

## The Oregonian

# On Hold: Crime Victims, Public Wait 6 Weeks or More for Portland Police Reports

By *Bethany Barnes*  
October 21, 2018

One February night in Portland, a college student had a seizure while driving and crashed into a tree. No one, not even doctors, could figure out why. But there was hope, the physicians said: Clues to the medical mystery might be in the police report.

So, the 23-year-old went online and made a public records request. It would have been plain to anyone who read the request that it was urgent.

“This will help my doctor in providing me with an accurate diagnosis,” Mia Wait typed into the online form. Descriptions of Wait’s behavior and other facts in the report, Wait wrote, could help doctors piece together a timeline and diagnostic picture.

But Portland police responded to Wait’s request the way they do virtually all requests for public records: slowly. Weeks went by, then months, then half a year.

It took the Portland Police Bureau 10 months to respond.

By then, Wait’s doctors had given up. What’s more, the single page police eventually turned over was useless. The document it took police so long to send appeared to be from the wrong car accident.

Every day, Portlanders go to police for records that would help them. In response, they face hefty up-front fees and frustratingly long waits. The average wait for a police report in 2017 was 133 days, or about 4 ½ months, an analysis by The Oregonian/OregonLive found.

Portlanders pay premium fees for that slow service. To get in the long line for a police report, a requester is asked to pay \$30 up front — more than at the metro area’s other large police agencies, and far more than the \$1 or so a person is likely to be charged for a Seattle police report. Portland Police collected more than \$660,000 in records fees last year.

Portland police officials have known for years they force people to wait too long for records. And they know how to fix it: Increase staff. They have upped the number of employees to eight, at least on paper. But members of the public still wait weeks and even months for basic information about wrecks, thefts and other police matters that jar their lives.

Top brass have decided it’s acceptable to charge the public substantial amounts for records and, in return, provide them with poor service. The bureau took in more than 21,000 records requests in 2017 and is on track to receive 25,000 this year.

“Contrary to popular belief, it really is a priority for us to be able to fill records requests as timely as possible,” Assistant Chief Chris Davis, who oversees the records division, said. “It is just that there are so many of them.”

A new Oregon law that took effect this year was supposed to curb delays by mandating government agencies respond to straightforward records requests within 15 business days. But there’s a loophole, and Portland police use it: If an agency claims it is swamped, it can ignore the deadlines. That’s what Multnomah District Attorney Rod Underhill ruled in an order this summer when a requester complained Portland police forced her to wait too long.

The consequence of relegating searches for police records to a skeleton crew? A man needs the police report for his stolen vehicle. He waits six months. Another man needs a car accident report or else the DMV won't reinstate his license. He also waits six months. A woman needs the toxicology report from an old DUI case so badly she offers to pay for faster shipping. She too waits six months for her record.

Those people all had the misfortune of needing help in 2016, a year when the office that handles records requests made to the Portland Police Bureau was staffed with four frontline workers, one of whom was part-time, and one supervisor. Across all 12 months of 2016, the average wait for a police report was six months.

A summer 2017 staffing increase and tweaks to the technology that workers use helped shrink wait times by more than a month. "We have come a long way since 2016 and continue to improve," the unit's supervisor, Tammi Weiss, said last week. Still, the unit has had one vacancy since March, has yet to fill two additional positions added in July, and remains swamped. At least 60 members of the public who requested a police public record this year have had to wait three months or more to receive it.

Davis said Portland police leaders plan to fill the vacant jobs in the records unit as soon as they can. He said he knows that won't be enough to eliminate the backlog. But he said multiple times to The Oregonian/OregonLive that Portlanders don't live in a perfect world where all needs can be met. Police officials view other needs, such as hiring more patrol officers, as more important.

Michael Cox, chief of staff to Portland Mayor Ted Wheeler, promised improvement. He said the mayor is "committed to reducing the time and cost for citizens and reporters" to get police records. And he said adding more employees may be the way to get that done.

"The mayor's office is fully aware of criticisms of the city of Portland's public records system," Cox said. "The process feels slow, impersonal and legalistic. We are looking at several factors that affect this process, including staffing, fee waivers and technology."

### **'OREGON IS SO BACKWARDS'**

Portland resident Michael Wollenberg called police as soon as he became aware an identity thief in 2016 had opened four phone lines in his name. But when he needed a copy of his police report to get Verizon to stop the fraudulent phone lines, police were of no help.

Six months went by before the Portland Police Bureau gave him the report.

"At least if they are not going to investigate it, they could turn over the police report," Wollenberg told The Oregonian/OregonLive.

"I don't understand why Oregon is so backwards," said Wollenberg, who has also lived in Arizona and New York. "It is a far cry from what I experienced in other places."

Oregon's largest police agency is out of line with its closest comparator in the Pacific Northwest, the Seattle Police Department.

Mary Perry, that department's director of transparency and privacy, was skeptical Portland's police records delays could be worse than at her agency, which she said is more backlogged than ever due to body camera video requests.

Then she heard the 133-day figure.

"Whoa, really?" Perry asked.

In Seattle, a simple request, like the identity theft report Wollenberg needed, would take one day, maybe two, she said.

Perry said she thinks the key difference is Washington's strict law governing records request response times. Public agencies in Washington face penalties if they wrongfully withhold records. An agency can be fined as much as \$100 for each day it is found to have delayed turning over a record.

"That drives our funding, that drives our decisions," Perry said. "So, we do get at least enough funding so we can at least keep this process going."

Like the rest of the Seattle police department's operations, the unit that responds when members of the public request records is funded largely by taxpayers, not by individual requesters.

Victims pay nothing to receive a copy of their own police report. Most simple reports, Perry said, cost less than \$1 and are provided in less than a week.

Why? It's the law. Washington allows the public to be charged only for the cost of copying a public record, which costs pennies or less when records are kept electronically. State law does not allow government agencies to charge requesters for the time it takes to search for a record, review it or redact it.

## **VICTIMS PAY, TOO**

Portland's police bureau, by contrast, acts as if its records response unit is a money-generating operation, not a public service. Police bureau officials, unlike those at other city bureaus, take the position that members of the public, with limited exceptions, must pay the entire cost the department incurs to provide a record, including the full salary, vacation and benefit costs for each minute a worker spends fulfilling a records request.

Under Oregon law, agencies can charge people the actual cost to provide them a public record. But the Portland Police Bureau goes a step further. With so many requests, the agency can't estimate the cost to respond to a particular request, officials say. Instead, the bureau charges a flat fee that police officials assert is the average cost to provide that type of police record. Police reports, address checks, photos, videos and police officers' notes each carry a set cost for the public to see.

Anyone who requests a police report, for example, is expected to pay \$30 up front to initiate a response. Except in rare cases, that fee is not refundable. It doesn't matter if the person is a victim. It doesn't matter if a report runs just one page. It doesn't matter if it takes so long the information becomes useless. It doesn't matter if police don't end up giving the person a record.

Many people think that most public records requests are made by reporters, but that's not the case. Of the 19,049 police reports sought from Portland police in 2017, just 1 percent were requested by members of the media.

Insurers, law firms and other agencies that make requests on behalf of many individuals are the biggest single source of requests. Ordinary individuals also file requests by the thousands every year.

If a requester finds the \$30 up-front fee too burdensome, they can ask police to waive it. But they will be penalized with an even longer wait as a result. In some cases, asking for a fee waiver added six months. That isn't fair, said Weiss, the public records unit supervisor. But she must approve all such waivers, and that takes time, she said.

The \$30 is based on an assumption that the typical police report runs 10 pages and it takes a trained employee 26 minutes to locate, review and, if necessary, redact confidential details such as a driver license or vehicle information number. If a police report is more than 10 pages, rules say the agency will charge \$2 for each additional page.

Portland police officials agreed to let a reporter embed in the records division for a day for this story. During six hours of observations, no request appeared to take a full 25 minutes to handle. Employees responding to requests use a computer database of police records and 911 dispatch notes. Their training and experience help them to quickly locate specific records and spot any information that can't be made public. An online tool allows them to redact electronic records, saving them the trouble of printing out paper copies.

Ryan Rees, the Portland Police employee whom officials allowed the reporter to observe, performed diligent searches, did his best to figure out what requesters were seeking and, in cases in which no police officer had written a report, tried to find other records such as dispatcher notations that might help a requester. That way, he said, people who needed help and paid for records did not end up with nothing.

Still, sometimes they do.

### **'AS A MOTHER, IT WAS HORRIBLE FOR ME'**

A Portland mom whose son had been jumped at knifepoint by other teens at his high school wanted to see the police report. A 15-year-old only opens up so much, she said, so she wanted to see the facts available. She wanted to know what the other boys told police about why they targeted her child. And as a mother, she was fearful for the teen perpetrators who would enter the criminal justice system.

"I was very concerned about those four boys who were involved," she said. "I felt like I'm ruining their life. I wanted to see what we caused."

Over and over, she said, victim advocates, social workers and others who guided her as the case moved along told her, "You just need to request (the police report) online."

So that's what she and her spouse did. They checked again and again and again, for six months. Eventually, an email came back denying them the record because it involved a juvenile, as juvenile records aren't public under Oregon law. There is a way for parents to get police records involving their own child, but they have to go through juvenile court, a process that can be hard for parents to figure out. The email did not mention that option.

The Oregonian/OregonLive is not identifying the mom to protect her son's privacy.

It felt absurd, the mom said, to be told as a victim to pay \$30 up front and not get the money back when she got no records. But she said her greater frustration is that, to this day, she wonders what is in the report she never figured out how to obtain.

"I wanted to see what actually happened. At least some details that I would never have known, and I still don't. It changes how I talk to my son about it," she said. "As a mother, it was horrible for me."

Ginger McCall, Oregon's new state public records advocate, said Portlanders deserve better. The experiences of requesters chronicled by The Oregonian/OregonLive speak to an urgent need for more staffing and resources, she said. She can direct state agencies to take action, but can only offer training and advice to local governments.

“To reduce wait times and ease onerous fees, the city and Police Bureau leadership must commit to making more of an investment in public records and transparency,” McCall said. “Producing police reports is a primary function of the police organization. Those reports are essential for victims to be able to vindicate their own rights in a variety of different venues.”

Davis, the assistant chief over records, said victims may not like paying for police records. But since some victims can afford it, they should pay, he said. Otherwise, he said, Portland Police would have a significant hole in its budget it would have to fill.

Portland Police does prioritize requests from members of the public over those from for-profit companies that flood the system with requests on behalf of clients. In 2017, the bureau took an average of 40 days to provide a police report to a member of the public and 51 days to provide one to a member of the media, The Oregonian/OregonLive’s analysis found. Third-party companies, by contrast, had to wait an average of 5 ½ months for a police report.

Seattle routes such companies through a separate system, making it easier for it to quickly respond to requests from the public. It also charges those businesses a flat rate, \$8 per record, that is higher than what the public pays.

The companies are commercial and can make money off the records. But they typically ask for records on behalf of a person directly affected by a wreck or other police matter. Rees told The Oregonian/OregonLive that some third-party requesters have figured out their requests are answered more slowly than ordinary people’s, so insurers sometimes nudge their clients to make the requests instead.

That was Kris Witherspoon’s experience. One night, a drunk driver plowed into his motorcycle and car, which were parked outside his home. His insurer hounded him about the police report, so in August 2017 he put in a request.

In the end, it took Portland Police 9 ½ months to grant his fee waiver and send him the police report. By the time they did, he’d stopped monitoring the public records website and did not realize he’d been sent the report. He doesn’t know if his insurer got it either.

### **PORTLAND NOT 'PERFECT'**

At present, members of the public who request a Portland police record are told via an automated message that they shouldn’t expect to hear back for six weeks. Davis agrees that’s bad and said he would like to keep up the pressure on the City Council to add staff.

At the same time, he said, the city has many needs.

“I’m struck by the really hard trade-offs our elected officials have to make when they allocate resources within the city,” Davis said. “In a perfect world, (more staff for the records unit) would be great, but I don’t think that’s possible because there aren’t enough resources.”

Davis was put in charge of the police records division two years ago. Before that, in 2015, an outside review red flagged the public records office as a problem, noting it suffered from a revolving door of leaders and lacked a focus on serving the public — despite that being a core part of its purpose.

Davis said he noticed the culture problem and surveyed records workers. He learned that they highly valued their jobs but felt others in Portland Police didn’t see the importance of their work, he said. He also learned they wanted more training. Training has since become a priority, Davis said. He also hired a new records manager who’d worked in records management in Beaverton to help Portland’s records division run smoothly. He’s hopeful she’ll find ways for Portland Police to process records faster with the staff it has.

Meanwhile, as of Wednesday, the unit faced 6,378 public records requests waiting to be filled.

## **The Portland Tribune**

### **Attention Portland: It's Free Compost Week!**

*October 20, 2018*

**Need some free compost? The Bureau of Transportation in Portland will give you as much as you want.**

Who doesn't love getting compost for free?

The Portland Bureau of Transportation is inviting all residents to "fall in love" with composting during Compost Week, which runs from Oct. 20 through Oct. 27 from 8 a.m. to 5 p.m. at their maintenance yard located at 9325 N.E. Sunderland Road.

Officials say they have enough high-quality compost at their depot to give residents "all the compost your heart desires at no cost to you."

"This high quality compost comes to you courtesy of Portland's city trees," adds spokesman Dylan Rivera.

Here's how it works. Each year, PBOT collects leaves from city streets and turns it into compost. The leaves collected in 2017 have been stewing for 12 months and are now ready for your garden.

All you need to do is bring your own bags and shovels to the PBOT maintenance yard in order to transport the free compost home. City staff are happy to load compost onto the open bed of your vehicle.

Questions? Call 503-823-3500.

## **The Portland Business Journal**

### **Portland Gets Kudos, \$2.5M For Its Climate Change-Fighting Prowess**

*By Andy Giegerich*

*October 22, 2018*

Portland has earned recognition, and potentially millions, for its climate initiatives.

Bloomberg Philanthropies revealed that the Rose City is one of a handful honored in Bloomberg's American Cities Climate Challenge. Portland plans to use the \$2.5 million or so it could collect overall — Bloomberg is giving out some \$70 million to 20 cities in the initiative — "to reduce climate pollution in transportation and promote renewable energy use throughout the city," according to Bloomberg.

It will further work to eliminate single-occupant vehicle trips in the Central City. It could do so by through incentives for walking, biking and public transportation. The city will also add two community-based renewable energy projects.

Other cities landing funds were Atlanta, Boston, Los Angeles, Philadelphia, Pittsburgh, San Diego, San Jose and Washington, D.C.