

The Oregonian

Proposal for neutered citizens' commission would betray police-reform promises: Editorial Agenda 2017

*By The Oregonian Editorial Board
August 5, 2017*

Portland Mayor Ted Wheeler is trying to sell the idea of a new citizens' commission as a positive step forward for rebuilding the community's frayed relationship with Portland Police.

But neither the public nor the others on Portland City Council should buy it. Wheeler's proposal to replace the defunct Community Oversight Advisory Board with a neutered panel that regularly meets in private reneges on city leaders' promises five years ago to include the public in monitoring police reforms. Among its tasks, the commission, which would merely recommend ways to improve police and community relations, falling short of the expectations laid out in the 2012 settlement between the city and the U.S. Department of Justice. That agreement calls for a citizens board to "independently assess" the police bureau's implementation of police reforms in addition to filling a broad array of other roles.

As community members made clear in heated testimony on Thursday, the proposed "Portland Commission for Community-Engaged Policing" doesn't come close, The Oregonian/OregonLive's Maxine Bernstein reported. The fact that it would meet privately with only occasional public meetings simply adds to the message of "thanks, but no thanks, for your input."

Unfortunately, it's unclear how persuasive the public's comments are to Wheeler and the other city commissioners - three of whom were in office at the time of the 2012 settlement, which resolves Justice Department allegations that Portland Police used excessive force against those with mental illness. While commissioners offered amendments Thursday, no one has yet pushed against Wheeler's central premise: That the city should ditch public oversight of the settlement's implementation. The idea of public oversight, once hailed as a Portland-born innovation that could be a model for others (at least by those who crafted it), now stands in danger of being written out of the settlement agreement entirely.

City commissioners should recognize the obvious truth that rebuilding trust with the public starts with keeping your promises, even those made by prior mayors. They should focus on fixing the problems that doomed the original community oversight board rather than attempt to substitute it with a watered-down alternative.

Certainly, there were serious problems hindering the original community oversight board. In its two years of existence, several members quit, community members disrupted meetings and the board's recommendations went ignored. But those problems largely stemmed from the city's failure to properly prepare or support the board and its members who complained about a lack of training on the settlement agreement and a lack of resources to research solutions adopted by other cities. The neglect was perhaps most apparent in the fact that former Mayor Charlie Hales, who served as police commissioner, and former Police Chief Larry O'Dea skipped nearly every single meeting.

Wheeler promised that his proposed commission "will turn what was previously chaos into credibility." But that chaos stemmed from errors in execution, not in the concept itself.

There's another reason the city should not abandon the original plan: The community and the federal court overseeing the case are the ones who will most reliably demand accountability from the city.

Consider that unlike other cities whose police were found to have used excessive force, Portland does not operate under a "consent decree" with a court-appointed monitor overseeing compliance. Because Portland had invited the justice department to evaluate its police force for problems, the two agreed to a settlement agreement. Not only is there no court-appointed monitor, even the federal judge overseeing the case has limited authority to intervene and the city has fiercely resisted even modest requests by U.S. District Judge Michael Simon to provide more frequent updates. So it's up to the Department of Justice to make sure that the city is doing what it said will do.

The problem is that the DOJ, under the Trump Administration, has been directed to review such police-reform agreements and consent decrees with an eye toward emphasizing local control and boosting officer safety and morale. "It is not the responsibility of the federal government to manage non-federal law enforcement agencies," the memo from U.S. Attorney General Jeff Sessions states. That's hardly a call for aggressive accountability.

If City Council can't find the courage to stick to their original pledge, then the public should take their case to Judge Simon. Approving changes to the settlement is fortunately still a power that he wields.

Altercations start early at dueling downtown Portland protests

By Janaki Chadha

August 6, 2017

Dueling protests made their way through downtown Portland Sunday afternoon, with a few violent altercations but little police involvement. Three people were arrested on disorderly conduct charges.

The protests began about 2 p.m. at Salmon Street Springs in Tom McCall Waterfront Park, with about 150 supporters of President Trump waving American flags and wearing red Make America Great Again caps.

Joey Gibson, leader of the conservative Patriot Prayer movement and organizer of the rally, said the aim of the march was to promote "freedom and tolerance for people who think differently."

But nearby, anti-fascist protesters in similar numbers characterized the Patriot Prayer group as white supremacists, chanting, "No Trump, no KKK, no fascist USA." Many wore black bandanas to cover their faces and at one point gathered in a smaller group to burn an American flag.

As Gibson used a megaphone to rally the crowd, skirmishes began to break out.

In stark contrast to recent protests, where Portland riot police formed a virtual wall separating protesters from each other, the police presence was minimal. Reporters spotted one police officer standing nearby shortly after the protests began, and a van of police officers in riot gear was spotted several blocks away on stand-by.

In videos posted by various media on Twitter, no police appeared near the fighting that had broken out.

Punches were being thrown and bodies slammed to the ground in a number of fights along the path. Pepper spray was being used, but not by police: It appeared that protesters were spraying each other. Freelance journalist Mike Bivins reported on Twitter that an antifa protester had used a skateboard as a weapon.

Both groups began marching through the waterfront park, almost alongside each other, stopping and facing off again under the Morrison Bridge. Breaking into small groups, protesters from both sides took part in heated arguments about issues ranging from illegal immigration to white privilege.

Several fist-fights occurred during the first hour of the protests, though it was difficult to tell who was instigating the conflicts. A few people were being treated for injuries and exposure to pepper spray. Police from a lone police car warned the crowds to disperse.

"You are ordered to stop any and all criminal activity at waterfront park," police warned over a loudspeaker.

Police arrested a 16-year-old male for disorderly conduct in the second degree, as well as a felony probation warrant for burglary. The juvenile was booked into a detention home.

Police also arrested Jonny Perez, 24, and Tusitala Toese, 21, both on charges of disorderly conduct in the second degree. Perez was taken to the Multnomah County Jail and will be arraigned on Monday. Toese was issued a criminal citation instead of being booked in jail due to an injury from the protest that required treatment at a hospital.

Members of the Patriot Prayer group maintained they were marching for freedom of speech and patriotism, not hate. Beaverton resident Jonathan Zimmerman, donning a Make America Great Again t-shirt, said, "white supremacist ideology is not allowed here."

Other participants of Gibson's rally, like Toese of Vancouver, blamed the bursts of violence on the antifa groups. "We don't throw the first punch," he said prior to his arrest.

But anti-fascist protesters, like Portland resident Nathanael Gonzales, who is Mexican-American, said he felt threatened and demeaned at several points during the protests. Jose Sanchez, who marched Sunday holding a Mexican flag, said several members of the Patriot Prayer march told him to "go back to Mexico."

Near police headquarters, downtown streets were quiet. There was no evidence that police were staging. One officer in partial riot gear was spotted smoking a cigarette on the sidewalk.

Police issued a series of tweets around 3 p.m. saying they were "observing groups fighting in Waterfront Park at Southwest Morrison Street. ... People fighting are subject to arrest for state and city law violations. ... If you are injured and able to walk meet medical personnel at Ankeny Square at Portland Fire Station 1."

But on the streets, any police presence was still hard to find.

Around 3:15 p.m. marchers started up Salmon Street toward the city center. A van of riot gear cops was spotted on Southwest First Avenue by the World Trade Center.

The Patriot Prayer group headed toward Chapman Square around 3:30 p.m. After early skirmishes, the groups were mostly shouting at each other, with several face-to-face confrontations taking place.

Salem resident Joey Nation stood on a bench and rallied members of the Patriot Prayer march, shouting, "Where are my patriots at?" The group soon began chanting "USA! USA!" while a few yards away, antifa groups shouted "Go Home Nazis," and banged on makeshift drums.

Shortly before 4 p.m., the groups moved back to Waterfront Park. Protesters on both sides appeared to attempt to provoke and taunt each other. But the violent episodes that marked the early parts of the protest seemed to wane as the protests entered the third hour.

Both groups congregated back at the Salmon Street Springs fountain, where a few children were playing in the water -- a smaller number than you would normally see on an afternoon with temperatures in the mid-80s.

Sabrina Schroader, who is visiting Portland from the Bay Area, watched the protesters while her children played in the fountain. "I'm a little bit shocked," she said, observing the crowd. "I didn't know there would be so many Trump supporters in Portland."

By 5 p.m., face-to-face confrontations continued, but the crowd had diminished. Protesters from both sides said they plan to come out again in the future for their respective causes.

Oregon's sanctuary status threatens public safety and law enforcement funding (Guest opinion)

*By Billy J. Williams
August 6, 2017*

A man who successfully evaded detection and detention by immigration officials is charged with assaulting two innocent women in Portland; his alleged crimes are tragic. That he was able to commit the alleged crimes at all defies the law and insults common sense.

Let me be clear: I am addressing the problem of illegal aliens who commit criminal acts in our state. This is not about lawful alien residents or even about illegal aliens who simply come to Oregon to work. The reality is that criminals who are here illegally are being released into communities throughout the state on a daily basis. Some of these illegal aliens commit more crimes, and because of Oregon's "sanctuary" declaration, those aliens are not being arrested and prosecuted for violating federal immigration laws.

Oregon sheriffs and other law enforcement officers are caught in the middle of a highly politicized local and national debate over immigration policy. They are not to blame. Their jobs are more difficult as a result of the conflict between state and federal law.

In an effort to cure this impasse, we began meeting with federal, state and local law enforcement partners in 2015, during the previous administration, to discuss federal immigration policy. Our work continues. The goal? To reestablish our common interest in crime prevention and protecting our communities. To accomplish this, we must share information. We must communicate.

Right now, there are sheriffs who do not notify U.S. Immigration and Customs Enforcement when they arrest illegal aliens. Some sheriffs do not disclose basic identifying information such as booking photos, fingerprints, and addresses. Some sheriffs, even after receiving an ICE detainer, will not notify ICE of an impending release.

A narrow reading of what Oregon state law permits - especially as it pertains to information sharing - has proliferated among jurisdictions throughout the state amidst the heightened political climate surrounding immigration issues.

Some sheriffs suggest that, short of ICE agents obtaining a federal criminal arrest warrant, they do not have any legal obligation to share information or hold an individual in custody

who is subject to a detainer. This requirement is inherently unreasonable as illegal aliens are frequently held for only a matter of hours. Furthermore, it is nearly impossible to obtain a federal criminal arrest warrant without basic identifying information.

Simply put, Oregon's sanctuary status declaration directly contravenes federal immigration law and threatens public safety. This has put many sheriffs in the position of choosing whether to violate state or federal law. It's an untenable position. The Department of Justice takes this issue very seriously and has begun to take steps to correct it.

Two weeks ago, Attorney General Jeff Sessions announced new immigration compliance requirements for recipients of the Edward Byrne Memorial Justice Assistance Grant Programs.

The Byrne JAG grant program is the primary source of federal criminal justice funds for state and local jurisdictions and it provides millions of dollars annually for police and sheriffs in Oregon.

Under the new compliance provisions, program participants are required to communicate with ICE, allow ICE agents access to detention facilities to meet with aliens held in custody, and provide at least 48 hours advance notice of any scheduled alien releases. As a result, federal funding for local law enforcement in Oregon is at risk.

My fear is that if our community cannot overcome this politicized legal impasse, we'll be witness to more preventable crimes. This problem is fixable; we must stop pretending it is not.

The law enforcement community in Oregon enjoys a remarkable history of working together in multi-jurisdictional partnerships to address a host of different crimes and tackle many complex challenges. I invite community leaders and our partners in law enforcement to join us in adopting a pragmatic approach to immigration enforcement.

We need to stand up and work together for public safety. Our communities deserve leadership.

Billy J. Williams is the United States Attorney for the District of Oregon.

The Portland Tribune

SE Portland strip club eyed for affordable housing

*By Jim Redden
August 6, 2017*

City Council will consider buying property at 3000 S.E. Powell Blvd. on Wednesday for \$3.72 million

Eighteen months ago, Multnomah County reopened a former strip club in East Portland as a remodeled emergency homeless family shelter.

On Wednesday, the City Council will be asked to purchase the building that houses a strip club and surrounding property for up to 300 affordable housing units at 3000 S.E. Powell Blvd. It could be one of the earliest projects funded by the \$258.4 million affordable housing bond approved by Portland voters last November.

If the council approves the \$3.72 million request from the Portland Housing Bureau, the Safari Showclub will move out before the sale closes in September. And like the transformation of the

former Black Cauldron at 16015 S.E. Stark St., the change will probably be welcomed by many of the nearby residents.

According to the ordinance to be considered by the council on Aug. 9, the need for up to 300 affordable housing units in the area was first identified by the Powell-Division Bus Rapid Transit Project proposed by Metro and TriMet. Although the Inner Powell alignment was dropped from the project, the finding prompted the housing bureau to initiate a property search that identified the 50,000 square foot parcel as a suitable location.

The property is currently owned by G & R Powell Building LLC. An appraisal determined the value to be \$4.23 million. However, an environmental assessment found methane on the property, which must be mitigated before any project can be undertaken.

Company co-founder Robert Rice says the methane probably originates from organic material buried in fill on the property. He said much of the surrounding area was raised with fill many years ago for development. He was willing to discount the price because of the cost required to mitigate the methane.

Rice's company does not own the Safari Club, just the building where it is located. He agreed they would leave before the deal closes if approved by the council. The company also owned the Virginia Cafe in downtown Portland, and Rice, an accountant, serves on the Oregon Liquor Control Commission.

A citizen Stakeholders Advisory Group is currently drafting a framework for spending the affordable housing bond funds. It is scheduled to be approved by the council in mid-October, after which the money can be spent. It is expected to preserve or build 1,300 units of affordable housing.

Jo Ann Hardesty running for City Council

By Nick Budnick

August 4, 2017

Longtime activist says she is inviting Incumbent Dan Saltzman to resign, plans to raise \$250,000

After months of speculation, Jo Ann Hardesty is officially running for Portland City Council.

But she's first headed to City Hall to invite the incumbent, Commissioner Dan Saltzman, to retire.

"I've known him since I worked for (Multnomah County chair) Bev Stein," Hardesty said. "I don't think he's a bad man. I just think he's tired and should retire."

Hardesty, a former state lawmaker, is president of the Portland NAACP. She has been a vocal critic of the Portland police and made it clear that police accountability will be central to her campaign.

She said she filed her papers earlier in the week. She began contemplating a run last year when she and other protesters were barred from City Hall deliberations of a controversial police union contract.

"I started thinking this is not the city I want to live in," Hardesty said.

Saltzman released a statement in response to Hardesty's run. "As I announced a couple of months ago, I am running for re-election, and I've been incredibly gratified at the support I am receiving from the community. I look forward to the campaign."

Willamette Week

Jo Ann Hardesty, Former Legislator and Head of NAACP Portland, Running for City Council Seat

Jo Ann Hardesty tells WW she's running against the city's longest-serving city commissioner. She wants him to retire and endorse her.

*By Rachel Monahan
August 4, 2017*

Jo Ann Hardesty, the head of the NAACP of Portland and former legislator will challenge City Commissioner Dan Saltzman in his 2018 bid for reelection.

Hardesty, 59, has been a leading critic of the city's approach to police reform, testifying yesterday against Mayor Ted Wheeler's proposals at City Council.

At 1:30, she was planning to ask Saltzman to retire and endorse her candidacy.

"I think it's respectful to say eyeball to eyeball, 'I'm here to take you out. You can go peacefully. Or you can go kicking and screaming,'" she tells WW. "I think the city is ready for new leadership."

Saltzman has said this next election will be his final run.

"As I announced a couple of months ago, I am running for re-election, and I've been incredibly gratified at the support I am receiving from the community. I look forward to the campaign," says Saltzman in a statement.

To that end, he has already lined up a slew of endorsements, including Multnomah County District Attorney Rod Underhill, United Food and Commercial Workers Local and U.S. Senator Ron Wyden (D-Ore.). The endorsements also include developers, such as Homer Williams, and drag queens, such as Darcelle XV, as well as prominent African Americans including Tony Hopson, who runs the nonprofit Self Enhancement, Inc.

Hardesty says she'll roll out endorsements in the future but has 68 house parties planned for the future.

Her campaign launch party is Aug. 26.

As Portland Police Stand By, Alt-Right and Antifa Protesters Beat Each Other Bloody

Today's brawling in Tom McCall Waterfront Park left several men bleeding and soaked in pepper spray.

*By Katie Shepherd
August 6, 2017*

The latest far-right march in Portland quickly staked a claim as the most violent.

The gathering of alt-right and white nationalist groups in Tom McCall Waterfront Park today immediately descended into brawling with antifascist counter-protesters that left several men bleeding and soaked in pepper spray.

The crowd at today's "Patriot Prayer" event was small—no more than 100 people on each side. It was a shadow of the events of June 4, when thousands of counter-protesters surrounded an alt-right "free speech" rally held in the wake of a double slaying by a white supremacist on a Portland MAX train. Since then, "Patriot Prayer" marches have had diminished attendance.

But these rallies, with their barely cloaked threats of racist violence, still have the power to disquiet the city and intimidate its citizens—especially when they kick off with a brawl.

Joey Gibson, the Vancouver, Wash. video blogger who has led the far-right movement's forays into Portland, told his crew that the antifa attention showed how serious and powerful his movement remains.

"You have the right of free speech, the right of assembly," Gibson said in a speech. "When they show up beating their drums and yelling, do you know what that means? It means we're winning."

Oath Keepers, members of a militia group that often attends right-wing protests, attacked antifa with pepper spray. Left-wing counter-protesters burned flags. Several frequent participants in Patriot Prayer protests, including a man named Tusitala "Tiny" Toese, were bloodied in the fight that kicked off the march.

Tiny later offered to give a counter-protesters wounds of their own. Flashing the thick silver rings adorning his fist, he pointed to his bloody nose. "Do you want one to match?" he asked. "I can give you one."

Portland police allowed the melee to go largely unchecked, belatedly threatening over loudspeaker to arrest brawlers. By then, the fights had mostly stopped.

Police announced that any illegal activity would get the protesters kicked out of the park. But officers didn't intervene when antifa members started throwing small projectiles at protesters wearing Make America Great Again hats.

Counterprotesters sprayed the far-right activists with silly string and threw glitter in their faces. The ultra-conservative group waved a flag of Pepe the Frog, a symbol of the national "alt-right" movement.

After more than half a year of squaring off, an air of familiarity runs between these groups. But a current of rage still feels fresh.

"Trump is burning this country to the ground," one masked antifa protester screamed at the marchers, "and you're letting it happen."

The Portland Mercury

An On-Duty PBOT Employee Trolled Under Armour with a Nike Swoosh—Then Retired

By Dirk VanderHart

August 4, 2017

The rivalry between Nike and Under Armour is hitting the streets.

In a bizarre and delightful series of events, the City of Portland is trying to collect more than \$250 from a former transportation worker, after he decorated a road in front of Under Armour's **new Southwest Barbur** outpost with a Nike swoosh on his last day of work.

According to the Portland Bureau of Transportation, on Friday, July 28, now-retired traffic crew leader Kirk Kennedy fashioned a swoosh out of thermoplastic—a moldable material the bureau uses to install things like sharrows and bike lane markers on the road. Kennedy then used a blow torch to fuse the subversive swoosh onto a roadway in front of Under Armour's facility at 2815 SW Barbur, as co-workers looked on.

Under Armour phoned a city parks employee to complain, but the swoosh apparently remained—mocking the Baltimore-based company—until the following Monday. Upon arriving for work Monday morning, Kennedy's co-workers reported his last, glorious act as a public servant, says PBOT spokesperson John Brady. The swoosh was removed before 7:30 am.

Brady insists no one bothered to take a picture of the swoosh, which is frankly tough to believe.

The incident occurred in Kennedy's "last hour of his last day of work before retirement after 32 years with the City," Brady says, but that's not stopping officials from trying to collect. Along with a letter that went out today, Senior Deputy City Attorney Heidi Brown sent an invoice for \$266.16 for the "vandalism." That invoice includes costs for labor for a traffic crew leader and utility worker (1.5 hours a piece), along with nearly \$9 for the use of a city pick-up truck.

"The City received information that on your last day of work, you installed a Nike swoosh on the street at the Under Armour location on SW Barbur Blvd." Brown writes. "We attempted to contact you, but have not yet heard back. You are welcome to provide any information you believe is relevant to this matter. Based on the information we have at this time, it appears you did in fact paint the swoosh."

Brown then directs Kennedy to pay the money by August 14, or set up a payment plan. "If you fail to do either, then the City will have no choice but to pursue all legal recourse," she writes.

Asked about Kennedy's potential motives, Brady refuses to speculate.

"From our standpoint, the motive is almost beside the point," he says. "This is something that went beyond the pale and never should have happened in the first place." He cannot say how large the swoosh was.

We've reached out to Under Armour for comment. The city says it's apologized for the incident, and that it "investigated how the other members of the crew responded and have determined that they took appropriate steps, including informing Kennedy that his actions were inappropriate and informing a supervisor about the incident as soon as they were able."

The *Mercury* hasn't been able to reach Kennedy.

His act, by the way, is merely the latest and most bizarre chapter in the jockeying between Nike and Under Armour since the latter established a presence in town. In 2015, *Willamette Week* **reported** that Under Armour pressed to get a Nike swoosh removed from a city park, as part of a deal to pay for renovations.

The Portland Business Journal

Portland, Multnomah County back big PGE renewable energy buy

*By Pete Danko
August 7, 2017*

As a decision nears, the city of Portland and Multnomah County are urging state regulators to support Portland General Electric's plans for a big new renewable energy buy.

The utility wants to put more than 500 megawatts of new renewables out to bid, but has gotten pushback from Public Utility Commission staff, industrial power users and ratepayer advocates who don't see a pressing need for the resources, which could cost up to \$1 billion.

In a letter filed with the PUC on Friday, Mayor Ted Wheeler and County Commissioner Jessica Vega Pederson acknowledged the disagreements, but said their constituents want aggressive climate action.

"New technologies may arise which would serve customers more efficiently and effectively, but there are also risks in not acting, including failing to make progress on our community's renewable energy commitments, as well as the increased risk of the consequences of climate change," the leaders wrote.

In early June, the city and the county set goals of 100 percent renewable electricity by 2035 and for all energy uses by 2050. Those goals apply community-wide, not just to government facilities.

The renewable energy proposal is part of a PGE resource plan filed last November. The PUC calendar calls for a final order by the end of this month, but the commission's intentions could be revealed on Tuesday, when it holds its final hearing on the plan.

PGE is looking for "acknowledgement" of the resource plan, which, as the commission has said, "does not guarantee favorable ratemaking treatment, but means that the plan seems reasonable at the time of commission review."

PGE cited a community preference for renewables over fossil-fuel sources — expressed passionately in a special PUC meeting in Portland in May— in its own comments filed on Friday.

"As our customers reiterated several times ... non-carbon resources procured today will have a cumulative effect on reducing the concentration of CO2 in the atmosphere for future generations," the utility said. "PGE's proposed RPS actions meet this broader standard of intergenerational equity valued by our customers, as well as the standards of intergenerational economic equity addressed in the IRP Guidelines."

The comments came in reply to a PUC staff report that recommended commissioners not acknowledge the portion of the plan calling for renewable energy resources. Under the state's

renewable portfolio standard, PGE won't technically need new renewables until 2029. The staff said shifting markets, falling development costs and new technologies make a commitment to new renewables now a potentially expensive risk for ratepayers.

Renewable Northwest, a coalition of renewable energy companies and environmental groups, firmly backed the utility in a 10-page critique of the PUC staff report filed Friday.

The group said the PUC staff had erred in focusing only on PGE's compliance needs. The new renewables, it said, would help meet energy and capacity needs for the utility, and do so without carbon emissions.

"In addition to PGE having met the applicable procedural and substantive requirements, Renewable Northwest appreciates PGE's consideration of the broader policy context," the group said. "We are in the midst of a transition to a clean energy future, and PGE has shown leadership and vision in seeking to orient its business activities around decarbonization and deployment of clean energy resources."

OPB

Portland Mayor, Council Get Earful On New Police Ordinances

*By Conrad Wilson
August 4, 2017*

The Portland City Council began considering three ordinances at its meeting Thursday that could change the way the Portland Police Bureau operates. During a five-hour public hearing, members of the public largely criticized the ordinances as either not going far enough or removing the public from police oversight.

Some also argued the city had made mistakes while negotiating the current police contract.

One policy change would require officers who use deadly force to explain what happened to internal affairs investigators within 48 hours of the incident "unless there is a compelling reason to delay the meeting."

The proposed ordinance is Mayor Ted Wheeler's response to a March memo from Multnomah County District Attorney Rod Underhill. Citing an Oregon Supreme Court ruling from the 1980s, Underhill's office argued that compelling an officer to make a statement to internal affairs — something police reform advocates have been pushing for — could jeopardize his criminal investigations.

The DA's memo came just months after the city negotiated away the controversial "48-hour rule" with the police union. That long-standing provision in police officer's contracts allowed them two days before they had to speak with internal affairs about deadly force incidents. Critics said that rule gave officers too much time to craft a story that may not have been truthful.

Under the DA's interpretation of the law, officers would not be allowed to talk to internal affairs until a separate criminal investigation is complete, effectively delaying the administrative investigation by weeks or even months.

"This interpretation of the law is the best interpretation we have at this time, but I'm not convinced a case from 1982 should be the final word on issues critical to police accountability

and the public trust today,” Wheeler told the standing-room-only crowd at Thursday’s council meeting. “That’s why this ordinance, if passed, creates a policy that would compel interviews and wall off employment investigations.”

If passed, the city would ask a judge to review the ordinance in light of the 1984 Oregon Supreme Court ruling and the District Attorney’s memo. Council members could vote on the change next week.

A second ordinance they’re considering would renew the public’s role in the city’s on-going settlement with the Department of Justice by establishing the Portland Commission on Community-Engaged Policing (PCCEP). The new body would replace the disbanded Community Oversight and Advisory Board (COAB) and would become part of the mayor’s office; the mayor also oversees the Portland Police Bureau.

The COAB was a group of 20 community members charged with assessing the city and police bureau’s progress as it implemented the federal settlement. Membership dwindled as the board struggled with what members called a lack of training and support from the city.

Some members of the COAB expressed fear about attending their meetings, Wheeler said Thursday.

“Meetings of the former COAB devolved into shouting matches, racist and sexist slurs, and even threats,” Wheeler said. “The new engagement body that this ordinance contemplates, PCCEP, will allow for the dissemination for information to the community and meaningful public feedback. It will turn what was previously chaos into credibility.”

The third ordinance would allow the city’s Independent Police Review to make recommendations after internal affairs investigations into alleged officer misconduct. Currently, the officer’s supervisor is the one who makes recommendations after an investigation.

Public Asks For Changes

City staff and members of the public spoke about the suite of changes, both acknowledging past failings and expressing frustrations with the proposed changes.

Nicole Grant, senior policy advisor for Wheeler, spoke about the newly proposed public engagement body, the PCCEP. Grant acknowledged that the city didn’t do enough in the way of training and support for the COAB.

“So it’s understandable that this new plan for community engagement, which is intended to reach beyond the settlement agreement, has stigma attached to it,” she said.

She said the proposed new oversight board was developed with the U.S. Department of Justice, and members of the Albina Ministerial Alliance (AMA) Coalition for Justice and Police Reform.

“If we do not move forward with the plan, we will be faced with continued and unyielding strife between the bureau and the community it’s bound to serve — creating a lose-lose situation for our city,” Grant said.

Several members of the public asked that the new board be expanded to include more members and that the members not be solely selected by the mayor’s office. Wheeler is proposing a board between five and nine members, but many who testified Thursday said they want between 11 and 15 board members. Others spoke about shortening the time for compelled officer statements to within 24 hours of a deadly force incident.

“It is vital that officer testimony is collected as soon as possible following the use of deadly force by police,” said A.J. Mendoza, the racial justice trainer and organizer at the advocacy group Basic Rights Oregon.

During his testimony, Albina Ministerial Alliance co-chair Dr. LeRoy Haynes Jr. brought up accusations about police behavior after the 2003 shooting of Kendra James, an African-American woman killed by Portland officers.

“One of the reasons why the community pushed this 48-hour rule is because the officers that killed Kendra James met over at the Lloyd Center in Applebee’s and got their stories together and then went to the DA,” Haynes said. “So this is a critical moment to create trust and accountability.”

T. Allen Bethel, who co-chairs the ministerial coalition, said he doesn’t approve of a PCCEP appointed and controlled by the mayor.

“This removes the responsibility from the rest of the council members for any responsibility for its success and accountability,” he said.

Bethel said he wants a larger group that holds meetings publicly, “not as proposed, two times per month behind closed doors.”

Later in the evening, Wheeler responded, noting that the new board would get public input quarterly and could do so more often if the group wanted.

Failures Made In Negotiating Police Contract

The head of the city’s Independent Police Review, Constantin Severe, urged City Council members to pass all three ordinances.

“As a city we owe it to the relatives of someone who is shot by the Portland Police Bureau to be able to say, ‘We have done everything within our means to be able to look into what happened,’” Severe said. “We also owe that obligation of Portland Police officers. We send them out there to do a very difficult job.”

Severe said the city failed to look at all these issues when it approved its new contract with police officers.

“We have to own that,” he said. “We made a promise to the community that the 48-hour rule is gone. We’re sitting here six, seven months later looking at alternatives.”

Severe said the memo from Underhill’s office has hurt public trust in the city and the city’s police.

“Unfortunately, ever since that memo has come out of the district attorney’s office there has been a significant tension between the community and the city and the Portland Police Bureau that didn’t need to be there,” he said. “We should’ve done our due diligence.”

During the hearing, Underhill defended his agency’s memo. He said his concern is that if an officer is compelled to give a statement to internal affairs, it could lead to a dismissal of a criminal conviction. If that happened, Underhill said, the public would lose confidence in the criminal justice system.

It’s highly unusual for grand juries to indict Portland police officers. In recent history, only one officer was indicted on criminal charges for using deadly force while on the job. In 2011, Dane Reister became the first Portland officer indicted for using force while on the job; he died by

suicide before his case could be prosecuted. Reister fired live rounds at a man when he thought he was using less-lethal rounds.

“Because one of my primary duties as your district attorney is to prosecute the perpetrator of criminal acts, I believe I owe it to the community to let them know when a policy or a practice by one of our criminal justice system partners may impact or inhibit my performance of that duty,” Underhill said.

The City Council is scheduled to vote on the ordinances Aug. 9.

Correction, Aug. 5, 2017: A previous version of this article misstated the details of a shooting incident involving Duane Reister. OPB regrets the error.