

The Oregonian

Scaled-down police oversight changes are before Portland's City Council

By Maxine Bernstein

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The few changes to Portland's police oversight system in a proposed ordinance now before City Council are a far cry from the significant overhaul of the city's "byzantine system" that the U.S. Department of Justice demanded three years ago, the auditor told council members.

The proposal contains slight changes to how complaints against police are investigated, after much broader plans to streamline and improve the oversight process were either barred by police contract provisions or rejected by council last fall.

"What we're bringing today is much more narrow in scope," City Auditor Mary Hull Caballero said Thursday.

She told council that the proposed changes don't fundamentally alter the oversight system, which is "hard to explain and harder to navigate, " and she urged council members to better familiarize themselves with the federal settlement agreement that requires much more.

"I advise you read the settlement agreement and make sure we're moving towards the settlement agreement and not moving away from it," the auditor said.

The most significant changes left in the ordinance would allow minor complaints against Portland police officers, which are not expected to result in any discipline, to be referred to a police sergeant for follow-up. The sergeant would be expected to meet with the person who made the complaint and the officer who is the subject of the matter, document what occurred and report the result back to the city's Independent Police Review Division, the intake center for complaints against officers.

"It's really about using investigative resources in a more effective way," the auditor said. The change would allow IPR investigators instead to focus their efforts on the more serious, complex cases that have the potential to result in discipline, Hull Caballero said.

The most controversial change, only to be overturned by the City Council late Thursday, would have delayed public input at hearings held by the city's 11-member Citizen Review Committee. The committee listens to citizen appeals of police bureau findings resulting from investigations into their complaints of officer misconduct.

The proposal allowed the person who filed complaint and the officer who is the target of the complaint to still address the committee, but members of the public would not have been allowed to comment until after the committee had made its rulings on whether or not to sustain the police bureau's findings.

"That is an employment hearing," Hull Caballero said. She argued that citizen committee members are expected to make their rulings based on the evidence in the record alone, and not be swayed by outside input from members of the public who are not directly involved in the complaint or familiar with the case.

Constantin Severe, director of the Independent Police Review Division, and the auditor also cautioned that public input during an appeal hearing could be used to undermine police discipline if an officer or the union later challenged the discipline before an arbitrator.

Yet Kristin Malone, chair of the current Citizen Review Committee, called that fear unfounded as it's never occurred. Her committee recently voted 9 to 0 to oppose the proposed delay of public input until the end of its meetings.

"Public comment is at the core of what we do," Malone said. "To roll back our robust citizen participation process out of a fear would be a bad idea."

Dan Handelman, of the police watchdog group Portland Copwatch, echoed Malone's argument. "It's far-fetched to say officer discipline can be overturned because of public input," Handelman said. "It's never happened."

After hearing testimony from about 20 members of the public, the City Council was convinced the change was unnecessary and unanimously voted to delete it from the ordinance. Instead, the council added language to ensure public input would be allowed during the course of appeal hearings and before the Citizen Review Committee issued its rulings on an appeal.

"If it ain't broke, we may not have to fix it," Commissioner Nick Fish said.

Commissioner Chloe Eudaly agreed, saying she supported meaningful public participation.

Malone and other members of the public who spoke out Thursday also urged the council to consider other measures that are not included in the proposed ordinance, such as expanding the Citizen Review Committee so it can hear more cases in smaller subcommittees or panels.

The auditor said she didn't support expanding the committee, arguing that she doesn't have the staff or resources to properly recruit, train and provide support to a larger citizen body.

Other provisions in the ordinance include:

-- A requirement that the Independent Police Review director "be notified in a timely manner" by either the bureau's assistant chief of investigations, the internal affairs captain or a member of the police commissioner's staff "upon their knowledge that a member has engaged in conduct that may be subject to criminal and/or administrative investigation."

Severe sought the language as a result of the failure of the Police Bureau and then-Police Commissioner Mayor Charlie Hales to notify him or his Independent Police Review Division about former Chief Larry O'Dea's off-duty shooting of a friend during a camping trip in Harney County last April.

Severe only learned of O'Dea's off-duty shooting from news reports, a month after the mayor had been informed about it.

--The Independent Police Review Division would be granted authority to ask that the Police Bureau open an internal investigation into an incident if the division believes that physical force used by an officer could have caused a death or serious physical injury.

This grew out of a case in which an officer used his patrol car to stop a fleeing suspect on a bicycle. Severe had asked the Police Bureau to open an investigation into the incident and whether the use of the car complied with bureau policy and training. Before the bureau did

initiate an inquiry, there was much questioning as to whether Severe had the authority to request such an investigation.

Ultimately, the Police Bureau did conduct an investigation and the officer was found to have acted according to policy, Severe said.

--Complaints against an officer could be filed with the Independent Police Review Division, Internal Affairs, a Police Bureau precinct, the police commissioner or with any bureau member. All complaints would be forwarded to the review division.

All Police Bureau-issued business cards handed to members of the public during calls would add the phone number and email address for the Independent Police Review Division.

More significant changes to police oversight that have been previously raised but were not pursued in this ordinance due to lack of support or police union bargaining challenges included: giving IPR investigators the authority to compel officers' testimony in their investigations; allowing the Independent Police Review Division and Internal Affairs to make findings on police misconduct cases instead of officers' commanders, a change recommended by federal Justice officials and city-hired consultants who have reviewed years of Portland police shootings; and allowing the Citizen Review Committee to review officer-involved shootings and deaths in police custody.

The Independent Police Review Division has seven investigators. Last year, it opened 30 investigations into alleged officer misconduct, Severe said. The division dismissed 54 percent of citizen complaints in 2016, he said.

The ordinance will go before City Council again for a second reading before a vote is taken.

The Portland Tribune

Audit says Portland should focus on infrastructure spending

By Jim Redden

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A new audit on Portland's financial condition supports a recent proposal by Mayor Ted Wheeler to increase spending on infrastructure.

The annual report released by the City Auditor's Office on Wednesday says the city's financial condition is in overall good shape. Positive trends include increasing revenues per resident, decreasing outstanding debt per resident, and credit ratings above the minimum 2016 standard.

But the report also said the city should focus on infrastructure spending because some assets are continuing to lose value faster than repairs can be made. Of particular concern is the transportation system. The Portland Bureau of Transportation reports that only 33 percent of the city's streets, sidewalks, bridges and streetlights are in good repair.

During his recent State of the City speech, Wheeler proposed a new plan to dedicate more money to infrastructure spending. Addressing the City Club of Portland, he noted that several urban renewal areas operated by the Portland Development Commission are due to expire in the foreseeable future.

Normally, the property tax dollars generated by the increase in value since they were created would go into the general fund. But Wheeler proposed using the money to finance revenue bond for infrastructure projects instead.

Wheeler's office estimates such a program would generate approximately \$50 million in its first year alone.

The current and previous financial audits have noted that less than half of all property tax dollars are available for general operating purposes. The largest other commitment has been paying off urban renewal bonds, which has consumed about 25 percent for many years.

Wheeler's proposal would prevent the percent available for general operating purposes from increasing as the urban renewal districts expire, but Drummond Kahn, the director of audit services, notes infrastructure becomes more expensive to repair if it not properly maintained.

To read the audit, go to <http://bit.ly/2o19RFH>.