

## ORDINANCE 1741

### AN ORDINANCE RELATING TO POLICE REVIEW AND RECOMMEND COMMITTEE AND ADDING WEST LINN MUNICIPAL CODE SECTION 2.250 POLICE REVIEW AND RECOMMEND COMMITTEE

Annotated to show ~~deletions~~ and additions to the code sections being modified. Deletions are ~~bold lined through~~ and additions are bold underlined.

**WHEREAS**, Chapter II, Section 4, of the West Linn City Charter provides:

Powers of the City. The City shall have all powers which the Constitution, statutes and common law of the United States and of this State now or hereafter expressly or implied grant or allow the City, as fully as though this Charter specifically enumerated each of those powers;

**WHEREAS**, In 2020 City Council created a Police Oversight Task Force to make recommendations on how best to provide community involvement in police oversight. The Task Force recommended policies and procedures which included concepts for a permanent oversight entity; and

**WHEREAS**, The City Council discussed options for formalizing this oversight entity as a Police Review and Recommend Committee at its Work Sessions of March 21, 2022, July 5, 2022, and November 7, 2022; and

**WHEREAS**, The City Council directed during its meeting on November 7, 2022, that the West Linn Municipal Code ("WLMC") 2.250 should be revised to add a new section to create the Police Review and Recommend Committee.

**NOW, THEREFORE, THE CITY OF WEST LINN ORDAINS AS FOLLOWS:**

**SECTION 1. New Heading.** A new heading, "POLICE REVIEW AND RECOMMEND COMMITTEE" is added to the West Linn Municipal Code preceding a new Section 2.250.

#### **2.250 Purpose and Establishment.**

**The Police Review and Recommend Committee is established to review and make recommendations to the West Linn Police Chief, Human Resources Director, and City Manager in the following areas: the Police Department's complaint, investigation, and discipline process; individual complaints, investigations, and disciplinary actions in the Police Department; Police Department policy and progress toward recommended reforms; and relevant trends and reports produced by the Police Department.**

#### **2.255 Appointments to the Police Review and Recommend Committee.**

**Appointments shall follow the same process that is used for Community Advisory Groups as described in Chapter 2.030. In making or approving appointments, the Mayor and City Council shall take into consideration an applicants':**

- a. Demonstrated ability to be fair, impartial and unbiased,
- b. Absence of any real or perceived bias, prejudice or conflict of interest, and
- c. Ability to build working relationships and communicate effectively.

Other criteria for membership that apply, as well as a potential removal from office, will be consistent with the rest of the West Linn municipal code.

#### 2.260 Confidential Nature of Membership and Removal from Office.

Members are subject to particular conditions in order to serve. Due to the sensitive and confidential nature of law enforcement records, members will be required to agree to a non-disclosure agreement and background clearance in order to receive authorization for access to particular documents and information. If access to Oregon State Criminal Justice Information Services (CJIS) is required in order to access and utilize such materials, eligibility as determined by the State of Oregon shall be required. In accordance with Section 2.070(1), removal from office will occur if a member violates the non-disclosure agreement. If a member improperly utilizes CJIS records, a member may be subject to additional penalties.

#### 2.265 Terms and Vacancies.

Initial appointments of inaugural members shall be staggered as follows: there will be seven members appointed, two members shall be appointed to serve for one year, two members shall be appointed to serve for two years, and three members shall be appointed to serve for three years. In the case of initial appointments, the initial year is the period of time between appointment and December 31. Except for the initial appointment, the term of each member of the Police Review and Recommend Committee shall be three years. No member shall serve more than two consecutive terms.

#### 2.270 Training.

A member is required to receive training provided by the City, Police Department, and the Clackamas County District Attorney's Office. Training topics will include basic criminal law, basic public sector law, West Linn Police Department training on selected topics including the process and procedure of an internal affair or complaint investigation, from intake to discipline, and other topics as determined by the City. A member shall also participate in at least one ride along with a sworn officer. Additional training or presentations from other experts to provide a diverse perspective on law enforcement issues may be provided following discussion with Committee members.

#### 2.275 Meetings and Procedures.

a. Meetings. The Police Review and Recommend Committee as authorized by this ordinance, is not subject to public meeting laws; however, they shall meet in public sessions at least two times per year, including an annual meeting each January. The purpose of each public meeting is to review and make recommendations on policy, trends, complaints, reports produced by the Police Department, and progress towards meeting identified reform recommendations for the Department. An annual report will be produced by staff that includes the number of complaints, types of complaints and resolutions of complaints. The report will be reviewed by the Committee and together with staff the report will be drafted to identify policies that should be reviewed. The report should also include any identified training areas the police department should consider.

b. Feedback to Council. The Committee as a whole is not advisory to the City Council. However, Committee members are strongly encouraged to provide feedback to City Council in writing or in person, including opportunities to provide commendation or criticism of either police processes or City Management. Such actions will be limited to general topics subject to the non-disclosure agreements within the parameters of applicable law.

c. Quorum and Conduct of Meetings. No business of the Police Review and Recommend Committee shall be conducted at a meeting without at least a quorum of four members present for a meeting. Meetings to discuss individual complaints, investigations, and potential disciplinary actions will generally not be conducted in public. To facilitate the transparency of the Committees activities, staff will develop and present case summaries and status reports in a manner that allows review and discussion in open session, to the maximum extent practicable and compliant with disclosure of public records.

#### 2.280 Complaint and Disciplinary Process Review.

The Police Review and Recommend Committee is tasked with reviewing the complaint, investigation, and discipline process in Police Department matters, including internal complaints. All members of the Committee will participate throughout the course of individual complaints, investigations, and resolution processes. That process includes participation in the discussions among the City Manager, Human Resources Director, Police Chief, Labor Attorney, and other staff as necessary about the potential for an investigation and options for resolution, including potential discipline. The opinion of members is only advisory, but members are allowed to make recommendations about specific complaints, investigations, and discipline as well as the complaint intake and handling process. Members shall have no authority to make any decisions regarding actual process, actions, or decisions made under the authority and sole discretion of the City.

#### 2.285 Role and Procedure of Police Review and Recommend Committee Members.

When a complaint is received a Member's, role will be:

- a. Through the City's official complaint intake and review system, members will be assigned to review a particular complaint. Members will receive notice detailing that a complaint has been filed. Members are required to be present for discussions with the City Manager, Human Resources Director, Police Chief, Labor Attorney, and other staff as necessary when the investigation is scoped, ensuring each allegation raised by the complainant is thoroughly pursued. The scoping will include a determination whether an investigation should be internal or utilize an outside investigator. An outside investigator might be hired, or arrangements made through another law enforcement agency for the investigation to be conducted by a qualified sworn law enforcement officer.
  
- b. Members will have access to the documents, recordings, and other materials related to the complaint. After the investigation is completed, members will also be able to view the investigative report and afforded the opportunity to provide input in the disciplinary process at appropriate steps. Members will be aware of the disciplinary measure taken, should one be issued. These actions are subject to non-disclosure conditions as required by applicable law.

c. Should a member receive a complaint directly, the complaint should be referred to the City's official complaint intake system, where the complaint will be officially recorded. A member with a complaint of their own is also obligated to send a complaint through the City's official complaint intake system.

**2.290 Other.**

**Committee members will be invited to submit feedback for performance evaluations of the City Manager, and individual members will be invited to participate, in a rotation, in Police Department hiring and promotion panels.**

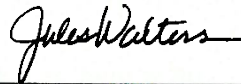
**SECTION 3. Severability.** The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

**SECTION 4. Savings.** Notwithstanding this amendment, the City ordinances in existence at the time any criminal or civil enforcement actions were commenced, shall remain valid and in full force and effect for purposes of all cases filed or commenced during the times said ordinance(s) or portions of the ordinance were operative. This section simply clarifies the existing situation that nothing in this Ordinance affects the validity of prosecutions commenced and continued under the laws in effect at the time the matters were originally filed.

**SECTION 5. Codification.** Provisions of this Ordinance shall be incorporated in the City Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections [3-6]) need not be codified and the City Recorder or the designee is authorized to correct any cross-references and any typographical errors.

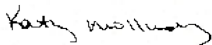
**SECTION 6. Effective Date.** This ordinance shall take effect on the 30<sup>th</sup> day after its passage.

The foregoing ordinance was first read by title only in accordance with Chapter VIII, Section 33(c) of the City Charter on the 5th day of December, 2022, and duly PASSED and ADOPTED this 5<sup>th</sup> day of December, 2022.




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JULES WALTERS, MAYOR

ATTEST:



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KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

  
CITY ATTORNEY