

The Oregonian

Portland mayor's office considers new regulations on fossil fuels

*By Gordon Friedman
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Hoping to combat health and safety problems posed by the fossil fuels industry, Portland Mayor Ted Wheeler's office has drafted sweeping proposals that would restrict the activities of petroleum companies citywide.

The proposals are outlined in eight potential action items listed within an undated two-page internal memo, a copy of which The Oregonian obtained via public records request.

Among them are options to "place a ban on the storage of fossil fuels" within the city's growth management plan, tax the shipment and storage of petroleum to seed an environmental remediation fund, tighten earthquake safety standards for fuel storage tanks and reaffirm the city's ban on new fossil fuels infrastructure.

The memo included only brief summaries of the potential actions, and it states the city is still "evaluating its authority" to carry them out. It was written by aides to Wheeler and officials within the Bureau of Planning and Sustainability, of which Wheeler is commissioner-in-charge.

The document casts fossil fuels as presenting "a significant risk to community safety and public health" and declares a "rapid transition" is necessary to move Portland onto renewable fuels. It gives timetables for moving ahead on the items between October 2019 and January 2020.

The memo also states that prior to an earthquake or other disaster, Portland "must take steps to ensure local resilience" by securing access to fuel and reducing the possibility of environmental contamination or major fires in the event of an oil spill.

Mayoral spokesman Tim Becker said the concepts were drafted to brief the mayor and city commissioners prior to a July public forum on Zenith Energy, a company that operates an oil terminal along the Willamette River in Northwest Portland.

Zenith has come under scrutiny in recent months for its role in facilitating the rise in Oregon's crude oil shipments, as well as for steps it took to avoid an oil spill training exercise and for appearing to have provided false information to the mayor's office.

The draft regulations are meant to address risks posed by "the Zenith property and other regional venues," Becker said, adding that all are still under consideration.

The proposals mention Zenith only once, in the context of potential city action to submit comment to the Oregon Department of Environmental Quality in opposition of renewing permits that allow Zenith and another company, Global Partners, to operate oil terminals in Portland and Clatskanie.

Megan Mastal, a spokeswoman for Zenith Energy, didn't return a request for comment.

A spokeswoman for the Western States Petroleum Association, an industry group that sued the city over its petroleum regulations, declined to comment.

The lawsuit challenged zoning changes adopted by the City Council that prohibited construction of new fossil fuels infrastructure.

The Oregon Court of Appeals ultimately ruled that the city can have such restrictions but decided they were improperly written. One potential action listed in the mayor's office memo is for the City Council to re-pass the restrictions in the proper format.

Nick Caleb, a climate-focused attorney with the Center for Sustainable Economy, said he views Wheeler's list of proposals as a good starting point for regulating fossil fuels in Portland.

Some items, such as affirming the city's intention to limit the use of fossil fuels, are straightforward, Caleb said. Others, including the proposal to tax the storage or transfer of fuels, should be thoroughly investigated but may face legal challenges, he said.

Above all, Caleb said the unfolding climate crisis necessitates haste and "big risks even where there is some legal uncertainty."

"These are mostly good action items, but we need to speed up the implementation," he said.

Portland cop's past membership in extremist Facebook groups raises questions about how to track offensive social media use

*By Diana Kruzman
August 29, 2019*

Before he was hired as a Portland police officer, Eric Salmestrelli posted numerous times in an extremist Facebook group — making him one of hundreds of current or retired cops doing the same across the U.S., a national investigation found this summer.

The report also exposed a troubling corollary: Law enforcement employees in Oregon like Salmestrelli can fall between the cracks of the state's opaque and relatively patchwork system of social media checks-and-balances.

Reveal, a nonprofit news outlet, showed that Salmestrelli, going by the name "Eric Sal," shared a video in January 2016 in a group called the Military Patriot Oath Keepers. The video started on a black screen with a single question: "Is Barack Obama a Saudi-Muslim 'Plant' in the White House?"

The episode turned scrutiny on Portland police during a long, hot summer of controversy, including accusations that officers have shown favoritism to both right-wing activists and anti-fascist counterprotesters during bloody brawls downtown.

And it raised questions about how cases like Salmestrelli's can slip through a police department's hiring process.

Part of the answer lies with a state system of limited tracking.

No statewide policy explicitly prohibits officers from making racist or discriminatory comments online. Some individual police agencies have their own guidelines for using social media, but others have no instructions at all.

And while most agencies review social media posts during an officer's hiring process, the anonymous nature of social media and online privacy protections make comments like Salmestrelli's difficult to find without knowing where to look.

Many groups on Facebook are “secret,” meaning they can be found only if a user is invited to join by an existing member. Others are “closed” with content accessible only after an administrator approves a request to join.

Police agencies already tread a delicate balance between protecting the free speech rights of officers and ensuring they meet general standards that call for honesty and integrity, said Randy Blazak, a professor at Portland State University who studies hate crimes and extremist groups.

“We’re in kind of a new territory in terms of hateful activity,” Blazak said. “It’s no longer the battle days when you were a card-carrying member of the Ku Klux Klan. Now you just sort of drift in and out.”

Reveal’s investigation looked at members of Facebook groups known to express extremist views to see who had connections to law enforcement.

Salmestrelli was the only officer in Oregon that the investigation discovered. Reveal said its report was limited by its access to these groups.

Screenshots taken by Reveal show Salmestrelli posted multiple times in the Military Patriot Oath Keepers group. The Southern Poverty Law Center lists the Oath Keepers as an anti-government movement. In one comment from 2016, Salmestrelli referred to former President Barack Obama having a “progressive jihadi agenda.”

Reveal also said it found Salmestrelli’s profile on the members list of a Facebook group called the Voice of the American Infidels. The group didn’t allow Reveal reporters to join, but they found its public description on Facebook, which stated, “This group is for those who wish to speak out about the evils of Islam. All members of this group want Islam removed from America.”

The Oregonian/OregonLive was unable to independently verify Reveal’s screenshots. The Military Patriot Oath Keepers group is closed and the Voice of the American Infidels was no longer publicly viewable on Facebook.

Portland police investigated Salmestrelli for three months and he remains employed at the bureau, said spokeswoman Lt. Tina Jones. She declined to comment on the methods or results of the investigation, saying it was a personnel matter.

An internal affairs supervisor with the Portland bureau told Reveal that police took no action in Salmestrelli’s case because the posts came before the agency hired him in 2017.

Salmestrelli came to Portland from the Burlington County Sheriff’s Department in New Jersey, where he was a deputy for 11 years, including during the time the posts were made, records show.

Salmestrelli didn’t respond to requests for comment made through Jones or to messages sent to his Facebook profile. Calls made to what appears to be his personal phone weren’t picked up, and a message couldn’t be left as his voicemail was full.

It’s unclear how many police agencies in Oregon have specific policies that govern officer social media use.

The Oregon Department of Public Safety Standards and Training, the state’s police certification agency, doesn’t require such policies, said Director Eriks Gabliks.

That leaves local police to set their own rules — and Gabliks said most would adhere to a general law enforcement code of ethics that prohibits officers from engaging in behavior that would “discredit” their agency.

The Portland Police Bureau adopted a social media policy last September. It forbids employees from posting anything that “negatively expresses bias or disrespect towards any race, religion, sex, gender, marital or familial status, sexual orientation, nationality, age, disability or any other legally protected classification,” even on their private accounts. The policy was created in the wake of posts by Portland officers altering images of their badges before the grand jury verdict in the police shooting of Michael Brown, an unarmed African American teenager, in Missouri.

In contrast, the Multnomah County Sheriff’s Office, for example, has a social media policy that details procedures only for its official social media accounts, not the private accounts of deputies. It does have a policy that bars policing deemed explicitly biased, which prohibits treating people differently on the basis of any protected classification.

Jones said there have been no recorded violations of the Portland police policy since it was enacted.

During the hiring process, the bureau reviews “publicly available social media” of a candidate, she said. It appears that wouldn’t include Salmestrelli’s posts because they were made in a closed group.

Jones also pointed to state law that prevents employers from requiring access to social media accounts that aren’t already public.

In a statement, she said the bureau “places the highest priority on hiring and retaining officers with integrity.”

Police rely on psychological examinations that include “components to assess biases” to vet officer applicants, she said.

The bureau doesn’t track how many candidates wash out specifically because of bias, she said, but noted that in general, 10% to 15% of applicants don’t pass the psychological examination phase.

Police use other screening tools as well, Jones said, but the bureau keeps some of its techniques under wraps to prevent candidates from gaming the system.

Still, the screening sometimes doesn’t catch everything, she said.

“The background process is rigorous, but there will always be the possibility of imperfection in the process,” Jones said.

A stream of recent disclosures across the country about racist and sexist postings by law enforcement officers on both private and public sites feeds perceptions of police bias, say watchdogs like Blazak.

In June, an investigation by a database group called the Plain View Project revealed thousands of offensive posts by officers from Philadelphia to Phoenix. They were found by examining public posts made by people with profiles whose names matched the published employee rosters of police agencies.

And Portland residents' distrust of police officers is already high, particularly among minorities, a consultant's study found earlier this year in surveys done for the bureau's five-year strategic plan.

Hate crimes are already underreported, Blazak said, and the belief that members of a police force are biased can make people even less likely to come forward.

"A lot of policing is based on relationships with communities, and if people don't feel like they can trust the police or police share the biases of the people that attacked them, it makes their job a lot harder," he said.

Blazak acknowledged that police have a legal responsibility to protect the rights of their employees to express themselves online and said officers who resort to derogatory speech on social media are a small portion of law enforcement.

But he said the question comes down to whether officers can represent the interests of all residents, regardless of race, religion or any other classification.

"Officers have to represent the entire community," he said. "If there's evidence that they don't respect portions of the community, they're not qualified to do the work that they were hired to do."

The Portland Tribune

Sources: Portlanders feel they hold little sway over city issues

*By Jim Redden
August 29, 2019*

Plus, Iannarone leads fundraising in the mayor's race for now and 5G controversy goes national

Although city residents are split over the reforms to the civic engagement process headed to the City Council, there is little doubt the public participation process needs to be improved.

A recently released survey found that a majority of Portlanders — 61% — feel they do not have the power to influence city decisions about issues important to them.

A series of questions about civic participation were included in the survey that was conducted and released last week by the City Budget Office. It found that responses were consistent regardless of gender, educational attainment, household income and geography.

Responses were more negative among African American, Hispanic and white respondents compared to Asians. Those aged 45 to 74 and those who have lived longer in Portland were more likely to respond negatively as well.

The Office of Community & Civic Life is proposing to eliminate all references to neighborhood and business associations from the public engagement provisions of the City Code to open up the process to a wider range of Portlanders.

The council is scheduled to consider the proposal on Nov. 11, although that could be delayed because of pushback from neighborhood supporters.

[You can find the survey here.](#)

[You can read a previous Portland Tribune story on the survey here.](#)

Iannarone leads fundraising, for now

Portland mayoral candidate Sarah Iannarone has raised the most money of anyone in the 2020 race so far this year — \$109,232.

According to Iannarone's campaign filings, she has raised \$26,978 in contributions of \$250 or less, which should qualify her to receive \$82,254 in matching funds from the city's Open & Accountable Elections public campaign funding program. If the program confirms that Iannarone has followed the rules, she should receive the city funds on or after Sept. 12, the first day that candidates can formally file for city offices.

In contrast, Mayor Ted Wheeler has only reported raising \$5,585 so far this year, although he currently has \$66,825 in the bank.

Ozzie Gonzalez reports raising \$13,790, Teresa Raiford reports raising \$2,870, and Michael Burleson reports raising \$1,285. All three are running for mayor.

5G controversy goes national

Portland isn't the only city whose elected leaders are concerned about the possible impacts of 5G wireless technology.

Although the Federal Communications Commission requires cities to accommodate the technology, the City Council passed a resolution calling for more studies about the potential harm caused by the proliferation of transmission facilities.

Now the Wall Street Journal is reporting this is becoming a national issue, just as the industry is gearing up to provide what is promised to be superior online access.

"City leaders say their power to zone and regulate infrastructure is being abridged. More than 90 cities and counties have joined together in a lawsuit, currently before the 9th U.S. Circuit Court of Appeals, arguing that the FCC has overstepped its authority. A decision could happen as early as in the spring, but it could also take much longer," the Journal reported Aug. 25.

Injured Portland police officer faces sick-time Catch-22

*By Nick Budnick
August 29, 2019*

Chris Barker, suffering after-effects of 2001 shooting, has been denied a desk job as he faces pressure to retire early

The day in 2001 when a stranger's bullet nearly took his arm, Officer Chris Barker remembers lying in his bed at Emanuel Hospital when Portland's then-Mayor Vera Katz held his hand, kissed his cheek, and issued the city's customary promise to its injured officers.

"You will always be taken care of, don't you worry," Barker recalled Katz saying, adding that then-chief Mark Kroeker said the same thing. "They made the same promise to my family."

Today, from where Barker sits, it's a different story. The Portland Police Bureau is refusing to give the decorated, longtime cop a desk job to accommodate the accumulated after-effects of his long-ago shooting, which required multiple surgeries to reconstruct his nerves. Not only that, but his disgruntlement — well justified, according to many cops — has the city subjecting him to a

review of whether his long-ago diagnosed post-traumatic stress disorder has affected his fitness to be a cop.

The move is clear retaliation for standing up to his superiors, Barker says, and many cops interviewed for this story say he's done nothing to deserve it. But the city's refusal to cover a doctor's recommended surgery to clean up scar tissues in his arm means Barker faces pressure to leave the force before qualifying for full retirement in 2021.

Now, in a highly unusual move, he's not just going public: He's taking his case to the city's cop watchdog office, the Independent Police Review unit — which he called last week, asking it to step in.

"I certainly can't help the fact I got ambushed and shot, and further shot and killed the suspect ... I pay for that every day of my life!" he said in a Facebook post in May. "I have done nothing but stand up for myself."

Barker's strange tale shows that despite all the laws passed in the name of protecting injured workers, their fate in some cases still rests on who their friends are. Documents describe a bureaucratic Catch-22 where a superior is using Barker's past need for sick time as a reason for not getting Barker a desk job that could save his career — and stop the need for sick time. It also shows why cops care so much about the safety net intended to protect them in the case of injury.

"We don't expect to be carried on the shoulders of our brethren," said another longtime Portland cop, Stuart Palmiter. "We just want to be taken care of when we get hurt. We just want to still be productive, get to our retirement and retire in good standing."

At this point, Barker is answering phones for the bureau, but in November he'll have to go back to work under the terms of his union contract — back to a patrol job that even the city's doctors agree is not the right fit for his injured body.

His job security would be better off if he were to get busted for drunk driving — because then, under the city's rules, he could answer phones indefinitely, Barker said.

Two months ago Barker filed a tort claim notice, essentially a threat of lawsuit, accusing the city of unlawfully retaliating against him for his rightful use of sick time.

Sgt. Kevin Allen, a public information officer for the Portland Police Bureau, said the city can't comment on specific cases, but he defended the city's handling of injured cops.

"The care of our officers is a concern and one of many reasons for the creation of a wellness officer position and our continued investment in the Employee Assistance Program," Allen wrote in an email. "There is a process in place for those who are injured and the Fire and Police Disability and Retirement fund is a resource for those who are injured on the job. If a sworn member of the Portland Police Bureau is unable to perform their job duties, the Police Bureau and the city have a number of processes available to evaluate and work with the member, including processes in accordance with the Americans with Disabilities Act and other laws."

Injury started with routine call

Barker was responding to a seemingly routine call when he was shot. A man had grabbed a woman's buttocks while she was walking to the park in Southeast Portland with her two children.

Barker and two other officers followed a man fitting the description of the suspect to a house on Southeast 69th Avenue. The man entered the house, then reemerged and began firing a revolver at them from 6 feet away.

Barker and the others returned fire and killed the man, later identified as a mentally ill man, Raymond Youngberg, 50.

Youngberg's bullet had entered Barker's right hand near his pinky, tumbled up his forearm and lodged in his bicep. At first the doctors thought he'd lose his arm, and certainly his career. His nerve had been turned into hamburger, and doctors conducted multiple surgeries to reconstruct it using nerve tissue taken from his leg.

Barker says he vowed right then that Youngberg's bullet would not steal his career. And after two years of healing and therapy, he proved the doctors wrong, returning to work.

But as his surgeon, Steven Madey, wrote in a 2007 letter, his strength would be permanently affected, and "he will be bothered by this the rest of his life."

Documented after-effects

Sitting at his dining room table recently, a tower of documents and medical records stacked in front of him, the walls decorated with his police awards and commendations, Barker, 49, showed off one of the braces he has to wear at night to curb the pain. His right hand looks like an old man's — gaunt and bony, its muscle wasted away — while the other looks normal.

The pain, he says, typically starts in the morning, fades, then grows in the afternoon. There are three kinds — the prickly electrical sensation in his wrist, the intermittent bee-sting sensations around his hand and arm, and — perhaps worst of all — a continuous dull ache. Narcotics don't help. The pain, Barker said, "wakes me up pretty much nightly."

His strength wanes as the pain grows. His hand shakes when tired, and he tends to drop things a lot. Meanwhile, due to the loss of nerve functioning, there's a general numbness in his right hand "like it's been dipped in wax," Barker said.

Perhaps the most frustrating thing for him is how close he came to the desk job he'd sought. Last December he received a text message from a police personnel manager, Rebecca McKechnie, telling him that as long as he stopped talking about lawsuits and stayed positive, he'd likely get the desk job he'd applied for since "the captain involved has a high regard for you." McKechnie stressed Barker should "act surprised" when he was picked.

For whatever reason, the happy "shoulder tap" McKechnie prepared him for never happened.

Barker's records show that the city's own doctors agree: What he needs is a low-stress desk job, or "light duty."

But the city won't give it to him.

Meanwhile, the city's Fire & Police & Disability Retirement bureau, a separate agency from the bureau, denied his most recent claim for coverage, saying more surgery will not help his arm, and there's no "preponderance of evidence" that his current symptoms stem from his 2001 shooting.

Several current and retired cops say FPDR has become far less friendly than it used to be to injured cops, now relying on the same system of "independent medical examiners," or IMEs, that private insurers do — a system that has drawn accusations of anti-claimant bias.

Sam Hutchison, head of FPDR, declined to comment, but referred the Tribune to a report showing that the agency denies only 6% of claims.

Daryl Turner, head of the Portland Police Association, similarly declined to comment, citing the pending case.

Alan Ferschweiler, head of the Portland Fire Fighters Association, said his members have noticed the difference with FPDR, which, according to the city charter is supposed to be a non-adversarial, neutral process.

"It's become an adversarial process, especially with the IMEs," he said. "We feel like the IME is more of a confrontational situation that's based upon employer needs, versus a neutral third party."

Barker's plight comes as the bureau is struggling to hire new recruits fast enough.

Good record

In 2002, Barker was decorated with the bureau's Police Star award for the Youngberg shooting, "in recognition of personal courage and devotion to duty,"

And Barker was again recognized in 2009 when he received the city's Medal of Valor for his role in responding to a shooting.

His performance evaluations have been good. One, in 2015, called him a "dedicated hard working officer. ... Officer Barker does a good job when dealing with the unsheltered population and with individuals suffering from mental illness."

There have been blemishes — mainly questions about his use of sick time and contractual leave.

In 2010, for instance, he received a reprimand for absence from work, but the document noted that most of his sick time used was "for legitimate health issues for which you had provided doctors notes." And in 2013 and 2015 he was similarly dinged for failing to show up for traffic court, meaning the tickets he'd written were thrown out.

He drew attention in 2015 for having "liked" a Facebook post showing solidarity with the cop involved in a controversial shooting of Michael Brown in Ferguson, Missouri.

"It had nothing to do with black, white, brown or whatever," Barker said. "It just had to do with another officer in the country needing support."

Bob Pippen, a patrol cop who retired in 2017, said he personally has worked alongside cops who abused the benefits system, and it made him angry. In contrast, he calls Barker hard-working and conscientious.

"They're questioning the motives of the wrong guy," Pippen said. "His motivation is, 'I want to work. I want to finish my career.'"

Things come to a head

Barker's plight took another turn in December. That's when the personnel manager told him he had a good shot of obtaining a job in the employee assistance program, helping other injured cops. Barker seemed well-qualified: He'd been volunteering to help injured cops for years and had been asked to talk to people about how to deal with post-traumatic stress.

However, in a Dec. 6 discussion, Barker's lieutenant told him he'd personally blocked the injured cop from getting a job in the employee assistance program and accused him of sick-time abuse, the officer says.

The lieutenant, Nathan Voeller, filed a complaint after the conversation, accusing Barker of a lack of courtesy. Barker, meanwhile, filed a complaint against Voeller for inappropriately citing his sick time usage to deny him a job.

In August, Barker received the notice that his supervising captain had dismissed the discipline against Voeller, and upheld it against Barker.

Last week, the longtime cop called the Independent Police Review unit — an office that some Portland cops view as anti-police — to ask it to examine the case and its outcome.

The injured cop says he's just desperate to finish the career he grew up wanting. He called the outcome of the internal investigation comical.

"This," Barker said, " is what happens when you stand up for yourself in this city."