

## The Oregonian

# Portland's Nick Fish questions whether affordable housing projects go far enough

By Jessica Floum

April 27, 2017

The Portland City Council on Wednesday granted 10-year property tax exemptions to seven new apartment buildings in exchange for developers agreeing to make one-fifth of the units affordable.

The council unanimously approved the developments, but Commissioner Nick Fish questioned whether they go far enough in serving Portlanders most in need of housing. Commissioner Chloe Eudaly was absent.

"I will support it even though it doesn't address our crushing need and it isn't the most efficient way to get there," Fish said.

Five of the seven will be luxury apartment complexes with studios renting for upwards of \$1,400. Those properties are only required to make their subsidized units affordable to individuals or families who earn 80 percent or less of median family income. In 2016, that was \$41,000 for one person or \$47,000 for a couple or a single parent with one child.

The other two complexes will make one-fifth of their apartments affordable to those earning 60 percent or less than the median family income, which was \$31,000 for a single person or \$40,000 for a family of three in 2016.

Portlanders who make 80 percent of median family income, or even people who make 60 percent of it, are not the city residents who are struggling most to put a roof over their or their children's heads, Fish said.

All of the apartments' owners will receive tax breaks under a city tax exemption program meant to incentivize apartment developers to include affordable units.

"We need the... program if we're going to be serious about meeting the goals for the residents of this city," Commissioner Dan Saltzman said. Saltzman managed Portland's housing bureau in 2016.

Saltzman said the council received more tax exempt affordable housing applications Wednesday than they had in the last year.

"It shows there is a great deal of interest in the program," Housing Bureau Director Kurt Creager said.

City officials said the influx also has to do with developers [trying to get permits approved](#) before [Portland's inclusionary zoning policy](#), which took effect February 1.

Portland's inclusionary zoning rule requires developments with 20 units or more to make 20 percent of those units affordable to households making less than 80 percent of the median family income. Under the inclusionary zoning rule, affordable units must remain affordable for 99 years.

The tax exemption program obligates developers for far less time. Affordable units must remain affordable for at least 10 years, with the option to extend the tax exemption and affordability

trade-off for an additional 10. Property owners are responsible at all times for paying taxes on the land.

"They made a business decision that they were willing to offer that level of affordability under the old program," Creager said of those who applied through the tax exemption program.

The properties must be located within a half mile of Max Station Areas or within a quarter mile of streets with transit services. At least five percent of the units must be accessible to people with disabilities.

Mixed-use portions of the apartment buildings with affordable units can sometimes receive a property tax exemption as well if the developer can demonstrate through an analysis or community outreach that the service meets a community need.

The buildings approved span Portland's neighborhoods. Two are slated for Portland's Northwest District, one in Northeast's Kearns neighborhood, one in Old Town Chinatown, one in Southeast's Lents and two in downtown Portland.

One of the buildings setting aside the more affordable units of the projects is located just off Northwest 23rd on Northwest Pettygrove St. The other is located off of Southeast Foster Road and Southeast 91st Avenue in Lents.

While these buildings will provide young professionals with starting salaries an opportunity to rent in desirable parts of town, they do not help Portlanders most at-risk of becoming homeless, Fish said.

Fish questioned whether the program is the most efficient way to address Portland's affordable housing crisis and urged the council to consider the cost of failing to house Portland's lowest earners.

"If we don't house the poorest of the poor, we'll spend much more money spending on the consequences of that policy choice," Fish said.

The council's approval is the first of three approvals required to exempt the developments from property taxes. The Multnomah County Commission and the county assessor must also approve exemptions, Fish said.

## **PERS rate change could bring more pension pain**

*By Ted Sickinger  
April 27, 2017*

The citizen's panel tasked with overseeing Oregon's public pension fund investments began a much-anticipated debate Wednesday on how much it can expect to earn from those investments over the next decade.

Sounds wonky. And it was. But bureaucrats and politicians throughout the state are keeping tabs on the outcome, as it could have a major impact on their budgets, on top of the [painful increase in pension costs](#) they are already facing.

As the system's actuary is fond of saying, the assumed earnings rate is the Swiss Army knife of the Public Employees Retirement System. It's the lynchpin assumption used to calculate the present value of its liabilities, older members' benefits and, by association, the contributions that

government employers must make to the system. If you assume pension investments will earn less, employers need to sock away more money now to pay for future benefits.

PERS' [\\$71 billion investment portfolio](#) is set up to deliver that rate of return – currently 7.5 percent – while limiting risk to the extent possible. And investment earnings have traditionally covered about 70 percent of the system's costs.

And therein lies the problem.

Of late, the portfolio has not been delivering that number. And some members of the Oregon Investment Council and the PERS Board think it's unrealistically high. Interest rates on bonds are persistently low. Returns from private equity funds, historically the portfolio's turbocharger, have been trending lower. And the stock market is already at record levels.

Over the past decade, PERS returns have averaged only 5.5 percent. Meanwhile, public pension systems around the country have been lowering their return expectations.

The PERS Board will vote on a new assumed earnings rate in July, and that decision will be based, in large part, on the guidance they receive from the Oregon Investment Council.

The potential implications are substantial. If Oregon follows in the footsteps of California's behemoth pension fund, which recently announced plans to lower its assumed interest rate from 7.5 percent to 7 percent, the system's funding deficit would grow from \$22 billion today to about \$26.5 billion.

The required increase in employers' contributions to dig out of the deficit is limited in any one biennium. But that increase in liabilities would push many employers' individual pension funded status below an important trigger point – 70 cents in assets for every dollar in liabilities – where bigger rate increases are allowed to protect the system's financial stability.

Rukaiyah Adams, the chair of the council whose day job is chief investment officer of the Meyer Memorial Trust, says she doesn't want to get into the business of prescribing the number that the PERS Board should use, other than to say it should come down.

"The question is how much," she said.

Wednesday's meeting turned quite technical, with extended discussions of things like alpha, beta, selection risk, persistence of returns, geometric versus arithmetic means, observed volatility, efficient frontiers, and the covariance of asset classes. But for all the sophisticated vocabulary, predicting market returns is not a science.

Indeed, each one of the council's outside consultants develops a forecast of future returns in various asset classes – stocks, bonds, real estate private equity – based on their assumptions about economic growth, corporate earnings, inflation, current market conditions, etc. Then they apply those returns to Oregon's unique mix of assets, massage the results a bit to "customize" them, and out pops an expected return.

The results vary widely, and the consultants admit they have no crystal ball.

"There is no magic out there," Allan Emkin, managing director at Pension Consulting Alliance, told members of the council. "There is no evidence – none – that any of these numbers are accurate."

In fact, he said, the only thing that is certain is that almost all the numbers will turn out to be wrong.

Still, the consultants offered a consistent theme: expected returns are coming down. Emkin's firm estimates that Oregon's portfolio will earn 7.4 percent annually during the next decade. Another consultant, Callan Associates, put the number at 7.1 percent.

The system's actuary, Milliman Inc., last offered its earnings estimate in November – 6.84 percent – and will update it in May. And Treasury staff applied the forecast of a third, Blackrock Inc., the world's largest asset manager, to Oregon's portfolio. That resulted in projected return of 5.7 percent.

In the end, Treasury staff recommended the council use Callan's number, then goose it a bit to reflect Oregon's record of outperforming the market in certain asset classes. The combination yielded an expected return of 7.5 percent – exactly what politicians are praying for, as it provides the cover to maintain the current earnings assumption, with no financial impact.

Council members were unconvinced, however. They poked and prodded at the consultants, looking for holes in their logic. Some, including Adams, expressed skepticism about adding any premium on top of the projected returns, no matter the fund's historical performance. Treasurer Tobias Read said he wasn't prepared to settle on a specific number and wanted more time to study the situation.

In the end, the council held off on any specific policy guidance and decided to take up the discussion again, perhaps in a joint meeting with the PERS Board before their July vote.

John Thomas, a Eugene benefits consultant who chairs the PERS Board, attended Wednesday's meeting and said afterward that he was not inclined to go with 7.5 percent, and felt the board would support a reduction.

"I think it would be a travesty to keep it at 7.5 percent," he said. "Hanging our hat on a number that high is a mistake."

## **Local resident urges city to place full-time park ranger in Holladay Park**

*By Maxine Bernstein  
April 27, 2017*

A member of a volunteer group that patrols Holladay Park in Northeast Portland on Friday nights to keep the peace wants the city to hire a full-time ranger for the park in response to the fatal shooting of a 17-year-old there earlier this month.

Bill Dant, who has been walking with Connected the last five years, called the shooting "a real punch in the gut to those involved in making it a safe and welcoming place."

"Street-level gang outreach workers still cite the park as a routine trouble spot, and Connected cannot be there every day. That in a nutshell is why I am addressing you," [Dant told Portland city councilors](#) Wednesday.

Park rangers have worked at the park the past two summers, providing games and other activities for kids and offering more "sets of eyes and ears" to discourage violence, he said.

On April 11, Shawn Scott Jr., 17, of Vancouver, was shot in the head and died during an apparent robbery attempt. Police have arrested three teens in connection with the shooting.

Miguel Thompson, 19, and Kole Tabian Jones, 18, are accused of murder and first-degree robbery. Malique Kennerly-Hicks, 17, is accused of first-degree robbery with a firearm.

Mark Ross, spokesman for Portland Parks & Recreation, said the park ranger and host who have been at Holladay Park are not paid for by the city, but by a Holladay Park Partnership, led by Lloyd Center Mall. The partnership has allowed a park ranger and host to be at Holladay Park during spring break and through the summer months, Ross said.

"We would always welcome more resources across our system," Ross said.

The city's Parks & Recreation has requested funding for more park rangers in next year's budget, Ross said. It has sought \$150,000 to add five new park rangers in Portland's central business district and additional money to hire four more park rangers focused on the Springwater Trail.

The city's budget office has recommended the city use savings from the termination of a private security contract for park coverage to add three full-time park rangers. The budget office also has recommended the rangers focus on parks of highest priority.

"The budget is in the hands of the Mayor and Council," Ross said.

## **Portland police not meeting obligation to report compromised officers, study finds**

*By Maxine Bernstein  
April 27, 2017*

Portland police have no policy in place and received no training on their duty to alert prosecutors about an officer's potential credibility problems on the witness stand or the need to turn over information that might be favorable to defense attorneys in a case, a city review found.

An internal affairs supervisor who tried to draw attention to the problem was transferred and passed over for promotion by former chiefs.

The Police Bureau has had an "ad hoc" approach at best to following the 54-year-old landmark U.S. Supreme Court ruling in *Brady v. Maryland*, which requires such disclosures, according to [the study by the city's Independent Police Review Division](#).

In January 2013, Lt. Larry Graham alerted Multnomah County District Attorney Rod Underhill that he believed the bureau wasn't meeting its obligation to disclose certain internal investigations of officers to prosecutors. He did so after sending a memo to the chief days earlier citing his concerns.

At the time, at least five officers faced credible allegations that they were untruthful. The allegations were that one lied to internal affairs about allegations of touching women co-workers; another wrote an inaccurate memo recounting a phone conversation with a bureau member; one lied in an internal affairs interview and in a police report; one was untruthful when asked by a sergeant why he was not in his assigned district and another was untruthful with interviewed by internal affairs and an outside police department about a driving incident.

### **Report recommended the Police Bureau:**

1. Develop a written Brady policy that clearly articulates what material police must turn over to prosecutors that either raises questions about the credibility of an officer or might be favorable to the defense in a prosecution.
2. Train all its investigative officers and detectives on their responsibility to properly document any evidence that may be favorable to the defense in a case and how to notify their supervisor and prosecutors.
3. Track all Brady-related requests and any Brady-related material police provide to prosecutors in a central database.

*(Source: Portland Independent Police Review Division)*

In each case, the officer's supervisor or an internal review board recommended the allegations be sustained. In all but two, the police chief ultimately rejected the recommendations.

Graham didn't provide the officers' names but alerted Underhill to the bureau's website, which ran summaries of the investigations.

Instead of applauding Graham for highlighting a significant gap in bureau practices, then-Police Chief Mike Reese and his assistants, Director of Services Mike Kuykendall and Assistant Chief Eric Hendricks, were "perplexed and frustrated" by Graham's actions, the report said.

They seemed more disturbed that the lieutenant had raised the issue with the county district attorney without their permission than working to fix the problem, the report said. They directed Graham to file multiple memos describing what he shared.

In one Jan. 25, 2013, memo to explain his actions, Graham wrote to his supervisors: "Chief Reese said recently during a hiring and promotion ceremony that we should above all else protect the Constitution and do the right thing even when it is hard."

A short time later, the chief transferred Graham out of internal affairs to a precinct, the report said. Graham also was passed over for promotion under Reese and Reese's successor, Chief Larry O'Dea, though he ranked high on the list for promotion to captain.

"I took my hits for that," Graham told The Oregonian/OregonLive. He was promoted to captain under the current chief.

Graham isn't named in the report but acknowledged that he's the lieutenant discussed. "Based on my understanding of the law, I believe we had a responsibility to provide that information," he said. "I felt like I did my due diligence."

Constantin Severe, director of the Independent Police Review Division, said Graham "was absolutely correct in what he did." The review division is part of the city auditor's office.

The Supreme Court decision, creating what is known as the Brady rule, and subsequent case law requires police and prosecutors to provide defense attorneys with an officer's past record of any falsification of reports and all "credible allegations" of untruthfulness that could affect their credibility as a witness, not just sustained findings.

"If they're not turning that over, they've got a problem," said Lane Borg, executive director at Metropolitan Public Defenders.

Prosecutors are required to learn and turn over any favorable information to the defendant about people acting on behalf of the government, including information about police officers.

Several criminal defense attorneys told the Independent Police Review Division that they couldn't recall ever receiving notice of potential Brady material involving a Portland police officer in a nonfederal prosecution.

Federal prosecutors in Oregon's U.S. Attorney's Office routinely take the proactive step of asking the Police Bureau about specific officers they may call as witnesses in a trial, the study found. The bureau has responded with memos reviewing the officer's personnel file and internal affairs complaint history, the report said.

The Multnomah County District Attorney's Office adopted its own written policy in October 2014 on how to handle Brady-related concerns and keeps what it calls a "Possible Impeachment Disclosure" index, names of officers who raise red flags for prosecutors.

"This office is firmly committed to meeting the obligations imposed by the United States Supreme Court in the Brady case," according to a statement by Multnomah County District Attorney Rod Underhill. "We continue to work with area law enforcement, including the Portland Police Bureau to ensure Brady obligations are complied with."

Officers end up on the index if they have a criminal conviction or their police agency found they lied or previously provided false testimony. A committee within the office reviews the index, and officers can contest their placement on it.

Thirteen Portland officers are flagged by the index now, though only a handful remain on the job. The rest were either fired or resigned. Two of the 13 are pending committee review in the district attorney's office because they may no longer hold police jobs that result in their court testimony.

Not shared with prosecutors, the study found, was information on several working officers who faced allegations of untruthfulness upheld by their precinct commander or an internal police review board but ultimately rejected by a police chief or police commissioner.

Since 2010, police have investigated 48 allegations of untruthfulness with 11 allegations sustained. Nine of those officers resigned; two were fired.

"Several attorneys viewed the City's failure to create a Brady policy as an intentional attempt to shirk its constitutional responsibilities," the report said.

A statewide work group recommended in March 2014 that police agencies in Oregon adopt a comprehensive policy to ensure they promptly share Brady material with prosecutors. Even though a Portland police captain and a deputy city attorney participated in the work group, the Police Bureau still has no policy in place three years later.

The work group had recommended police agencies adopt comprehensive policies to ensure prosecutors are notified when an officer has been untruthful, committed a crime, been biased or suppressed evidence.

Smaller police departments have adopted policies, including Tigard, Medford, Philomath, Sutherlin and Talent.

The study also found that the City Attorney's Office has given unsound advice on the issue to the Police Bureau, noting that former Chief O'Dea "expressed frustration" that the city attorney's office told him only the district attorney's office had Brady duties, not police.

Portland criminal defense lawyer Lisa Ludwig called the report and recommendations for a policy and training "long overdue and much needed." She said she wished the recommendations

went further, calling for city attorneys and county prosecutors to attend the same training. "There have been too many occasions where lawyers were part of the problem," she said.

The Multnomah County District Attorney's office conducts annual training for its prosecutors to ensure they comply with Brady rules, Underhill said.

Police Chief Mike Marshman, appointed in late June, said he agreed with all the review division's recommendations. The bureau is working to draft a written policy and will train its officers once it's completed, Marshman wrote in a response to the report. The bureau will take advice from the district attorney's office, city attorneys and IPR as it works to draft a policy expected to be available for review within 90 days.

Borg, of Metropolitan Public Defenders, said he hopes the Police Bureau will also consult a criminal defense attorney for input in drafting a policy.

The bureau also will begin tracking all Brady-related inquiries and material shared with either the District Attorney's Office or federal prosecutors in a secure database that will be audited to ensure compliance with the future policy, Marshman said.

The study began in 2015 and took so long partly because the Police Bureau lacked documentation on how it handled Brady-related matters.

## **The Portland Tribune**

### **Measures to stem housing crisis lag behind need**

*By Jim Redden  
April 17, 2017*

A little more than 18 months after the City Council declared a Housing State of Emergency, efforts so far have failed to meet the need identified by Portland leaders — even as complaints over homeless camping are growing.

When the council declared the emergency on Oct. 7, 2015, the most recent homeless count concluded 3,800 people were either sleeping on the streets, in shelters, or in temporary housing. By the time the council renewed the declaration a year later, it said that more people were newly homeless because of rising housing costs.

But only around 400 additional affordable housing units have been created since the original 2015 vote. And all of them are in projects that were either planned or under construction by then.

With Multnomah County's help, the city has added 472 permanent new emergency shelter beds in Portland since Feb. 1, 2016. And 90 new shelter beds have been created in Gresham. Around 100 more have existed continuously at a number of different temporary shelters since late 2015.

However, complaints about people camping in neighborhoods have increased even faster. When the city first began logging complaints about homeless campsites in October 2016, it received between 340 and 370 a week. By March of this year, the numbers had climbed to 354 to 451 a week. Many of those reported are also about people sleeping in vehicles.

A Home for Everyone, a regional initiative, has achieved more with increased funding for existing programs that place homeless people in housing with rent vouchers and other incentives. It reports 4,600 placements in the last fiscal year, the highest number ever. Most are still in their units, in part because they are also receiving supportive services.

The homeless estimate in the council's first emergency declaration came from the most recent Point-in-Time count completed by the county over two years ago. A new count conducted in February is scheduled to be released in coming months. It is widely expected to show a significant increase in the number of people living on Portland streets, despite the city and county having spent tens of millions more to address the issue over the past 18 months. Portland voters also approved a \$248.5 million bond measure to build affordable housing at the 2016 November general election.

One big problem is the time it takes to build affordable housing. Although the Portland Housing Bureau says seven projects with 229 affordable units are currently under construction, only one has opened so far this year. It is the 40-unit NAYA Generations multi-generational housing project in Lents. The 105-unit St. Francis Park Apartments is scheduled to open next month.

And ground was just broken on the 80-unit Beatrice Morrow apartment building in Northeast Portland, the first project covered by the North/Northeast Neighborhood Housing Strategy intended to allow those displaced by gentrification to return to their former neighborhood.

An additional 25 projects with 1,905 affordable units were in pre-development at the beginning of the year, according to the Housing Bureau. It announced funding for an additional 125 units on Monday. The increase reflects the additional spending by the council, but most will not be completed for years.

Spending from the largest single source of affordable housing money — last November's bond measure — is currently on hold. A 21-member Affordable Housing Bond Stakeholders Advisory Committee was recently appointed to write a framework for spending the money. The committee is not scheduled to produce a draft until July 31, and it must be approved by the council before any of that money can be spent.

And the inclusionary zoning policy approved by the council last year has yet to have any effect. After the 2016 Oregon Legislature lifted the statewide prohibition against local inclusionary zoning policies, the council voted to require multifamily projects with more than 20 units to designate 10 to 15 percent of them as affordable, depending on the city's incentives. But developers rushed to submit building permits before the policy took effect on Feb. 1. The number of applications dropped off sharply after that, and all of the projects are still in the earliest stages of development.

Perhaps the most effective short-term measure approved by the council was the requirement that landlords pay relocation costs of tenants forced out by no-cause evictions or who chose to move after their rents are raised more than 10 percent in a single year. It is being challenged by landlords in the courts, however, and the 2017 Oregon Legislature has not yet lifted the statewide ban on local rent control policies, which the council supports.

In the meantime, rent increases are finally slowing in the Portland area. The easing is credited to the number of new market-rate apartments being completed throughout the city. But rents in some lower-priced apartments are still reportedly going up.

Both emergency declarations approved by the council cited double-digit rent increases as a major cause of homelessness. According to numerous organizations that track rents, area increases have either dropped to single digits or actually fallen slightly this year, depending on the size of the unit.

## **Year-round city staffing urged for Holladay Park**

*By KOIN 6 News  
April 26, 2017*

Bill Dant is part of a group of volunteers who walk through Holladay Park in Northeast Portland every Friday. Having a positive presence in the park, he says, makes a huge difference.

On Wednesday morning, Dant — a one-time mayoral candidate — went to the City Council to call for more of an official presence.

The volunteer group, Connected at Holladay Park, was formed six years ago after 14-year-old Shiloh Hampton was shot to death in Holladay Park. Since then, the volunteers have walk the park every week for three hours and talk with people. They say they model positive behavior for youth.

Over the years, Dant said, they've seen less loitering and drug use during their citizen patrols. But the recent slaying of 17-year-old Shawn Scott Jr. in the park is gut-wrenching.

"We put so much time into this park. It's just horrible to have something like that happen," Dant told KOIN 6 News. "It hurts."

When he spoke to the council, Dant said there needs to be a Park Ranger and Park Host at Holladay Park year-round. Both are positions within Portland Parks and Recreation.

"I am asking you as a member of Connected, and as a life-long citizen of this city, to find the courage and means necessary to make the Park Host and Park Rangers year round. They offer games and positive activities for kids. They give the park more sets of eyes and ears, and people do behave much better. I have seen this myself, firsthand," Dant said.

Parks spokesman Mark Ross said there is a Park Host and Park Ranger onsite providing positive activities during the summer months and spring break. The bulk of the funding for that comes from the Holladay Park Partnership, which is made up of businesses and community groups.

Ross said PP&R welcomes the idea, but doesn't know if a full-time ranger at Holladay Park is feasible. That, he said, will be up to the City Council.

Dant told KOIN 6 News he'll keep pushing the idea.

## **The Portland Mercury**

### **'A Significant Liability': Portland Police May Be Violating the Constitution**

*By Doug Brown  
April 27, 2017*

The Portland Police Bureau has major issues. It's time to add another one to the pile.

A new report from the city auditor's [Independent Police Review](#) (IPR) suggests that the PPB may not be compliant with the constitutional obligation to disclose evidence to defendants. They are required to do so thanks to the landmark 1963 [Brady v. Maryland](#) United States Supreme Court ruling which said suppressing potentially exculpatory evidence violates due process.

"Both the folks in the police bureau and in our office take an oath to protect and defend the constitution of the United States and Oregon," IPR Director Constantin Severe tells the Mercury. "For our office, that's a really big obligation, and for an agency that's as big as the police bureau to not have a Brady policy, it's just a significant liability."

The Mercury [raised concerns](#) about the PPB's compliance with the Brady decision in 2013.

The IPR investigation—[conducted over the past two years](#) with the summary released today, embedded in full below—raised a number of troubling issues: The PPB has no written policy on what evidence to turn over, officers don't get trained on what they're required to disclose, officer discipline histories are often shielded from both prosecution and defense attorneys, and, in one notable instance a few years back, a lieutenant appeared to have been retaliated against for having brought attention to the bureau's "legal and ethical" obligation to provide such material.

IPR found this out despite the PPB essentially stonewalling the investigation by not providing any documents the city's police watchdog requested (mostly in the the Larry O'Dea era, when the bulk of the investigation was done): "It's something that perplexed us as we were working on this because there were multiple requests to the police bureau," Severe said.

Not everybody in the PPB was blind to constitutional obligations, Severe said, but concerns went unaddressed.

"There were people inside the bureau who were trying to make the bureau have a Brady policy years ago," he said. "They faced a consequence for that."

The report highlighted a 2013 incident in which a lieutenant in the Professional Standards Division "became aware that the Police Bureau had failed to disclose disciplinary cases that had Brady implications to the Multnomah County District Attorney's Office," the document states. The lieutenant wrote a memo to then-chief Mike Reese (who's now the Multnomah County Sheriff) titled "Legal duty to disclose exculpatory evidence," noting at least five officers with credible allegations of lying—fireable offenses—filed against them. The Police Review Board—the usually cop-friendly internal discipline board—suggested the officers be fired but the chief overruled them. Defense teams have the right to know this—it could be used to question the credibility of a key witness in a case.

"I believe it is the Bureau's legal and ethical obligation to provide this information to the Multnomah County District Attorney's Office so they are fully apprised of any potential issues with the officers' credibility," the memo to Reese stated.

A week later, the lieutenant called the district attorney's office and said the PPB "may be withholding exculpatory evidence." Two weeks later, after drawing ire from supervisors, the lieutenant wrote in a PPB memo that "Chief Reese said recently during a hiring and promotion ceremony that we should above all else protect the Constitution and do the right thing when it is hard." The lieutenant again, a week later in a memo, highlighted the five likely-lying officers and how it was a constitutional liability to have their records shielded from attorneys.

The Professional Standards Division lieutenant "was subsequently reassigned and transferred to a precinct," the IPR report states.

"It is apparent from a review of contemporaneous records that the lieutenant's supervisors were perplexed and frustrated by his actions," the report says. "In an undated memo on the letterhead of an assistant chief, a list of questions to be asked of the lieutenant by his immediate supervisor includes several that revolve around the appropriateness of his decision to notify the District Attorney and his failure to notify supervisors."

The IPR documented more instances of constitutional issues, and you should read the full report below. The auditor's office-based watchdog had three main recommendations for the bureau which, after they were revealed in the report, Police Chief Mike Marshman seems willing to accept.

**IPR suggestion 1:** "The Police Bureau should develop a written Brady policy that clearly articulates what constitutes Brady material, both exculpatory and impeachment, and how notifications to supervisors and prosecutors are made."

**Marshman's response:** "PPB agrees with this recommendation and has assigned the Policy Development Group to conduct the appropriate research, identify qualified subject matter experts, consult with stakeholders (District Attorney, Investigators, IPR, etc.), and develop a draft policy for universal review within ninety days."

**IPR suggestion 2:** "The Police Bureau should provide training to all its investigative personnel regarding their responsibility to properly document possible exculpatory Brady material and how to make notifications to supervisors and prosecutors."

**Marshman's response:** "PPB agrees with this recommendation and has assigned the Detective Division Commander and the Training Division Captain to jointly develop and recommend through written report to the Chief's Office a training program for investigative personnel that both sufficiently instructs members on their obligation under Brady and ensures comprehension of the newly crafted Brady policy. This training plan will be prepared and ready for implementation within 30 days from the completion of the Brady policy so that it may be delivered when the new policy is enacted for the Bureau."

**IPR suggestion 3:** "The Police Bureau should track all Brady related requests and their disposition in a centralized database."

**Marshman's response:** "PPB agrees with this recommendation and has assigned the Professional Standards Captain to develop a secure centralized database capable of tracking all Brady requests to PPB and material provided by PPB to the District Attorney in accordance with the PPB Brady policy whether a request was made or not. This database will be operational within sixty days and include an audit plan for ensuring it is used in accordance with the Brady policy."