

# The Portland Tribune

## Police report card gets scrutiny

*By Nick Budnick  
October 25, 2016*

If past is prologue, U.S. District Judge Michael Simon will set the tone today for the coming year in debate and controversy over the Portland police.

Two years ago, Simon presided over the agreement in which Portland officials accepted outside oversight in response to what federal prosecutors called a pattern of police violating the civil rights of mentally ill people.

Then, during a one-year checkup in October 2015, Simon's remarks pressing for officers to be equipped with body cameras and questioning a controversial rule — giving officers involved in incidents 48 hours before giving a statement — foreshadowed a year marked by secret city police contract negotiations on those same topics. That contract, approved by the City Council earlier this month, led to recent protests and lockdowns of City Hall, including a campout outside Mayor Charlie Hales' house.

So, what will Simon do this year? And how is the Portland Police Bureau doing in its efforts to remake the agency's practices?

Filings in the U.S. Department of Justice case against Portland give clues on both counts. They show that while the city made progress on some federal concerns, a wide variety of others remain. Here's a roundup of the issues that Simon could address:

### **Body camera policies**

The contract approved by the City Council earlier this month requires the union sign off on any city policy regarding whether officers can review video footage from officer body cameras before giving statements on incidents involving the use of force.

The union supports such review, and a draft city policy allows for it.

The federal prosecutors overseeing the Portland police don't like the idea, writing in their status report filed in court that "We have previously advised that PPB should not permit officers to view video footage before completing use of force reports and providing statements because of the risk of collusive reporting. Moreover, viewing videos before submitting one's initial report distorts an officer's subjective belief of what occurred."

### **Former Chief Larry O'Dea**

Federal prosecutors highlighted Hales' and the police bureau's handling of former Chief Larry O'Dea's off-duty shooting of a friend in April, saying Hales and O'Dea's "failure to act obstructed a 'fair and expeditious resolution,'" and discouraged others from reporting the apparent misconduct.

### **Capt. Mark Kruger**

The federal prosecutors reserved their harshest words for Capt. Mark Kruger, whose past interest in Nazi Germany and World War II history has sparked headlines for more than a decade.

They criticized an incident first reported on by the Portland Tribune earlier this year in which Kruger was accused of trying to obstruct a review of an incident in which drug cop Scott Groshong appeared to grab an activist's camera to block him from filming.

The prosecutors said Kruger's actions discourage the filing of complaints and "undercut accountability systems." The federal officials suggested discipline or other administrative action against Kruger was called for.

"The Captain continues to attack the very accountability systems designed to build confidence in legitimate policing," the prosecutors wrote.

### **Community oversight**

The federal settlement was supposed to be overseen by a Community Oversight Advisory Board set up to work with consultants tasked with monitoring the bureau's compliance.

However, that board has been crippled by infighting and the city's failure to fill vacancies fueled by the infighting, as well as police critics' disruptions of public meetings.

The board's problems arguably represent the most glaring area where the city has not complied with the settlement, according to the federal prosecutors' status report.

The city was supposed to prepare a proposal to fix the COAB but has not, according to the report.

### **Officer tracking**

For nearly two decades the Portland Police Bureau has touted an early warning system that was supposed to red-flag officers involved in a spurt of violent encounters or questionable activity. According to the federal report, however, the bureau's "Employee Information System" doesn't trigger reviews of officers often or quickly enough.

The bureau needs to be more on guard for an uptick of questionable behavior by officers, thus reducing the "risk of potentially career-ending behaviors or potential rights violations. PPB should not merely treat EIS as a data warehouse."

### **Civilian oversight**

The city's civilian police oversight office, called the Independent Police Review, is supposed to be beefed up and streamlined under the federal agreement.

The prosecutors noted approvingly that the city appears to be undertaking a comprehensive review of changes to the Independent Police Review office as well as police internal investigations.

However, they indicate that any such reform must include significant community support — which could be a tall order given a year marked by controversy.

### **Use of force**

The federal report noted a dramatic drop in fatal police encounters, and also stated that "We did not find very many incidents that even arguably constituted unreasonable use of force" in a sample of police reports.

However, there are warnings signs in an audit of force reports and a lack of proper documentation that throw into question the bureau's use of force statistics, according to the federal report.

The bureau needs to require that officers use the least amount of force possible in encounters and be better trained to account for a subject's mental health, the federal attorneys wrote.

The bureau also needs to look at the apparent misuse of Tasers by some officers. "Too many (Taser) deployments violated policy; supervisors too often defended these policy violations."

## **The Portland Business Journal**

### **Portland, Gresham join Bloomberg-driven improvement push**

*By Andy Giegerich  
October 24, 2016*

Portland officials said Monday the city will participate in a Bloomberg Philanthropies program that will boost locals' access to data.

The "What Works Cities" program is a three-year, \$42-million initiative that's launching in a number of areas, including Gresham and Seattle.

Portland will receive no money through the program but officials will receive guidance on how to improve its data use.

The project looks to "broaden access to municipal public data, a foundational element of smart city infrastructure and public-private partnership opportunities," using an "open data platform."

More specifically, it could help cities better display public safety numbers and reveal progress toward city goals.

Brian Worley, an aide to Portland Mayor Charlie Hales, said the city has worked behind the scenes through most of the year to make the cut.