

**West Linn Municipal Code Changes for Police Review and Recommend Committee: Option 1**

Option 1 would create the Committee as a Citizen Advisory Committee with a formal advisory role to Council. Most meetings of the full group would be public due to public meetings law. To adopt this option, an Ordinance would be needed making amendments to a number of sections in Chapter 2 of the Municipal Code as detailed below. These amendments include changes to the general CAG procedure sections, as well as the addition of an entirely new section creating the Committee.

(Deletions and additions to the West Linn Municipal Code shown below along with notes and options for Council consideration. Deletions are **bold lined through**, and additions are **bold underlined**.)

Section 2.020(3) – regarding relationship to City Council, first line could be amended to read: “Council members may attend meetings of any community advisory group **except the Police Review and Recommend Committee.**” This text could be added if desired to ensure the group works independently from the influence of any individual Councilor.

Section 2.020(4) – Similar to the above, an exception to Council liaison rules could be made by changing this section to read “Each year the Mayor may appoint a liaison from the Council to each community advisory group **with the exception of the Police Review and Recommend Committee.**” Since the code language now says “may” there is no obligation that a liaison be appointed. But if the Council wishes the Group to be independent it may want to eliminate the possibility that a Mayor and Council will appoint a council liaison.

Section 2.040(1) – To create three-year terms as has been discussed for this Committee, the first line should be amended to read: “Terms. All community advisory group members shall serve a four-year term **except members of the Police Review and Recommend Committee who will serve a three-year term.**” The second sentence should be amended to read: “All regular terms shall commence with appointment and shall expire on December 31<sup>st</sup> of the fourth year **except terms for members of the Police Review and Recommend Committee, which expire on December 31<sup>st</sup> of the third year or at the end of an initial staggered term.**”

Section 2.055(3) – Regarding meeting quorum, second sentence could be amended to read: “If a quorum is not possible due to conflicts of interest, bias, or recusal, the matter shall be forwarded to the Council without any further action by the community advisory group **except matters of the Police Review and Recommend Committee which will be submitted to the City Manager to determine further action.**” The intention of this addition is to ensure Council is not referred items related to individual complaints more properly addressed by the City Manager.

Section 2.070(1) – Referring to removal of CAG members, a specific reference to the Police Review and Recommendation Group should be added to read: **Notwithstanding the above procedures, removal of a Police Review and Recommendation Group member will occur if the non-disclosure agreement required as a condition to serve is violated. Due to the sensitive and confidential nature of law enforcement records, members are required to agree to a non-disclosure agreement and background clearing in order to receive authorization to particular documents and information.**

Section 2.075 – listing CAG groups, at the end of subsection (10) delete “~~and~~”, at the end of subsection (11) delete “.” and add and, and add below: **(12) Police Review and Recommend Committee.**

Section 2.097 (NEW):

**2.097 Police Review and Recommend Committee**

**(1) Purpose and Establishment. The Police Review and Recommend Committee is established to review and make recommendations to the West Linn Police Chief, City Manager, and City Council in the following areas: the Police Department’s complaint, investigation, and discipline process; Police Department policy; and relevant trends and reports produced by the Police Department. The Committee shall also review and make recommendations to the West Linn Police Chief and City Manager regarding individual complaints, investigations, and disciplinary actions in the Police Department.**

**(2) Appointments to the Police Review and Recommend Committee. Appointments shall follow the process 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.**

**(3) 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.**

**(4) 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.**

**(5) 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.

**(6) Meetings and Procedures**

**(a) Meetings.** The Police Review and Recommend Committee 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 recommend policy, and review trends, complaints, and reports produced by the Police 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 is encouraged to provide feedback in writing or in person to the City Council through the public meeting process and other presentations. The Committee will be provided opportunity to appear before City Council in open meetings, 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 will be conducted in public except when executive sessions are authorized by law and the Police Review and Recommend Committee has determined an executive session is necessary or desirable in order to carry out its business. To facilitate the transparency of the Committee's 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.

**(7) 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. Up to three members of the Committee (i.e., not a quorum of the Committee) will be assigned, in a rotation, to an individual complaint through the course of the complaint, investigation, and resolution process. 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 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.

**(8) Role and Procedure of Police Review and Recommend Committee Members.** When a complaint is received Members' 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 an investigation is scoped, ensuring each allegation raised by the complainant is thoroughly pursued. The scoping will include a determination whether the 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 members 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.

(9) Other: Committee members will be invited to submit feedback for performance evaluations of the City Manager, and will be invited to participate, in a rotation, in Police Department hiring and promotion panels.

**West Linn Municipal Code Changes for Police Review and Recommend Committee: Option 2**

Option 2 would create the Committee as advisory to the Police Chief and City Manager. This would allow meetings to not be public, and allow the full group to have access to, and participate in, the discussions that are a primary intended function. This option could be formalized via an Ordinance creating a new code section in Chapter 2 of the Municipal Code (but not located in the CAG section) as detailed below.

(Deletions and additions to the West Linn Municipal Code shown below along with notes. Deletions are **bold lined through**, and additions are **bold underlined**.) Yellow highlighted sections are those in which differences exist between Option 1 and Option 2.

Section 2.250 (NEW):

**2.250 Police Review and Recommend Committee**

**(1) Purpose and Establishment. The Police Review and Recommend Committee is established to review and make recommendations to the West Linn Police Chief 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 relevant trends and reports produced by the Police Department.**

**(2) Appointments to the Police Review and Recommend Committee. Appointments shall follow the process 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.**

**(3) 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.**

**(4) 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.

(5) 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.

(6) Meetings and Procedures

- a. Meetings. The Police Review and Recommend Committee 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, and reports produced by the Police 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 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 Group 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 Group's 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.

(7) 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. 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 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.

(8) Role and Procedure of Police Review and Recommend Committee Members. When a complaint is received Members' 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 members 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.

(9) 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.