

## The Oregonian

# Community members say city's proposed Portland police oversight changes would be 'huge step backward'

*By Maxine Bernstein*

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Community members blasted city officials for not providing adequate notice of Monday night's town hall meeting or disclosing details sooner of a significant plan to overhaul Portland's police oversight system that appears headed for a City Council hearing next month.

The proposal would end public hearings on appeals of Portland Police Bureau findings stemming from citizen complaints of alleged officer misconduct. Instead, those complaints would be heard behind closed doors before a Police Review Board.

Residents who file police complaints with the city could challenge a police supervisor's findings and make their concerns heard at the front end before the Police Review Board. The board, made up of officers and citizen representatives, recommends to the police chief whether to sustain a complaint and, if so, suggests the level of discipline.

"We're trying to give the complainant an earlier, more meaningful opportunity to talk to the decision maker," said Deputy City Attorney Ellen Osoinach. She said the changes are designed to make the complaint process simpler for the public and the investigative review more efficient.

But most of the speakers attending the town hall said the city's proposal removed the very elements that are crucial for promoting community trust in the city's police force: transparency and citizen oversight.

The chair and vice chair of the existing Citizen Review Committee, which now holds citizen appeal hearings on police misconduct complaints in public, said those who drafted the proposal lack an understanding of the police oversight system. They also questioned why the city sequestered members of a focus group to come up with the idea.

The proposal took form after seven meetings held over four months by staff in the Mayor's Office, the City Attorney's Office and selected community members. The meetings were held in response to the U.S. Department of Justice's finding in May 2015 that the city needed to improve its byzantine police accountability system or it would be out of compliance with a settlement agreement reached in court.

"The Citizen Review Committee opposes, in the strongest terms, any change to the process that decreases transparency and public access to the complaint and appeal process," said Kristin Malone, an attorney who now chairs the 11-member Citizen Review Committee. "The CRC is now concerned that in a rush to make a change, Council will do more damage than good to the appeals process and to community trust."

The biggest change would strip the city's Citizen Review Committee of its ability to hear public appeals of the Portland Police Bureau's findings stemming from complaints of alleged officer misconduct. Instead, residents who file police complaints with the city could challenge a police

supervisor's findings and make their concerns heard at the front end, before a Police Review Board. But the board's hearing would remain closed to the public.

Others from the Albina Ministerial Alliance, the National Lawyers Guild, the League of Women Voters, Portland Copwatch, past members of the Citizen Review Committee and its predecessor panel, and members of another recently created community police oversight group also objected to the plan and how it was crafted.

T. J. Browning, a longtime community activist who has sat on earlier police oversight panels in Portland, stood to apologize to uniformed officers and city residents attending.

"How many times do we have to go through this? I've been at this since 1992, and I'm hearing the same thing," Browning said. But the city has continued to ignore the wishes of the community, she said. The best way to increase trust in police is to strengthen community involvement, she said.

"Please tell me, wise people, how does something behind closed doors done in secret and rushed to a vote does any of that?" Browning asked, drawing applause from others attending. "We cannot afford to squander trust right now. Not in Portland. Not anywhere. Please slow this down!"

The Police Review Board -- which now ranges from five to seven voting members and includes an assistant chief, peer officer, the officer's commander or captain, the director of the city's Independent Police Review Division and a citizen member -- meets behind closed doors at the Police Bureau. Under the city's proposal, it would add more citizens as voting members and possibly meet in other locations but continue to conduct its work out of the public eye.

Deputy City Attorney Mark Amberg said the Police Review Board meetings aren't held in public because officers facing potential discipline have due process rights and rights to privacy, citing state statute and the union contract.

The Police Review Board issues a report twice a year that describes its votes, with summaries of the cases yet few details, making it difficult to decipher. The city auditor has suggested increasing the number of reports issued a year and making them easier to understand.

Instead of limiting the role of the current Citizen Review Committee, the city should enhance it, said Kristen Chambers of the National Lawyers Guild. "When you go behind closed doors, it's easy for people to get pressured into things," Chambers said, especially in front of a large presence of uniformed, armed officers.

The Rev. LeRoy Haynes, a co-chair of the Albina Ministerial Alliance's Coalition for Justice and Police Reform, said an independent citizen review board with the power to compel officer testimony is what's really needed. He said the city's proposal "may make things more efficient and stable."

"But democracy is messy," he added.

Debbie Aiona of the League of Women Voters described the city's proposal as "a huge step backward," noting that holding the police review hearings out of public view without any airing of the investigations would mark the first time the city has taken such a step since the early 1980s.

The council is expected to hold a formal hearing on the proposed City Code changes Sept. 7.

## Willamette Week

# Home Builders and Developers Seek to Block Portland Parks Fee Increases for a Second Time

*By Johanna Bernhard*

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Portland home builders and developers are continuing to fight the fee increases on new construction that Commissioner Amanda Fritz pushed through City Hall last year. They argue in court papers filed last week that the city's fee increases should be ruled illegal.

The fees are known as system development charges, and in this case they were designated to go to Portland Parks and Recreation, which Fritz oversees.

City Council passed the fee increase in May 2015, resulting in fees on new residential and commercial development that were in some cases triple the original amount. The fees were based on sizes of projects, and one of the goals was to encourage developers to build smaller homes.

Business groups including the Portland Business Alliance, Home Builders Association of Metropolitan Portland and Oregon Association of Realtors, among others, opposed the fee increases.

In July 2015, the coalition of business groups filed a petition in Multnomah County Circuit Court arguing that the city blew it when it came to implementing the increases.

The city failed to provide plans that showed how the money would be spent, effectively breaking Oregon law, says the coalition's attorney, Paul Conable. SDC fees can be spent only on new construction necessitated by population growth.

At the end of May 2016, the city created a "short and cursory" plan, however, it still failed to explain how the SDC fees would be spent, says Conable.

A county judge ruled in favor of the coalition in June 2016.

"Notwithstanding that ruling," says Conable, "the city started collecting those fees on July 1."

The coalition filed a second petition in Multnomah County Circuit Court on July 25, stating "[the amended ordinance] is improper and only serves to further confuse an already botched process."

Jane Leo, governmental affairs director of Portland Metropolitan Association of Realtors, says the coalition is looking out for homebuyers, who will pay higher prices if builders shoulder bigger fees.

"The fee is based on the size of the home, making assumptions about who is going to live in the home," Leo says.

City Commissioner Amanda Fritz, through her chief of staff, declined to comment on the pending legal battle.

The coalition wants the city to invalidate the fee increases and force the city to refund the amount of fees that they have collected since July 1.

Fritz doesn't appear swayed.

Monday, Fritz celebrated a \$1.1 million set-aside for the Columbia Children's Arboretum in Northeast Portland, saying improvements to the park are possible only through the use of SDCs.

"SDCs help ensure that Portland's quality of life keeps pace with our growing and changing city by providing additional parks and recreation facilities needed to accommodate growth," Fritz said in a statement.