

## The Oregonian

# Charge against ex-Portland Police Chief Larry O'Dea should stand, state lawyer says

*By Maxine Bernstein*

*December 13, 2016*

A Harney County judge should allow the prosecution to proceed against former Portland Police Chief Larry O'Dea for shooting a friend during an off-duty hunting trip earlier this year, a state Justice Department lawyer argued Tuesday.

O'Dea faces a negligent wounding allegation in the April 21 shooting near Fields in Harney County, but has asked that it be dismissed as "unconstitutionally vague."

Assistant Attorney General Colin Benson said in a response that the "indictment is explicit."

"Mr. O'Dea wounded Mr. Robert Dempsey with a bullet fired from a gun. This is the act stated as plainly as possible," Benson said. "The culpability is his failing to act with ordinary care."

O'Dea's lawyer contends that the negligent wounding statute is "too open-ended" and the pretrial evidence obtained from the Justice Department doesn't explain how O'Dea allegedly acted negligently.

O'Dea and Dempsey were part of a group shooting at ground squirrels when O'Dea shot his friend in the lower left back with his .22-caliber rifle. Dempsey was airlifted to a trauma hospital in Boise, where he was treated and released, according to dispatch and sheriff's reports.

Benson said a jury would have to determine whether O'Dea wounded Dempsey with a bullet shot from a firearm and whether O'Dea was using ordinary care when the shooting happened.

As with other crimes, such as fourth-degree assault, it's not necessary for the indictment to spell out how the accused failed to use care, Benson said. Those details are in police reports and interviews with O'Dea and other witnesses, he said.

When a Harney County deputy responded to a 911 call after the shooting, O'Dea suggested that the injury had been self-inflicted, according to sheriff's office reports. O'Dea told the deputy that his friend may have accidentally shot himself while putting his pistol in his shoulder holster while they were shooting squirrels, the reports show. He didn't identify himself as Portland's police chief.

The deputy, according to his report, said he smelled alcohol on O'Dea's breath. O'Dea told the deputy that he didn't have his rifle in his hand at the time but was reaching for a drink out of a cooler and heard his friend scream.

But O'Dea sometime later called Dempsey to apologize for shooting him.

After his release from the hospital, Dempsey was interviewed by the deputy and disclosed for the first time that it was O'Dea who had shot him. He told the sheriff's office that O'Dea had been having trouble with his rifle all day, that it was jamming and misfiring.

Dempsey told the deputy that O'Dea said he went back to his chair and when he picked up his rifle, it accidentally went off, according to the deputy's report.

On May 20, O'Dea first acknowledged publicly through a Portland police spokesman that he had a "negligent discharge" of his rifle and shot his friend.

At that time, Harney County Sheriff Dave Ward said O'Dea had never told the sheriff's investigators directly that he was responsible for the shooting. The Sheriff's Office called in Oregon State Police and the state Justice Department to take over the criminal investigation.

O'Dea resigned in late June during the course of the criminal investigation before he was indicted. His lawyer has said O'Dea wasn't intoxicated or impaired by alcohol at the time of the shooting.

The former chief has filed a notice of intent to sue the Harney County sheriff, the Oregon State Police and the Oregon Department of Justice, claiming they released reports alleging that O'Dea was impaired by alcohol, intoxicated "and/or showed visible signs of intoxication when he was interviewed by an investigator" after "the unintentional discharge of a firearm" occurred.

## **Obscene pay inequality bad for workers and economy (Opinion)**

*By Guest Columnist Steve Novick  
December 14, 2016*

The Oregonian editorial board opposes my proposal, which was adopted on Dec. 7, to impose a surtax on corporations that pay their chief executive officers more than 100 times what they pay their typical worker ("CEO tax," editorial, Dec. 10). To quote Samuel Jackson in Pulp Fiction: "Well, allow me to retort."

Extreme income inequality is, next to climate disruption, the greatest challenge of our era. The richest 1 percent, and especially the richest one-tenth of 1 percent, have vastly more income, wealth and power than they did forty years ago. If the share of income going to the top 1 percent were restored to what it was in 1976, everyone in the bottom 90 percent could get a 20 percent raise.

The rise of extreme inequality is economically, culturally and politically destabilizing. Donald Trump won the Presidential election because he did a much better job than Hillary Clinton of appealing to people's feeling that "the game is rigged" for those at the top. Of course, Trump is now stocking his cabinet with game-riggers, and many of his actual proposals as President are likely to increase inequality. But the rhetoric was powerful because it tapped into real concerns on both sides of the aisle. When Trump said "make America great again," certainly white male supremacists thought about the restoration of white male supremacy. But others thought back to a time when the economy seemed to work for all of us.

Obscene CEO pay has been a major part of the story. In the 1960s, the typical CEO of a big corporation made 20 times what the average worker made. Now, it's hundreds of times. Internationally-acclaimed economist Thomas Piketty estimates that about two-thirds of those in the top 0.1 percent are top executives at large firms.

The tax code is often used to encourage the behavior we want to see: we have a home mortgage interest deduction to promote home ownership and charitable deductions to promote charitable giving. My proposal -- once adopted by numerous other jurisdictions -- will prod corporations to restore more equitable pay scales. If shareholders realize that inequitable pay scales are reducing their after-tax profits, they will pay their CEOs a little less and their regular workers a little more.

And no, my proposal won't drive businesses out of Portland. The city's 2.2 percent business income tax applies to publicly traded corporations that make profits by doing business in Portland -- the vast majority of which, like Walmart and Wells Fargo, are headquartered out of state. The new surtax would increase the business tax for corporations with a pay ratio above 100-to-1 to 2.42 percent and to 2.75 percent for those with pay ratios above 250-to-1. It would be absurd for Wells Fargo to close profitable branches in Portland just because they've become slightly less profitable.

Finally, it's important to remember that in the '50s and '60s, when CEOs made much less, the American economy and American corporations were the envy of the world. It wasn't just a more equitable economy; it was a stronger economy. My proposal is one step toward truly making America great again.

## **Willamette Week**

### **Commissioner Amanda Fritz is Poised to Hand Public Campaign Financing to an Office Overwhelmed by Unrelated Tasks**

*By Rachel Monahan  
December 14, 2016*

Portland Commissioner Amanda Fritz is on the cusp of achieving a cherished goal: reviving a public campaign financing system.

On Dec. 14, City Council is scheduled to vote on Fritz's so-called Open and Accountable Elections, which would match every dollar donated to an election campaign, up to \$50 per donor, with \$6 in public money.

Fritz appears to have the votes: Mayor Charlie Hales and Commissioner Steve Novick have expressed support for Fritz's plan. Last week, they decided not to send it to voters, who in 2010 rejected a public financing program marred by waste and fraud.

"Everybody wants to do this well," says Kate Titus, executive director of Common Cause Oregon, who is supporting Fritz's proposal. "I don't think we take this lightly."

Last week, The Portland Mercury reported that Fritz plans to hand responsibility for managing the public campaign financing system to the Office of Neighborhood Involvement, a bureau she oversees.

But ONI was called out last month by city auditors for lacking clear direction and being beset by management problems.

Now, a review of additional public records from the Nov. 16 audit raises further questions about the plan for ONI to oversee the new program. According to audit work papers, ONI's own director, Amalia Alarcón de Morris, disparages her office as an "Island of Misfit Toys" owing to the City Council's past practice of heaping disparate and unconnected programs on the office. (She denies saying this and tells WW a predecessor used that nickname.)

In interviews with auditors, ONI employees criticized past decisions to add extra duties to the bureau, including Portland's program for licensing and monitoring recreational marijuana, and the bureau's ability to manage multiple programs, according to the auditors' notes.

Asked to identify ONI's strengths during a Jan. 12 audit interview, the office's leadership—Alarcón de Morris and Amy Archer, the bureau's business operations supervisor—appeared to have difficulty coming up with an answer.

"Amy mentioned that things keep getting added to their portfolio—Noise and Marijuana," the auditor's notes from the interview read. "The Marijuana program increased ONI staffing. They struggle internally with basic administrative support. Amalia stated that people have an expectation of ONI interactions, so management being diverted to these new programs creates an external friction."

The auditor's office, in its report, did not weigh in on whether ONI should take on management of public campaign financing, cautioned Drummond Kahn, director of audit services.

"This audit was looking at neighborhood programs and did not reach conclusions about whether new topics or new efforts should be added to ONI in the future," Kahn says.

Alarcón de Morris, who told auditors her bureau was overwhelmed by unrelated duties, now tells WW the new task wouldn't be a problem. She says ONI has added two administrative staff members this year—and the office's proposed campaign-financing responsibilities, unlike some past additions to ONI, come with funding for two more staffers..

"We're definitely in a much better place," she says. "I feel comfortable that the program comes with staffing. I feel fairly confident that what's being proposed will get us ramped up."

A representative for Fritz rejected the idea that any problems at the bureau would be an impediment to publicly financing campaigns.

"The audit was focused primarily on the neighborhood structure and associated grants, and did not address most of the functions of ONI," says Fritz chief of staff Tim Crail. "We believe that ONI is entirely capable of running this."

According to the auditors' interview notes, management problems have plagued the agency: The director herself told auditors she plans to retire in three years; at least some employees view Alarcón de Morris as disengaged, in part because of her impending retirement; and benchmarks for the bureau aren't in place.

As for the community and neighborhood involvement division, the focus of the audit, Archer told auditors that resources are directed based on "some element of the Commissioner in Charge," and staffers "mainly wait 'until it somehow becomes a fire,'" according to the auditors' notes from a March 14 interview.

Alarcón de Morris now downplays the significance of those complaints, saying she's happy with Fritz's management.

Fritz selected ONI, which she oversees, to carry out the campaign-financing program only after other public agencies that already had responsibilities related to elections turned her down, including the city auditor.

Fritz is undeterred. In a hearing Dec. 7, elected officials gave voice to high-minded reasons to support the proposal—including breaking down barriers for a new, diverse pool of candidates.

"This is going to open things up, and that's what we need," said Fritz.

## The Portland Mercury

# Mayor Charlie Hales Wants to Create a Village for Homeless Women in Kenton

*By Dirk VanderHart*

*December 13, 2016*

Portland's first "sleeping pod" village might take root in Kenton.

For weeks, the Mercury has learned, Mayor Charlie Hales' Office has been quietly pitching the North Portland neighborhood on an idea: The city wants to put 14 newly build tiny homes designed for homeless Portlanders on a plot of city-owned land near Kenton Park.

As devised in a formal proposal [PDF] Hales' office sent the Kenton Neighborhood Association (KNA) earlier today, the new "Argyle Village" would house 14 homeless women at a time. It would have on-site services from the nonprofit Catholic Charities, which would help residents find homes, support self-governance of residents, and contract with the city for "sanitation, lighting, fencing, etc."

"The strong leadership and organizational capacity of a managing partner such as Catholic Charities fills a gap in the existing village model in our community and creates the opportunity to ensure a quality living environment in the Village, access to necessary transition services for the residents, and effective ongoing partnership with the community, the City of Portland, and the Joint Office of Homeless Services," the proposal reads.

The village could be established by February—and provide a new model for housing the homeless as Portland continues to grapple with a crisis being felt up and down the West Coast.

"They're trying to do this as an accelerated timeline situation," KNA Chair Tyler Roppe tells the Mercury. "My personal feeling is it might be feasible. It might be something the neighborhood can get behind."

The fast-moving proposal is another sign of the urgency Hales feels to set the stage for an organized tiny house community before he leaves office next month. The mayor's office has worked for months to create "pods" that might be turned into small villages around town. But he's also gotten a boost by the Village Coalition, a group of activists, advocates, faith leaders, architects and more, that just designed and built the 14 innovative tiny structures the city is hoping to place in Kenton (the city pitched in \$35,500 for the build).

The effort is also partly about making good on a pledge. When Hales' office convinced a camp for homeless women to depart a piece of city-owned land in May, it promised to have another plot available in two weeks. But that land never emerged.

Now staffers in Hales' office are hoping they've found it at 2221 N Argyle, which is owned by the Portland Development Commission.

According to Roppe, representatives from Hales' office, Catholic Charities, and the county's Joint Office of Homeless Services plan to attend a neighborhood association meeting tomorrow evening to pitch the plan. Roppe posted the proposal on the KNA's website to make residents aware of the idea.

Roppe says the land where the camp might go is sometimes called "the mattress dump" by neighbors, and that it's "been underutilized."

"I don't think it's in anyone's back yard," he says.

But there are also raw feelings in Kenton, Roppe says, stemming from a transitional housing shelter that recently operated in an old hotel on North Interstate. That wasn't a city-sponsored operation. According to Willamette Week, it was funded by the Multnomah Education Service District.

Still, Roppe notes similarities.

"A lot of problems ensued," he says. "Here you have another case where a government is coming to you with a religious partner to operate a traditional women's shelter. That's one of the biggest sticking points."

Here's part of the city's proposal.

### **Core Principles**

- **Housing first** – a focus on moving residents into permanent housing as quickly as possible while providing voluntary support services to the residents
- **Transition into permanent housing** – the village provides a temporary and transitional housing opportunity for women finding permanent housing solutions
- **Support services** – connecting the residents to the appropriate services that they want and need
- **Self-governance** – the village residents will participate in mutual support and community development that is governed internally with the support of Catholic Charities
- **Safety and Security** – ensure the village residents have a safe place to sleep and create community, and a secure place for their personal belonging
- **Health** – ensure property sanitation, fresh water and cooking environment for the village; and link resident to appropriate health providers
- **Community participation and healing** – bringing together individuals without other housing options provides a new opportunity for reintegration and community building among residents and the neighborhood
- **Good Neighbors** – the community of women and the participating organizations will be good neighbors and intend to participate and support the continued neighborhood development

### **Goals**

- Create a sense of community between residents and the neighborhood
- Provide temporary transitional housing to 14 women
- Support and develop the infrastructure for successful replication within other areas of Portland

## The Portland Business Journal

### Fritz: In fixing Portland cannabis licensing, don't forget neighborhoods

*By Pete Danko*

*December 14, 2016*

Marijuana businesses in Portland are struggling to get the licenses they'll soon need to operate legally in the booming recreational market.

Yet Portland City Commissioner Amanda Fritz still believes the city can be a thriving center for the craft cannabis industry — all the while protecting neighborhoods.

Fritz oversees the Office of Neighborhood Involvement, which is in charge of licensing retailers, growers and processors in the city. Only a small percentage of applicants have emerged with their recreational licenses, and many have complained of a convoluted, opaque, inconsistent and expensive process that has them bouncing back and forth between ONI and the city bureaus who issue the permits they need.

With the state heading toward a full recreational system on Jan. 1, the Portland licensing logjam has put Portland businesses in a tough spot, industry players say, and led to forecasts of failures, lost revenues and missed tax opportunities.

In an interview Tuesday afternoon, Fritz said some fixes are needed. A package of amendments to be discussed by the City Council Wednesday could “clarify and streamline things,” she added.

However, protecting neighborhoods is a vital part of the craft-cannabis vision that can't be overlooked, Fritz said.

“We are already known for Portland being a livable city, where businesses of different kinds flourish next to each other and where every neighborhood has its own distinct character,” she said. “I don't think we need to throw the baby out with the bathwater, in completely getting rid of the program that's really necessary to make sure that our business community and our neighborhoods continue to thrive.

“Looking at the challenges with liquor and bars and such that cause a lot of disturbances in neighborhoods and cause neighbors to become very frustrated, we want to do better than that with cannabis businesses.”

Fritz has been criticized by some in the industry for being slow to try to smooth out the licensing process, but she said “we have been preparing for changes” and added that “we'll probably have more” beyond Wednesday's Council meeting.