

The Oregonian

Portland to sue Trump administration

*By Jessica Floum
April 13, 2017*

Portland plans to take a stand against [President Donald Trump's executive order](#) that says the administration will withhold federal grants from sanctuary cities that, like Portland, refuse to cooperate with federal immigration enforcement.

At the urging of Mayor Ted Wheeler, the City Council voted unanimously on Wednesday to join Seattle in suing over Trump's order, which the Seattle lawsuit asserts is unconstitutional. Commissioners Amanda Fritz and Dan Saltzman were absent.

"Five years ago, I never would have envisioned myself suing a president of the United States on an issue that I believe is an issue of morality, and yet here we are," Wheeler said. "It's very important that we're taking this action."

Attorney General Jeff Sessions said in a [March press conference](#) that the federal government would also take "all lawful steps to claw back any funds" awarded to sanctuary cities.

Two days later, Seattle filed suit. It alleges that Trump's executive order violates the Tenth Amendment, which prohibits the federal government from directing state and local governments to do the work of the federal government, [The Seattle Times reported](#). The suit also argues the order violates the U.S. Constitution's Spending Clause, which blocks the federal government from coercing state or local action through the denial of funds.

"This administration has created an atmosphere of anxiety in cities across America and created chaos in our politics," Seattle Mayor Ed Murray told The Seattle Times. "It is time for cities to stand up."

Portland's current budget has more than \$29 million in federal grants that "could be in jeopardy," according to a financial impact analysis of the resolution.

"The City of Portland is the recipient of millions of dollars of federal grants that could be jeopardized by (the executive order), and, therefore, has a direct stake in the outcome of litigation challenging the legality of (the order)," Wheeler's proposal says.

Wednesday's vote allows the city attorney to join Seattle's suit, either as a partner or a supportive filer.

Portland City Attorney Tracy Reeve said her office is in discussions with the Seattle City Attorney's office, which she said welcomes Portland's involvement.

Reeve said her office will determine whether to file with or separately from Seattle based on what makes the most procedural sense.

"By partnering with Seattle we send a unified message as the Northwest," Wheeler said.

The costs of joining the lawsuit would be minimal, according to a financial impact analysis. The city received an offer from an unnamed "reputable law firm" to litigate the case for free, the analysis said. Costs are unlikely to exceed "a few thousand dollars," it said.

The Portland City Council officially [declared Portland a sanctuary city](#) in March, insisting Portland is a welcoming place for all. The council directed city bureaus to train staff how to respond to federal immigration requests for information on city employees or Portland residents.

Suspended Portland Police Chief Mike Marshman told Portland Police Bureau employees in January that his officers would not enforce federal immigration rules.

"The Constitution clearly delineates responsibility between the federal and local level," mayoral spokesman Michael Cox said. "Our policy is constitutional. Retaliation for that policy in the form of withholding funds is not."

Mayor returns Portland Police Chief Mike Marshman to full duty

*By Maxine Bernstein
April 12, 2017*

Portland's mayor on Wednesday returned Chief Mike Marshman to full duty, finding he did not violate bureau directives based on an initial review of an investigation into whether a training log had been fabricated regarding the chief's attendance at a bureau class.

Mayor Ted Wheeler had placed Marshman and his executive assistant, Lt. Mike Leasure, on paid administrative leave on March 24 pending an investigation into the complaint.

The investigation resulted from two allegations: that Marshman had directed Leasure to sign an attendance sheet on the chief's behalf at a training the chief didn't attend, and that statements made by Leasure and Marshman during the inquiry did not match, raising a question as to who was telling the truth.

The training was for supervisors on the use of the bureau's Employee Information System, a computer-based system intended to identify at-risk employees who have a high number of complaints or a pattern of excessive use of force. Improving use of the system has been a requirement under the city's settlement agreement with the U.S. Department of Justice.

Marshman served as the Justice Department's liaison to the police bureau before former Mayor Charlie Hales named him chief in late June.

According to Leasure's initial interview with an investigator, the chief had told him to sign him in on an attendance roster because he would be late to the class, and so Leasure did sign the chief's name on the roster.

Marshman, though, told an investigator he did not tell Leasure to sign him in.

An initial inquiry found Marshman didn't attend the training, but whether he directed a subordinate to sign his name as having attended became the subject of a further inquiry into truthfulness, according to Anna Kanwit, the city's human resources director.

Kanwit advised the mayor on March 24 to put Marshman and his executive assistant on paid leave because of the discrepancies between the interviews of Leasure and Marshman. An allegation of untruthfulness, if proven, would warrant termination, she advised the mayor.

In a subsequent interview with the Independent Police Review Division, Leasure changed his account, saying the chief had not directed him to sign the attendance roster on his behalf, according to Kanwit.

The class instructor also backed up this account. The instructor said Leasure had asked if he could sign the chief in, but the trainer said there was no indication the chief had directed Leasure to do so, according to Kanwit's summary.

"Chief Marshman denied he said anything to Lt. Leasure about signing the attendance roster on the Chief's behalf," Kanwit wrote.

"I find that Chief Marshman did not violate the Police Bureau's directive on truthfulness, and while it appears that he did not violate any bureau directives, I will reserve making that finding until I have reviewed the full investigation," Kanwit wrote to the mayor Tuesday.

"It's clear that Chief Marshman did not engage in conduct that would result in termination, and in fact may not have violated any Police Bureau directives," Kanwit wrote.

Marshman released a statement early Wednesday evening: "I look forward to getting back to work and supporting the members of the organization as they continue to do great work for the community on a daily basis. I will continue to focus on the bigger issues facing the City of Portland and the Police Bureau. I appreciate the support I have received from Bureau members and the community."

Leasure remains on paid leave, and the investigation is ongoing, according to city officials.

The city's Independent Police Review Division conducted the investigation along with the bureau's internal affairs division.

Constantin Severe, director of the Independent Police Review Division, said the investigation has not been completed as he hasn't approved all the reports.

It's unclear who made the initial complaint that led to the inquiry.

Someone informed the Police Bureau's internal affairs division about the discrepancy regarding the chief's attendance at the in-house training. Internal affairs alerted the Independent Police Review Division, which conducts inquiries into alleged misconduct by high-ranking officers of the rank of captain and above.

Assistant Chief Chris Davis has been serving as acting chief since Marshman and Leasure were placed on leave.

Kanwit misspelled Leasure's name throughout [her summary report on her initial findings](#).

Marshman has led the bureau since late June, when the former mayor named him to fill the job after the retirement of Larry O'Dea, who was under criminal investigation at the time [for shooting a friend](#) on a camping trip to eastern Oregon.

Wheeler earlier this month said he plans to conduct a national search for chief of police and expects it to last about four months, with an offer extended by July.

Portland should focus spending on improving roads, other infrastructure, audit finds

By Jessica Floum

April 12, 2017

Portland should dedicate more resources to infrastructure improvements like road and sewer repairs, according to [a report released by City Auditor Mary Hull Caballero](#) Wednesday.

Some of the city's assets--in particular its roads--are losing value faster than the city can repair them, the report found.

"While the city is making significant investments in water, sewer and stormwater assets, most transportation infrastructure is in fair to poor condition," the report said.

Every other year, the auditor's office produces a report on the city's financial condition over five years.

This year's report found that Portland's financial health is "stable." Revenues have increased, debt is down, the city's annual budget is balanced and its credit ratings are strong, the audit found.

Since 2014, revenues increased 13 percent to \$1.9 billion in 2016, the report said.

While the Rose City's immediate financial health looks promising, the rapid deterioration of roads is becoming costlier each year, the audit said.

As road conditions deteriorate, the cost of the repairing the streets dramatically increases.

Roads in poor condition cost the city around \$500,000 per mile to replace, while roads in fair condition cost about \$150,000 per mile, City Budget Office Director Andrew Scott told the Portland City Council at a budget work session in March.

A group calling itself Portland Anarchist Road Care says state neglect is to blame for the condition of the streets.

Each year, the city faces a \$281 million gap when it comes to infrastructure improvements, according to the March presentation. Transportation improvements require the most investment to repair--\$285.3 million.

"Although Portland's financial condition is currently stable, there are long-term challenges the city must address," Hull Caballero wrote in the report.

Mayor Ted Wheeler has a plan to tackle infrastructure needs, spokesman Michael Cox said. The mayor plans to start spending \$50 million within his term to help improve roads without raising taxes, City Budget Office Director Andrew Scott said. The city will borrow the money against expected future revenues, a step in a longer term proposal dubbed Build Portland.

"Portland has had well-documented, long-standing challenges adequately funding our infrastructure needs," Wheeler said in a statement. "We're going to change that. Build Portland is critical to the economy, safety and livability of Portland."

The Portland Tribune

Is new police chief in the cards?

*By Nick Budnick
April 13, 2017*

It was just a coincidence, says Mayor Ted Wheeler's spokesman Michael Cox, that barely a week after placing Portland Police Chief Mike Marshman on paid administrative leave in connection with an investigation, Wheeler announced a four-month national search for a permanent chief.

But the events of the past three weeks have sparked rampant speculation at the Police Bureau: Is the mayor dead-set on replacing him with someone recruited from outside?

"There's no truth to that," says Cox, noting that Wheeler had announced the national search during the mayoral race. "We had always been quite open that we wanted to do a national search, and we wanted Chief Marshman to apply."

And yet not even a year after the bizarre downfall of former Chief Larry O'Dea over his accidental shooting of a friend, Portland cops are wondering if they could get yet another new chief. Marshman was placed on leave March 27, in connection with a probe by the city's civilian watchdog unit, the Independent Police Review.

The probe has to do with whether Marshman's top assistant and adjutant, Lt. Michael Leasure, signed Marshman in for a training event that the chief did not attend. Some rank-and-file cops say that if the move reflected untruthfulness, it could be a firing offense — while Marshman defenders chalk it up to likely miscommunication or a change in plans.

The timing of Wheeler's national search announcement has some, such as the head of the Portland police union, openly considering whether Marshman will be replaced.

"I think that this next year to a year and a half will be a very, very difficult time for this organization if, in fact, we do decide to recruit from outside the organization a new chief," says Daryl Turner, Portland Police Association president.

It's been a strange 18 months for the Portland Police Bureau.

In late 2014, then-Chief Mike Reese announced his plans to retire after four years as chief, causing Hales to name Larry O'Dea his successor. O'Dea took over in January 2015.

Reese had been considered proud and politically ambitious — even entertaining a run for mayor at one point.

But while O'Dea was viewed as approachable by some police critics, to some of his troops he came off as a distant introvert who was rarely seen and who seemed overly malleable to the wishes of City Hall.

Some even nicknamed him Sasquatch, after the mythical creature who occasionally leaves footprints but is otherwise elusive.

O'Dea's downfall came after he accidentally shot a friend while using rodents for target practice on a camping trip in Harney County.

When Hales named Marshman chief last June, he arguably had little choice. That's because not only was O'Dea under suspicion, but so were his assistant chiefs — including Bob Day, considered by many to be the best candidate to replace O'Dea. But the move undermined

Wheeler's earlier announcement on the campaign trail that he would do a national search for a new chief.

Marshman demoted O'Dea's assistants and elevated others to assist him as he vowed to chart a new course in accountability and community engagement.

The sudden turmoil over O'Dea left many patrol cops privately expressing shock, wondering what the future held for their agency.

Then came an early bump in the road for Marshman when the news broke that he'd been investigated for allegedly choking and assaulting his stepson years before.

Marshman survived the news, and his earnest style seems to have won over many of his officers in a way that his mentor, Reese, had not. Marshman also won praise from officers — and criticism from protesters — for, among other things, deploying officers to keep rallies from spilling over onto freeways.

Aided by a new, generous contract signed by Hales, morale at the bureau has been on the rise.

"The rank and file, they respect and like Mike Marshman," Turner said.

But now everything is on hold.

Protesters such as Gregory McKelvey, leader of the group Portland's Resistance, have called Marshman's being placed on leave a victory for reform, saying Portland police have targeted protest leaders on his watch.

Others, like Dan Handelman of Portland Copwatch, say they don't care much about replacing Marshman, as they're more worried about making institutional change to a type of agency they see as inherently hostile to the poor and minorities

"You could put the Dalai Lama in as police chief" and it probably wouldn't do much to change the Portland Police Bureau, Handelman says.

For officers, Marshman potentially leaving the chief's job would mean a possible return to the turmoil at the end of O'Dea's reign, or, perhaps just as bad, the transition period that can occur when a chief is hired from out of town.

"There's a wait and see attitude" among police employees, said bureau spokesman Pete Simpson. "Anytime you have something that results in your chief's leadership being sidelined or there's concerns about the longevity, that kind of gives everyone pause. But at the end of the day officers are going to be going out there and work, and keep people safe and respond to 911 calls."

Many remember that Los Angeles import Mark Kroeker's selection as chief in 1999 by then Mayor Vera Katz was a rocky one, such as when he told Portlanders to "get accustomed to" riot police after a controversial crackdown on a largely peaceful May Day rally. Then there was the news that years before taking the job, he'd called for homosexuality to be outlawed.

For any new chief, Turner says, "It would take anywhere from eight months to a year for that person to become accustomed enough to the organization to be able to see what needs to be changed, what needs to stay the same, and what needs to be enhanced."

Marshman is eligible to retire. Some bureau insiders already are placing bets on him moving across the Hawthorne Bridge to take a job with Reese, who is now Multnomah County sheriff.

Wheeler's spokesman Cox says that despite his boss' decision to keep his campaign promise and hold a national search, there's no reason to think Marshman is going anywhere, assuming the investigation finds no cause for concern and he wants to apply for the job he now holds.

Cox said the decision to promptly put Marshman on paid leave made sense given the concerns about an O'Dea cover-up after his shooting. Wheeler plans for the search to be done in July.

Now it remains to be seen what the investigation turns up and how that affects the national search, Cox says. "We just hope that concludes in a timely fashion."

Marshman reinstated as Portland police chief

*By Jim Redden
April 12, 2017*

Mayor Ted Wheeler reinstated Police Chief Mike Marshman on Wednesday following an investigation into whether he directed a subordinate to falsely record him as having attended a mandatory training seminar.

The investigation was conducted by the Independent Police Review division of the City Auditor's Office. It determined Marshman did not violate bureau rules.

"The findings concluded that Chief Marshman did not violate the Police Bureau's directive on truthfulness, and does not appear to have violated any bureau directives. Chief Marshman has clearly and consistently stated his view that the same rules apply to every officer, regardless of rank, and I thank him for putting that belief into action during this process," Wheeler said in a statement released Wednesday afternoon.

The investigation found that although Marshman said not attend the training session, there was no proof he directed a subordinate to sign in him as having done so.

Anna Kanwit, director of the the Bureau of Human Resources, said, "Based on the information contained in the summary investigation report, I find that Chief Marshman did not violate the Police Bureau's directive on truthfulness and while it appears that he did not violate any bureau directives, I will reserve making that finding until I have reviewed the full investigation. Based on this preliminary finding I recommend that Chief Marshman be returned to full duty as soon as possible."

In a prepared statement, Marshman said, "I look forward to getting back to work and supporting the members of the organization as they continue to do great work for the community on a daily basis. I will continue to focus on the bigger issues facing the City of Portland and the Police Bureau. I appreciate the support I have received from Bureau members and the community."

Assistant Chief Chris Davis had been acting as interim chief. Wheeler thanked him for his service.

"The IPR process can be disruptive, and all involved remained focused on the important work of the Police Bureau," Wheeler said.

The Portland Mercury

Police Chief Mike Marshman Back From Paid Leave, Cleared in Investigation

By Doug Brown
April 13, 2017

Police Chief Mike Marshman is returning to the top of the Portland Police Bureau nearly three weeks after he was [placed on paid leave](#) by Mayor Ted Wheeler. He was being investigated by the auditor's Independent Police Review (IPR) after his executive assistant, Lt. Mike Leasure, signed Marshman's name on a training log for a training session the chief was late to, [the Oregonian first reported](#).

"The investigation resulted from two allegations; one, that Chief Marshman directed Lt. Leasure (sic) to sign an attendance on the Chief's behalf noting attendance at a training he did not actually attend," wrote City of Portland Director of Human Resources Anna Kanwit in [an April 11 memo to Wheeler](#), obtained by the O, "and two, that statements made by Lt. Leasure and Chief Marshman during the investigation did not match, raising questions of integrity and truthfulness. Under the Police Bureau's discipline matrix, untruthfulness, if proven, is a termination level offense."

Leasure originally told Internal Affairs that Marshman told him to sign the training log for him. Marshman said he didn't to Leasure to do that. Leasure eventually recanted that allegation, the memo says, and he's still on leave, per the mayor's office.

Kanwit's memo explained the IPR's summary of its investigation. The full IPR is not complete yet, she said.

Internal Affairs commenced this investigation into an allegation that Lt. Leasure signed a training attendance roster for the Chief. Lt. Leasure stated the Chief had told the lieutenant the chief would be late to the training and to sign in on his behalf. Chief Marshman stated that he did not tell Lt. Leasure to sign the roster for the chief. Because of discrepancies between Lt. Leasure and Chief Marshman's statements an additional investigation was commenced focusing on truthfulness. There is no question the Chief did not attend the training in question but whether he directed a subordinate to sign the roster indicating attendance.

In a subsequent interview Lt. Leasure said the Chief had not directed him to sign the attendance roster on his behalf. The class instructor also stated that although Lt. Leasure asked if he could sign in for the Chief, there was no indication the Chief had directed Lt. Leasure to do so. Chief Marshman denied he said anything to Lt. Leasure about signing the attendance roster on the Chief's behalf. Statements by other witnesses did not support the allegation the Chief had directed Lt. Leasure to sign the attendance roster indicating attendance.

Kanwit concluded: "Based on the information contained in the summary investigation report, I find that Chief Marshman did not violate the Police Bureau's directive on truthfulness and while it appears that he did not violate any bureau directives, I will reserve making that finding until I have reviewed the full investigation. Based on this preliminary finding I recommend that Chief Marshman be returned to full duty as soon as possible."

The Portland Observer

City Hall Shake Up

*By The Portland Observer
April 12, 2017*

Paul Scarlett, Portland's director of the Bureau of Development Services for the last 12 years, told his department employees on Monday he was resigning. The announcement came after he was asked to step down by Portland City Commissioner Chloe Eudaly.

Eudaly, a former bookstore owner, ran on a grassroots housing reform platform promising to shake things up at city hall.

Scarlett is the fourth person in the last few months to be given notice by Eudaly since taking office in January. Scarlett, as the head of the city department which issues permits for property and land development, has seen his share of adversity during his tenure.

In 2008 during the housing crisis, his staff was severely reduced and as the real estate bubble rebounded the department struggled without enough personnel as a result. In the last year, employee and customer surveys reflected negatively on the bureau. Scarlett is the second bureau director to be dismissed by Eudaly. Amalia Alarcon de Morris, the former director of the Office of Neighborhood Involvement was let go in March. Scarlett will receive a \$183,000 severance package.

In his email announcing his leave, Scarlett said: "I leave knowing we have made great strides in the work we do and I am confident the bureau and its employees will continue to play an important, relevant and necessary role in the development of this beautiful city."

OPB

Portland Mayor Ted Wheeler Reinstates City's Police Chief

*By OPB Staff
April 12, 2017*

UPDATE (6:35 p.m. PST) Portland Mayor Ted Wheeler has reinstated Police Chief Mike Marshman.

Marshman had been placed on leave in late March during an investigation into allegations he had a subordinate sign him into a meeting he did not actually attend.

The meeting was on a new system the bureau uses to identify employees who might have a pattern of using excessive force. It was part of a settlement between the Portland Police and the U.S. Department of Justice over the treatment of mentally ill people and people of color.

Marshman was marked as present at the training. But someone complained to internal affairs that Marshman didn't actually attend.

That prompted an investigation of Marshman and the lieutenant accused of signing him in.

Now the mayor says a preliminary investigation found Marshman did not violate any city policies and will return to active duty. The city's human resources director says there's no evidence Marshman ordered the lieutenant to falsely sign him into the meeting.