

## The Oregonian

# Hales needs to engage on Portland police reforms: Editorial Agenda 2016

*By The Oregonian Editorial Board  
August 20, 2016*

There was no mistaking the public outcry earlier this month over a proposal to merge two police-oversight panels into one that would review misconduct complaints against Portland Police. While the change would help simplify Portland's hopelessly convoluted police-accountability framework, community members objected to the idea that the consolidated panel would meet behind closed doors, limiting public participation, as The Oregonian/OregonLive's Maxine Bernstein reported. Despite promising elements of the proposal, the opposition appears to have tanked it – for now.

That wasn't the only casualty. Mayor Charlie Hales' interest in meaningful police reform also seems to have fallen to the wayside. Rather than offering revisions to address citizens' concerns, Hales appears to disavow the proposal – even though his office had requested that it be put on the City Council's Sept. 7. agenda. Hales' spokeswoman, Sara Hottman, sought to distance Hales from the proposal, withdrawn from the agenda after the contentious town hall, and recast the involvement of Hales' staffers in the work group that developed it.

The contortions are baffling. Hales is the police commissioner. He should be intimately involved with significant policy changes that affect the bureau. Moreover, the city of Portland doesn't have a choice in taking action. The U.S. Department of Justice warned the city more than a year ago that it needed to streamline its "byzantine" police-accountability system or risk being out of compliance with the police-reforms settlement that a judge approved in 2014.

Hales needs to re-engage. Even if the mayor can ignore his duty to Portlanders, he must recognize the serious consequences of noncompliance with a legal settlement.

The Justice Department is right to hone in on the labyrinthine way the city handles citizens' complaints about police misconduct. Now, a citizen's complaint alleging officer misconduct can follow different pathways, depending on the severity of allegations and whether discipline is ultimately recommended. Some investigations are handled by the police bureau and others by the auditor's office. Some hearings, such as those convened by the Police Review Board to consider recommended discipline, are held behind closed doors. Others, like those convened by the Citizen Review Committee, are public. All of it can take several months before a case is resolved.

In response to the Justice Department's concerns, the city convened a workgroup that included community members, the mayor's public-safety policy director and others, according to a city attorney's memo in June, leading to the proposal to consolidate the Police Review Board and the Citizen Review Committee. While the citizen panel would no longer handle appeals – limiting public input in those cases – the proposal would give complainants the ability to make their case directly to the review board that is weighing discipline, Bernstein reported.

City Auditor Mary Hull Caballero argues the city could increase citizen participation and transparency in other ways. For example, the city could boost the number of civilians on the

consolidated board, hold non-confidential portions of the hearings in public and require more detailed and timely reports of board actions.

But that would need action by Hales to develop such changes and champion the proposal to the public. Hales' spokeswoman said the mayor isn't offering any revisions, and is instead monitoring the public's response to another idea considered by the workgroup. That alternative, which the City Auditor's office is now proposing, would allow three-member subcommittees of the 11-member Citizen Review Committee to hear appeals of misconduct cases, allowing the group as a whole to tackle appeals more quickly.

While the proposal would cut the excessive amount of time a citizen waits for resolution of a complaint, it would not address the dueling oversight panels or confusing process, Hull Caballero told The Oregonian/OregonLive Editorial Board. This is not likely to satisfy the Justice Department which called for a "global" approach and is preparing a report on the city's progress in advance of a hearing set for October.

Time is short. The proposal for a consolidated board can and should be revived with Hull Caballero's ideas as a guideline.

But making such changes is up to the city's policymakers – the city commissioners and the mayor, not the auditor. "It is a political will question," Hull Caballero said.

That, unfortunately, may be the proposal's doom.

## **Portland city auditor moves forward with police accountability reforms**

*By Maxine Bernstein*

*August 20, 2016*

City officials appear to have backed away from a controversial plan to consolidate two police oversight boards and review alleged police misconduct behind closed doors after strong community opposition.

The mayor's office had planned to bring the proposal to the City Council on Sept. 7, but withdrew it from the calendar a day after critics blasted the idea at town hall meeting earlier this month.

So instead, City Auditor Mary Hull Caballero has moved ahead with her own ideas, noting that a city settlement agreement with the U.S. Department of Justice requires citizen appeals of police misconduct findings to be heard with 21 days of their filing. Justice Department officials reminded city officials in May 2015 that they needed to improve Portland's police accountability system or they would be in violation of the settlement.

Under Hull Caballero's plan, three-person panels of the Citizen Review Committee would hear citizen appeals of Police Bureau findings on misconduct complaints. The change, drawn from one of the ideas considered by a city work group, aims to speed up the process. The full Citizen Review Committee hears the appeals now.

The panels wouldn't take public comment, though the full committee still would take testimony from community members on policy or other matters.

Hull Caballero also has suggested changes to her office's Independent Police Review Division. It would still serve as the intake center for complaints against police, but the division will ensure each complaint received is investigated. Now, it dismisses some without investigation.

An officer's supervisor still would handle more minor complaints. The review division or the police internal affairs unit still would investigate more significant complaints.

But instead of having an officer's commander always issue a finding on the alleged misconduct, the office that investigates the complaint would issue the finding. Outside consultants have long complained about allowing an officer's commander to make a finding, noting that the commander might be reluctant to find wrongdoing by their officer since it could be considered a poor reflection on the commander.

Another change would allow the person who filed the complaint against an officer to make a statement to the Police Review Board, which examines all findings.

The Police Review Board would remain a group of five voting members -- three officers, a citizen member and the director of the Independent Police Review Division. It would continue to vote to either sustain a complaint against an officer or not, and make a discipline recommendation to the police chief. The board would continue to meet behind closed doors.

In another change that arose directly from circumstances surrounding the resignation of former Police Chief Larry O'Dea, the Police Bureau would have to notify the Independent Police Review Division of all suspected officer misconduct.

In late April, O'Dea told Mayor Charlie Hales, the internal affairs captain and his four assistant chiefs that he accidentally shot a friend in the back on April 21 during a camping trip in Harney County. No one in the bureau or the mayor's office told the Independent Police Review Division about the off-duty shooting.

Constantin Severe, the Independent Police Review Division director, didn't learn of it until he read press reports that came out about it a month later. Severe then initiated an inquiry into why his office wasn't told. That inquiry is continuing, awaiting the outcome of a state Justice Department criminal investigation into O'Dea's shooting. O'Dea retired June 27.

The city auditor said she was disheartened that the mayor, who serves as police commissioner, wasn't more involved in shepherding police accountability reforms after the town hall session.

"I am disappointed at the lack of leadership given the requirements of the settlement agreement and the delicate time the city is in," Hull Caballero said Friday. "My expectations were higher that this would be addressed at the policy level."

The mayor's spokeswoman Sara Hottman said in an email that "Mayor's Office staffers" have been working closely with the Independent Police Review Division, the Police Bureau, the city attorney's office and Citizen Review Committee members to revise the proposal, "taking into consideration input received at the town hall."

The auditor's proposed changes will be presented at a public forum from 6 to 8 p.m. Tuesday at the Maranatha Church, 4222 N.E. 12th Ave.

Kristin Malone, chair of the Citizen Review Committee, said she's pleased the city has dropped, at least for now, the consolidated board proposal. The plan to have a three-member panel of committee members hear appeals should allow for more complaints to be heard, she said. But Malone said she suggested the 11-member committee be increased to at least 13 members so three four-member panels could hear appeals. If one panel member was absent, a quorum would still remain. She's also concerned about the plan to eliminate public comment from appeals hearings.

Dan Handelman of the police watchdog group Portland Copwatch also said he's most concerned about the auditor's plan to cut out public input from appeals hearings. "I think community comments has made them a better committee over the past years," he said.

The city auditor said she wants to keep the appeals process focused on the person who filed the complaint and the officer or their supervisor.

"The only people who have access to the file are the participants. We need to protect the integrity of the process," Hull Caballero said.

The City Council is set to hear the proposed changes on Sept. 14 at 3:45 p.m.

## **The Portland Tribune**

### **City releases draft changes to police review policies**

*By Jim Redden*

*August 19, 2016*

City Auditor Mary Hull Caballero released draft proposed changes to Portland's police review process Friday afternoon. They will be heard by City Council on Sept. 14

According to the release, the proposed changes are aimed at increasing the number of investigations of complaints of officer misconduct, improving reporting by the Portland Police Bureau of suspected misconduct, increasing the accountability system's efficiency, and better protecting the integrity of the appeal process.

The Albina Ministerial Alliance will be hosting a public forum to discuss the proposed changes from 6 p.m. to 8 p.m. on Aug. 23 at Maranatha Church, 4222 N.E. 12th Ave. Much of the testimony about the potential changes was negative at an Aug. 1 forum.

The Portland Tribune has previously reported the changes are necessary to comply with the city's 2012 settlement of a federal Department of Justice lawsuit about excessive force by the police. That's because of how long the process currently takes to resolve complaints of police misconduct.

According to Hull Caballero, appeals "are taking 149 days to get through. They have to be done in 21 days. So we're not even within striking distance of meeting the requirement in the agreement."

The Independent Police Review (IPR) was created in 2001 as a division of the City Auditor's Office. Its mission is to improve police accountability and promoting higher standards in police services.

According to the release, the proposed changes are the product of efforts by community members and city employees to provide Portland with increased police accountability and to implement the DOJ settlement agreement.

According to the release, the proposed code changes include:

- Requiring that all complaints of officer misconduct are investigated
- Requiring that IPR is notified by PPB of all suspected officer misconduct
- Authorizing the Citizen Review Committee to hear appeals in three person panels
- Reserving public comment for general meetings of the CRC rather than the appeal hearings, which will be scheduled separately
- Requiring that recommended findings completed by either IPR or the PPB's Internal Affairs Division be based on which office investigated the complaint, as opposed to current practice of having the involved officer's commander write findings
- Allowing a complainant to be present at a Police Review Board hearing and provide a statement.

The draft proposal can be found at [www.portlandoregon.gov/ipr/article/587469](http://www.portlandoregon.gov/ipr/article/587469).

A previous Portland Tribune story on the issue can be read at [portlandtribune.com/pt/9-news/316170-195153-portland-police-oversight-at-crossroads](http://portlandtribune.com/pt/9-news/316170-195153-portland-police-oversight-at-crossroads).

## **The Portland Mercury**

### **The City Might Not Wall Off Police Discipline Appeal Hearings, After All**

*By Dirk VanderHart  
August 19, 2016*

There are potentially big changes coming to Portland's police oversight process next month. But, at least for now, the system won't be sealed off from public scrutiny as many had feared.

Portland's City Auditor Mary Hull Caballero—who oversees the city's Independent Police Review (IPR)—today released a number of proposed code changes it's asking Portland City Council to approve in a meeting September 14 (see here and here).

Those changes would cut off often-strident community input at appeals hearings held by the IPR's Citizen Review Committee (you may recall an incident where someone got doused with water during one-such hearing?). And they'd also, in no uncertain terms, require the police bureau to alert IPR when there's evidence a Portland Police Bureau (PPB) member has "engaged in conduct that may be subject to criminal and/or administrative investigation). That's a tweak pretty squarely aimed at the fact that the PPB didn't think to alert IPR when it learned former Chief Larry O'Dea had shot a man while camping.

What the code amendments won't do is fundamentally change the system by which complaints against police are weighed. As we reported earlier this month, city officials have toyed with the

idea of partly merging the functions the five-member Police Review Board, which considers serious complaints against officers, and the CRC, which hears citizen appeals when complaints don't result in discipline.

Such a merger would have potentially taken away those appeals, and ensured all deliberations over disciplining cops for bad behavior happened behind closed doors. Officials argued, though, that it would have been able to speed up the discipline process—one goal of a settlement the city reached with the US Department of Justice.

But there's no hint of that so-called "consolidated review board" in the changes released today. IPR Director Constantin Severe says that's because city attorneys are still looking into the legality and specifics behind that scheme.

"From my understanding it's under review to see how feasibly we could do that," Severe tells the Mercury.

That's not to say there aren't big changes being proposed. In recent months—between the O'Dea incident and increasingly vociferous outcry by the public at CRC meetings—the police oversight system has struggled to function as designed. Among the changes to the system council will consider next month:

- Splitting the 11-member CRC into three-person panels that can hear appeals cases. Right now, the full CRC takes up those cases, but often finds it doesn't have time to handle them all at monthly or twice-monthly meetings. Severe says splitting the body into panels that meet independently (still in public) will help it take on much more of the workload.
- Axing public comment periods from those discipline appeal hearings. In April, cops and the Independent Police Review got into a standoff of sorts, after one CRC member was doused with water at a hearing. Cops refused to show up at the following CRC meeting, until their safety could be guaranteed. By removing any opportunity for audience members to provide input at those hearings, IPR argues the process will be more smooth and fair (because community members won't be urging the CRC to recommend discipline). "It has to be a fair process if we want a system of real accountability," Severe says. Don't expect this recommendation to be a hit with the folks who attend these meetings. IPR already stopped giving audience members food.
- Forcing the police bureau to alert IPR when it has reason to suspect one of its members has broken the law and/or rules. Again, this is pretty squarely aimed at the fact PPB kept the O'Dea shooting so close to the vest. Severe wouldn't say that outright, noting that the shooting is still under investigation.
- In a move that feels like it should have been made ages ago, people who complain about cops might FINALLY get a chance to plead their case to the Police Review Board. Right now, cops who are complained about are able to speak to the board, but the folks who feel wronged are only represented by written statements. "It's really powerful to hear from an individual themselves as opposed to hearing from a cold, dead record," Severe says.
- Requiring that far more complaints about cops are investigated. Right now, if IPR receives a complaint about a cop, but learns while gathering information that it's

unlikely to result in discipline, it'll often dismiss the case, Severe says. The new changes would ensure far more get a full investigations, though there would be some exceptions.

- Scrapping the process of allowing a cop's commanding officer to type of findings of an investigation into that cop's conduct. Instead, either IPR or the police bureau's Internal Affairs Division will type of the findings, depending on which investigated the complaint.

If they're approved by council, these changes represent the third large-scale tweak of the city's police review process in the last six years. Other large changes occurred in 2010—in the wake of the killings of Aaron Campbell and James Chasse— and 2013.

## The Portland Business Journal

### A tale of two waterfront properties: Terminal 1 and Centennial Mills

*By Jon Bell*

*August 19, 2016*



They both sit along the banks of the Willamette River in Northwest Portland. They both seem to offer promising development opportunities, particularly in a market like Portland, where new apartments and office buildings are sprouting every other week. And they've both become high-profile prospects in recent times.

Yet the city's Terminal 1 property and the Portland Development Commission's Centennial Mills site are much farther apart — in price point and in other ways — than their physical proximity would suggest.

At Centennial Mills, PDC had hoped to sell an acre of the property to a developer, who would have been required to fully restore the seven-story flour mill building on the site. Despite its seeming potential, Centennial Mills has been an albatross for PDC since it first acquired the property in 2000, and two huge redevelopment projects for the site never came to be.

According to the Oregonian, just three bids for the acre PDC was selling came in, ranging from \$1,000 to more than \$3.4 million. According to Michael Tevis, president of the development firm Intrinsic Inc., the \$1,000 offer was not a lowball attempt to nab the property, but instead a unique approach by his for-profit firm and his nonprofit, Artfusion, to put the space to use as affordable art studio and performance space.

The upper-end bid came from a Texas developer who wanted to build a new mixed-use building on a vacant piece of land that's part of the larger Centennial Mills site.

None of those resonated with PDC, which is now considering a more extensive demolition effort than originally planned to make the site more attractive to large-scale development.

Meanwhile, Terminal 1 has been in the news of late as it's become the desired site for a huge temporary homeless shelter initially proposed by developer Homer Williams. The city council voted last week to lease the site to the Portland Housing Bureau for just that use. One problem: the Bureau of Environmental Services, which technically owns the 14.5-acre property, has been trying to sell it and recently received bids of between \$6 million and \$10 million for it. Plans accompanying those bids ranged from a new affordable housing development to a Costco.

Those bids are on hold now as the city and Williams look into raising the funds needed to operate a shelter on the site, which could serve up to 400 people.

The fact that the sale process is now on hold is frustrating to City Commissioner Nick Fish, who favors the economic benefits of selling the property over using it for the shelter.

His assessment of the Terminal 1 sale — that it's been put on ice — also works for the current state of Centennial Mills, giving these two prominent Portland properties another common bond.