

## The Oregonian

### Portland police union president slams city's independent inquiries into alleged officer misconduct

*By Maxine Bernstein*

Portland's police union president, in a message to union members Monday, slammed the city's effort to allow for independent investigations into alleged officer misconduct by an arm of the city auditor's office - the Independent Police Review Division.

Officer Daryl Turner contends the civilian investigators in Portland's Independent Police Review Division are "trampling on" his union members' rights, and performing "biased, inadequate and flawed" investigations.

Turner did not cite any examples in his written message to union members, and declined to comment further.

In reforms spearheaded by the city auditor's office and approved by the City Council in January, civilian investigators from the auditor's Independent Police Review Division gained the ability to conduct their own inquiries into alleged police misconduct and directly question officers but only after a Police Bureau liaison orders an officer to speak.

In March, for example, IPR announced it would conduct its own review of Police Bureau policies and encounters with hip-hop music clubs in the city.

In seven interviews conducted by IPR investigators in unidentified cases, Turner said the questions were often baseless - in contrast to internal affairs questioning of officers that he described as "fluid, precise and pointed" and done "simply to get the facts."

Turner also argued that IPR investigators lacked basic knowledge of police policy, procedures and tactics.

Interestingly, Turner's message follows a ruling by an arbitrator that ordered the city to reinstate demoted Lt. Todd Wyatt to the higher rank of captain. The arbitrator agreed with the city that Wyatt escalated an off-duty road rage encounter by displaying his handgun and badge, and in a separate inquiry, inappropriately touched female employees on the job. The arbitrator, though, felt a demotion was too severe and recommended a 60-day unpaid suspension instead.

The arbitrator's 62-page decision, though, revealed that then-police Internal Affairs Lt. Chris Davis had found all the allegations against Wyatt stemming from the road rage encounter "unsubstantiated." Davis found Wyatt did nothing wrong, contrary to the analyses by assistant Chief Larry O'Dea, Chief Mike Reese, the Independent Police Review Division's former director, the Portland Police Review Board, an arbitrator and evidence obtained in the case.

Turner declined to comment about the Wyatt case.

In his message to union members, Turner praised the police bureau's internal affairs investigators, many of whom are retired Portland police detectives. "Their investigative techniques and unbiased approach to each and every investigation is unparalleled," Turner wrote.

He urged the city to provide more training to IPR's investigators before they conduct further inquiries into complaints against city police. If not, he argued, the distrust between Portland police and IPR will heighten.

Last fall, former City Auditor LaVonne Griffin-Valade identified "alarming lapses" in accountability under Chief Reese's tenure.

Constantin Severe, IPR's director, said his division is "entrusted by this community" to investigate allegations of police misconduct. He defended the work of his investigators, who he said act as fact-gatherers.

"All of IPR's investigators have several years of experience as investigators and have a diversity of background and training, including engaging with individuals who are experiencing mental illness," Severe said, in reaction to Turner's complaints.

"Mr. Turner has not and will not determine which cases that IPR investigates," Severe said. "Our office is part of the city Auditor's Office, with an obligation to protect and defend the U.S. and Oregon Constitutions and protect the values of Portland's city charter."

## **Mayor Charlie Hales didn't make mistake cutting, restoring CFO, spokesman says: Portland City Hall Roundup**

*By Brad Schmidt*

Portland Mayor Charlie Hales didn't make a mistake when he eliminated the city's top financial position in 2013, only to restore it this week, his spokesman said.

"That's not a mistake," Hales' spokesman, Dana Haynes, wrote in an email. "Making a knee-jerk reaction to pressure, without gathering facts, likely would have been a mistake.

"This is the kind of process that a city should do."

On Wednesday, the City Council will be asked to adopt a 2014-15 budget that includes a new addition: nearly \$250,000 to cover salary, health care and benefits to restore the chief financial officer post.

Hales' funding decision comes 14 months after he eliminated the position to cut costs. The city paid CFO Rich Goward \$162,302 – or one year's salary – as severance when he retired last year.

That means the city essentially paid to not have a CFO for a year.

Haynes said a variety of factors played into Hales thinking, then and now.

Hales, who took office in January 2013, complained during his mayoral campaign that urban renewal districts had been used as ATMs and too many tangential projects had been tacked onto water and sewer bills.

Additionally, the City Council reduced the scope of the CFO's responsibilities when it created an independent budget office.

"He saw no evidence of magical powers being attached to the letters 'CFO,'" Haynes wrote.

Hales' decision wasn't popular. Commissioner Nick Fish and Auditor LaVonne Griffin-Valade criticized the move.

Eventually, in response to mounting problems within the Office of Management & Finance, Hales last fall hired an outside consultant to recommend sweeping organizational changes.

Among the recommendations released this year: reinstate the CFO post. The new position would have expanded duties, supervising not only financial services but also business tax revenue collections.

Hales "had his questions; he put together a panel to advise him; he gave them time to work; he listened to their advice; and now he is refunding a position to serve as director of financial services," Haynes wrote.

To pay the post, Hales is tapping money from a \$3 million contingency he established last year.

Hales has already earmarked a portion of that unspent money for the upcoming fiscal year to cover \$250,000 for the Regional Arts & Culture Council and \$190,000 for the Portland Festival Symphony.

## **Portland's Old Town Chinatown plan includes \$7 million subsidy for 500 middle-income apartments**

*By Brad Schmidt*

Portland Mayor Charlie Hales wants to revive hardscrabble Old Town Chinatown by offering developers an estimated \$7 million in city subsidies to build 500 new apartments for middle-income earners.

Qualifying one-bedroom apartments would rent for up to \$1,301 a month, including utilities, or \$1,157 without, according to the proposal.

The so-called "workforce housing" subsidies are the most politically challenging component of Hales' long-awaited plan to spark development in Old Town Chinatown by investing public money over five years.

Beyond incentives for new apartments, Hales' plan also includes \$57 million from urban renewal districts for business and development efforts, including \$5.5 million to bring unreinforced masonry buildings up to earthquake standards.

The City Council has been split over the prospect of offering subsidies to build apartments for middle-income Portlanders, delaying the plan by six months. But Hales' office recently shared the latest iteration with city commissioners – an indication that the mayor may have the votes to move forward, perhaps as soon as next week.

Hales spokesman didn't respond to an email Monday morning.

**UPDATE:** In an email Monday afternoon, spokesman Dana Haynes said the mayor's office has asked for feedback on the plan and will incorporate that into an updated version. Haynes said he didn't know when the plan will move forward to the City Council.

The mayor's proposal would rewrite a citywide program that waives development fees on new housing serving low-income Portlanders. It would allow higher incomes in only Old Town Chinatown.

Under existing rules, the city waives fees on rental units open to Portlanders who earn up to 60 percent of the region's median, or \$29,160 a year for an individual. To receive the fee waiver, developers must keep a unit affordable for at least 60 years.

Under Hales' plan for Old Town Chinatown, up to 500 new apartments could be built for Portlanders who earn up to 100 percent of the region's median, or \$48,580 annually for an individual. The fee-waiver program would ensure affordability standards in Old Town Chinatown for just 10 years.

If approved by the City Council, the waivers in Old Town Chinatown would begin in July and run through June 2019. The waivers typically save developers more than \$10,000 a unit, money the city uses to cover the cost of providing parks, roads, sewers and water improvements.

Hales and city redevelopment officials say those amenities are already in place in Old Town Chinatown, Portland's oldest neighborhood. And they argue that city bureaus won't be losing money because the area has seen almost no construction – or subsequent development fees – in recent years.

Old Town Chinatown currently has a disproportionately high concentration of low-income housing, with nearly three out of four units open to Portlanders who earn less than 60 percent of the region's median income. It's perhaps best known for its homeless residents, soup kitchens and gritty feel.

But by offering development subsidies, Hales and the Portland Development Commission hope to attract new development and residents with disposable incomes to Old Town Chinatown.

Officials say developers are unwilling to build in the depressed neighborhood because rents are too low to cover construction costs. Waiving development fees could make it more financially appealing to builders.

Neighborhood groups, meanwhile, are clamoring for income diversity, seen as a key factor for drawing more businesses to the area.

The timing for Hales' revamped Old Town Chinatown plan coincides with a City Club of Portland event on Friday, where a panel of experts will discuss potential incentives and development options for the neighborhood.

The biggest change from Hales' plan: waivers would be available for apartments serving residents who earn up to 100 percent of the region's median, not 120 percent, as originally suggested.

Commissioner Dan Saltzman, in charge of city housing efforts, has said he's supportive of Hales' plan.

Commissioners Amanda Fritz and Nick Fish, who oversee parks and sewers, have said they don't want to subsidize new housing with money that would otherwise go to their bureaus.

On Monday, Fritz said she's still opposed.

"Parks funding is too inadequate to give away significant quantities of money," she said.

Commissioner Steve Novick, the swing vote, said in March that he was "not yet well informed enough to have much of an opinion."

Novick, through his chief of staff, declined to comment Monday.

## **Portland's new disabled parking rules: How scratch-off permits will work**

*By Joseph Rose*

To the Tuesday morning mailbag:

**Q: Could you do a short article explaining how the "handy scratch-off permits" work as part of the new disabled-parking rules and how one can obtain them? I tried looking at the Portland Bureau of Transportation website, but could not find specific information. Instead of explaining how to obtain the permits, one is instructed to go online or call the bureau. Fair enough, I guess, but it would be helpful if you could address the question.**

**A:** Of course. In fact, I even produced a video showing how the scratch-off permits work. (You can watch it above.)

Tuesdays are for show and tell.

As you obviously know, the days of a basic disabled-parking placard doubling as a pass for unlimited free parking pass in Portland's metered spaces ends on July 1.

Walk around downtown on any given week day and you'll get a good idea of why that's happening.

Block after block after block is lined with vehicles – hundreds of them, new and used, from new BMWs to beat-up pickups – whose owners have for years received unlimited free parking in the city's most

desirable metered spaces. Downtown businesses have long complained that hundreds of cars taking up spots for several hours at a time prevent parking from opening up for their customers.

It's clear to City Hall that a lot of able-bodied commuters are getting their hands on disabled permits and scamming a compassionate city out of millions of dollars in parking revenue each year.

Last month, the City Council changed the Portland parking ordinance to require motorists with a basic dark blue disabled placard to pay as of July 1. (The light blue wheelchair user placard still allows users to get free parking under state law.)

People with basic placards still get a deal on metered parking. In a one-hour, 90-minute or two-hour spot, for instance, you can pay the maximum but stay for up to three hours.

But for those whose disabilities make it hard to move a vehicle every few hours, the city created the scratch-off permits.

Although the PBOT website does a good job of describing of how many of the new parking rules work, it stumbles a bit when it comes to explaining how these new permits will look and work.

People with a disabled placard can pre-purchase scratch-offs that last four hours, six hours or all day for the city's different parking zones.

For downtown parking and Marquam Hill, for example, permits cost \$1.60 an hour. In the Lloyd District, it will be \$1 an hour. The Central Eastside will cost you \$1.20 an hour.

From there, you just keep it in your glove box. You then choose the day and time that you are parking and display the card on your dashboard. To purchase the scratch-off permits, contact [disabled.parking@portlandoregon.gov](mailto:disabled.parking@portlandoregon.gov) or 503-823-5195 ext. 3.

Hope that helps.

## **The Portland Tribune**

### **Two public street fee forums set**

*By Jim Redden*

Two new public town halls have been set for comment on the proposed Transportation User Fee.

These are the first forums to be scheduled since the City Council agreed to consider a wide array of possible revenue sources, including residential and business fees, a motor vehicle fee, a gas tax, a sales tax, a business profits tax, or some combination of them.

"There's no question that we need to pay to maintain our streets. If someone has a way to improve the Transportation User Fee and still raise \$50 million a year, let's hear it. Our community can no longer pretend that Congress or the state will save us from the need to invest in basic maintenance," says Mayor Charlie Hales, who will attend the forums with Transportation Commission Steve Novick and Portland Bureau of Transportation Director Leah Treat.

The forums are scheduled as follows:

Town Hall on Business and Non-Residential Fee: 8 to 9:30 a.m., Tuesday, June 24, at Venture Portland, 1125 SE Madison St., Suite 112.

Town Hall on Residential Fee: 6:30 to 8:30 p.m., Wednesday, June 25, at Kaiser Permanente's Town Hall, 3704 N Interstate Ave.

According to the Mayor's Office, the forums will provide an opportunity for the public to speak with transportation staff, ask questions, and make comments to the Hales, Novick and Treat.

Hales and Novick had proposed a monthly fee for households and a different monthly fee for businesses, governments, and nonprofit organizations based on the motor vehicle trips they generate. But the council delayed the proposal on June 4 in the face of public and business confusion and opposition.

The council has now said it will consider new proposals on Nov. 12. It will also consider placing a measure on the Nov. 4 General Election ballot restricting money raised by the fee to transportation projects at this Wednesday's council meeting.

"Too many children are forced to walk to school in a ditch for lack of sidewalks," Novick says. "I understand that some business owners want to adjust the transportation fee to better protect small businesses. If we can't find a way to improve it, Mayor Hales and I are prepared to move forward this fall with the proposal on the table."

"Even if you don't own a car, you count on Portland's freight routes for food and other essentials," Treat says. "Everyone benefits from our streets, so everyone needs to help pay for proper maintenance and safety improvements."

## The Mercury

### New Timeline to Hire Federal Police Reform Monitor: Sometime in August

*By Denis C. Theriault*

Portland's national search for a federal police reform monitor—on hiatus for almost three months after mental health advocates demanded a bigger role in the process—is apparently back on track, according to interviews with city officials and documents obtained by the Mercury.

The city began soliciting applications over the winter. And it had initially hoped to hire the reform's monitor, technically the "compliance officer/community liaison" (shortened to COCL in city jargon), by this month. But the city was nowhere close to hitting that mark, the Mercury first reported this month. A newly updated timeframe for the hiring process, released after reporting on the delay sparked an angry response from advocates, now targets August.

As part of that shift, the city's Office of Equity and Human Rights—working on the recruitment alongside the police bureau, mayor's office, and Commissioner Amanda Fritz—has invited a handful of advocates to serve on a new committee that would help vet applications. The office, says assistant director Joe Wahl, also must email the eight or so candidates whose résumés were still under consideration to make sure they're still available.

"The candidates have not heard from us for over a month and half," Wahl says. "We need to get something out to them and make sure they're still interested. That may inform us as to the next steps."

The hiring process stalled not long after applications had come in, about a dozen of them, in late March. Mental health advocates told Fritz they didn't feel like there had been sufficient outreach to their community in crafting the hiring notice or in recruitment—an important issue given that the US Department of Justice specifically found Portland police officers engaging in an unconstitutional pattern or practice of using force against people perceived to have mental illness.

(Officially, the job won't start until a judge signs off on the proposed reforms—something else that's been held up for months, thanks to an impasse over whether the city should appear in court once a year for advisory update hearings.)

The delay came even though a mental health advocate and member of the city's commission on disabilities, Kristi Jamison, had been added to an initial panel that had been asked to give a first review of applications. That panel had already done some work before Jamison was added to it. It included Ellen Osoinach, a deputy city attorney who'd worked on the reform deal with the feds; Jo Ann Hardesty, a critic of the police reform deal, justice consultant, and steering committee member of the Albina Ministerial Alliance Coalition for Justice and Police Reform; and Wahl himself.

One concern among the mental health advocates, as we previously reported, was that the candidate pool was too small and not sufficiently experienced with mental health. Sources say the candidate pool seemed more familiar with working on issues related to biased policing and racial justice.

The city still thinks it has an adequate pool of candidates, but it has since acknowledged that it could have done more to make sure mental health groups were actively recruiting potential candidates. Instead, the city merely emailed several groups about the job notice.

"There was nobody who inspired confidence," Jamison says.

Wahl says that acknowledgment prompted discussions between Fritz and Mayor Charlie Hales and others about adding more voices from the mental health and disabilities community to the vetting process. Figuring out how that next stage of vetting might work out, and how to accommodate a new timetable, helped fuel much of the delay. Mental health advocates also have complained that it's unclear who, in turn, will oversee the COCL—the city council or the police bureau or some other office. The COCL is being funded from the police budget.

Citing my column, Hardesty on Monday week wrote a stinging open letter to city council about the lag. She and her husband, Roger Hardesty, also held forth on their consulting firm's Facebook page.

"There are good applicants who will be lost," she told me, echoing her written comments, "because I don't know good people who wait around for a year looking for a job."

And she was still upset about what she felt was a lack of communication. Hardesty said she didn't even realize how and why the process had been held up until reading the Mercury. She also disputes the idea that the COCL must specialize in dealing with mental illness, pointing out that the reforms negotiated between the city and the feds call for an annual report on police contacts with all citizens and how the bureau is working to address biased policing.

"It's a false argument to have either/or," says Hardesty, who confirmed her consulting firm was named as a subcontractor in at least one candidate's application (city officials have since been assured Hardesty was unaware her firm had been included).

"The one thing all communities agreed upon was we did not want the job to be so narrowly focused that only someone with a police background would qualify."

But Hardesty says she's especially concerned that further delay means the police bureau will continue to implement what it says are new policies connected to the reforms—without anyone outside the bureau actually making sure those new policies and changes are doing what's promised.

"There's a disconnect at city hall," Hardesty says. "It appears police reform has been turned over to [Chief Mike] Reese."

The Mercury has since learned that the next committee to help vet candidates will attempt to bridge what had loomed as a divide between police accountability advocates who'd, for years, been publicly united. One potential member? Former State Senator Avel Gordly, the first African American woman elected to that legislative body—someone whose son has been hospitalized with mental illness and once was shot by police, with a beanbag gun. Other invitees include a public defender and a psychologist.

Hardesty says she sees room for "common ground" moving forward. And so do mental health advocates who've spoken with the Mercury. They emphasize the need for a discussion around "culturally competent" mental health treatment—suggesting that a lack of comfort with services, and easy access, could be one reason (but certainly far from the only one) African American men are disproportionately counted in police shootings and other police contacts.

"We should be allies," Jamison says, making clear that a candidate with sufficient experience in mental health can still be equally steeped in work promoting racial justice. "Everybody is affected by mental health."

## **The Street Fee Isn't Dead. (It's Just Resting With Its Eyes Closed.) Cue More Town Halls!**

*By Denis C. Theriault*

One of the loudest complaints in this month's since-delayed rush by Commissioner Steve Novick and Mayor Charlie Hales to pass a \$12 transportation user fee was an overwhelming sense of shock.

Despite a series of town halls on the city's transportation funding ills—both before and after Hales and Novick held their noses and settled on a regressive utility-style fee—residents and business owners still felt blindsided by the reality of that proposal once the time came for a vote. Sensitive details had been allowed to dribble out in piecemeal fashion, with the final proposal coalescing only a week or so before it was scheduled to go before council. And Novick and Hales only compounded the public's queasiness with a series of late alterations and tweaks.

Which is partly why (there also was the matter of securing a third vote...) the whole thing was put off until November, in part to hear from surprised residents and smooth out some remaining kinks.

So why rehash the history? The Bureau of Transportation appears genuinely and deadly serious about making sure no one can play the "panicked surprise" card ever again. It's just announced two more town hall meetings on the two facets of the fee and how and whether to improve them.

- Town Hall on Business and Non-Residential Fee: 8 to 9:30 a.m., Tuesday, June 24, at Venture Portland, 1125 SE Madison St., Suite 112.
- Town Hall on Residential Fee: 6:30 to 8:30 p.m., Wednesday, June 25, at Kaiser Permanente's Town Hall, 3704 N Interstate Ave.

The release includes some other notable details.

A comprehensive summary of the proposal, as currently envisioned, now lives on PBOT's website. And PBOT has added detail to what was a vexingly vague calculator meant to help businesses (based on type and size) estimate their likely fees.

There's also some cautionary language from Novick and Hales. Yes, you'll have a few months to suggest ideas and fixes. But, no, in the event no one can agree on what those new ideas and fixes ought to be, this thing won't go away.

"There's no question that we need to pay to maintain our streets," Mayor Hales said. "If someone has a way to improve the Transportation User Fee and still raise \$50 million a year, let's hear it. Our community can no longer pretend that Congress or the state will save us from the need to invest in basic maintenance."

"Too many children are forced to walk to school in a ditch for lack of sidewalks," Commissioner Novick said. "I understand that some business owners want to adjust the transportation fee to better protect small businesses. If we can't find a way to improve it, Mayor Hales and I are prepared to move forward this fall with the proposal on the table."