

The Oregonian

Portland Requires Officers to Give Prompt Account After Using Deadly Force

By Jessica Floum

August 24, 2017

Portland police officers who use deadly force will now have to speak with police internal affairs investigators within 48 hours of the incident.

The Portland City Council unanimously approved that rule Wednesday. It will take effect immediately.

The change from current practice, opposed by Multnomah County District Attorney Rod Underhill, was championed by Mayor Ted Wheeler and Commissioner Nick Fish. Underhill said compelling statements before a criminal investigation could violate officers' due process rights, making them immune from prosecution.

The council also unanimously decided to create a new commission on "community-engaged policing" as a means for the public to engage in bureau policies. That is intended in part to comply with a federal mandate for community engagement in the city's settlement with the U.S. Department of Justice.

Revs. LeRoy Haynes Jr. and T. Allen Bethel, co-chairs of The Albina Ministerial Alliance's Coalition for Justice and Police Reform, were among more than a dozen who testified in favor of the reforms Thursday.

"We have reached a crossroad in the struggle to bring 21st Century community policing to the city of Portland, and to address both the failures and the costly mistakes of the past," Haynes said.

The 48-hour rule applies to most officers. Only those who are physically incapacitated or unable to speak with investigators will be excused. The council removed a loophole from the original proposal that would have allowed the police chief and police commissioner to delay the interview.

The revisions came after the mayor and city commissioners heard testimony from the public at two hearings in the last several weeks.

"I want you to know I heard you," Wheeler said Thursday. "I appreciate the testimony that was provided here."

The council directed the city attorney to seek a court review of the policy.

The only exception would be if the officer is "incapacitated or unable" to do so, according to the latest proposed policy.

In July, Underhill advised that the police bureau can't compel officers involved in fatal shootings to speak until a criminal inquiry is done.

Retired chief deputy district attorney Norm Frink this week told The Oregonian/OregonLive that he found Underhill's concerns "reasonable" but supports the city's decision to compel statements soon after deadly incidents. He urged city officials to consult with U.S. Department of Justice lawyers and Underhill's office to iron out the details of the policy.

The rule change came two weeks after Wheeler hired Danielle Outlaw to replace former Portland Police Chief Mike Marshman, making Outlaw the first African American woman to hold the position.

"Let us begin anew with the coming of a new chief that embraced 21st Century community policing and creating a new model not only for Portland but for the nation that will build respect and build trust and build accountability and justice to all the citizens of Portland as well as those who serve on the Portland Police Bureau," Haynes said Thursday.

Before voting in favor of the community engagement group on policing, Fish commended the mayor's leadership. He recalled Wheeler asking the public early in his term to judge him based on the progress he makes on police reform and accountability.

The mayor, Fish said, proposed an idea that got mixed reviews and a lot of push back, but he incorporated that feedback into the final policy.

Fish also complimented the mayor for getting consensus on the "very independently-minded" council on the third or fourth major issue in the last month.

"It's a mark of a different kind of leadership that you can bring the whole council along," Fish said. "To me, that's the hallmark of a good leader."

Wheeler also thanked his colleagues.

"This finishes the easy part," Wheeler said. "Now the hard work begins."

Portland Water Bureau's Oversight Officials Call Secret PGE Deal "Paternalistic"

*By Jessica Floum
August 24, 2017*

The co-chair of the Portland Water Bureau's oversight committee on Thursday publicly criticized the Portland City Council's decision to enter a deal to sell hydropower to a utility company for an undisclosed profit as "paternalistic."

Co-chair Colleen Johnson and two other panel members made clear in a Public Utility Board meeting Thursday that they are not convinced the deal was struck in taxpayers' best interests or won't harm public trust in the bureau.

Last week, the Portland City Council unanimously agreed to sell power to Portland General Electric, acceding to PGE's condition that the city not tell the public how much PGE will pay. The decision drew criticism from a top energy analyst who questioned the city's secrecy in light of the fact that PGE will have to report the price to federal officials later.

Portland is considering putting taxpayer dollars at risk to sell hydroelectric power, and it won't tell the public exactly how much it stands to make -- or lose -- from the arrangement.

A risk analysis presented to the council before its vote said the city probably will make money but could lose up to \$2 million over the next three years if Portland has extremely dry weather.

Portland Mayor Ted Wheeler likened the deal to playing poker but voted for it anyway.

City Commissioner Dan Saltzman expressed concerns about the water bureau's failure to solicit competing proposals, but ultimately voted for the deal.

On Thursday, the Portland Utility Board debated whether it rightfully has a say in the hydroelectric deal, given its charge to protect Portland water ratepayers.

Johnson called the deal an important matter for public trust.

"The risk here isn't just a market risk," Johnson told the committee members. "It's the public perception and the public trust that is at risk."

Johnson added: "It's very paternalistic to say, 'You can't know. We know best. You just have to trust us.' "

Committee member Robert Martineau works for the Portland Water Bureau as a water operations mechanic. He insisted that any decision about operating the city's hydroelectric plant at the Bull Run reservoir falls out of the purview of the Portland Utility Board, because the plant does not operate using ratepayers' money.

The profits and losses generated by the operation are added to or taken from the city's general fund. That pot of tax money pays for city services including police and fire employees, parks repairs and housing and homeless services.

Committee Member Ted Labbe, a biologist and natural resources consultant, countered that while the utility board has a narrow mandate to protect ratepayers, it should have a "wider mandate" to protect public money.

"We're trying to manage these two bureaus in a way that they impact the general fund," Labbe said.

A report from the City Budget Office said the deal with PGE could yield \$3 million to \$8.5 million over 15 years.

Committee Member Mike Weedall, retired vice president of energy efficiency at the Bonneville Power Administration, told fellow committee members after the meeting that he's spoken to people who said they'd have loved to bid on purchasing the city's power.

"There is a lot more money here," Weedall said.

Martineau, the water bureau employee, strongly discouraged the group from any Monday-morning quarterbacking.

"The voters will speak if they are displeased with this," Martineau said. "If you think they won't, I've got two words: Street Fee."

This referenced the November unseating of the incumbent Commissioner Steve Novick, who said voters could "throw us out" if they didn't like his and former mayor Charlie Hales proposed street fee to fix roads.

Commissioner Nick Fish is in charge of the water bureau and up for reelection next year.

However, it became unclear whether or not Fish will run for reelection after he was diagnosed with cancer last week

A “Silent Coup” at City Hall

By Steve Duin

August 25, 2017

When Tony Lamont Brown barricaded himself inside the rental home last September, Portland police pulled no punches.

Brown was wanted for attempted murder in a domestic-violence case involving the woman living in the house on Northeast 81st Avenue.

Thus, the cops used explosives to breach the door, then lobbed tear gas inside. After several hours, the Special Emergency Reaction Team stormed the house and Brown was subdued.

Police were in top form. No harm, no foul, no unnecessary bruises.

Except, of course, to the house.

Nguyet Le, who has worked for the U.S. Postal Service in town for the last 21 years, owns the rental. Officer Eric Zajac was especially helpful, she says, telling her to contact the city's Risk Management Division about the extensive damage.

Nguyet Le did just that. She asked the city to reimburse her for approximately \$25,000 in damages, costs not covered by insurance, and more than \$4,300 in lost rent.

The City of Roses?

The Bureau of Development Services first fined her \$288.58 for code violations related to the damage.

Then City Risk weighed in. Its response is best summed up as: "Sue us."

"I can't agree to pay the full amount because we do not accept legal responsibility for property damaged due to the criminal acts of a member of the public," analyst Becky Chiao told Le in an email. "But I may be able to pay \$5,000 as a settlement."

Le was stunned. "The city of told me I had to fix the house, or it would be fine, fine, fine, fine, fine," she says. "I was crying. Really. I didn't have the money to fix it."

Equally annoyed is Margie Sollinger, the city ombudsman.

"The facts are undisputed," Sollinger says. "The city blew up this woman's house."

While no negligence was involved, Sollinger adds, Nguyet Le has a "fair and moral" claim against the city, and Portland's charter requires that it be heard.

For most of the 20th century, the city honored that obligation to make citizens whole when it damaged their property in cases that didn't involve legal liability. In a 1983 memo, the city attorney acknowledged that the "most common type of claims ... is for damage to doors allegedly caused by Portland police officers pursuant to search warrants."

But in 1990, Sollinger says, City Risk pulled off a "silent coup." In a seemingly innocuous change, it took control of the committee that considered fair and moral claims.

That committee hasn't met since. City Risk decides when compensation for personal property damage is warranted, making sure those "good will" payments remain off Council's radar.

As Kate Wood, the City Risk manager, said in an email, "The Oregon Tort Claims Act, adopted in 1967, broadened standards for public entities' legal liability and provided a remedy to citizens. The underlying public policy for 'fair and moral' claims became unnecessary."

Wood tenders a 1990 opinion from deputy city Attorney Benjamin Walters as proof that the citizens' "first remedy would be through the tort process."

Sollinger disagrees, passionately. The "fair and moral" claims process is still locked in the charter, she points out, and Council reaffirmed that in April.

"The bureaucracy just decided to do things differently," Sollinger says. "They assumed authority they have no right to exercise. That's how we change laws around here. Instead of using the process, they go behind closed doors and opt not to follow the law.

"It's the tail wagging the dog. And it's such a perversion of our entire city government."

When I spoke Thursday morning to Tom Rinehart, the city's chief administrator, he conceded much of Sollinger's argument.

"Risk management leadership has taken that city attorney's (1990) advice and the OTCA change, and made it their operating guideline that they decide all claims. Then they report to council," Rinehart says. "That's been the operating MO of the city for a long time."

The two choices before Council? "Follow what's in code and charter," Rinehart says, "or clean that up, and update that to our current practice."

When Sollinger made that case to former Mayor Charlie Hales, he punted, as was his style. "I've tried to educate the last two mayoral administrations," she notes. "They're supposed to hear these fair and moral claims. They need to follow the law."

Will Ted Wheeler ever come to the aid of Le, who has spent \$30,000 to repair damage done by police to ensure public safety?

So far, Sollinger -- who initiated dramatic changes at the 911 center -- is fighting this battle alone. She helped Le secure a refund for those insulting code violations, but she can't convince the city to give her a rightful hearing.

"There's still room for them to do the right thing," she says. "A small window."

The Portland Tribune

Sources Say: Nation Takes Note of Portland History of Political Clashes

*By Jim Redden
August 24, 2017*

Plus, potential candidates wait for Fish's decision and Brown spends big on her reelection

In the wake of the violence in Charlottesville, Virginia, Portland is being featured in several media reports as a city with a history of street clashes between far-right and far-left protesters.

The coverage includes an Aug. 13 story in Newsweek and an Aug. 17 story in the Daily Mail, whose online version featured a video of far-left protesters battling police in Portland. That same day, National Public Radio included an audio clip of former Mayor Charlie Hales criticizing anarchists for vandalizing businesses during the protests after Donald Trump was elected president last year.

The city also is included in a story in the September issue of *The Atlantic* that already has been posted online. It starts with the threatened confrontation between protesters that prompted the cancellation of the annual Festival of Roses Parade on 82nd Avenue.

"When Portland police said they lacked the resources to provide adequate security, the organizers canceled the parade. It was a sign of things to come," reads the story titled, "The Rise of the Violent Left."

New candidate's mum on Fish's seat

Several potential City Council candidates undoubtedly are holding their breath to see whether Commissioner Nick Fish decides not to seek re-election next year because of his cancer diagnosis. Although no one wants to seem callous, City Council seats don't come open very often.

JoAnne Hardesty probably is regretting she told Commissioner Dan Saltzman he should resign when she recently announced against him. If she switches races, she'll look opportunistic.

On the other hand, Multnomah County Commissioner Loretta Smith probably is glad she didn't announce for Saltzman's seat when talking about her political future in last Thursday's *Portland Tribune*. Although she hinted at running against him, she also left the door open for Fish's seat.

Brown spending big for re-election

Republican state Rep. Knute Beuhler of Bend received a lot of coverage when Nike founder Phil Knight recently contributed \$500,000 to his uphill campaign for Oregon governor next year. Many of the news stories pointed out that Brown — who has yet to officially announce for re-election — currently has over \$1.5 million in the bank.

Lost in the coverage is the fact that Brown's campaign has spent over \$758,000 so far this year, even though she is unlikely to face serious opposition in the May 2018 primary election and the November general election is more than 14 months away. It is impossible to know exactly what Brown has bought for the money, however.

For example, according to state election records, the payroll processing firm ADP EasyPay received over \$194,000 for "wages, salaries and benefits," although no employees or job titles are listed. A Portland business named Wheelhouse Northwest received nearly \$72,000 for "Management Services." A Washington, D.C.-based business named Rising Tide Interactive received more than \$65,000 for "General Operational Expenses." Valadrian Creative + Consulting received \$1,667 for "Preparation and Production of Advertising," however.

Former Prosecutor Calls City Police Proposal Flawed

*By Nick Budnick
August 24, 2017*

City Council takes up policy on post-shooting interviews Thursday afternoon

Norm Frink, a former top local prosecutor, says the Portland City Council is about to adopt a flawed policy concerning when police officers can be interviewed after shootings.

The flaws highlighted by Frink increase the likelihood that an involved officer can learn what witnesses in a deadly force incident are saying before giving a statement. They also make it more likely that any effort to prosecute the officer will be thrown out of court.

Once a powerful figure in Multnomah County law enforcement circles, Frink supports the city's push to conduct prompt interviews of police officers after shootings, notwithstanding concerns raised by District Attorney Rod Underhill — which Frink calls legitimate.

Frink, a former deputy to District Attorney Mike Schrunk before he retired in 2012, has been watching the issue closely, after Underhill in March issued a legal memo that led to the near-unwinding of a Portland Police Association concession last fall that has been a major goal of police accountability advocates.

The police union last fall agreed to eliminate the so-called 48-hour rule that gave officers two days after an incident before being interviewed administratively, for purposes of possible discipline. Police accountability advocates had supported the change, saying the earlier rule made it more likely a statement would be tailored to avoid consequences.

Underhill, however, said that compelling interviews in that manner sought by the city risked voiding any possibility of prosecuting that officer for a bad shooting — thanks to the constitutional right to avoid self-incrimination.

Portland Police then-Chief Mike Marshman went along with Underhill's wishes in a proposed new bureau rule earlier this year. But when the embarrassing reversal went public, Mayor Ted Wheeler and Commissioner Nick Fish took on the job of trying to return the city to its earlier path. Their proposed policy will be considered by the council in its 2p.m. meeting.

Frink supports the idea that it's possible to do prompt interviews for disciplinary purposes, while keeping the criminal investigations totally separate — to better address Underhill's legal concerns.

That said, Frink says the city's current proposal doesn't keep the two investigations, criminal and administrative, sufficiently separate — potentially making the city's proposed system vulnerable to constitutional challenge.

"The PPB conducts both, the same records system contains records of both and, ultimately both have the same chain of command," Frink said. "Best practices would clearly be to have another police agency conduct the criminal investigation. If that is impossible for whatever political or practical reasons than records should be kept in completely separate systems and it should be made clear that police officers involved in the criminal investigation are not subject to the normal PPB chain of command including whoever (usually the mayor) is the police commissioner and the chief of police."

Not only that, but Frink says the proposal has other problems as well.

The new ordinance calls for an up-front compelled statement while not making it clear that it will not be part of the criminal investigation.

It allows the officer to have almost 48 hours before giving an initial statement, and also doesn't make it clear that an officer will be disciplined for not providing the initial interview.

Frink says the proposal shouldn't allow officers who are merely witnesses to the incident to discuss it with union representatives before they give statements to investigators.

Finally, Frink is skeptical of the city's plans to take the ordinance to court, saying it will be hard to get a judge to take the case. He thinks that challenge should await a real case in which an officer is charged, increasing the odds of a court ruling in support of the city's system.

"If a court is going to be asked to consider giving immunity to a police officer charged with criminal use of deadly force," Frink said, "The best result for the public is more likely in a real case where a grand jury has found that such a crime has occurred."

Frink had kept his thought to himself until recently, when he shared them with local reporters. The Oregonian first reported on his concerns Thursday.

He says the council should take the time to get the policy right, put aside past policy differences, and consult more closely with Underhill.

The Portland Mercury

Police Reform Whirlwind! Council Kills 48-Hour Rule, Creates New Citizen Oversight Group

*By Dirk VanderHart
August 24, 2017*

COAB 2.0 is alive—almost.

After his initial idea for a new citizen board to oversee Portland police reforms was shredded to bits earlier this month, Mayor Ted Wheeler brought forward a modified plan at a Portland City Council hearing this afternoon. And the council passed it in one go.

A lot in the proposal has changed.

Unlike the former plan, the freshly approved framework [PDF] for a "Portland Committee on Community-Engaged Policing," (PCCEP) explicitly grants the new board power to "independently assess" the city's ongoing settlement with the US Department of Justice over police abuses.

The committee would also appear before a federal judge to air opinions on that settlement, hold public meetings at least once per month, review police bureau policies, and, in a move that Wheeler took pains to point out was unprecedented, would have the ability to force "expedited review" of police internal directives the public has issues with.

Such power, "has never been granted to any public body, including COAB," said Wheeler, referring to the Community Oversight Advisory Board, a now-defunct oversight body that the new group is replacing.

Other changes: The eleven members would not be term limited, and city commissioners would have a greater say in their final selection (though the group is largely answerable to the mayor).

The tweaks addressed many of the concerns city council heard earlier this month, during the fraught hearing where it first considered the new body. And they earned Wheeler plaudits from his council colleagues, who credited him with listening to community concerns.

But they weren't enough to kill the lingering worries of some critics, including the NAACP's Portland chapter, and Portland Copwatch.

Less controversial at today's hearing: A new police directive that specifically requires that officers who shoot someone must speak with internal affairs investigators within two days.

That was supposed to be standard practice after the city hammered out a new labor contract with the Portland Police Association last year. But things were thrown into tumult recently, when

District Attorney Rod Underhill suggested such prompt interviews—for the purpose of determining whether cops broke city rules—could make it impossible to criminally prosecute an officer.

With today's vote on a new policy, that's no longer an issue. The police directive passed by council today addressed three questions that had lingered after a hearing two weeks ago.

The new policy requires officer interviews "within 48 hours," and eliminated a widely panned loophole that would have given Wheeler the ability to waive that requirement. Now, only an officer's physical inability to speak with investigators would result in compelled interviews longer than two days after a shooting.

The city also directed the city attorney's office to pursue a court ruling definitively saying whether the policy is legal, or whether Underhill's more conservative interpretation is correct.

Some people are displeased. The fix to the city's "48-hour rule" rankles accountability advocates who want a mandate that officers be interviewed within 24 hours, or before the end of their shift.

"Prompt recorded interviews are necessary," said Juan Chavez, of the Portland chapter of the National Lawyers Guild, which had a key role in pushing back on Underhill's legal memo. "Twenty-four hours is plenty of time, to reasonably.. interview an officer."

Portland Copwatch and the NAACP mirrored those concerns.

Criticism of the proposed PCCEP was more robust. Reverend Doctor Leroy Haynes and Doctor T. Allen Bethel, two central voices with the Albina Ministerial Alliance Coalition, applauded some of the changes the city had made to the proposal, but offered some relatively minor tweaks.

"We have reached a crossroads in the struggle to bring 21st century community policing to the city of Portland," Haynes told the council.

Others were more forceful. A letter from local NAACP President Jo Ann Hardesty, read aloud by another member of the organization, railed against council for ditching the COAB structure—mandated by the settlement that Portland reached with the US DOJ—in favor of the new proposal.

"The PCCEP is a pale substitute for what was originally promised in the settlement agreement," Hardesty wrote. (Wrapped up in the potential passage of the PCCEP are amendments to the settlement.)

Joe Walsh, a frequent council critic who often attended COAB meetings, was also critical, noting that the council addressed very few of the recommendations that the now-defunct COAB made. He suggested results could be largely the same with the new PCCEP.

"You're giving them so much to do and to recommend it to you, who ignored them last time," Walsh said. "It's absolutely outrageous that you would do this."

Some had a sunnier outlook. Myrlaviani Rivier, who served on the COAB, told the council it was headed in the right direction with the PCCEP proposal.

"This PCCEP really captures fair process," she said. "I appreciate everybody's team that was involved in that and the vision that it took to do that."

The council addressed a few of the critiques, and ignored others. And in a move I didn't see coming, the body voted unanimously to slap an emergency clause on the ordinance, meaning it would go into effect immediately with passage (normal ordinances get a second reading, then take 30 days to go into effect).

Fritz said the emergency designation was necessary, since there are still steps before the PCCEP will be implemented. The US DOJ needs to formally sign off on the plan, City Attorney Tracy Reeve tells the Mercury, and, US District Judge Michael Simon, who's overseeing the settlement agreement, might also weigh in.

"It's in the public benefit to be sending this to the DOJ as early as possible," Fritz said.

So both changes—the resumption of prompt(ish) interviews of police who've shot someone, and a new citizen committee to scrutinize police reforms—are now passed.

The council was downright cheery.

"This is what happens when you have good community engagement," Fritz said. "Mayor Wheeler, I so honor you for allowing the process to unfold."

Fish, a central force in putting the 48-hour rule back in the trash, echoed her sentiment.

"He came forward with a proposal that got mixed reviews to put it politely," he said of Wheeler. That the mayor tabled that proposal so fixes could be made is "a hallmark of being a good leader," Fish said.

Almost everyone acknowledged that questions remain around the PCCEP. The committee "certainly has some challenges, but I do believe we need to try something different than the COAB model," Commissioner Dan Saltzman said. "We've got something here that does represent an improvement."

For his part, Wheeler kept his final remarks brief, finishing with: " This finishes the easy part. Now the hard work begins."

The Skanner

Legacy Project in NE Portland Gets Pushback From Community

*By Melanie Sevchenko
August 24, 2017*

A city-supported project to develop property at North Russell Street and North Williams Avenue has encountered a kink in the road.

The project, unveiled on Aug. 1 by partners Prosper Portland, Legacy Health and the City of Portland, is slated to provide medical care services, affordable homes, community space, and a business hub in support of the Black community.

The 1.7-acre site, owned by Legacy Health, has been an embittered point of contention since the Portland Development Commission (now Prosper Portland) razed the area to make room for the Legacy Emanuel Hospital expansion, almost fifty years ago.

While the hospital never saw the light day, the construction displaced close to 200 predominantly Black families in the area. The parcel of land has been vacant ever since.

The hospital expansion was one in numerous PDC urban renewal projects of the 1950 and 60s, including the Veterans Memorial Coliseum and Interstate 5, which ousted Black businesses and residents from North and Northeast. The laundry list of renewal developments has since inspired the agency to change its name and its image this year.

Now, the new development on the Legacy property – which promised to be a collaborative process with the community – is aiming to help heal its relationship with the city’s African American residents.

But not all is forgiven, say locals.

Penelope Cruz, a lifelong resident of North Portland whose grandmother was displaced due to the Emanuel Hospital expansion, said it’s too early in the development phase to have an opinion on the Legacy project either way.

“Nobody knows what this development is about. We hear ideas being thrown out,” she told The Skanner. “There has to be genuine community involvement.”

That’s not exactly the case.

During a Prosper Portland board commissioners meeting on Aug. 9, it was revealed that the agency was intending to expand the boundaries of the Interstate Corridor Urban Renewal Area (ICURA) to include the Legacy property, thereby making it available for Tax Increment Funding (TIF).

TIF, which is essential to Prosper Portland’s urban renewal funding, basically means setting aside property tax money to reinvest in an area that is run-down, unsafe or economically stagnant.

In 2015, the City Council voted to take the remaining TIF funds for the ICURA – \$32 million – and put it into the N/NE Community Development Initiative Action Plan.

The goal of the Action Plan is to use the millions in TIF funding to provide economic opportunity for those who have not benefited from revitalized neighborhoods and commercial corridors in the ICURA – namely, its communities of color.

“The benefits of the investments have been enjoyed primarily by businesses and residents who are white and do not have historic ties to the neighborhood, and who have higher incomes,” states Prosper Portland on its website.

To make sure promises were kept, an oversight committee for the N/NE Community Development Initiative Action Plan was established to advise and monitor how the \$32 million is spent.

The problem is that many members of the oversight committee had never heard of the development project between Legacy, Prosper Portland and the City – until the partners announced it to the public on Aug. 1.

“This does not demonstrate the new era of transparency and inclusion that Prosper Portland is touting,” testified Leesha Posey, a member of the oversight committee, during the commissioners meeting on Aug. 9.

If the Legacy property were included in the ICURA, it would therefore have access to the TIF funds earmarked for the N/NE Community Development Initiative Action Plan.

However, Prosper Portland has stressed that Legacy is not asking the agency to cover its costs for the development.

During the Aug. 9 meeting, Prosper Portland’s board of commissioners was set to vote and pass the boundary expansion to include the Legacy site – without the knowledge of the oversight committee.

The inclusion was never mentioned at the three previous meetings of the oversight committee, explained Posey.

Some members of the committee say the medical provider, with \$1.7 billion in revenue, is economically sound enough to fund the development on its own – without having to dip into funds designated for Portland’s people of color.

Moreover, some would rather see what is left of the \$32 million go towards community-driven projects and developments that have been reviewed by the oversight committee and the African American community at large.

During her testimony, however, Posey did state her support of the Legacy development. “Develop the site, please. But please do not bulldoze and rush through resolutions in a closed door process, organized around the needs of public and private institutions represented in this collaborative project.”

Tory Campbell, of Prosper Portland, who manages the team working to implement the Action Plan, said in order for Prosper Portland to use TIF funds to help finance the Legacy project, the property needs to be included in the ICURA.

“Without it being in the (Interstate) Urban Renewal Area, Prosper Portland, from a resource standpoint, really has nothing to contribute to any potential development on the space,” said Campbell.

In addition, if the Legacy parcel is included in the ICURA, the Portland Housing Bureau is also able to contribute housing dollars.

Campbell told The Skanner that Prosper Portland mis-stepped when it neglected to inform the oversight committee of its plans at the Legacy site – and its proposal to include it in the ICURA.

“I think that is a huge fault on our part,” said Campbell. “There was some community engagement, but clearly not enough – and definitely not engaging this oversight committee whose primary role is to support us in that.”

Moving forward, Campbell said Prosper Portland will include the oversight committee in the next steps. The agency has pumped the brakes and postponed the vote on the ICURA boundary expansion to an undecided date.

In the meantime, the oversight committee will continue to meet to review the Legacy development project at North Russell and North Williams Avenue.

OPB

Portland Council, At Odds With DA, Solidifies Police Shooting Overhaul

*By Amelia Templeton
August 24, 2017*

Portland’s City Council on Thursday directed the police bureau to compel officers involved in fatal shootings to give statements to internal affairs investigators as soon as possible.

The council unanimously supported an ordinance that requires officers to give statements within 48 hours of a shooting, unless they are physically incapacitated.

The compelled statements would be used to evaluate whether an officer violated his training and should be disciplined or fired.

Thursday's action further codified a city rule put in place Aug. 9. It also makes the rule take immediate effect, rather than waiting for a court review.

For Mayor Ted Wheeler, who has tried to position himself as a reformer on policing issues, the unanimous vote was a significant political victory.

"With regard to the 48-hour rule, ending it has been part of my policing agenda since the day I decided to run," he said at the outset of the council's deliberations.

For Commissioners Nick Fish and Amanda Fritz, the policy also represents a defense of changes they pushed for in the past.

Both Fish and Fritz cast unpopular votes last year in favor of a new contract with the police union. It gave officers pay raises in exchange for striking language in the contract that had long protected officers from giving testimony in the first 48 hours after a shooting.

But the new policy of promptly compelling officers to testify places the city, and the Police Bureau, at odds with one of its closest criminal justice partners: Multnomah County District Attorney Rod Underhill.

Underhill had sought to have the compelled statements to internal investigators delayed until after he'd cleared officers involved in a shooting of any criminal charges.

In a March memo, he argued that if internal affairs investigators compel officers to testify, it creates a risk that an Oregon court could find the officer entitled to immunity from criminal prosecution.

"Legally, violating an officer's right to remain silent will result in a criminal investigation sanction that, at a minimum, will suppress all evidence that the state cannot prove was obtained wholly independently of the tainted statements," Underhill wrote.

In July, the Police Bureau briefly adopted a directive in keeping with Underhill's recommendations, until the City Council intervened.

After hearing testimony from advocacy and accountability groups like the ACLU, the Albina Ministerial Alliance, and the Lawyer's Guild, Wheeler and Fish decided to split with Underhill and craft a new ordinance.

Underhill declined to comment on the new city policy Thursday.

"The mayor and I believe that a firewall can be placed between criminal and administrative investigations, as is the policy in virtually every other state," Fish said Thursday.

Two weeks ago, the council adopted — but did not fully implement — a version of the ordinance that would have represented a compromise of sorts with Underhill.

It required officer statements within 48 hours of a fatal shooting, but gave the mayor broad authority to waive that requirement in cases where criminal prosecution of an officer seemed like a possibility.

But advocacy groups that pushed for prompt officer interviews viewed that as a loophole and universally panned it, prompting Wheeler and Fish to change course again.

The ordinance the council adopted Thursday only allows internal affairs to delay interviewing officers after a shooting if the officer is "physically incapacitated."

T. Allen Bethel, president of the Albina Ministerial Alliance, noted how dramatically the council's ordinance had changed.

"Thank you for adopting many of the ideas of the stakeholders," he said.

Casting his vote, Fish called Wheeler humble and complimented his willingness to change his approach.

"That's why he's poised to get a 5-0 vote on yet another really complex issue that's come before this council," Fish said.

After his vote, Wheeler acknowledged that the Police Bureau still has considerable work to do crafting a system that will stand up to legal scrutiny and ensure information from an internal affairs investigation can't leak to homicide detectives working on the criminal investigation of a shooting.

"This is a tried and true strategy. The legality of this really hinges on the degree to which we can maintain that firewall," Wheeler said.

The council also voted Thursday to reconstitute a troubled community advisory body — formerly known as the COAB. It was originally created as part of the city's 2012 legal settlement with the U.S. Department of Justice over police officers using excessive force against people with mental illness.

The group will now be the Portland Committee on Community-Engaged Policing, and will report directly to the mayor's office. Its work will include assessing the city's compliance with the DOJ settlement agreement, assisting the Police Bureau's office of community engagement, and reviewing Police Bureau policies and directives.

It's 11 members will be selected by the mayor and City Council, with input from a selection panel of 5 community members.

"This finishes the easy part," Wheeler said. "Now the hard work begins."