

## **The Oregonian**

# **Police reform activists urge changes to next Portland police union contract to increase officer accountability**

*By Maxine Bernstein  
October 1, 2019*

As the city prepares to negotiate a new contract with Portland police, leaders of a national police reform campaign urged the mayor and commissioners Tuesday to push for changes that will restrict use of deadly force, hold officers accountable for misconduct and allow for greater civilian oversight.

National Black Lives Matter activist DeRay Mckesson and racial justice activist and data researcher Samuel Sinyangwe of Campaign Zero gave a nearly two-hour presentation to the council at Commissioner Jo Ann Hardesty's invitation.

Hardesty asked the activists to talk about national best practices before police contract negotiations begin. The commissioner also wants the council to hire an outside lawyer to work on the negotiations. No decision has been made.

Mayor Ted Wheeler, who serves as police commissioner, said he's committed to a "fair, unbiased" bargaining process with the Portland Police Association for a contract that supports officers and benefits the community. He urged all involved Tuesday to avoid talking about specific city priorities or union contract provisions.

"We're here to hear their perspective," Wheeler said. "Their views may or may not be in line with members (of the council)."

Police Chief Danielle Outlaw echoed the mayor's remarks, saying she looks forward to negotiating in "good faith" in a fair and objective process but recognizes it's important to hear from outsiders about any "blind spots" the city or Police Bureau may have.

The Portland Police Association's contract is up for renewal in June 2020, but negotiations are expected to begin in January. The union represents about 950 rank-and-file officers, sergeants, detectives and forensic criminalists.

Provisions in the police contract can either encourage or discourage police accountability, Mckesson said. He and Sinyangwe have studied police contracts around the country.

Mckesson said several provisions in Portland's current police union contract are problematic: policies that delay immediate interviews of officers after a police shooting or death in police custody; policies that limit civilian oversight of police use of deadly force; the contract's so-called "embarrassment clause," which says any reprimand of an officer should be done in a way "least likely to embarrass" the officer in public; and a discipline system that makes an arbitrator the final decision maker on police discipline, able to overrule the chief or mayor.

Community activists in Portland have criticized many of these practices for years.

They've urged the city to grant its Citizen Review Committee the power to investigate officers who use deadly force, which it can't currently do. The committee of volunteers hears appeals from citizens who file complaints against police and want to challenge the findings.

Police watchdogs also have lobbied for making sure officers are interviewed as soon as possible after a shooting.

The mayor and city council supported a bill that died in the last legislative session that would have restricted an arbitrator's ability to override police discipline if the sanction follows a discipline guide adopted by a city's police force.

Deputy City Attorney Heidi Brown said she didn't know if the bill would be reintroduced in the next session.

Local elected officials and a city's police chief should have the "final say" on officer discipline, not an arbitrator "who's not accountable to anybody," Sinyangwe said.

Sinyangwe and Mckesson further argued that Portland's policy on police use of deadly force -- which is much more restrictive than Oregon law -- could still be tightened, citing a policy adopted by Stockton, Calif., police.

The wording they suggested: Deadly force should be used only "when all other reasonable means have failed and are impractical."

"These policies are not just words on a piece of paper. They matter," Sinyangwe said.

Police unions and their officers typically argue that such changes will make their jobs more dangerous, Mckesson said. Yet Campaign Zero's review of police agencies with more restrictive force policies shows "they actually make police officers and communities safer," he said.

Officer Daryl Turner, who is president of the Portland Police Association, later Tuesday called the Campaign Zero's recommendations "nothing more than an attack on workers." He argued they would strip officers of their due process and constitutional rights.

"We will not be distracted by those with self-serving agendas to derail the basic rights of our police officers," Turner wrote in a statement. "Our expectation is that our city leaders focus on preserving core rights and ensuring we address the critical recruiting and retention issues facing the Portland Police Bureau so we can fulfill our community's public safety priorities."

Campaign Zero has issued a detailed policy platform on preventing police violence and increasing police accountability. Its founders, who gained prominence during the Black Lives Matter movement and during protests in Ferguson, Mo., are motivated to end police violence.

Mckesson slammed Oregon's deadly force law as "the most permissive law" of its kind in the country. It allows police to use deadly force in the course of making an arrest or preventing an escape when an officer reasonably believes that a person committed or tried to commit a felony involving the use or threatened imminent use of physical force against another; or the person committed or attempted to commit a kidnapping, arson, first-degree escape or first-degree burglary.

"This language is so permissive in a way that we've not literally seen in any other place around the country," Mckesson said.

The Portland bureau's force policy has more limits. It requires that officers use "only the objectively reasonable force necessary to perform their duties and overcome the threat or resistance of the subject under the totality of the circumstances."

They may use deadly force to protect themselves or others from "what they reasonably believe to be an immediate threat of death or serious physical injury" or if it's necessary to prevent escape if the officer has probable cause to believe the suspect has committed a felony involving the infliction or threatened infliction of serious physical harm and poses an immediate threat of death or serious physical injury to the officer or others.

The policy was changed as a requirement of the city's settlement with the U.S. Department of Justice after federal investigators found Portland police used excessive force against people with mental illness.

From April to July 2019, according to Police Bureau figures, homeless people represented 58 percent of the people who Portland police used force against.

Force included everything from use of a stun gun Taser, baton and pepper spray to police hand-on takedown controls or force used when suspects resist arrest during handcuffing, according to the data.

After the Campaign Zero representatives cited the statistic Tuesday, Wheeler interjected that he didn't think the number was accurate.

Mckesson and Sinyangwe replied that they obtained the number from police bureau data on its website earlier Tuesday morning. They cited the figure as they urged the city to have special mental health teams respond to people who are in crisis, instead of police. Hardesty and the mayor are working to make that happen.

## **Portland police adopt new procedures, training for crowd control liaisons**

*By Maxine Bernstein*

*October 2, 2019*

Portland police crowd control liaisons now must complete four hours of training and use one designated cellphone for their communications under new rules instituted after controversy erupted over how a police supervisor texted with a right-wing protest leader.

The liaisons also must send any records or notes from their work on a protest or march that aren't part of a criminal inquiry to the city attorney for retention.

The procedures are set out in a recently adopted standard operating procedure obtained by The Oregonian/OregonLive in response to a public records request.

The new policy followed an investigation by the Independent Police Review, a city auditing division that examined friendly and frequent texts between former crowd control liaison Lt. Jeff Niiya and Patriot Prayer leader Joey Gibson.

Police Chief Danielle Outlaw found Niiya was doing his job and ruled all allegations against the lieutenant were unfounded.

At the same time, the investigation revealed that officers who worked in the liaison roles had no formal training and the bureau had no written standards on how to do the job. As a result, the bureau adopted new training requirements, uniforms and procedures.

Crowd control or demonstration liaisons now fall under the bureau's Crisis Negotiation Team and report to a sergeant on the team. At least two liaisons – one primary and one back-up – will be assigned to events expected to draw large crowds.

Their job is to “make reasonable efforts” to engage in dialogue with organizers to help the Police Bureau plan and staff protests or marches and maintain communication with the organizers before and during an event.

They will share all information gathered before an event with the Crisis Negotiation Team's sergeant, who will provide it to the event's incident commander. After a protest, the liaisons will turn over their designated "demonstration liaison cellphone" to the team sergeant.

The sergeant will keep a logbook to track the date and time that a liaison cellphone was issued and when it was returned. If calls or text messages come in on the phone after liaisons give it to the sergeant, those messages will be forwarded to the appropriate officer or division for follow-up, the policy says.

If any information gathered by a crowd control liaison is needed for a criminal investigation, the liaison will write a police report. If not, the team sergeant will make sure the communication records are captured and forwarded to the city attorney's office to hold, the policy says.

Crowd control liaisons also must complete at least four hours of training that will touch on the scope of their communications and their authority, pre-event coordination, rapport building, active listening, information management and post-event communication.

The curriculum is taught by members of the Crisis Negotiation Team. The team's officers usually are called to talk to barricaded suspects, hostage takers or people threatening suicide.

## **The Portland Tribune**

### **City repays water and sewer funds to settle ratepayer lawsuit**

*By Jim Redden  
October 01, 2019*

#### **The funds were reimbursed \$6.6 million by the end of September to satisfy the terms of the settlement**

The City of Portland has reimbursed its water and sewer funds \$6.6 million to settle a long running lawsuit that alleged the City Council misspent ratepayer funds.

John DiLorenzo, one of the attorneys who represent the ratepayers who brought the lawsuit, said the City Attorneys Office has notified him the water fund was reimbursed \$5,141 million and the sewer fund was reimbursed just under \$1,459 million by the end of September.

The funds were reimbursed with general fund dollars, which is the revenue source the council has the most control over.

The lawsuit argued that the City Charter requires ratepayer funds to only be spent on projects that fulfill the primary missions of the Portland Water Bureau and the Bureau of Environmental Services, which operates the sewer system. The suit originally accused the council of misspending tens of millions of dollars, with the largest amount being more than \$50 million in sewer funds spent on the Portland Harbor Superfund cleanup.

In June 2017, Multnomah County Circuit Court Judge Stephen Bushong On June 22 of this year, Bushong ruled that approximately 90 percent of the challenged spending was legal. However, he ordered the council to repay the two bureaus more than \$17 million for ratepayer funds spent on several projects in violation of the charter.

The largest amount was over \$5.5 million spend on a reservoir project in Powell Butte not related to the reservoir itself. It included over \$1.2 million spent on a Visitors Center.

Bushong also ruled the city must eventually repay the sewer fund for any amounts spent to clean up pollution in the harbor related to other city agencies.

The city could have appealed Bushong's ruling but agreed to settle it in December 2017 for around \$10 million. DiLorenzo's firm received \$3 million for attorneys fees.

After the suit was filed, the council reimbursed the water fund for \$1.4 million spent on the Rose Festival Building and \$950,000 spent to help purchase Centennial Mills for redevelopment.

"All in all, we are delighted we were able to recover almost \$8.5 million directly for the benefit of the water and sewer funds," said DiLorenzo, who also represented an organization called Citizens for Water Accountability, Trust and Reform.

More recently, DiLorenzo and his firm filed a new lawsuit in Multnomah County Circuit Court challenging the legality of the council committing \$12 million in sewer funds to a \$24 million trust account with the State of Oregon to encourage other polluters in the harbor to develop cleanup plans. The city has moved to dismiss the suit. It has also been assigned to Bushong.

## **City Council works to determine best police practices**

*October 01, 2019*

### **A Tuesday morning work session is held as the city prepares to negotiate a new police union contract**

The City Council is working to determine the best practices for policing after wrapping up an hours-long work session on Tuesday.

The Oct. 1 morning meeting came as the city prepares for the upcoming bargaining negotiations with the Portland Police Association.

The Mayor's Office released a statement on the work session saying "it's [the council's] goal to draw on national best practices in police union contracts as a guideline to help ensure a meaningful negotiation process that results in a contract that serves the interest and welfare of the public and supports our officers. We will listen to any and all information that can potentially help us achieve our goal."

City leaders listened to a presentation on the national best practices in police union contracts from a group called Campaign Zero. This group has collected police violence data across the country over the past several years to find structural policies that reduce police violence and police shootings.

"This work session is an important opportunity to make sure that the public and our officers are educated on what national best practices are," said Commissioner Jo Ann Hardesty. "As our city and community continue to change and evolve I want to make sure that we are utilizing data and research to make decisions that reflect 21st-century public safety and community policing principles."

The meeting focused on how police contracts currently block accountability, with practices such as:

- Disqualifying misconduct complaints when an investigation takes too long
- Preventing police officers from being interrogated immediately after violence
- Giving officers access to information that civilians do not get prior to being interrogated

- Requiring cities to pay costs related to police misconduct including by giving officers paid leave while under investigation, paying legal fees, and/or the cost of settlements, and
- Limiting disciplinary consequences for officers

Police Chief Danielle Outlaw said the goal is to take some of these best practices suggestions as a guideline to realize her vision.

"PPB officers are on the front lines responding to emergency calls in our community. In our duties, officers strive to secure the safety and protection of the rights of all the Portland community," she said. "I support a fair and objective process for bargaining for all of our members, but I also believe it's important to hear from varying perspectives to make sure blind spots are addressed."

Outlaw said their current staffing shortages and anticipated retirement presents an urgency on including good faith contracts as soon as possible.

"So I am hopeful that our negotiations result in contracts that is in the best interest of all stakeholders — not just our members, not just our community, but all stakeholders — to ensure that we are a competitive employer of choice."?

Adding to the fire, this meeting comes shortly after the city auditor released a report showing the PPB needs to improve it's overtime management to help fix officer fatigue.

The audit found one patrol officer worked 97 hours in just one week. How is that possible? Currently, the Bureau's program allows officers to provide off-duty security for private entities.

The auditor said overtime is costing the city nearly \$16 million and raises safety concerns, saying it could undermine the integrity of the police force.

These suggestions from Campaign Zero and the city auditor are just that — suggestions. None of these items discussed today mean they'll make it into the PPB contract.

This meeting was for the mayor, commissioners, police chief and community to be able to learn from and make better decisions based off data.

## **Sources: Number of traffic fatalities soaring past 2018 figure**

*By Jim Redden  
October 02, 2019*

### **Plus, parasite decrease in Bull Run water probably temporary and younger residents are leaving Portland and other large cities**

Despite an official policy and tax-funded projects to reduce traffic fatalities in Portland, almost twice as many people have been killed in crashes in the city this year compared to the same time in 2018.

According to the Portland Bureau of Transportation, a motorcyclist killed in a Saturday crash was the 40th fatality of 2019. That compares to 22 deaths by that date last year.

The increase is especially surprising because the City Council has adopted a Vision Zero policy to eliminate all fatal and serious injury crashes by 2025, and Portland voters approved a 10-cent-per-gallon gas tax to help fund safety improvements at the November 2016 general election.

"We know that some national trends have been working against us. For example, the strong economy and low unemployment. More people are traveling and, therefore, more exposed to

dangers when traveling, by any mode of transportation. I understand other cities are also seeing more traffic fatalities this year, compared with 2018," said Transportation Bureau spokesman Dylan Rivera.

Commissioner Chloe Eudaly, who is in charge of the Transportation Bureau, will ask voters to renew the temporary gas tax next year. She also is up for reelection in 2020.

Parasite decrease probably temporary

The Portland Water Bureau did not detect cryptosporidium in Bull Run water in the three months before it told the City Council the estimated cost of the filtration plant to remove the parasite had increased from \$500 million to \$850 million — and could go even higher.

That does not mean the plant is not actually needed. The bureau did not detect the potentially harmful parasite in Bull Run water in June, July or August 2018 either. But it did from October 2018 through May 2019, when wetter weather most likely washed animal feces — the source of cryptosporidium — into the Bull Run Reservoir.

Regardless, the Oregon Health Authority has ordered the city to treat Bull Run water to reduce such incidents.

The council has approved the construction of a plant that also can filter other contaminants out of the water.

Mayor Ted Wheeler said he was annoyed to learn the earlier estimates did not include the cost of the pipes to carry the water to and from the plant.

Younger residents leaving Portland

Although Portland was once noted for attracting creative young workers, it is now among several large cities that have lost tens of thousands of millennials and younger Gen X residents because of high housing costs.

A Sept. 26 story in the Wall Street Journal said Portland is among the cities that lost almost 27,000 residents age 25 to 39 in 2018, according to recent U.S. Census figures. According to the story, headlined "Millennials Continue to Leave Big Cities," the primary reasons for the declines are housing costs and poor schools.

So it's no surprise that Business Insider recently ranked Oregon as the eighth most expensive place to buy a house in the United States in 2018. The median price for a home in Portland is now \$486,000, according to real estate database Redfin.

## **Willamette Week**

### **Auditor: Portland Police Officers Work a Lot of Overtime and Nobody Quite Knows Why**

*By Nigel Jaquiss  
October 1, 2019*

**The city's largest and most expensive bureau has struggled with management controls.**

The Portland Police Bureau has struggled to fill vacancies in its ranks and officials expect 100 more retirements this year, according to PPB budget documents.

Intuitively, the staffing shortage would seem to contribute to overtime for eligible officers and sergeants, who get paid time-and-a-half for overtime hours. But an audit released this morning says PPB has loose grasp of exactly why its people are working so much overtime.

"We found that inadequate data collection and reporting limited police supervisors' ability to effectively control overtime for patrol officers," the audit says. "The Police Bureau blames the majority of overtime on staffing shortages, but it could not verify that staffing shortages were the main driver of overtime."

Here's how many hours of OT the bureau, which accounts for by far the largest share of the city's \$682 million general fund budget, incurred in 2017-18 and prior years.

The bureau spent \$15.7 million on overtime in 2017-18, the audit says, which was 8.8 percent of PPB's overall budget.

The auditors did not buy the bureau's explanation for why overtime expenses are so high.

"Bureau staff at all levels said there was no sense in looking for ways to limit overtime because of the existing personnel shortage," the auditors wrote. "We found that reasoning to be based on faulty assumptions that overtime data were reliable and management decisions about when to use it were sound."

Chief Danielle Outlaw responded positively to the audit's findings, saying the bureau is taking several steps to reduce its reliance on overtime.

"We are currently in the process of changing our shift schedules and minimum staffing levels based upon demand for service and public safety needs, and will continue to evaluate how efficiently we are meeting these demands in the future," Outlaw wrote to Auditor Mary Hull Caballero.

"In most instances, the Bureau either has already or is in the process of implementing strategies along the lines of the suggestions put forth in the report."

## Sam Adams Wants Another Chance

*By Nigel Jaquiss  
October 2, 2019*

**Sidelined by a #MeToo complaint, the former mayor has come home to try to clear his name.**

A little more than a decade ago, Sam Adams ran this town.

He was the first openly gay mayor of a large American city. He'd won election by a landslide and had had nearly 6,000 city employees at his disposal.

Today, Adams, 56, is back in Portland after almost two years without a job. His hair is more salt than pepper. His primary civic engagement: walking around the Concordia neighborhood with a black plastic bucket stuffed with a scrubber, chemical cleaners and thick plastic gloves—and doing voluntary graffiti removal. The only creature at his command now is Dora, a Chihuahua-dachshund mix.

Adams returned to Portland in July, hoping to do for his tattered reputation what his graffiti-removal tools do for neighborhood walls.



After nearly 30 years in Oregon politics and two stints atop respected nonprofits, Adams says he is now virtually unemployable. And he insists it is because of a false accusation.

Adams' lie about his affair with a legislative intern named Beau Breedlove cut short his political career. WW broke that story shortly after Adams became mayor in 2009. It haunted him for four years, ultimately costing him a chance for a second term.

He's moved past that scandal. "That situation is an example of a really stupid, dumb mistake on my part," Adams says. "I did lie and I regret it."

But his current inability to get work, he says, stems from something else: a sexual harassment complaint a former aide filed in 2017.

"When people Google me, that's it," Adams says. "When the search result comes up, it's 'sexual harassment.'"

In November 2017, nearly five years after Adams left the mayor's office, and weeks after the #MeToo movement started in earnest, Adams' former executive assistant, Cevero Gonzalez, sent a six-page letter to Portland city commissioners, complaining of his mistreatment by Adams many years earlier.

In the letter, Gonzalez, who served as Adams' assistant from 2008 to 2013, said Adams exposed himself to Gonzalez, asked him inappropriate questions, forced him to do menial tasks and treated Gonzalez as a piggy bank.

"For the past several years I've struggled to make peace with the sexual harassment and hostile work environment I endured," Gonzalez wrote in his letter. "I owe a great deal of thanks to the courageous women, and the growing number of men, who have spoken out on the issue of sexual harassment and sexual assault. They've given voice to someone who until recently could only grumble about his experience."

When the complaint landed at City Hall, Adams lived in Washington, D.C., where he led a major nonprofit's efforts to combat climate change. He lost that job immediately after WW reported Gonzalez's letter.

Adams asked Portland city officials to investigate the complaint. But by then, neither he nor Gonzalez was a city employee. The city declined to look into the matter, and the media quickly moved on, as Adams was 2,800 miles away. But the accusation stuck. And Adams says he has been unable to get steady work since.

And so he returned to Portland and is on a risky mission in the #MeToo era: He intends to disprove the complaint and clear his name.

"It's false—untethered from the truth," Adams says. "This just didn't happen."

At a time when powerful men are being held accountable for their private actions as never before—and an accusation can be tantamount to a conviction in the court of public opinion—Adams is walking a knife's edge: He's trying to prove his innocence without appearing to blame his accuser. His efforts are complicated by his lie about Breedlove.

But Adams believes a review of the available facts, including public records and emails, casts doubt on Gonzalez's credibility.

It's a delicate balancing act for Adams that also raises the larger question: Even if Adams is telling the truth, is Portland really ready for his return?

Sam Adams enjoyed a meteoric rise, which has been well chronicled. This story is about what happened when he returned to earth.

After winning the 2008 mayor's race in a rout in the May primary, Adams went from beloved to besieged overnight in January 2009, when he admitted to WW he'd lied about Breedlove. Although Adams survived two recall attempts, polling showed he would have a difficult time winning re-election. He chose not to run.

After leaving City Hall in 2013, Adams set out to rehabilitate his reputation. He applied to become executive director of the City Club of Portland, a century-old bastion of civic engagement.

Pat McCormick, a veteran lobbyist, was president of the City Club board that hired Adams. He was also among the many critics who thought Adams should have resigned as mayor in 2009, so hiring Adams wasn't an obvious fit. Some also worried the job was too small for him.

"One member said it would be like attaching a jet engine to a little red wagon," McCormick says.

Adams stayed at City Club for two and half years. McCormick credits him with boosting and diversifying the club's membership. "He was collaborative, pursued new ideas and energized an ossified organization," McCormick says.

Then a headhunter called about an opportunity with the World Resources Institute, a Washington, D.C., nonprofit with an annual budget of nearly \$100 million. Adams started as the organization's U.S. climate director and was soon promoted to director of all stateside operations. He focused on helping local governments across the country employ data and strategies to prepare for a low-carbon future. "It was a great job," he says.

But as Adams thrived in the nation's capital, a former subordinate in Portland was seething.

Cevero Gonzalez went to work for Sam Adams in 2008. In many ways, Gonzalez and Adams share similar biographies: Born a year apart, they both grew up gay in rural Northwestern towns, raised by single mothers dependent on food stamps.

Gonzalez grew up in Walla Walla, Wash., graduated from Pacific Lutheran University in Seattle and, after a stint in Boston, moved to Portland in 2003 to be closer to family. He worked as a legal secretary before joining the city in 2006. After two years at the Portland Bureau of Transportation, he moved to Adams' office, where he would control the mayor's schedule and often accompany him to events and meetings.

"Sam said he wanted somebody who could understand him as a gay man to be his assistant," Gonzales recalls. He understood it wouldn't be a routine desk job. "They said there are any number of things you'll be called on to do."

Gonzalez, now 55, was as neat as Adams was scattered. "Fastidious" is the word people use to describe him. On his personal computer, for instance, he separated his emails into 546 separate folders.

When Gonzalez shopped for hygiene items, such as deodorant, toothpaste and shampoo, he bought three of everything. "When you grow up poor and you don't have a lot and you have an opportunity to get something extra, you do it," he says.

At his home, which he shares with his pit bull mix, Oscar, he cooked and froze a week's worth of dinners in advance. At work, he ate the same lunch nearly every day—a salad with exactly six cherry tomatoes. "I like consistency," Gonzalez says.

Co-workers recall he always kept essentials for the mayor's office in his desk: mints, granola bars—even a sewing kit.

In his complaint, Gonzalez refers to a "cult of personality" that existed among Adams' 26-member mayoral staff. And for much of his time with Adams, Gonzalez made his work his whole life. But that devotion would sour after Adams left office.

When Adams moved on to City Club, Gonzalez stayed on at City Hall as executive assistant to Mayor Charlie Hales, who succeeded Adams in 2013.

Shortly thereafter, Gonzalez filed a complaint against Hales' chief of staff, Gail Shibley, alleging Shibley had discriminated against him because he was HIV positive. Gonzalez also claimed Shibley referred to him and Adams as "skanks."

The complaint was eye-catching, given that Shibley, like Adams, was an LGBTQ pioneer—the first openly gay member of the Oregon Legislature, appointed in 1991. While she denied the charges, records show Gonzalez pursued his complaint with the city's Human Resources Bureau and the Oregon Bureau of Labor and Industries. Finally, he turned the complaint into a \$350,000 lawsuit in U.S. District Court. (Hales and Shibley declined to comment.)

Although court records show the city's HR bureau rejected the complaint and federal investigators for the Equal Employment Opportunity Commission determined "there is not enough evidence to establish a violation," the city settled with Gonzalez in April 2016, paying him \$25,000.

In July 2017, Gonzalez left the city's payroll and went to work for a credit union. Four months later—prompted, he says, by revelations of men and women across the country coming forward with complaints of sexual misconduct by powerful men, such as Hollywood movie producer Harvey Weinstein—Gonzalez emailed a six-page letter to all five city commissioners and the City Attorney's Office about Adams' treatment of him beginning nearly a decade earlier.

In his complaint, Gonzalez said that over a period of four years, Adams exposed himself to Gonzalez and forced him to clean Adams' house, run personal errands for him, lend him money, and divulge details of his sex life.

He said Adams asked him to prepare dossiers on the gay nightlife in cities where Adams traveled on city business and required him to act as his butler, taking Adams home when he was too drunk to drive and pulling him out of bed for meetings the next morning.

Some of the charges amounted to descriptions of bullying behavior. Others could cross the line into harassment or creating a hostile work environment.

Perhaps the most damaging and widely quoted allegation concerned an incident shortly after Gonzalez started working for Adams in July 2008. Gonzalez claimed he picked Adams up at the airport after he returned from a trade mission to China.

Here's how Gonzalez remembered their conversation:

"His first inquiry? 'When was the last time you got laid?' When I demurred, he persisted: 'Come on. What type of guys do you like? Do you like 'em cut or uncut?' Asking me the last question while looking directly at my crotch. I tried changing the subject to work-related topics, but Sam would have none of it. 'Tell me. Are you a top or a bottom?'"

The salacious allegation, coming just weeks after tales of Weinstein's piggish behavior filled front pages, fit with the narrative of Adams' messy personal life Portlanders remembered from his mayoral tenure.

On the evening of Nov. 3, 2017, WW reporter Rachel Monahan texted Adams, seeking comment on Gonzalez's complaint, which she had obtained that day.

"I wrote back something like, 'What are you talking about?'" Adams recalls. "She emailed me [Gonzalez's] complaint. I was shell-shocked."

Adams called his domestic partner of 10 years, Peter Zuckerman, a writer and political consultant. They met at a nearby restaurant. Zuckerman ordered french fries and Adams a Michelob Ultra. At the table, they composed a reply.

"Sexual harassment is a real problem in the workplace," Adams said in the statement he sent to WW. "I did not sexually harass Mr. Gonzalez, but I think allegations like his should be thoroughly investigated. State and city procedures are in place to objectively examine the facts around allegations like these. I will gladly participate in such a process and look forward to its findings."

The story blew up in Oregon. And in D.C., it had an immediate impact: Adams lost his job.

Adams says he cannot talk about the terms of his departure from WRI (WRI also declined to comment), but Zuckerman fills in that blank.

"It was a shock," Zuckerman says. "Sam loved that job, and he had raised millions to expand his program. But then all of the sudden, he's on The New York Times list of people taken down by the #MeToo movement."

About a month after Gonzalez's complaint landed at City Hall, the City Attorney's Office said in December 2017 it would not investigate because the alleged harassment had taken place long ago and neither man still worked for the city.

On Feb. 3, 2018, Gonzalez appeared before the City Council to urge commissioners to look into his allegations. They declined his request.

Gonzalez presented evidence with his testimony that he'd regularly covered meal, travel and other expenses for Adams, which is the one part of the complaint Adams acknowledges.

That may be sloppy, employment lawyers say, but it's not harassment. They also say Gonzalez's claims of being forced to research gay nightlife in other cities and run personal errands, even house cleaning for Adams, also don't rise to the level of harassment.

"Lots of unpleasant and menial tasks bosses ask of their subordinates don't rise to the level of harassment," says Keith Cunningham-Parmeter, professor at the Willamette University School of Law.

Lawyers say there are two parts of Gonzalez's complaint that, if true, could constitute sexual harassment or creating a hostile work environment: First, allegations that he regularly exposed himself to Gonzalez. Second, that he regularly made inappropriate remarks of a sexual nature, either about himself or others, and asked Gonzalez inappropriate questions, as he allegedly did after his China trip.

Gonzalez says the "exposure" came when he'd pick Adams up at home and the mayor would answer the door in his underwear; when he needed clothes altered at the office; or when Adams changed clothes for formal events. He says the exposure was never sexual—Adams never propositioned him—it was just inappropriate and uncomfortable.

"I think he knew he made me uncomfortable, and I think he thought it was funny," Gonzalez says. "It's an intimidating position to be in if he's your boss." (Adams denies exposing himself or making inappropriate comments.)

Gonzalez says he complained to chief of staff Tom Miller and deputy chief of staff Jennifer Yocom. WW interviewed both of them and 10 others who worked with Adams and Gonzalez. None say they believe Adams had sexually harassed Gonzalez. Moreover, none recalled Gonzalez ever complaining about harassment.

Former colleagues felt Gonzalez adroitly juggled the massive demands on Adams' time and appeared to devote nearly all his waking hours to serving the mayor.

Miller says Adams pursued an extremely ambitious agenda. "Sam expected a lot from himself, and by extension his team," he says. "As chief of staff, I built a team that could deliver on his agenda. It's no surprise many of those team members are now in roles of civic leadership in Portland and beyond. There were moments of difficulty, to be sure. The pace could be extraordinary. But we were—and still are—grateful for the opportunity to support such a talented and driven individual who was always pushing Portland to achieve its potential."

Miller denies ever witnessing the harassing behavior Gonzalez describes, and he denies Gonzalez ever came to him about any alleged harassment. "None of that ever happened," Miller says.

Yocom has a similar recollection. "The job was tough and the mayor could be a tough (but thoughtful) boss—he asked a lot of us because the work was about serving the public. And you know what? We got a lot done."

But she rejects Gonzalez's assertions: "He never informed me of sexual harassment, I never heard rumors of harassment, and I never observed harassment."

Amy Ruiz, an Adams staffer whose office was near Gonzalez's and who socialized with him, says she also never heard or saw the harassment Gonzalez described in his complaint. "It doesn't make any sense to me," Ruiz says.

The absence of others stepping forward to corroborate Gonzalez's allegations hasn't cleared Adams' reputation. So last year, he set about looking for evidence that would provide more context for Gonzalez's claims.

Adams' most significant discovery was an email exchange that undercut the most damaging claim in Gonzalez's complaint: that Adams questioned Gonzalez about his sex life when Gonzalez fetched him at Portland International Airport after a trade mission to China in 2008.

In fact, emails Adams found show it was Adams' economic development aide, Clay Neal, not Gonzalez, who picked Adams up after his China trip, something Neal has confirmed.

Gonzalez now says Neal may be correct: "It may be I confused this detail."

In a two-hour interview at his home, Gonzalez declined to provide WW the name of anyone to whom he confided Adams' alleged harassment at the time, and says he did not keep notes, emails or other documentation aside from those financial items he provided to the City Council with his 2018 testimony.

He says he didn't talk with colleagues about the alleged harassment as it happened out of loyalty to Adams. "I didn't want to be the guy who created more trauma for someone who was my brother in the struggle," he says.

And Gonzalez, who has faced chronic financial problems, says his motivation for sending the letter was neither money nor revenge. "It was truly hearing those other stories that made me write the letter about what was inside me," he says.

Gonzalez says he takes no satisfaction in Adams' unemployment. As for why none of his former colleagues is supporting his harassment claim, Gonzalez says they are merely continuing the enabling culture that existed in Adams' office: "It says that people are feeling very protective of Sam."

There's no question Gonzalez feels a deep sense of grievance toward Adams. He insists the complaint he filed is true and still hopes it might be officially investigated.

Adams is equally convinced the claims are false. "It didn't happen," he says.

Since he lost his job at WRI nearly two years ago, Adams has done a little consulting work for the United States Conference of Mayors and a few private clients. "Very little," he says.

Gonzalez's complaint had other consequences. When Katz, Adams' mentor, died in December 2017, the month Adams lost his job, he was not allowed to speak at Katz's memorial service. "He was told Cevero's complaint was the reason he was taken off the list," Zuckerman says. "They didn't want the allegations to distract from the event."

Even before he lost his job, Adams always intended to return to Portland—he maintained his voter registration here. Since coming back, he's reconnected with former contacts, such as Sandra McDonough, who headed the Portland Business Alliance during his mayoral tenure.

McDonough says she's not sure what to make of the Gonzalez complaint. "It was never investigated and it was never litigated," she says.

Now CEO of Oregon Business & Industry, McDonough thinks that in a city facing big challenges, Adams could make a positive contribution.

"Sam is a very smart person with a lot of creativity and ability to really think through tough issues," McDonough says. "I would hope he finds an opportunity to put that talent to work."

Others are less enthused. "In office, he had a short attention span, a lack of discipline, and the Breedlove thing showed lack of judgment," says Len Bergstein, a longtime City Hall lobbyist. "I don't have any idea whether he's addressed those shortcomings."

Will he run for office again? "I don't know," Adams says.

Adams moved back to the place that defined him and he helped define. Whether his public career will include another act depends on how badly Portlanders decide they need a man with undeniable political skills and undeniable flaws.

Remarkably, one of those who believes he deserves another chance is Gonzalez—if Adams can demonstrate he's changed.

"I believe in redemption," Gonzalez says, "if he were to show to me he is that person I thought he was in 2006."

For now, Adams is walking the neighborhood with Dora and his bucket.

"I cleaned graffiti when I was Vera's chief of staff, city commissioner and mayor," Adams says. "Vera taught me it's not just an eyesore, it sends a message of helplessness. We're not guiding ourselves and we're not governing ourselves."

The nonprofit Journalism Fund for Willamette Week provided support for this story.

## **Years of Sam**

1963: Samuel Francis Adams born in Butte, Mont.

1982: Graduates from South Eugene High.

1986: Begins working for U.S. Rep. Peter DeFazio (D-Ore.).

1988: Begins working as a staffer in the Oregon Legislature.

1993: Starts work as chief of staff to Mayor Vera Katz.

2003: Leaves Katz's office to run for Portland City Council.

2004: Loses badly to Nick Fish in the May primary. Beats Fish in the November runoff.

2008: Runs for mayor. Defeats Sho Dozono in the May primary 58 to 34 percent.

2009: Admits to lying about affair with legislative intern Beau Breedlove.

2011: Announces in July he won't seek re-election.

2013: Finishes mayoral term, joins City Club of Portland.

2015: Hired by World Resources Institute in Washington, D.C.

2017: Abruptly leaves WRI following Cervero Gonzalez's complaint of sexual harassment.

2019: Returns to Portland in July.

### **Adams Before the Fall**

Eight years after Mayor Sam Adams decided not to run for re-election because of a scandal involving a former legislative intern named Beau Breedlove, he still has plenty of Portland fans.

Adams' political career began when he dropped out of the University of Oregon to work for U.S. Rep. DeFazio (D-Ore.). He then worked as chief of staff for three-term Portland Mayor Vera Katz for more than a decade before being elected to the City Council and eventually as mayor.

"Vera Katz was a strong mayor. She made strong decisions," says developer Homer Williams, who launched the Pearl District and South Waterfront during Katz's tenure. "Sam carried those decisions out. They were a good twosome."

In 2008, then-City Commissioner Adams defeated Portland businessman Sho Dozono in the mayor's race. But three weeks after Adams took office, WW broke the story of his affair with Breedlove. (For more than a year, Adams insisted he'd only mentored Breedlove.)

After admitting he'd lied, Adams survived two recall attempts and a criminal investigation by the Oregon Department of Justice. But his popularity declined and he announced in July 2011 he would not run again.

Despite the Breedlove scandal, he made significant accomplishments as mayor.

Amid the Great Recession, Adams and his colleagues extended the Portland Streetcar to the eastside, expanded bicycle infrastructure, cut a deal that brought the Portland Timbers back to town, and greenlit food cart pods. He also led opposition to the ill-conceived Columbia River Crossing Project, which ultimately failed. More controversially, he cut back on garbage pickups to every two weeks, while introducing curbside composting.

"People were throwing used diapers on his lawn," recalls Felisa Hagins, a lobbyist for Service Employees International Union Local 49 and a longtime ally.

Adams had plenty of failures: He couldn't make the nation's first carbon-neutral building pencil out; a controversial leaf collection fee, aimed at changing how Portland pays for streets, never

worked as intended and was scrapped; and one of his successes, passing a \$35-a-head arts tax, remains a source of enduring frustration for many Portlanders.

Hagins says that in her nearly 20 years of experience with politicians, Adams is the one who put in the most effort with her members, many of whom are janitors. "He came to the Rose Quarter at 3 am to meet with the janitors that got finished cleaning up after a Blazers game," Hagins says. "Most politicians want you to bring the members to them."

Scott Andrews, president of Melvin Mark Properties and Brokerage, a major commercial real estate firm, served as chairman of the Portland Development Commission (now Prosper Portland) when Adams was mayor. A buttoned-down, lifelong Republican, Andrews was not a natural ally of Adams'. But Andrews gained respect for him as he produced a detailed economic development plan and dragged Andrews to places such as Barcelona to lobby a wind turbine company to stay in Portland (successfully) and to New York to lobby Saks Fifth Avenue (unsuccessfully).

"He was very good at laying out a strategy," Andrews says. "I think highly of his leadership skills. He's one of the few liberals who's been able to work really well with the business community."

## **The Portland Mercury**

### **National Police Activists Give City Council Tips on Strengthening a Police Union Contract**

*By Alex Zielinski  
October 1, 2019*

In what's undoubtedly a first for Portland, prominent police accountability activists met with city commissioners and Portland Police Bureau (PPB) leadership Tuesday to share "best practices" in negotiating police union contracts.

"We think these are common sense solutions," said DeRay Mckesson, a leader in the Black Lives Matter movement and former public school administrator, who presented alongside Samuel Sinyangwe, a data scientist who met Mckesson through activist work surrounding the 2014 police shooting of Michael Brown in Ferguson, Missouri. Mckesson and Sinyangwe now run a project called Campaign Zero which—among other things—uses data and research to analyze how union contracts protect officers who use force across the country.

Tuesday's public work session comes just weeks before Portland kicks off its own contract negotiations with the Portland Police Association (PPA), PPB's union for rank-and-file officers. The current contract was approved in November 2016 and is set to expire in June 2020. This will be the first time Mayor Ted Wheeler, Commissioner Chloe Eudaly, and Commissioner Jo Ann Hardesty will participate in PPA negotiations.

"I think this is a wonderful opportunity for City Council to collectively ensure that we are in fact implementing best practices throughout the city," said Hardesty, who helped organize the presentation. "As our city and community continue to change and evolve, I want to make sure we are utilizing data and research to make decisions that reflect 21st century policing principles."



While Wheeler barred the conversation from directly discussing the PPA negotiations, Mckesson and Sinyangwe outlined areas of Portland's current PPA contract they believe undermines the city's ability to prevent police misconduct.

One of those areas was PPB's inability to track officers who are frequently accused of misconduct.

Sinyangwe explained how data can act as an "early warning system" for police leadership on which officers are more likely to use unnecessary force against a member of the public.

"We can design models to predict which officers might be involved in the next shooting," he said. "But they rely on being able to use complaints... and data on past use-of-force instances."

Under PPA's current contract, only the final results of a misconduct investigation that led to an officer being disciplined can be added to that officer's personnel file. PPB cannot include misconduct allegations that aren't upheld by a PPB investigation—even though the complaint could still shed some light on how an officer interacts with the public.

If that information was made available, Mckesson said, it could be used to reassign officers that, for example, receive disproportionate complaints in one part of a city. Although Portland does collect and publicize data on police use-of-force, the PPA contract keeps the city from using that data to inform personnel decisions.

Per the contract:

"The City's Employee Information System and the information developed therein shall not form the basis for disciplinary action but may be used for non-disciplinary notice purposes, such as development of work performance plans and letters of expectation. The reports from EIS may not be used by the City for disciplinary, transfer or promotion decisions."

"It doesn't make sense to collect all this data... and not be able to use it," Mckesson said.

Sinyangwe cited data compiled by Chicago's Invisible Institute, which found that cops who work closely with other officers whose past misconduct hasn't been adequately addressed are more likely to mirror that behavior.

"Misconduct starts in a relatively concentrated area," Sinyangwe said, "but because those officers aren't held accountable, that misconduct spreads... almost like a disease over time."

Sinyangwe also raised concerns about the contract's so-called "embarrassment clause," which states that, "if the city has reason to reprimand or discipline an officer, it shall be done in a manner that is least likely to embarrass the officer before other officers or the public."

This rule made headlines in February, when Portland Police Commanding Officers Association—the union representing PPB lieutenants and commanders that shares contract language with PPA—filed a harassment complaint against several city commissioners for their public comments about PPB Lt. Jeff Niiya's text messages with far-right activists.

The union argued the city leaders' comments weren't presented in a way "least likely to embarrass" Niiya.

"The embarrassment clause is pretty unique to Portland," Sinyangwe said. "We know it's been used in the city to influence the grievance process. It needs to be better investigated."

Multiple times during the presentation, the men referenced a sobering statistic multiple times: That 58 percent of the Portlanders who PPB officers use force against are homeless.

"That's much larger than what we see in other jurisdictions," said Sinyangwe, "and something that definitely requires its own set of interventions."

Police Chief Danielle Outlaw, Deputy Chief Jami Resch, and other top PPB brass attended the morning's work session. Outlaw only raised a few clarifying questions during the presentation, but nothing to signal her thoughts on the pair's suggestions.

"I support a fair and objective process for bargaining for all of our members, but I also believe it's important to hear from varying perspectives to ensure any blind spots are addressed," Outlaw said at the meeting's onset.

The meeting, which was open to the public, was attended by many local police accountability activists—including those who held a press conference with a list of PPA contract reforms in September.

City commissioners expressed cautious interest in the presentation's findings.

"I have a ton of questions which flow from this presentation," said Commissioner Nick Fish.

Fish asked Wheeler if the city attorney's office could help answer city commissioners' questions—especially how they relate to the upcoming PPA negotiations—in the next few weeks. Commissioner Amanda Fritz asked the pair to send the city any other examples of PPB policy language that could be improved. Commissioner Eudaly was absent from the morning's meeting.

PPA leadership weren't present at the work session. According to Wheeler's office, PPA President Daryl Turner met with Wheeler last week to discuss the upcoming contract negotiations.

On Tuesday afternoon, Turner used PPA's Facebook page to share these thoughts on the presentation:

"Any public employee union contract is grounded in two basic concepts. First, public employees have constitutional rights to include basic due process rights. Second, public employees have the right to collectively bargain working conditions that allow them to best serve their communities.

Earlier today in the City Council work session, we heard from individuals from Campaign Zero who presented, under the guise of 'national best practices,' several ideas that would take away these basic employment rights that all public employees should have and enjoy.

It is clear that Campaign Zero's recommendations would strip police officers of the very same due process and constitutional rights that all public employees possess. This is nothing more than an attack on workers."

Negotiations between the PPA and City of Portland are expected to begin within the next few weeks.

# TriMet Was Created 50 Years Ago Today, in an Effort to Avoid Fare Increases

*By Blair Stenvick  
October 1, 2019*

TriMet, the public transit agency that serves the tri-county Portland area, was created by Portland City Council 50 years ago Tuesday. The story of how and why the agency was created still feels relevant today—and there’s a lesson about fare increases that can be learned from it.

A brief history lesson: Before TriMet existed, Portland was served by Rose City Transit (RCT), a private mass transit company founded in 1956. (Outside Portland city limits, other private bus lines served the suburbs in Washington and Clackamas counties.) By the 1960s, the rise in American car ownership had made the bus business less lucrative, prompting private transit agencies to close down. To replace the growing gap in reliable transportation for people without cars, cities began investing in public transit.

In 1969, Portland was the only West Coast city that had yet to make its mass transit system public—still relying heavily on RCT.

The city did have some control over the private bus system, however. Because RCT held a land use contract with the city, it needed City Council's permission before making certain changes, like increasing the price of bus fares. In 1968, RCT went before council to request a fare hike from 35 cents to 40 cents (in 2019 money, that’s like raising fares from \$2.45 to \$2.80).

But rather than grant RCT permission for its fare increase, Portland Mayor Terry Schrunk asked the city to study the possibility of creating a public transit agency. The results were favorable.

After the Oregon Legislature passed a bill allowing for the creation of public transit districts, Portland City Council had everything it needed to put the “public” in public transit. The new transit agency would serve not just Portland, but all of Multnomah, Clackamas, and Washington counties.

Which brings us to October 1, 1969. The City Council resolution creating TriMet (found on page 125 of this TriMet history document) lays out the reasons why the city should leave private transit in the past. It includes one point that feels like a prescient warning for 2019 Portlanders:

“Each increase in [RCT] passenger fares has been followed by a decrease in bus passengers and has contributed to an increase in the use of private passenger vehicles, coupled with the demand for more and wider freeways and arterial streets to accommodate the high volume of traffic...

Passenger fares above the 35-cent level presently charged by said transit company will result in additional loss of patronage and will result in severe financial disadvantage of people who rely upon the local transit system as their only means of transportation.”

With its vote of approval, City Council made clear that TriMet was created to solve the problems caused by fare increases, which include a decrease in ridership, a reliance on cars and car infrastructure, and an increased hardship for people who—whether by default or by choice—rely on public transit as their main form of transportation.

TriMet’s 50th anniversary comes just two weeks after a TriMet board meeting, at which a public testifier drew attention to the agency’s long-term business plan. That plan, as reported at the time by Willamette Week, includes the idea to begin raising fares by 10 cents every other year starting in 2021. The current standard two-and-a-half-hour fare is \$2.50, meaning fares would hit \$3 by 2029. These would be the first fare increases in about a decade.

A TriMet spokesperson told WW that this plan is merely a “placeholder,” and that TriMet doesn’t have any set plans to increase fares. But the plan’s inclusion in a key strategic document suggests TriMet is at least exploring fare increases as an option for the near future. Such a move would philosophically align with the agency’s recent prioritization of security and fare enforcement, reinforcing the idea that public transit is not actually intended to serve the entire public.

It should be noted that TriMet has seen success with its new reduced fare program for low-income people, which exceeded enrollment expectations in its first year. It has also restructured its fare enforcement penalty system, giving offenders the chance to enroll in that program if they qualify, and perform community service to avoid criminal court. (The money for the reduced fare program came from a state transportation package passed in 2017, and the reformed fare evasion punishments came as TriMet was under intense scrutiny for possible civil rights violations.)

But while some safety net is certainly better than none, there are surely plenty of Portlanders who don’t quite make the reduced fare threshold (annual earnings of about \$25,000 for single people) for whom a 50-cent cost increase to take the bus or MAX would quickly add up. For these TriMet riders, a fare increase would worsen the "severe financial disadvantage" City Council was worried about when voting to form TriMet.

On TriMet’s 50th birthday, it’s worth remembering why this agency was born in the first place. At 50, TriMet sits comfortably in middle age, but that doesn’t mean it can’t still retain the spirit of its youth.

## **The Portland Observer**

### **New Front for Economic Growth**

*By Blair Corbell*

*October 1, 2019*

#### **Black Chamber of Commerce fills a void**

When the Oregon Department of Justice ordered the disbanding of the African American Chamber of Commerce, headed by Roy Jay, it left a void for business interests in Portland’s black community. Jay was investigated for embezzlement but the case ended in a settlement and no charges were brought against him. He was ordered, however, to close down several nonprofits, including the chamber.

Now a new chamber has been formed, the Black American Chamber of Commerce, which promises to provide resources, scholarships and assistance to its members.

John Tolbert, executive director of the new group, said it was formed to preserve the integrity of the black economic community.

“We are bringing a professional image to the forefront to help us build a coalition of businesses so we can have one voice and help build one another up,” he said.

Prosper Portland, the city’s economic development arm, helped get the new chamber launched, Tolbert said, and the chamber board is in the process of setting up shop, which means adopting bylaws, hiring staff and looking for funding.

“Hopefully we’ll get going in 2020 and we have a lot in place, including grants to get funding in place,” he said.

The chamber is looking for new members, Tolbert said, and will offer many services.

“We want to be able to showcase our members to provide networking and business solutions,” he said. “We are also very interested in education, including scholarships and trade schools, and we want to be in all sectors, in travel and in transportation departments.”

The city has already given a helping hand to Theo Cason, owner of Cason’s Fine Meats and another charter board member for the new chamber.

Cason said he previously had “landlord issues” and had to close his store for a whole year. But thanks to refinancing help from Prosper Portland, he was able to open a new location at Alberta Commons on the corner of Northeast Martin Luther King Jr. Boulevard and Alberta Street. The retail block was recently constructed as the second half of a long term plan for retail development geared toward the heart of Portland’s historic black community and followed the construction of Vanport Square more than a decade ago, the retail complex immediately to the south.

“My wife didn’t want me to open and wanted me to stay retired,” Cason said. “But I did it for the neighborhood and the community’s sake.”

Cason said he fully supports the new chamber’s mission of education, and says it’s important to pass on skills like his to young people.

“You can be successful if you just learn a skill or trade,” he said.

Tolbert said that as the economy “continues to do what it’s doing,” the city needs to support and encourage mom and pop stores like Cason’s.

“We want to make sure people of color have opportunities in some of the funding through the city and Prosper Portland, to create financial opportunities so we can get the money we need to expand,” he said.

Chamber president Jesse Hyatt said the board hopes to expand the new chamber through weekly Thursday morning meetings.

“We will do cross marketing, expand our world and hope to attract new members,” he said.

Hyatt is the founder of Hyatt and Associates, and Tolbert is general manager of Po’Shines. Other members of the new chamber board are Lené Hopson, senior administrative coordinator at Prosper Portland; Margo Bryant of Portland General Electric; E.D. Owens of Amazing Glass; E.D. Mondaine, president of the Portland NAACP; and his assistant Antjuan Tolbert of Empyrean Perspectives. Hopson points out that she is not representing Prosper Portland on the board, but serves as a volunteer community member.

Mondaine said he’s glad to serve on the board and hopes to promote more inclusiveness for African Americans in the economic sector.

“We must be a voice of access for entrepreneurial interests,” he said. “We must be stakeholders in the Oregon economy. We want to create an ambiance of people representing the community from the oldest to the youngest.”

To learn more about the Black American Chamber of Commerce and keep up with developments at the new group, log online to [blackamericanchamber.org](http://blackamericanchamber.org).

**OPB**

## **Civil Rights Advocates Present To Portland City Council On Police Union Contracts**

*By Amelia Templeton  
October 2, 2019*

Two national civil rights activists briefed the Portland City Council Tuesday on language in police contracts they say undermines efforts to discipline officers and to reduce the number of people shot and killed by police.

The activists say Oregon law does not preclude city leaders from doing more themselves to negotiate a contract that curbs uses of force.

Commissioner Jo Ann Hardesty, herself a prominent local civil rights activist, invited DeRay Mckesson and Samuel Sinyangwe to present their research to the full council in a work session.

Portland's contract with the union that represents rank and file officers is up for renegotiation next year.

The activists' presentation is the latest move that Hardesty has made to bring outside input into what has historically been largely a secret bargaining process between the union and city attorneys.

But the council took a cautious approach to discussing the actual contract publicly.

Mayor Ted Wheeler, who has day-to-day oversight of the police under Portland's unusual commission form of government, said at the outset he was limiting the scope of Mckesson and Sinyangwe's presentation, citing "legal risks." The national experts would not be allowed to speak to specific provisions in Portland's contract.

"As police commissioner, I am committed to bargaining in good faith," Wheeler said. "Their views may or may not be in alignment with individual members of the council."

Mckesson and Sinyangwe are leaders of Campaign Zero, a policy advocacy group created out of the Black Lives Matter movement.

They began their presentation by making a case that police in Portland use force disproportionately against people of color and the homeless, using data they said comes from the police bureau itself.

For example, while black people make up 6% of Portland's population, they made up 23% of the people shot by Portland police from 2010 to 2019. The percentage of unarmed people shot during that time by Portland police who are black is even higher, at 40%, according to Mckesson and Sinyangwe.

"The context and situation in which force is used is different for black people," Mckesson told city leaders.

Data from 2017 to 2019 shows that half of the people Portland officers used force against were homeless, the activists said.

Wheeler appeared surprised by that statistic and challenged the activists when they brought it up later.

"I have to correct you. I'm not sure that statistic is accurate," he said.

“We double-checked it last night,” Mckesson told him.

The statistic is accurate, according to demographic data available on the Portland Police Bureau’s public use of force dashboard.

Mckesson and Sinyangwe contend that language in police union contracts across the country is too protective of police officers, in conflict with communities’ interests in accountability and transparency.

The group’s Police Union Contract Project identifies specific language in contracts in 81 cities around the country they say is problematic.

In their Portland presentation, Mckesson and Sinyangwe flagged a wide range of issues, including provisions in many cities’ contracts, including Portland, that give officers the ability to challenge a disciplinary decision in binding arbitration. Outside arbitrators have the power to reverse disciplinary decisions and reinstate officers the city has fired.

“We know its very rare for an officer to be disciplined, let alone fired, for misconduct. When that happens, we see this single provision in many contracts undermining those decisions by democratically elected legislators,” Sinyangwe said.

He cited an analysis by the Washington Post that looked at the percent of fired officers reinstated after arbitration in cities across the country. According to the Post, 24% of officers fired in Portland in 2016-2017 were reinstated.

That arbitration process is established in state law, and public safety unions successfully blocked two bills that would have changed it in the last legislative session.

Mckesson and Sinyangwe also criticized contract language that limits the kinds of discipline a city can impose and guarantees officers paid leave while they’re under investigation for misconduct.

That prompted a comment from city attorney Heidi Brown, who said a U.S. Supreme Court case addressing due process for government employees may limit the city’s ability to place officers on unpaid leave to situations that involve a criminal indictment.

Officer Daryl Turner, president of the Portland Police Association, didn’t answer a call from OPB. In a written statement, he told the Oregonian/ Oregonlive that the recommendations were “nothing more than an attack on workers that would strip officers of their right to due process.”

Mckesson said he doesn’t believe police have pushed for outlandish job protections or shouldn’t be given due process. Instead, he said he believes cities have been too quick to give public safety unions concessions on disciplinary matters because their bargaining has focused on issues of pay and fiscal policy.

“Most of the things that people fight about are money,” he said. “Most of the provisions that we talk about are cost-neutral, but they’re not cost neutral for people’s lives.”

The activists also suggested the council and police chief may be able to change some bureau policies around the use of force without needing to bargain with the union.

They described Oregon’s state law governing officers’ use of deadly force as the most permissive in the country, but they also said it doesn’t preempt the city from adopting higher standards for its officers.

That prompted Commissioner Amanda Fritz to ask the activists to share sample language the city could use to narrow when deadly force by an officer is considered within the city’s policy.

“That is really helpful because obviously, we can change policies without bargaining,” Fritz said. Commissioner Nick Fish requested private follow-up briefings from the city attorneys in the next two weeks to help the council begin formulating its negotiating strategy.

Aides to the mayor said they believe negotiation on the contract will begin in earnest starting next January.