
- Section 3. Added the following:
  - "The IPR Director may make recommendations to the Police Bureau Command staff regarding changes in findings or allegations as appropriate."
- Section 6. Added the following:
  - "IPR Staff shall notify the appellant of the result of the CRC's pre-hearing review.
- Verbiage changes to other sections.

Amended 07-03-2003

- Deleted references to the preparation of an Interim IPR report and the pre-hearing process.
- Created a new process for CRC declinations of appeals (Section 4).
- Removed references to post-hearing Conference Committee with Police Bureau command staff.
- Identified a random rotating process for the assignment of CRC members to appeals.
- Added a provision to permit Police Bureau Command staff to justify findings, rather than the IAD Captain.

Amended 03-16-2004

- Verbiage changed to make this protocol consistent with the pre-hearing protocol (5.11) as amended on
2/17/04

- Re-created a post-hearing Conference Committee with Police Bureau command staff.

**Amended 10-13-2010**

- Verbiage changed to make this protocol consistent with Ordinance changes providing for both IAD Investigations and IPR Independent Investigations.

- Additional provisions added to ensure the case summaries created for Appeals have a more consistent format.

- Additional provisions added to guide the appeals hearing in a structured manner to ensure fairness to all parties and full discussion of issues to be followed by public comments before votes on the appeal are initiated.

**Amended 3-7-12**

- "Citizen initiated complaint" changed to "complaint involving a community member"

- For complaints where community members request an appeal, removed IPR director’s preliminary review of IAD/IPR Independent investigations and added provision for case file review by CRC and a reference to Protocol 5.11.

- "Committee" changed to "CRC"

- "IAD" changed to "IA"

**HISTORY**
Submitted for inclusion in PPD October 23, 2002.  