



**Portland  
City Auditor**  
Archives & Records Management

# City of Portland Oral History Program

## Police Accountability and the Independent Police Review Oral History

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Mary-Beth Baptista  
Transcript  
2023

**CONTENT WARNING:** This interview discusses sensitive subjects including police violence and death. Statements made in this interview are the recollections and views of the interviewee, not the City of Portland Archives.



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### Mary-Beth Baptista Oral History Transcript

Interviewee: Mary-Beth Baptista

Interviewer: Morgen Young

Date: April 27, 2023

Location: City of Portland Archives and Records Center, Portland, Oregon

Transcribed by: Teresa Bergen

Morgen Young: My name is Morgen Young and I'm with Devin Busby. We're interviewing Mary-Beth Baptista for the City of Portland Oral History Program. It is April 27, 2023 and we're in the Portland Archives and Record Center in downtown Portland. Thanks for being with us this morning.

Mary-Beth Baptista: You're welcome. Thanks for asking.

MY: I'm going to start with some basics about telling me about why you began working for the Independent Police Review Division.

MBB: Well, I am a public servant at heart. I've always worked in public service. I was a Multnomah County district attorney for eight years prior to starting this job. I was the last person you would ever imagine that was going to be a prosecutor. I worked for the Sierra Club. I lived in San Francisco. I was a good '90s greenie. And then came here and decided that was not the law I wanted to do. And started as a prosecutor on a whim and loved it. Loved the criminal justice system. Loved being part of public safety. Loved giving back to the community in that way. Loved my time there. But there was a point at which there, you know, you've done what you want to do as a DA and you've gone that far. But I didn't want to give up the public service. I didn't want to give up on public service. I didn't want to give up on public safety. I didn't want to give up on giving back to the community.

And pretty much within a month or so after I left the DA's office, this job opportunity came up. I just saw it on a posting. Talked to some friends of mine that were DAs, colleagues at the City Attorney's Office. And everyone's like, "This would be perfect for you." So, I applied and got the

job and was really thankful because it really married a lot of my values about accountability and public service, safety. So, yeah. That's why.

MY: Did your background as a DA help?

MBB: Oh, absolutely. I think it would have been really difficult to, I think it would be very difficult to do this job without being an attorney and without having a role in the criminal justice system, right? Like not being a prosecutor, but obviously I hired Constantin [Severe], the assistant director, who often I always thought of as my co-director. And he was a defense attorney. And I think without one, just understanding criminal law, it would have been very difficult to do this job. Two, for me as a prosecutor, I really got a window into police culture. And the operations of the police and police training and how to communicate with them, how to speak cop, you know. And so, I thought that was very helpful for the position. Absolutely.

MY: Can you provide me with a little bit of background on the history of IPR [Independent Police Review]?

MBB: You know, I was going to Google it, because I knew you were going to ask me that question. And I know it started in the early 2000s. And I know that for my interview to get the job I was able to completely and perfectly answer that question. But I'm not, you know, it's actually more appropriate of an answer to say I didn't even know what IPR was when I applied for the job. And actually, I texted a couple of my colleagues. I'm like, "Hey, remember when I was looking at the IPR job. Like did you know what IPR was before I applied?"

And most of my friends who are now judges or still DAs were like, "No. We kind of knew it was there. But we didn't really know what it was until you started." And so, I think that was part of the issue, was that if prosecutors who deal with crime victims and witnesses all the time didn't know what IPR was, that kind of says something to the culture that I walked into, right? To the backdrop that I walked into. So, I know there was an issue that they used to have like an internal auditing function, and then the people wanted there to be oversight and that's, I guess, how it kind of morphed into it. I know there was two directors before me. But really, it was a mystery to me before I started at IPR that it even existed.

MY: And you started in 2008?

MBB: I did.

MY: And that same year I know that there had been an external evaluation report.

MBB: Okay. So, I want to make sure I understand what we're talking about. The external evaluation report that was before I started was a [Eileen] Luna-Firebaugh report. Is that what you're asking about?

MY: Yes.

MBB: Okay. Because as soon as I started, I did a different outreach report. So, I just wanted to make sure that we were talking about the same thing. So yeah, so there was the, again, my understanding was that the mayor at the time, Mayor Tom Potter, had launched a review, this Luna-Firebaugh review of basically what was IPR's authority, what was CRC's [Citizen Review Committee] authority,

as it's written on paper. And whether or not they were acting to their full potential was my understanding of what that was.

By the time that I got there, to be candid with you, it was the name that must not be spoken. Right? It was toxic. You didn't want to bring it up. And it was my understanding summarily dismissed by City Council. And certainly, by Auditor [Gary] Blackmer. He was an auditor and had very high standards and believed that these kind of reports and these kind of reviews should be done to those high standards and did not, to my understanding, I don't want to speak for him. I know you've already interviewed him. So, maybe he's saying something along the same lines. But my understanding, my memory, is that he very much felt like the criteria that she used, the methods that she used, were not in keeping with his standards or any standards that should make her final report credible. And so, I know when I walked into that, you could feel the palpable tension between auditors and City Council and the community members around this report, right? I know and remember clearly, you know, Dan Handelman of Copwatch, and even CRC members, right? Some of the longstanding CRC members that were there felt very dismissed and very unheard that here this report comes back and says, "Hey, you're not doing what you should be doing. You're not giving the CRC the authority that they should have. You're not encouraging them to do the things that are in the ordinance." And then everyone just put up the wall like, "Well, I know she said that, but it doesn't matter. Right? We're not going to do that."

So, I could, walking into that situation, it was very clear that this Firebaugh report was not going to go silently into that good night, right? Like it was not going to happen. But I also was very clear, Gary was my boss. And it was a non-starter. So, I just kind of approached it like, I understand. I understand that you're dismissed. I understand that as the auditor, you don't feel like this is credible. And so, I just tried to approach my coming in as like okay, that's history. I have nothing to do with that. I'm a clean slate. I'm listening. Let's move forward. Yeah, I look back on that now and it's a bit naïve to think, like, okay, let's just start over. But that's the only approach I've really felt like I could do.

MY: So, was this community outreach report your effort to try to build trust with the community?

MBB: Absolutely. So, when I came on as a prosecutor, the immediate naysaying was oh, well, she's a prosecutor. She's friendly with the police. She's all chummy with them. Which is actually, when you actually, if you were to actually know me as a prosecutor, you'd know that that was not the case. I mean, I had a good relationship with the police. But I was not like other prosecutors who were friends with them and had them over for barbecues and invited them to their weddings. It was nothing like that, right? It was very much a professional relationship with the police.

And so, there was just this idea, right, that oh, she's chummy with the police. She's not going to hold them into account. She's just another curtain in the window dressing, right?

So, for me, one, it was so clear that there was community distrust, right? It was so clear that just the two sides, City Council wasn't paying attention. And I understood also that City Council wasn't paying attention because it was only the squeaky wheels that were actually coming to council.

So, I felt like with this outreach, one, there was a position for an outreach coordinator that was open. And I wanted to get kind of the temperature of the community. And where, if there were any plusses, what were there? If there were any low-hanging fruit that I could go and reach out to, what really were the major chasms and what was the plan to do something about it?

And so, not only did I really want to get those answers, I really felt like by having somebody completely independent of, because it was a consultant that we used, having someone completely independent of me, right? Like in my old life, I was a community organizer. I did do outreach. I was the outreach coordinator for Sierra Club. I could have done an outreach plan. But just the very nature of doing it, of launching it, of saying this is an independent, we want a nonbiased view of

what you think we need to do. I think that in itself was really, I think it worked. I think it was a good olive branch to the community. Like okay, well, maybe she is serious about listening to us. But we don't trust her. But this is a good first sign.

And it also enabled us to have a really clear roadmap of the kind of skills and person that we wanted to hire as an outreach coordinator. And oh my God, did we find just the four-leaf clover, the unicorn, the most perfect person to end up being our outreach coordinator. She was respected and loved by all sides. And won so many accolades and awards from community members, from the police. So not only was it, I think, really good to show the community right off the bat I want to hear you and I'm going to send somebody and I'm going to listen to what they say, allowing us to find her, to hire her, really just—like it was the gift that kept giving for the rest of the time.

MY: What was her name?

MBB: Irene Konev.

MY: And Constantin mentioned her. I believe she had connections to immigrant communities?

MBB: Yes.

MY: So, can you elaborate a little bit on which communities?

MBB: Well, she's, oh, gosh, I'm trying to remember. So, she was part of the Russian Old World community. I can't believe I even remember that right now. She was part of the Russian Old World community in Salem and Canby. It's a really large community. And then there's—

MY: Old Believers?

MBB: Old Believers. Yes, that's what it is. Thank you. And so, there was connections there. She also did a lot of work in the domestic violence, right? So, she was able to reach out, within her community and with other non-majority communities in that area, in the Salem, Canby area. She had a lot of different connections to, there was some Ukrainian group, I believe, in Southeast Portland. And then wherever she went, you know, whoever, it was kind of the old commercial, she talked to two friends, two friends, right? And wherever she went, she was so welcoming and so open that people really, there was just an immediate like okay, we think we can trust her. So, she was able to reach well beyond her own immigrant community into other non-majority/minority communities. And really, really help build trust for us.

MY: And did you hire her and Constantin around the same time?

MBB: Yes. So, the first, so I started in June. Or Memorial Day weekend-ish, right, of 2008. And the first thing I did was reach out for an assistant director, because that position had just been created. And I knew I wanted a defense attorney. Because I needed to balance out that prosecutor, right? That was another signal to the community. Like, okay, I hear you. I hear that you're concerned about me being a prosecutor. So, let's bring in the other side, right? Let's bring in the defense attorney so we have both sides of the aisle, if you will. So, I knew I wanted a defense attorney. I had worked with Constantin. Multnomah County in those days, I don't know how it is now, but in those days the prosecutors and the defense attorneys were always working together, right? You always had cases together. You were always seeing each other. Sometimes you'd see each other at the Lotus afterwards. Like there was a really tight community there. We got along, right? And we respected

each other. And so, I had a short list in my mind of defense attorneys that I really wanted to personally reach out to. And he was definitely one of them. And you know, I had coffee and I said, “You know, I really think that this would be perfect for you.” He’s so incredibly smart and so, like, just able to be thoughtful and think things through. Where I tend to be the more verbose and excitable and the voice all the time, right? I’m more used to arguing than I am thinking through the process. So, I thought he would be an excellent balance for me, right? Because we didn’t need two of me. Like we did not need two of me.

So, met with him. Had coffee. Met with some other folks. And he applied along with others. And he was just, knocked it out of the park.

And so, that was around, that was in the fall. Nothing in the City takes, you know, nothing in the City’s quick. So, it was a long process to get the announcement out and whatever and get him hired. And then of course he had to resolve some of his cases before he started. So, I think it was within six months I hired him. And in that same time is when we had hired the consultant to do the outreach coordinator work. To do the outreach plan work. And so, and I also wanted the assistant director to be there to be the second eyes and ears, right, to who I wanted to choose for the outreach coordinator. So, it was important to get him onboard first and then after that, after the plan was done and he was hired, I think it was very early. Because nobody wants to hire during Christmas, right? So, I think it was very early in the spring of 2009 that she came on.

MY: Within your first year, basically.

MBB: Oh, yeah, yeah. Yeah.

MY: One thing Constantin mentioned when we interviewed him in February was that you diversified your staff. He’s a Black man, he’s a first-generation immigrant.

MBB: Mm hmm.

MY: Irene is coming from the Russian Old Believer community.

MBB: Mm hmm.

MY: And he said that you were doing very early in the City of Portland diversity, cultural competency training.

MBB: Yes. Yeah. Well, you know because, there was things in the Luna-Firebaugh report that also just comported with my reality of what I’m seeing, right? And one of the issues was the community really looked at IPR and said this is reflective of the Police Bureau; this isn’t reflective of our community. Right? And our investigators were all former police. There was an assistant director that was half-time, Pete Sandrock. Awesome, awesome human being. Learned so much about being a boss from him. I don’t know what I would have done without him for that administrative piece of the job. Also, a White male. Used to be the district attorney in Benton County, like *the* DA there. You know, and it was not reflective of the community. You could walk in and be like, oh, am I in the Police Bureau? Right?

And I also, they’re amazing people. Like they’re amazing people. Constantin was a gift because he just was so, he’s so smart. Like I just don’t even know how to say it. And just so clear. And was able to just kind of talk me off so many ledges, right? And I don’t know where I would have been without him. And yes, am I thankful that it helped to diversify the staff? Absolutely. Irene in her openness and her empathy and her teaching—oops, I’m touching my microphone—in her

teaching me about some issues around cultural competency. Especially privilege. I was thirty-four, thirty-five, thirty-six years old when I started. And I had kind of understood the basic language around privilege and trying to hold space around that. But just through many conversations with Irene, I was like oh, I really, I'm getting it now. Like I'm understanding what privilege is. I'm understanding this disconnect. So, she was so helpful to me to start, for me to recognize my own lack of understanding around privilege. My internal biases. I was like wow, okay. So, she was really helping me kind of look through this lens that of course I was aware of and when I was a prosecutor, I was the VAWA grant DA for domestic violence, which is the Violence Against Women Act, right? So, I was doing domestic violence cases for all, you know, non-majority communities, non-speaking, mentally disabled, physically disabled, differently abled folks. So, I had gone through the trainings and I had gone through the cultural competence trainings. And I had gone to meetings of these different kind of communities when I was at VAWA. So, I was clearly in, remember that whole San Francisco Sierra Club part, super liberal, right? And so, I was versed. But like she really helped me bring that out. And so, once I started to see it, I needed everyone to get onboard with that.

And so, we started doing cultural competency trainings for the investigators and for my staff. It was, I'm proud of them that they tried, right? Like these are all folks that, okay, now that I just turned fifty-one, I looked at it and I'm like, they're all folks in their fifties. And I was like, oh, God. But you know, they were former police officers. They're of a different generation than us, right? We were all Gen Xers. They were not. So, it's a different mentality in a lot of ways. But they did it. I brought in these trainers. And we spent, oh, God, I think eighteen months in here comes the airplanes, little bites doing different cultural competence. And we would get to a point where it was like okay, let's sit with that for six months. And then they would come and do a follow-up, right? So, it was really important to me. Yeah. It was really important to me that my staff, my investigators who are speaking directly with these communities have at least the basic language and mindset in order to really understand and hear when they're filing those complaints.

MY: Did you see an impact from that training?

MBB: I think I did, right? I mean, I did. Ever so slight. On one of the investigators in particular, the one that was a female, I think that she kind of was reaching back into like when she was a woman on the force, when she was the only woman on the force. And I think, so some of this cultural competency conversation about you know, microaggressions and implicit bias and explicit bias and all of that, I think it reached her in a place that she had been kind of like, well, I'm going to bury that, I'm going to be just as good as the boys as a cop. And I think it kind of released in her a little bit of that like oh, you know what? I do remember that and I do feel that. And I do feel like she was more open to doing it in the future. I think she was definitely, like I could see the difference in her reports more than anyone else.

And then you know, the one investigator that was the cop's cop, he at least did what he was told. Right? He did what he was told. And so that's, you know. He used different language. He wrote his reports differently. Whether it got into him, I don't know. But I like to hope a little bit. But you can do what you can do.

MY: I want to switch gears and talk a bit more broadly about IPR.

MBB: Mm hmm.

MY: And let's start with just telling me what IPR was responsible for and what the division wasn't responsible for, regarding police accountability.

MBB: Okay, so IPR, so I'm going to start with the IPR I walked into. And then we can eventually move to the IPR I walked out of, because there's a huge difference between those two things.

So, the IPR I walked into, it was an auditor model primarily. But it was a bit of a hybrid auditor/investigator model. But I also think that the investigator part of that hybrid was a little bit of a misnomer. And I think that that was the issue that the community outcry was a lot about.

So basically, the function of IPR was an audit model, which means it's an oversight model. And so, there's other auditor models across the country that are slightly different because they audit things that are completed, done. Investigations that are done, all the way up and through discipline. And then they audit that and say this is what you should have done differently.

Our auditor model was more of an in-time audit model, right? So, we would get complaints in. We were the point for community complaints. So, you had an interaction with a police officer that you felt was a violation or just felt bad about, whatever, what have you, you call us. In those days, you could actually write a complaint card, like a handwritten, or email us. And one of our investigators would talk to you on the phone, find out what happened, get any witnesses, any evidence, photographs, that kind of thing. That became more relevant longer, right, because 2006, 2007 is when phones and cameras started. So that was a definite, you saw that progress.

But anyways, and then they would package it all up. And they would send it to me or to Constantin. And we would review it. And we would review it to decide whether or not, you know, we had three options, basically. One, we would look at it and say, "Yeah, this doesn't violate any bureau directive, right, because it has to violate a directive." It can't be like just that he was a jerk, right? Like it has to violate a directive. So, you look at it and be like, this doesn't rise to a violation. Like we couldn't prove this, right?

And then the other option was to send it to Internal Affairs and say, "Hey, this is a violation. But it's a minor violation. This is not what's going to lead to discipline. But could you please send this to their supervisor in order for them to have a little talking to?" It's called service complaint. I turned it into a service improvement opportunity, and everybody got on me for changing that name. They said it was like dropping a fork in a restaurant. Anyway, I stuck with it. But, basically command counseling kind of thing, management counseling. And then the supervisor would write it up and send it back to us for us to review.

And then the third option was to say, "Okay, this is probably, we can probably prove that this is a violation. And this is a violation that should lead to discipline." And so, we would send that over to IA, Internal Affairs, and say, you know, you need to investigate it.

And I think the key here to understand is everything we did was, other than dismiss cases, was a recommendation. We didn't have authority in the beginning to say this, we want this to be investigated, right? We want this to be a service complaint. They got to choose. Internal Affairs got to choose. Like, "Yeah, I've looked at this, I'm not going to send this to the supervisor. Yeah, I've looked at this, this isn't worth investigation." And that was the end of it.

And so that was kind of difficult for me to get my head around, right? And we had a very respectful relationship with IA. And we had very different men that were in charge of IA from the beginning to the end. All were very different. But all of us, we all ended up being able to have a very respectful, reciprocal relationship. So, there was a lot of trust there. So, when they would send back an investigation, I would call them and be like, no, really? Because I think that this and this, and we could talk through it. And then sometimes it would get okay, I won't do an investigation but I'll do a service complaint or something like that.

So often we would have these conversations and negotiations around some of those cases that they wanted to return. But that was all just because we respected each other and liked each other. That was not something that was in writing. That was not something that was anything other than the personalities involved. Our only ability was to recommend. And then at the end, and I

looked, I couldn't find the old ordinance, so I can't remember this specifically, but I cannot recall if it was a courtesy or if it was required. But I want to say it was a courtesy that when they did do an investigation, they would send it to us to look at so we could review and say, "Hey, did you ask this question?" Or, "Shouldn't you put this piece of evidence in?" Again, like I couldn't find the ordinances online that were back there. I want to say that that was a courtesy. That they did that as a courtesy to just make sure that it was a thorough and complete investigation, that they didn't have to do that. And again, that was because we had this respectful relationship.

But what we didn't have the authority to do was to say, "You are going to investigate this." We did not have the authority that's written to sit in on any in on any investigation that we wanted. We did not have the authority to speak to an officer at all. Interview an officer at all. And if we looked at that investigation and we thought you've liked missed five witnesses that could have given firsthand information, we didn't have the authority to stop that investigation and say, "You're going to investigate this further."

The other wrinkle was what was called a B case, a bureau case. And a bureau case is when the Police Bureau initiated it. So, it didn't come through a community member to us, it went, they looked at a situation, right? Officer-involved shootings, in-custody deaths were considered B cases. But more problematic cases, that again, in those days, were above the fold. Like in the newspaper that got headlines. They could look at that and be like oh, okay. We're going to initiate a case on this. No, community complaint, no. We're going to initiate a case on this.

And you would think okay, that's a good thing, right? You want the bureau to initiate their own investigations. You want the bureau to be accountable and see things. But what that ended up doing is we had even less authority in those cases than those that were community cases, right? So, in those cases, we didn't have access to the investigations. We didn't have, we were basically a timekeeper of like, "Hey, you started this case and it's been 180 days? Why isn't it done?" But we didn't get, that's why I think the other cases were courtesy copies. We didn't get copies of that investigation before it went to determine whether or not that there should be discipline.

And so, it pretty quickly became clear to me, okay, wait. If there's something that goes wrong, and really wrong, they can just snatch up that case and close the door to oversight of it. And that to me was, I literally remember sitting there making dinner one night and I'm like, wait a minute. They can take these cases and take them out of the oversight realm. And that really, I felt like, was very problematic. So that was kind of the investigation piece, if that makes sense, that we did and didn't have authority over.

When cases, when investigations were completed, they went to the commander that oversaw the supervisor of the person, right? So, the officer, the officer supervisor, so the officer supervisor and the commander over that supervisor would review the investigations. And they would determine whether or not this case should go to a review board, where a wider body would determine whether or not there should be discipline. So, we would get the supervisor and the commanders, again, I can't recall if this was in writing or this was a courtesy, we would get their recommendations. And if they recommended no discipline, that was the end of it and we couldn't say a thing about it.

If they recommended discipline, it would go to this review board. The review board was led by an assistant chief. The two additional assistant chiefs were there. A peer officer, a community member, and the commander and the supervisor were all there. They would deliberate whether or not this was a violation of a directive and whether there should be discipline and what that discipline should be. We had absolutely no authority whatsoever to say a word in those things. We were observers only. We had no, we certainly did not have a vote, let alone a voice in those days. So, it was very much, we had a very nice seat at the window of a 30,000-foot view. But we were not involved.

MY: But then that changes.

MBB: Yes. We changed that.

MY: And I think part of that was influenced by getting a different auditor with a different direction.

MBB: Yes. So, the B case that changed it all... So, yes. We had a new auditor in July. I think she came in June of—

MY: 2009.

MBB: June of 2009, is that right? You know, it's funny to me because I had my son in June of 2007 and then I started this job in 2008. And then this all happened. So, it's kind of like oh, I remember by ages of how old he was. Anyway, so Gary had told us all that he was leaving and that LaVonne [Griffin-Valade] was coming in. And I recall that LaVonne was in and around the building in June and meeting people and whatnot. But I didn't know her. She seemed welcoming enough. But I didn't really know her. I hadn't worked with her yet when she started.

And so, right around the time she started, I received a phone call from a member of the Police Bureau that I will not name because he was not authorized to tell me this. But he informed me that the bureau had opened up an investigation—and this is all public in the newspaper so I can say this part now—against an Officer Joseph Wild who had been arrested by the police and charged by the DA's office for sexual harassment, sexually explicit phone calls to minors, who also included victims of, crime victims that he was investigating. It was pretty clear that the bureau did not want me to know that they had opened an investigation. And then I get this clandestine phone call literally as I'm picking my kid up from daycare. And I'm so like oh, okay. And so, on the down low, right, I'm getting information from this person about where the case is going.

But that was their prerogative, right? They didn't have to tell me anything. But it started to be like oh, see, these B cases, right? I'm not liking it.

And then these review boards that they had took place every other Wednesday, right? And so, on this particular Wednesday, and I want to say it was literally like July second, it was within days of Fourth of July. So, there's nobody anywhere, right? But I was working. And I'm like, shoot, it's Wednesday. And it pops up in my calendar. I'm like oh, man, it's Wednesday, performance review. And usually, again, because this is the olden days, they would bring over the file, a copy of the file for us to review before we went to the performance review boards, to sit there and watch. I'm like, oh, man, I don't know where that file is. I don't remember seeing a file. And I was like asking everybody, like the four people that were in the office right before Fourth of July. And I'm like, "Hey, did anyone see this?" And I'm like dude, oh, man, I totally messed this up. I can't find it. I didn't read it. I'm like well, maybe I can grab a copy from the city attorney that I know is going who's, and the reason I picked the city attorney is because she's one floor above, not because we had a good relationship, because we didn't. Anyways.

So, I call and I ask for Stephanie. And her assistant says, "Oh, no. She's gone. She's at the Officer Wild performance review." And now I'm like, oh. This isn't that I forget. This isn't that I can't find it. They're doing this without telling me.

So, my heart's beating just thinking about it, I was so angry. So, I walk across the street to the review board. And now although this is a B case, their directives say that we shall be present for community cases, B cases, it doesn't matter. For performance review when it comes to discipline, we shall be there.

And so, I walk in. And the Professional Standards Division is what put on this performance review, right? They were responsible for that. So, at the time, it was Assistant Chief Larry O'Dea,

who was the head of Professional Standards. That was in his portfolio. And so, I walk in the room and everyone's eating their muffins and chatting. I walk right up to him and I'm like, "So, what's up with not sending me the materials?"

And he says, "Oh, no, no, no. Remember that email? Like we weren't going to make extra copies. You had to make an appointment and come in."

I'm like, "So, what's up about me not getting an email about, that I had to make an appointment? And by the way, why was I not notified that any of this was even happening today? I was completely cut out of this."

And his face just drops. Because he is completely unaware that that happened. And he's like, "Um, well, let's get you up to speed."

I'm like, "No, no, no, no. Like getting me the materials is not the conversation we're having right now. Why was I excluded from this performance review? Like why was I excluded from this meeting?"

And then the director of Professional Standards, Leslie Stevens, walked in the room. And I want to tread carefully here because unfortunately Leslie died of breast cancer in the last two years. And I have great empathy for her family and her children. Her children weren't much older than mine. And I understand that she's not here to tell the story. But this is all well-documented.

She walked into the performance review and took one look at me and rounded up the assistant chiefs and the city attorney. And they went into a different room. She was visibly angry that I was there. And so, the proceedings are halted and everyone's like, what's going on?

Of note, the police commissioner, Dan Saltzman, his liaison was also excluded from this meeting. She was also not there.

MY: Can we also note that Leslie Stevens was IPR director before you?

MBB: Yeah. She was the IPR director before me. That's a whole different, that's chapter four. So, things are delayed. And at some point, Stephanie Harper, who was the city attorney, comes and gets me. And I'm in a room with the assistant chiefs and her. And they explain to me that I was not invited to the review board because this was a sensitive topic and only essential people were invited. I recall saying something to the effect of, "Invites are what you do for a neighborhood barbecue. This is in your directive. I am essential. And I'm not leaving."

[REDACTED]

[REDACTED] \*

And that's when they knew it was serious. Like my blood is boiling just thinking about this all over again. And I was just so infuriated. [REDACTED]

[REDACTED] \* I belonged in that room. I was required to be in that room. And so that's when things, that's when things started to shift.

So, I'm walking across the street and I'm like oh, God, why did I let Constantin be off for Fourth of July? Because I needed him to center me. But I remember I took a deep breath. And I went into LaVonne's office, who I had known, I don't even think we'd had coffee by that point. And I'm like, "So, there was just a little situation that just happened." And I truly didn't know, I didn't know which direction this was going to go. I didn't know she was going to be—I didn't know, I didn't know her. I didn't know how this was going to go. But thankfully, she was as infuriated as I was. And was like, "Well, that's not going to work." And so, we set an appointment with the chief, Chief Rosie Sizer and Leslie Stevens. After the holiday. They made us go to them. And we did. And

LaVonne was like, “Oh, hello. I’m LaVonne. You don’t know me, but here’s what’s happening.” But no, I mean, we were very stern that this was a complete breach of their directive. That this was inappropriate. That our job is very clear that we’re the oversight and that we will not be excluded, right?

And Chief Sizer looked at LaVonne and I and said, “I am the directive. I chose to violate the directive. And I can just write another one.”

And so, I was just so gob smacked, right? It’s like, oh, right. This is why we have an oversight system, to check on unchecked power, right? And so that was kind of, that was all she wrote for LaVonne, right? Like welcome to the second week of work. And it was pretty clear then that we had to get our authority from City Council and not the directives of the bureau we’re charged with overseeing. And that’s the beginning of when things changed. Where we really realized like, okay, we have to start, we have to start writing new rules. And you know, how we were going to approach that, how we weren’t, there were so many things, so many moving parts, so much politics. She had just started. And we were just kind of spinning on how we were going to do that, but we knew we needed to.

And then, Randy Leonard stepped in. Commissioner Randy Leonard stepped in. And also, well known that he and Rosie Sizer had, Chief Rosie Sizer had a very contentious relationship that was well-publicized. But, you know, at some point had heard our story and was like let’s see if we can work on this together. And that fall—and so, I think another way to back this up for a minute was traditionally the mayor of Portland, the job of the mayor of Portland, right, is to divvy out all of the bureaus. But because the Police Bureau is the largest and most important, I don’t even know how to describe it, the mayor traditionally has always kept the Police Bureau. Mayor [Sam] Adams, for a multitude of reasons, I guess, that I don’t really need to get into right now, and really not privy to, so shouldn’t speak of. But Mayor Adams decided when he was elected in 2008 that he was going to not keep the Police Bureau, and he was going to give it to Commissioner Saltzman. And I know that there was talk at some point of Randy Leonard wanting the Police Bureau. And there was a huge explosion in the press about Rosie would quit before that happened. And there was just too much tension around that. And so ultimately for whatever reason, Commissioner Saltzman got the Police Bureau. And that was always, that was just a very difficult balance, right? Because it had been so traditional that the mayor keep it. And now we have Commissioner Saltzman taking it. And then Randy Leonard working with us to perhaps change ordinances around IPR. But then it was perceived that we were reaching into the Police Bureau and changing ordinance around the police. And it’s like, no. Like we are separate from the police, right? And so, you know, as the auditor, there’s only so much you can do when it comes to introducing legislation. She’s going to probably have a much better discussion around this piece than I can.

But it was just, I remember once when the ordinance changes were all going on, I heard on OPB that, you know, on Fridays at 8:50 they always do like a political minute. And he described the whole Randy Leonard, Saltzman, the mayor, us trying to do this ordinance thing as just five scorpions in a jar. And that’s really what it felt like.

And I think another issue that really exacerbated this was in November of 2009, Officer [Chris] Humphreys, who was involved in the James Chasse case, was caught on a TriMet video, was caught on a TriMet video shooting a beanbag at a twelve-year-old African American girl. And it immediately made the news. It immediately hit the papers. And like I said, as soon as something is above the fold, the bureau wanted to hold onto it.

And so, I had a conversation. And I said, “Look, I don’t want this to be Officer Wild all over again. I want to be assured that even though this is a B case, that we’re going to have a part in this.”

And it was like, “You’ll have the same part in this case as you do any B case.”

So that's when I was like, okay, the fix is in. The fix is in that they grab these cases. So, I happen to know the defense attorney in that case. Because the girl was charged with swinging at Humphreys. So, I knew the defense attorney in that case and I called him. And I said, "Hey, here's the thing. If you or your client or your client's parents don't file a complaint with IPR, we're going to be shut out of oversight of this entire case."

And so, he's like, "Oh, why?" And so, I explained the whole thing. And he's like—and so, they did. They filed a complaint. And then it became this, well, it's already a B case. And I'm like well, no, it's a C case. No, it's a B case.

And then it came out like well, how did they even know to file the complaint anyways? And I'm like, "I called them."

And Rosie herself when she found that out storms into my office. It's like, "I don't understand why you would do that. Why did you think, don't you trust that you would be part of this?"

And I'm like, "No. I don't trust that we'd be part of this. I don't trust you at all." And it was just like, right?

And so, it was really clear that all of these niceties of sending over the investigations or listening to us for our feedback, all of that was dependent on the people in the seat, not the ordinance that runs these forms of government. And you cannot have an oversight system in that way, right? And so, we had to, it became very clear that the trust relationship was breaking down. I credit the commanders of IA at the time for really sticking with me as much as they could, right? Really off the clock having conversations with me like I'm glad that you called. I'm glad that that's, because you guys need to work this out. It's like, well, you know, we don't really need to work this out. We just need to follow some rules.

But when that whole B case thing came again, it's like okay, we've got to get some stuff on paper here. Like this is not working. And I can't remember how that, my son was having some health problems at that time. And I was out for a fair amount between Thanksgiving and January of that year. So, a lot of the behind the scenes with Randy Leonard and LaVonne she's going to have to speak to, because I was on family leave for a lot of that. But I will tell you, when I was done with being on family leave and came back in January, now we're in January of '10. And the Aaron Campbell shooting happened. And that's when it was enough already. And that's when, and I had come back. That happened. And that's when the writing of the ordinance really began. That's when all the changes really began. Working with, you know, Commissioner Leonard. Working through it all. Spent lots and lots of time rewriting and writing and doing that. And we did it behind the scenes. And we knew that was going to be quite the matzo ball hanging out there, right? Like we knew that was going to be a problem. We knew the CRC was going to be mad. We knew Copwatch was going to be mad. We knew the places that we have spent so much time building public trust were going to be mad that we were rewriting these ordinance without committees. And input and drafts and all that. But there came a point where we had to kind of do the choice of evils, right? Like things needed to change and they needed to change now. And that was not going to happen if we opened it up to all of this public input. And frankly if we opened it up for the mayor and the other commissioners to really, and the Police Bureau, to really kind of know what we were doing. And so, we did a lot of it behind closed doors in the beginning.

And then when we were done writing it and getting it vetted through the City Attorney's Office and whatnot, then we started to take our show on the road. Then we started to do some public outreach and explain like this is why we did it. This is why we did it the way that we did. We needed to get it done fast and efficiently. This is the first step. It is not over. There's obviously a public process when it comes to passing ordinance. We do want you to be involved. We do want your input. But this is the starting point. We had to get this done.

And it was really interesting to me that people were like, well, this isn't just the beginning. Like if you don't do everything now, it's never going to get done. And I understood why they felt that way, right? Because there had never been this impetus to change. There had never been this momentum to make these changes. There had never been this much public outreach with IPR where it wasn't just the five naysayers that were at City Council, right? It was like we had done so much outreach that we had a large body of people behind us, right? And so, I get why they thought like if we don't do everything now, nothing's going to happen. But we assured them, like this is just the first step, right?

And you know, there's an article. Like as soon as we were done, we talked to everybody, right? And there was an article, I think, in the *Willamette Week*, where Constantin says, "Yeah, we'll go to weddings and bar mitzvahs and birthday parties." We really did want to be open about it. So, we made some pretty significant changes into the ordinance.

That was a difficult process to get through, though. The Police Bureau was infuriated. And it was just, and City Council was like, well, kind of wishy washy. There was some like, why didn't you have more public process? But Constantin coined this phrase. He's like, "One thing Randy Leonard knows, it's how to count to five." So, he was able to work with us. LaVonne and I and Randy Leonard and his staff worked with City Council to get to a place. And worked with CRC and worked with community members to get to a place where we could get onboard with these changes.

The City Council meetings, one of the most incredible processes I've ever been through. There was at least two of them. They were over three hours long. They were in the evenings, so more people could go. They were filled to the, literally, like the cops were in the balcony and the community was all downstairs. I recall that the first reading of the ordinance in front of City Council, the chief, Chief Sizer, was going to be out of the country on business for some reason. And the pushback we got for her, because she wasn't going to be there in the first reading, was shocking to me. One, when she's gone, if there's an officer-involved shooting, she has appointed someone to be able to handle her responsibilities. There's that. First of all. And this isn't, this wasn't an ordinance about the bureau. This is an ordinance about IPR. And there's just this disconnect. And it was like, why are you doing this to the bureau? No, it's like we're doing this because this is our job.

And I remember once meeting with Stephanie Harper of the City Attorney's Office.

[REDACTED]

\*

And it's like, "Yeah. Aren't you a lawyer? Like get some highlighters. Get your legal pad. Let's go!" And Constantin and I were prosecutors and defense attorneys. It's like, at least you have depositions and know what they're going to say. We never knew. And so just this resistance of why are you doing this to the bureau?

And then like when Chief Sizer was going to be out of town, it's like, "Well, isn't that rude that you would do this when you're out of town?"

And I'm like, rude? Again, with the family barbecues, it's rude to not invite your neighbor. Like this is business, right? And it was just so distressing. There's so much sexism involved. Because it was Leslie Stevens and Rosie Sizer and myself and LaVonne. And in those days, it was not that far from when the Multnomah County commissioners, where it was Diane Linn and now I can't remember the other women's names. But there was four women and they were not getting along. And you know, *Oregonian* ran like "mean girls" headlines, right? And it was that same thing all over again.

It's like, and then you could tell that the men of bureau, too, were like, oh, can't you four just figure it out? Like as if, yes, there was personality clashes. But there was personality clashes because

we weren't allowed to do our job. And their inability to continue to provide the courtesies that made the system work is why we had to go to putting it in writing. So, it was just, the sexism, even from women from the *Oregonian*, right? Like I remember, I can't remember her name, but it was the editor. And she was talking to me about how it was rude to not invite, to not. And I was like, "Really, would you say this to a man? I mean, would you really say to a man that they're being rude? Because I'm feeling like that would not happen."

And I remember some of the tactics of the Police Bureau around when they found out that we were making these changes, like just the intimidation campaign. I don't know if Constantin talked about it. But Constantin and I talked about this a lot this day where it was all the top brass. It wasn't the chief, but it was all the assistant chiefs, all the commanders. And they were in their dress uniforms. Their uniforms as if there as a funeral, right? Their, I don't know, dress blues, I don't know what it's called. But like top class with their you know, stripes and their, and we were summoned up to the chief's conference room. It was out of either a mob movie or *A Few Good Men*, I don't know. But it was like they were at one end of the oval table. And me and Constantin, I'm not sure if LaVonne was there, I don't think she was. I think it was just me and Constantin were at the end. And one by one they just chastised us for doing this. And made it personal. And it's like, this is not personal. This is business. It needs to be written down. It's very simple. Our authority should come from City Council, not the bureau we're overseeing. But it was just, you could just, it was so evident, right, that this was just institutional unchecked White male power.

And here I am, you know, I thought I was old at the time, but I'm a thirty-six-year-old woman. Constantin's even younger than me. I certainly felt a level of sexism. I'm not going to speak to whether or not Constantin, what he felt, whether he felt a level of racism or not. That's not my story to tell. But I certainly felt like, "Who are you, little girl, to tell me what I can do with my authority? How dare you." And it's like, well, I dare. You know, like here I am.

I will tell you, like I'm not shaken easily. I was a prosecutor, I put little children on the stand. I've put awful human beings on the stand. Like I don't scare easily. But I will tell you like that was one of the most unreal meetings I have ever been in. And hopefully and thankfully will never be in one like that again. But I mean, they full court press. And it's like well, this is where we are. And you are not our boss. Right? The auditor is. City Council. Because that's where we get our money. Like you don't get to tell us we can't do this. Right? So, it was just such a disconnect for them. And it was such a disconnect for them to feel like they couldn't pressure, and frankly bully their way to us backing down. Yeah, it was gnarly. It was pretty wild.

But we did it. We got through City Council. We got through hours of testimony of people in the community saying we're not doing enough. People in the bureau saying we're dipping our, you know, where we don't belong. Some of the people in the middle ground, like can't we all just get along? That old adage. But we did it. It was a really important, important first step.

The changes that we made, I think, were really significant. One, it was no longer a, well, it was a recommendation that if we sent something over for an investigation that we were recommending for them to do it. But if they didn't, we would be able, we now had the authority to initiate our own investigation. There were no B cases and C cases, they were all just cases. They were just investigations. So, no more swooping up from the bureau.

We did have to compromise that we were not permitted to do officer-involved shootings or in-custody death investigations. But we did get the authority to be onsite, to be on-call for when there was an officer-involved shooting and an in-custody death. So, we were there on the ground getting called just like Internal Affairs was, just like the chief was. So, we were there to observe what was going on. Making sure officers were separated, making sure protocols were being met. We also changed the performance review boards and we made sure that there was an independent facilitator that facilitated those boards. Because time and time again, the assistant chief, especially one assistant chief in particular, Brian Martinek. I'm naming names. Brian Martinek definitely showed a lot of

pressure to have people vote the way that he wanted to in those boards before. And so, we had an independent facilitator that's going to facilitate those boards. We got a seat at the table and we were voting members. We also changed that the community member on that board... It used to be picked by the chief, is now picked by the auditor. So, we would make sure that the community member was from the outside, right? Like not hand-picked from the inside. We could be present in all stages of any part of IA investigation.

I think in the end, we had to compromise on whether or not we could ask the officer questions directly. Because after the ordinance was passed, there was a lot of union negotiation. I think we were allowed to be present, and we had to change the ordinance. We were allowed to be present, but we had to ask our questions through IA. Like I'd have to give Captain [Dave] Famous like here are my five questions.

I will tell you in reality, the union, because they liked us, right? We had mutual respect. They eventually just let us ask questions. Like the officer and the union allowed it. But on paper, we had to go through IA.

We also changed the authority so when, if the investigation, when the investigation was sent to us, we had to approve it. If we didn't approve it, it had to go back to IA. They had to finish it. If they didn't finish it the way we wanted, then we would do it.

We also got the right to controvert, meaning when the investigation went to the supervisor and the assistant chief of that supervisor, if they didn't believe that there should be discipline but IPR did, we would controvert it and we could trigger a review board hearing. Where in the past we had to just deal with that decision.

We also had more transparency around these police review board hearings where we actually had, it was twice a year, I think. I think we wanted four times a year, but I think it ended up being twice a year, where they had to do public reports of what cases went to the review board and what the vote was and what the recommended discipline was from the board. We can talk more on the additional changes that were necessary after that later. But I'm just trying to collect in my mind all of the changes that we made.

So that was pretty significant. I mean, it was a pretty significant role where we could improve the investigations, we can ensure that they're more accurate and thorough, we can make sure that when we think that there should be discipline, at least it goes to a review board. And when it does go to a review board, we get a vote. And the public gets to know. And they're independently facilitated. So, I think that those were really, and the community member is picked by the auditor instead of the chief.

I mean, those were some really significant changes in the investigation and discipline system. I'm sure there were more changes that we made in the ordinance. But those, that was really for me like—oh, and the elimination of the B and C cases, right, where it's all just cases. I mean that to me was really like to the heart of what I really felt like okay, this is what we need to really fulfill an oversight role. And an investigative role. To really live up to that hybrid that we're supposed to be.

MY: So, you have these code changes that happen—

MBB: Mm hmm. Mm hmm.

MY: —that change your authority. Everything's clearly written down—

MBB: Mm hmm.

MY: —and you've made compromises. And it's 2010. So now what is it like as IPR director?

MBB: Well, one of the issues, one of the things that was a compromise, because we had done so much of this writing, of changing the ordinance kind of behind closed doors, if you will. Even though of course we did bring it out to the light of day and did the public process. But to, as a compromise, the City Council created a stakeholder committee from these ordinance changes. And this stakeholder committee was thirty-five-ish members of the community, from Albina Ministerial Alliance to Internal Affairs, the chief's office, myself. Outside, I mean, just a wide swathe of the community.

So, we had this stakeholder committee that was established by this ordinance. And it was to review the changes that were made in the ordinance and to recommend any additional that we missed. So that was pretty immediate after those changes were made. I'm trying to make sure I'm getting my timing right. So that was pretty immediate after the changes were made. Of course, immediately after the changes were made in the ordinance, there was also bargaining, right? There was the union bargaining at the time. Which I think, again, to be fair to the community members that said if we don't, it's a now or never situation. I think there was a now or never feeling because the union negotiations were going on at the same time. And so, if we waited any longer, we would have to wait for a whole other set of union negotiations. So, I understand why they had the impetus, they had the sense of urgency that it needed to get done.

So of course, then there was all the union grieved all of the changes, right? Said that they were subject to bargaining. So, there was kind of very little that we could do on some of the bigger picture issues. But pretty quickly, Internal Affairs and IPR just kind of went into the boring stuff, right? Like we were rewriting the directives. And we were interviewing contracts for facilitators. So, it was kind of like we were just kind of building all of this. And it was kind of slow going at first. But then the union, then we got to the point where the union had settled with the City. And some of the bigger changes were able to be implemented.

So, we started on our way, right? There was such pushback in such a petty and juvenile way around the Police Review Board, where it was, "Well, this is your board now, Mary-Beth." Like that's what they would say all the time. "Well, it's your board now. Shouldn't we have this investigator and shouldn't we have—"

And it's like, this is not my board. This is your board that City Council has now said this is how you need to run it, right? But it was just that kind of like, "Well, it's her board. You should ask her." And it's like, really? Come on.

There was definitely some frosty shoulders from people that we had previously had had good relationships with. A lot of, it just felt like that we had put them in the penalty box or something, and I was the principal and benched you at recess. It was pretty juvenile. It was pretty petty for a while. But then you know, I think the fact that we had such a good relationship with Internal Affairs. Dave Famous also passed away. So sad. Was a fantastic man, a fantastic leader. Really good to us. Really just a man of values and conviction. And I think he kind of helped lead the way. Like, all right, everybody, let's move this forward. This is what it is. Here's where we are. Let's just move this forward.

And we started to do it, right? And we started to get, the investigation piece never really changed because we had such a good relationship with IA. So it wasn't like we're not going to do it if you don't do it. Because they were going to do it, right? And there was a couple of cases where I controverted and said, "You know, I think that this should be disciplined." But not many. I think we kind of just got back on pace. And I think it was really important that we had that vote and that voice. And so, yeah.

Then, so the stakeholder committee went on. And I'm kind of losing the years now. So, the stakeholder committee went on through fall of 2010, through the fall of 2010. And LaVonne—when did the DOJ [Department of Justice], remind me...

MY: 2011.

MBB: So, January of 2011?

MY: I'm not sure about the month, but...

MBB: I want to say towards the end of the year we started getting wind that this DOJ thing was going to happen. I want to say that we, that we started getting wind this was going to happen and that additional changes were going to start to need to be done. I can't really place it all in my memory. There was also another committee. The CRC was doing a report on what changes they wanted to see. So, we had the stakeholder group saying what changes they wanted to see. We had the CRC report saying what changes they wanted. And we're starting to get wind that DOJ is coming to town.

And so, we were trying to respond to the community saying, "Okay, we agree with these changes, we don't agree with these." While working with the bureau to implement the changes that we could, while knowing the federal government's, you know, the federal government's coming, the federal government's coming, right? So, it was kind of a whirlwind fall with all of that. Trying to implement what we could, ward off new changes. Accept some new changes. And know this is happening. So, I want to say, I want to say it was before January, but it might have been January. It was, we got a phone call at like three-thirty in the afternoon and it was me and LaVonne and I believe Constantin. It was like, you need to be across the street at the US attorney's office at four o'clock.

And they whisked us up and you know, there was our attorney general as well as the federal government. And they're like well, this is what we're doing. And just launched into that.

And it's really just so foggy for me now. But I remember feeling like oh, God, this is a very clandestine, being summoned across the street. And we had to stay there into the evening just kind of working through the process of what the process was going to be. Yeah. It was, yeah. It was, we really didn't know what was coming.

And then began a whole new set of constant meetings, right? Where we would have meetings with the DOJ folks. We would have meetings with the community. The community would have meetings with DOJ. Then they would meet with us again. It was just this constant like revolving door of meetings.

And I do remember, I do remember thinking, because you know, I'm not from here. I'm from New York and grew up in California. I've lived in Oregon since 1999. But there's times where I'm like, I don't know if I'll ever assimilate really, fully. But I do feel like as a public servant who's always pretty much worked in Portland, I understood Portland. These folks from DC did not. They did not. And like we joked about it. I'm like, "Yeah, I don't see you—"

They're like, "Oh, well this is what they'll do. They'll realize that we're going to make these changes. And they're going to be happy about these changes we made. They're going to forget about the ones we didn't."

I'm like "No, they're not going to ever forget about the ones you didn't do." So, there's a total disconnect from these folks from DC that thought that they could come in and that the Portland public would be like, "Oh, thank you, you're here!" And they would be like praised and patted on the back and sent home.

And so, yeah, I can't remember his name. But I remember him and I joking. And at one point he's like, "All right, Mary-Beth. You got me. They did not welcome me as the hero that I thought that I was, right?"

So, yeah. So, the DOJ, and I'm thinking, so this DOJ came in January of '11?

MY: Mm hmm.

MBB: Okay. So I was on maternity, so this is why it's fuzzy to me, because I had a baby and I was on maternity leave from February through June. So, I did not have a lot, I did not have a lot of interaction with them. Constantin and LaVonne did more than I did. By the time I came back, it was more about the meetings to get toward settlement than it was those early stages. I'm like, why was I so foggy? And that's why.

MY: And Constantin did give us some context. It was the officer-involved shooting of Aaron Campbell and others—

MBB: Yeah. Yeah.

MY: —related to people in mental health crises.

MBB: Yeah. Well, you know, we haven't talked at all about James Chasse, which is right before I started.

MY: It was 2006.

MBB: Yeah. I mean, that was September of 2006. I mean, that was, it wasn't a shooting, but it was certainly—

MY: In-custody death.

MBB: And brutal force, right? And I think the James Chasse case, I mean, not that there hadn't been in the five years preceding me being there, not that there hadn't been other high-profile shootings, right? Kendra James, James Jahar Perez, amongst others, right? And not that there hadn't been decades and decades of mistrust between the African American community, minority communities, and the Portland Police, right? I'm not trying to say—but what I do think about the James Chasse case that was different, that started more broadly the City of Portland saying what is going on with the Portland Police, is because that case—and I remember watching it on the news. It was a beautiful day. It was a perfect fall day with bright blue skies. I think it was a weekend, a Saturday or Sunday. It was in the Pearl District. People were at the Blue Hour and all of those vibrant outdoor patios. White, affluent community. Right? And they saw this whole thing unfold in front of their eyes. They saw the whole thing. They saw them chase, they saw him tackle. They saw the whole thing. They saw him hogtied, this frail, fragile man, in a crosswalk for what, over two hours? Almost two hours? It was definitely over an hour where the cops were just walking around and this is how he was. And this again is the beginning of those cellphones, right, where we all had pictures. And I can still vividly see that picture that was in the *Oregonian* of him hogtied and the officers around him and the bright blue skies behind. And again, now this is happening in the Pearl District, right? In front of affluent White Portlanders who never, or rarely ever, see police in their neighborhoods. And when they do, it's because they're thankful to see them there because they're helping them, right? Someone burgled their house. Someone broke into their car. Someone's sick, right? There was a car accident when your son was involved. So, this is a community—and I know I'm generalizing, but I'm generalizing for a reason—this is a community and a group of people who don't see policing in the same way that the Kendra James shooting neighborhoods or the James Jahar Perez neighborhoods, right? This is a whole different, this is a whole different ballgame. And it happened in broad, beautiful sunlight.

And then these folks go home, see the eleven o'clock news, or the news the next morning, because in those days you weren't constantly on your phones. Like it's hard to believe that things have changed so much. So that night or the next morning, it's on the news that he dies, right? So now everyone's like, this outrage around this. And then it suddenly goes dark, right? There's no transparency whatsoever from the bureau about what happens next. There's no transparency from the DA's office of what happens next and there's no transparency from the auditor of IPR in those days of what happens next.

So, I think that the pressure was definitely building from the James Chasse case, because a much broader swath of people really started to tune in, right? Like I remember as a DA and even at IPR, my friends who were doctors and schoolteachers and worked at Nike and Adidas, they didn't understand what I did. But when this happened, and then when Aaron Campbell happened, they were already sort of tuned in from the James Chasse, that it was just kind of this bookend of like what is happening? Like something needs to be done and we need to know what it is.

And so that to me I think, I really think the James Chasse case marked a shift in wanting at least transparency about what the bureau's doing, if not change. Because it was just in front of a completely different audience.

So, I think I totally got us offtrack.

MY: Some things I've talked about with other folks we've been interviewing is it's hard sometimes to think about police accountability without thinking it over the lens of everything that happened in 2020 with the pandemic and the murder of George Floyd.

MBB: Mm hmm.

MY: And having a camera and a video in your pocket at all times. And even ten years ago, how different it was. Fifteen years ago. So, I think it's—

MBB: Well, and I also think another thing that's different is the way that we consume our news. And I think that that's a significant—yes, absolutely. The fact that we all have cameras in our pocket has changed everything. Like, absolutely. Because it's made everybody like sitting at the Blue Hour that afternoon. Like it's made everybody have a front row seat instead of just those that are in overly policed neighborhoods that aren't really heard anyways, right? So, I do think that's true. But also, the way that we consume our news. Like we literally would get the paper, right? This is like 2007. I mean, it's not that long ago. But we would literally get the paper. We wouldn't be sitting on our phones scrolling through. And news stories actually had to go through more process. Like right now, anybody can post anything at any time. A blogger. Or even sometimes the *Oregonian* is like okay, we'll we're going to put this up on the website. And then in an hour, we'll put up the rest, right? So, we didn't have that then. So, you could take time to develop stories. And you also had time, the public also had time to focus on something else. Or also, some of these stories that the *Oregonian* used to do, I mean, I'm not picking on the *Oregonian*, but news in general, were way more in-depth than they are now, right? Now it's like let's get it up there and get it down. So, I think that the way that the conversation about this kind of stuff—and God, the divisiveness, right? Yeah. I mean, we could go on a whole thing about that. I don't want to get too far afield.

MY: But I want to go back to the DOJ, Department of Justice. They're in Portland. They're investigating. And then a settlement comes out of it. Still in play.

MBB: Yeah. Mm hmm.

MY: How did the settlement, or did it, have an impact on IPR?

MBB: Well, so I think we're getting to the point where these are better questions for others. Because I was almost gone by this point. And so, I left in June of '13, right? And so, the settlement, I remember thinking the settlement came out in like September or November of '12, right? And I remember thinking, I'm like okay, I'm going to give this six months. This is how naïve I was. It kind of reminded me of the pandemic. Like oh, in four months, we'll be fine. I was like, okay. I'm going to see this through. I'm going to do it in six months. All the settlement conditions will be completed by then. And then I'm going to leave. It's like oh, wow, that was so naïve to think of it that way, especially since it's still happening now.

So, I have to say, like I said, Constantin and LaVonne are going to be better at that. When I came back from maternity leave in that summer, I was preoccupied with a very different and significant case. And so, Constantin and LaVonne were way more involved in the DOJ. And I have to say if you ever know you're going to quit a job six months before you do, it's fantastic. Because I knew I was going to leave. I knew that my time was going to be ending here. And so, I purposefully said, you know, "I think, LaVonne, I think you and Constantin should do this. I think you guys should be the point people on that while I deal with other stuff." So, I kind of diverted myself away from it. Because I in my mind was like, you know, I may be out of here.

But I do think for my story, I do want to talk a little bit about what I was doing while they were doing DOJ. So, one of the things about being able to do your own investigation, so in the summer, I think it was August of '12, we were investigating, right when I came back, it was like July, August of '12, we were investigating Captain Todd Wyatt for being inappropriate, being bullying, kind of, to subordinate staff. So, it was a B case, if you will, even though those don't really exist anymore. But it was a bureau case because it was bureau personnel had complained that, of bullying and that kind of behavior. And so, we were looking into that. And you know, I was on maternity leave so I came back. And they were kind of halfway through it. And there was a lot of witnesses, because he had this outburst in meetings and all this kind of stuff. And he had been sent to the Records Division, because the Records Division was kind of the wild, wild west, or whatever, I don't know. Like they were just not in control. Like they needed somebody to get that division into control. So, they sent Todd Wyatt.

And a quick Google search of Todd Wyatt and you'll see that in the 2000s, he was called the "King of Torts" by *Willamette Week*. He had more complaints against him for use of force than the majority of the people. He had said clearly biased, racist things. He was a known loose cannon. Like seriously, *Willamette Week* called it the "King of Torts." There was another one that was "Good Cop, Bad Cop." He almost celebrated the fact that he was old school, right? Old school cop.

So, they sent him, because he was a known heavy, to the Records Division to make some changes, bang some heads. And he did. And some folks complained and were like, "This guy's out of control. He's screaming at us. He's intimidating." And so, there was complaints from bureau staff. And so, we investigated.

So, I kind of come in at the end. And I said, "Well, so how many other people do you have?"

They're like, "Oh, we just have a couple more people."

And I'm like, okay. I said, "Well, I'm not going to get too involved in this. But all right."

And so, the very last person they interviewed, the investigator said, "So, is there anything else we should know about your time with Todd Wyatt as your supervisor?"

She's like, "Well, I'm glad that you asked. Because yes. He inappropriately touches people in sexual ways."

And it's like, oh. So, the investigator's like, "Oh, okay." She's like, "Do you have some names?" So, she names names and tells people.

And so, I remember going like checking in on that case like a week later. I said, “So where are we on this Wyatt thing?”

And they’re like, “Well, this is what they said. But we don’t really think there’s any there there.”

I’m like, “And why do you not think there’s any there there?”

They’re like, “Well, you know, it happened like a year ago. And the person never complained. So, I mean, if the person never complained, what are we going to do about it?”

I’m like, “We’re going to investigate it. Because subordinates of incredibly frightening commanders really won’t complain. That’s what we’re going to do.”

And they’re like, “Really? But I mean, if she doesn’t say something—”

I’m like, “Please. Please do not make me give you sexual harassment 101. Please just do this.” And they did. I mean, they did. But it just showed that this kind of like otherwise intelligent man who I respect, like this is what their first response, “Well, but she didn’t complain.” It’s like, oh, lord.

So, we start looking into it. And it gets bigger and bigger and bigger. It’s like, oh, this is not good. Like different women, different meetings, touching them on the thigh, touching them on the arm, touching them on the back. He was known, it was very, like just—and so we ended up interviewing somebody. One of the people was like on probation, a single mother. Of course, she wasn’t going to complain because it’s the scary boss.

So, as we’re investigating this further and seeing that there really is there there, he, Captain Wyatt, goes to Idaho on a college visit with his family and gets in a road rage incident where there’s an incident where the car’s cutting him off. And Wyatt ends up pulling out his gun to threaten the other driver. It’s all over the news. Cops are called in Idaho. The police report in Idaho—which would be public, so I can say it—describes him as arrogant and dismissive and hostile towards their law enforcement officers. He ends up getting acquitted. He was arrested. He ends up getting acquitted, or they settled, I can’t recall, where the criminal charges are dropped but now, we have this. So now we’re investigating that, along with the sexual harassment cases.

And then we bring Wyatt in to be interviewed. And I am front and center for that one. And he proceeds to just be completely untruthful in the investigation. It’s not a difference of perspective; it’s untruthful. And so, it’s like, well, here we go, right? So now we’ve got that on top of it.

So, we write it all up. Investigate it. Captain Wyatt is infuriated. Infuriated directly at me. That I am leading this charge, that this is all me. Like talking to friends at the DA’s office, talking to other cops. I have colleagues calling me like, “What’s going on with this Wyatt thing?”

I’m like “How do you know what’s?”

“Oh, we’re just hearing things about you. That you’ve kind of lost it.”

I’m like, “*T’ve* kind of lost it?” Right? So, it was really interesting like how the tentacles of this case were getting out there.

And his behavior in the interviews were incredibly hostile, were, you know, he’d clearly earned his titles of being this enraged officer. And I really began to fear for my safety.

When I started to tell people in the bureau, “I’m starting to fear for my safety around him,” I didn’t get an, “Oh, get out of here.” I got an, “Oh, well, you know.” And then somebody would tell me some story that would make me fear for my safety more. Like, could somebody just say get out of here, it will be fine? But that was not the case. Like there was just more and more stories that would come out. And so, I was like, hmm, this isn’t good.

So, we get to a point where we process the investigation and the commander believes that it should go to performance review, that there was a violation. The assistant chief does not. And then I write a memo controverting saying that I disagree that this is not a violation. This is a violation. And here’s all the reasons why it’s a violation and how many violations there are, and this needs to go to the board.

So, it goes to the board. It goes to the board. I will say, I will just say it—well, no, I'm not going to. We're going to move on. So, it goes to the board. And what happens in the board, stays in the board, right? It was very, there was a lot of arguing and it was very contentious. But in the end, and I can say this part, it was a five to one vote, right? It was a five to one vote that he was untruthful. It was a five to one vote that he violated directives around sexual harassment. And it was a five to one vote that he should be fired. Because the board just did not believe that he could truthfully, right, he could speak, if you cannot, if you don't believe that an officer is truthful, how can you trust him to do his job, right? How do you trust that what is written in the police report is accurate? How do you trust what they're saying on the stand is accurate? And he's actually the only one where, the only officer where a judge filed a complaint against him thinking that he was untruthful, and thinking that he was arrogant and disrespectful. So, this is somebody who, this is not his first rodeo, right?

And so, what ended up happening was, so the board voted five to one that this was a violation of these things and that he should be fired. The board forgetting, I mean the chiefs forgetting that little provision there where we get to write a report for the police review board. Kind of forgot about that. And I don't know if they were just asleep at the wheel, but whoever wrote the report for IA, because the IA was the one who wrote the reports for the performance review that became public, put in a lot of detail. A lot of detail around that case. Way, way more than what was normally in those performance review cases. And it as part of the procedure had to get signed off by the chief's office. And they mustn't have paid attention or somebody in there let it go.

And when that came out, it was almost word for word rewritten in the *Oregonian*. And of course, Maxine Bernstein called me for comments. And I said, "Where did you get this information?" Because I hadn't seen the public report yet.

She said, "It's all in the public report."

I'm like, wow. So, I did an interview with her. And this was above the fold. She's like, "What is your thought on this?"

I'm like, "This is not what accountability looks like."

Oh, and let me back up. What came out also at the same time was that the chief chose not to fire him. That's actually the most important part, right? So, the review came out. And that at the same time, not only did the chief choose not to fire him, but the chief put him in the Sexual Assault Detectives Unit and the woman who was the subject of his sexual assault was assigned as an assistant in that office. So, I mean, how many ways can you screw that up, right?

But what was interesting to me and I'm thankful for, is before it hit the papers that Chief [Mike] Reese was not going to fire Todd Wyatt, the mayor came in my office. And he's like, "Look, you're going to be mad and I know you're going to say something about it. But I wanted you to know before you read it in the paper."

I'm like, "Okay, cool. I am mad. And I am definitely going to say something about it."

He's like, "That's your job." And then he just walked out of my office. So, Adams, I have to give ups to Adams on that. He's like, "Yup, yup. That's your job." And he walks out.

The chief and the brass at PPB did not take so kindly to what I said in the paper. And they didn't even read their won report because they accused me of leaking all of that information, that I violated my confidentiality. That they were moving to remove me from the board. That they were going to remove me from the board. They were going to ask council to censure me, which I don't even think that's a thing. They were furious.

And I said, "Well, first of all, I didn't leak anything. This was all in the report."

And they're like, "Well, but you know, your whole thing about that's not what accountability looks like, and how could the chief put him in the same division as the person that, sexual harassment. All of that stuff, you aren't allowed to say that."

And I just looked at him like, “What about that is confidential? What about where the chief has put a public employee is confidential?” And the only concern I had was potentially outing the woman that was at the center of the complaint. So that was the only thing I was worried about was her. Not where a public employee puts another public employee. I’m like, confidential is not stuff, I’ll say that for the record, but that’s not really what I said, “Confidential is not stuff you don’t want me to say.” But it was just like this explosion around this.

And boy, did the chief end up getting heat for that, right? Because I think “What’s in a thigh?” was one of the headlines from the *Oregonian* opinion. It was just outrageous. It was outrageous that this was mishandled.

And so, one of the changes that I wanted to make but I left six months later was that I think the next piece of accountability needed to be not just these reports of what the Police Review Board recommended; it’s what the chief actually did.

And before our time is out, also, what the mayor actually did. What the police commissioner actually did. Because by this point, we missed all that story. But by this point, Mayor Adams had taken the Police Bureau back and he was the police commissioner. And there’s an accountability piece that was missing, right? It’s one thing to have this great board with a citizen member and IPR on it, make these great recommendations to hold people accountable. But if we don’t know what the chief and the police commissioner actually did, then we actually have no idea if they’re doing what the community wants them to do. Right?

And so that was one of the things that came from this Wyatt case that was like, there’s one more step here that we’re missing. And that is, what actually happens with these recommendations that have representatives of the community on there. Right? What actually happens?

I was gone by then, but I believe that they reached some sort of compromise around when the chief and the mayor had to explain why they deviated from discipline.

MY: Do you think given the time, the effort and the funding that the City has invested in police accountability, is Portland better off?

MBB: Is Portland better off? Yeah. Well, I mean, I think anytime you have a mechanism for accountability, right, and checked power, absolutely. But okay, I want to—here’s what I want to say about the accountability system. And I was alluding to this a minute ago when we were talking about the review board system, right? I think that people forget. And this ties into your question about the 2020 and the protests and all of that, right. I think that people forget that the auditor and IPR are the oversight of the discipline system. They oversee. They’re the community’s eyes and ears. And, because of the changes that we made, also a community voice, right? Through IPR being able to vote and us picking a community member to be on these review boards, right? And the light that we’ve shined on the process.

But what I will never be able to understand, and I was particularly struck by this during the 2020 protests, is why is it that Portland continues, the community of Portland continues to look to the auditor and the oversight audit system as the one that holds the police responsible? It’s the mayor. It is the police commissioner. The purpose of the auditor, the purpose of IPR, is to shine a light on the process. The purpose of the police commissioner is to discipline. The purpose of the police commissioner is to hold his chief, his employee, to account when he’s not holding them accountable. When there are rogue officers like Wyatt pulling guns in freeways. When there are rogue officers who are shooting bean bag guns and pepper spraying in the face. It is the police commissioner’s job to say to the chief, “Get your people. Discipline your people when they do wrong.” To say to the chief, “Hey, why is it that there’s no system in place where you need to have your ammunition that’s live ammunition versus your beanbag ammunition, so you don’t accidentally shoot someone with live ammunition instead of the beanbag and shatter their hips?” Which is a case

that happened. It's not the auditor's job, right? It's the police commissioner's job. The police commissioner is the chief's boss.

And so, it struck me, especially the way the former governor, Governor Brown... To be clear, I work for the state of Oregon and I work for the governor and I worked for the governor then. I'm here as a private citizen to express my own opinion. But it struck me when the governor came and said, "There needs to be more police accountability." It struck me when the community said, "There needs to be more police accountability." And when Jo Ann Hardesty said, "There needs to be more police accountability." And they looked to the auditor as the problem. Like, "You're not holding police accountable."

It's like, you know what? Actually, you need to look two chairs over to your right, Commissioner Hardesty. It's the mayor who's supposed to hold the police accountable; we're just showing you that they're not. And somehow this blame gets heaped on us, on us in the IPR or the auditor, this blame gets heaped on us that we're not disciplining them or holding them accountable. That's not our job. That's a police commissioner's job.

And I actually did have a conversation with Maxine Bernstein when all this was going on in 2020, because she's still on my phone. And I said, "You know, I think it would be really helpful if you could remind people through the *Oregonian* at least that it's not just the Portland mayor. He's the police commissioner. So, when people are outraged at the police behavior during these protests, make sure that they're sending their outrage to the person who's their boss. And that's him."

So, it's always been really troubling to me, and I hate using that word "trouble," but it's always just really concerned me, and actually troubled me, that we have to throw the baby out with the bathwater. We have to throw this whole system out of whack and create this entirely new system. It's like, hey, no, you know what? Maybe we should make the mayor, who is in charge of the police, do the right thing. And then we'll expose when he's not. And so, it's just always puzzled me how the auditor has just got all mixed up in that holding police accountable when that's not their job.

And the other thing is, if you want more transparency, a new system's not going to do it. You have to go to the state legislature. There are state statutes in place that protect police officers, that protect them and what's being able to be released. It's not that IPR isn't willing to go there. It's against the law.

It's not within our statute to do it. And so, these changes that they think they're going to make with this new system, one, in a way I look at it and it's like, you're letting the mayor off the hook right? Because he's the boss, or she's the boss, whoever the mayor happens to be. Two, the answer to the transparency question isn't answered in your new system. Because it's a state statute. And so, I guess like I would just, I just would love to reorient these folks that want to just change this entire system to say well, wait a minute. Do you really understand where the system is and who's really in charge of this and really where we should be looking for police accountability? It's not the auditor. It's their boss.

So, that's my two cents about how—and maybe with the new form of government, with the new commission form of government, maybe that will be helpful. Maybe there will be one person that we can point to. I still think we've always had that one person, and it's the mayor, right? And that's what I appreciate about Mayor Adams coming to my office. Like, "All right. This is what I've done. I know you're going to be mad. See you." I mean, at least he knew what his role was. And at least he knew what mine was. And respected each other for it.

But I don't look at this new system as an improvement. At all. I look at it as one that takes away accountability from the mayor. It's floating in some island somewhere. Like it's not related to any, it's not tied to any government official. Well then, what's the check and balance on that? If it's not tied to any elected official, how do we make sure that this governing body is governing to the will of the people? I don't know how that would work.

And also, it just, there's no form of, there's no employer that doesn't get to discipline their own employees. So, you're not going to have some independent board being able to discipline police officers. They're employed by the City. And their supervisors are their supervisors, which is the mayor and the chief.

So, if you really are dissatisfied that police officers aren't getting disciplined, if you're really dissatisfied that there are policies in place that allow police brutality to continue, if you're really dissatisfied at the training, then you need to talk to the police commissioner and the chief. And if you're really dissatisfied that there's no transparency, then you've got to go down the 5 and go to Salem and change the law.

MY: I think it's a great place to end.

MBB: Yeah.

MY: Thank you very much.

MBB: You're welcome.

\* Redacted on the basis of attorney-client privilege.