

Ombudsman

Annual Report 2023

About the Ombudsman

The Ombudsman is here to make sure City government treats Portland residents and businesses fairly. We investigate complaints and identify ways to resolve them. As part of the City Auditor's Office, we're independent and impartial. The word "ombudsman" is a gender-neutral Swedish term that describes an official who investigates complaints about government.

We marked 30 years

The year 2023 marked 30 years since Portland has had an Ombudsman. Currently the Ombudsman's Office is a team of four: Ombudsman Jennifer Croft, Deputy Ombudsman Tony Green, Deputy Ombudsman Andy Stevens, and Community Service Aide Corey White. Andy joined our team in November and brings a background in data analytics, people operations, and mental health.

We issued three reports

In 2023, we completed three reviews of systemic issues, which resulted in three reports:

- **June:** "Protecting Undocumented Victims of Crime" identified problems with the City's handling of U visas, which are designed to protect undocumented immigrants.
- **July:** "Emergency Board-ups" reported on how the City's lack of oversight over a contractor led to Portlanders being wrongfully charged for emergency board-up services.
- **August:** "Vessels at Public Docks Unlawfully Seized and Destroyed" examined how the City failed to follow proper procedures when towing vessels from City docks, depriving vulnerable Portlanders of their property and in some cases their shelter.

We made a total of 19 recommendations in these reports. We track our recommendations until they are implemented.

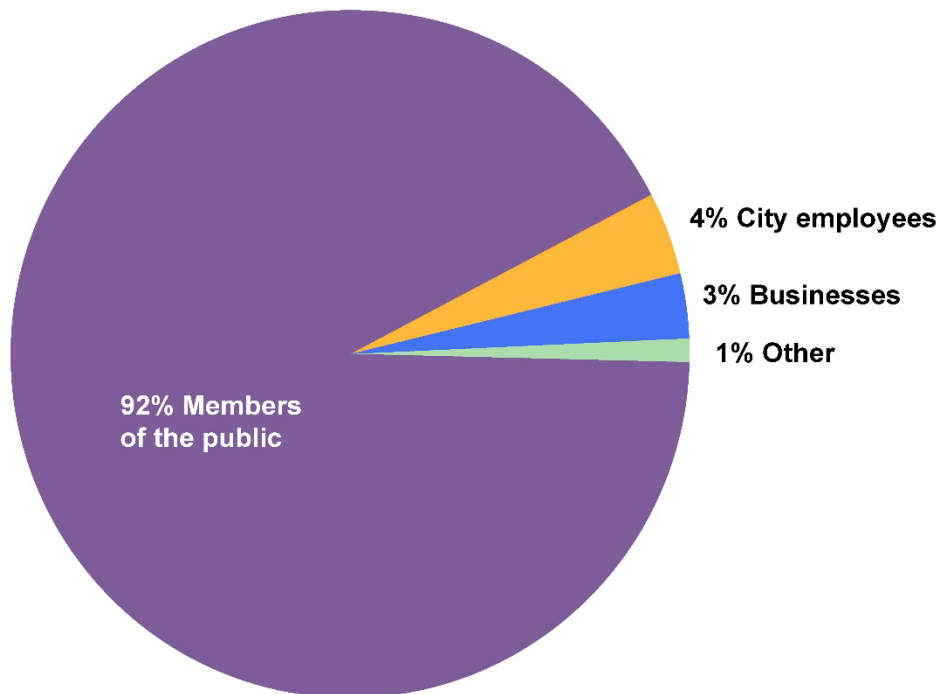
We may decide to undertake such reviews when an individual complaint brings to our attention an issue that has potential to affect large numbers of people or indicates a need to change laws, policies, or processes to ensure that good government principles are upheld.

In November, we launched an investigation into the City’s towing practices and invited community members who experienced hardship after having their vehicles towed to share their stories.

Our complaint numbers increased

Total requests for assistance increased from 542 in 2022 to 610 in 2023. Of these, 390 were jurisdictional complaints about the City of Portland in 2023, up from 289 jurisdictional complaints in 2022. The other 215 complaints we received in 2023 were about non-City issues (non-jurisdictional). We received five complaints about elected officials, which are not within our authority under City Charter to investigate. We do our best to provide helpful referral information when community members come to us with non-jurisdictional complaints. Most of our jurisdictional complaints (92 percent) came from members of the public. Four percent came from City employees and 3 percent from businesses, and 1 percent from other sources, such as anonymous complaints.

Figure 1. Most of our jurisdictional complaints came from members of the public



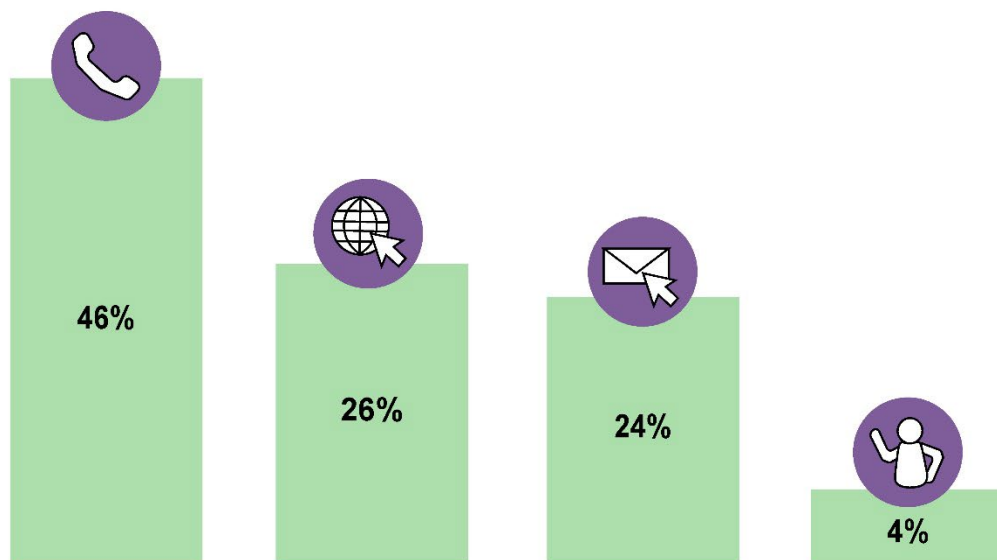
Source: Ombudsman’s Office analysis of complaint data

We ran an ad on social media (X and Instagram) to reach more Portlanders and let them know about our services. We also met with nine community-based organizations

to get the word out about what the Ombudsman team does. These efforts led to an increase in new contacts to our office.

We offer various ways that complainants can contact us. In 2023, 46 percent of complainants contacted us by phone, while 26 percent used our online form and 24 percent contacted us by email. Walk-in complaints resumed after stopping during the pandemic and were 4 percent of the total. Complaints can be submitted anonymously, but we may be unable to resolve the complainant's issue if we cannot contact them for more information.

Figure 2. Complainants mainly contacted us by phone

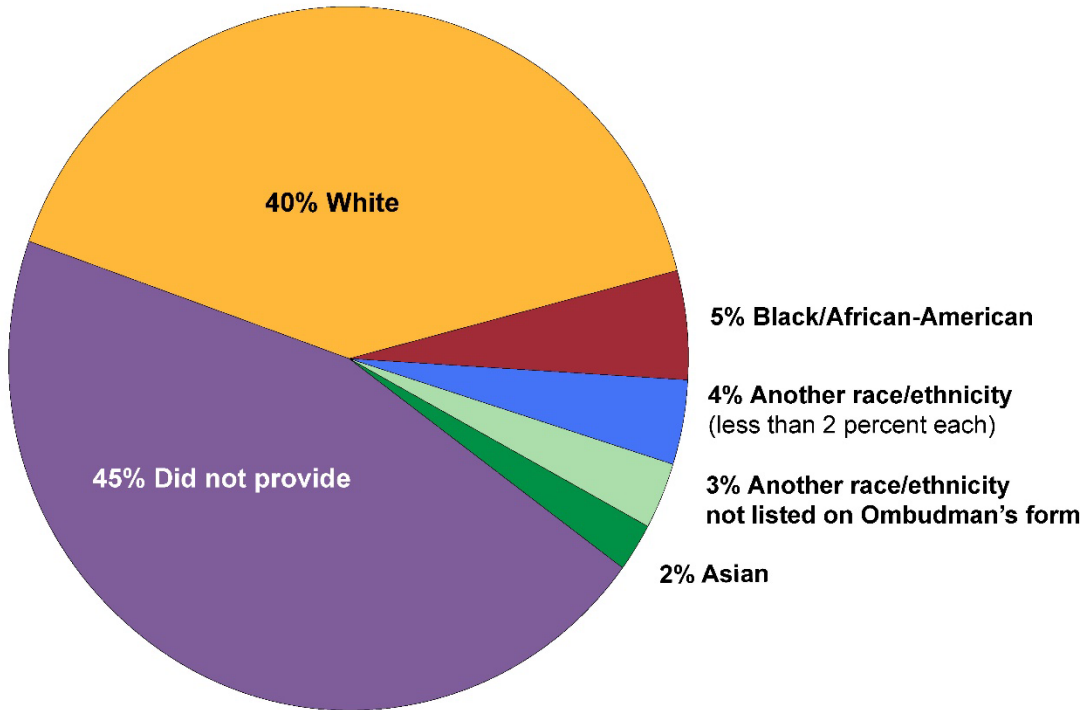


Source: Ombudsman's Office analysis of complaint data

We collect demographic information from complainants on a voluntary basis. Almost half of complainants (45 percent) did not provide information on their race/ethnicity in 2023. Of those who did, 40 percent identified as White, 5 percent identified as Black/African-American, 2 percent identified as Asian, and 3 percent indicated that they identified as a race/ethnicity not listed on our form. Complainants identifying with another race/ethnicity made up 4 percent of the total. We're including this data for the first time in our annual report as part of our anti-racism goals, which include being equitably accessed by the public. Although our data are incomplete, in referencing Census Bureau data for Portland, we see that Asian and Latinx individuals are particularly underrepresented among community members who contact us. To address this, we are seeking to improve our outreach to these and other underserved communities and to identify ways that we can be more accessible to them.

Figure 3. Almost half of complainants did not provide information about their race/ethnicity

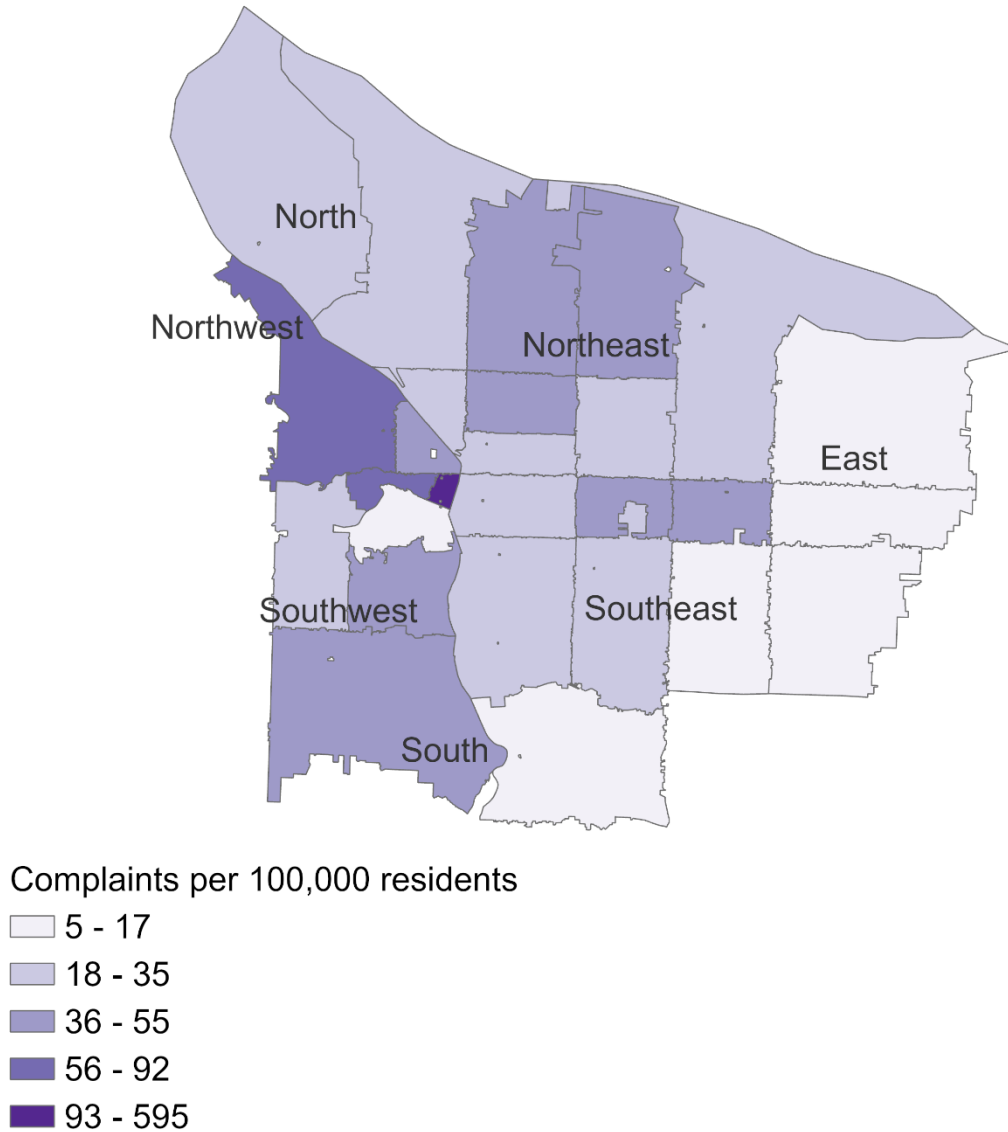
Note: Percentages do not add up to 100 due to rounding.



Source: Ombudsman's Office analysis of complaint data

Based on information complainants provide about their ZIP code, we see a continued need to improve our outreach to areas with lower rates of complaints, such as East Portland.

Figure 4. Areas of East Portland had lower rates of complaints

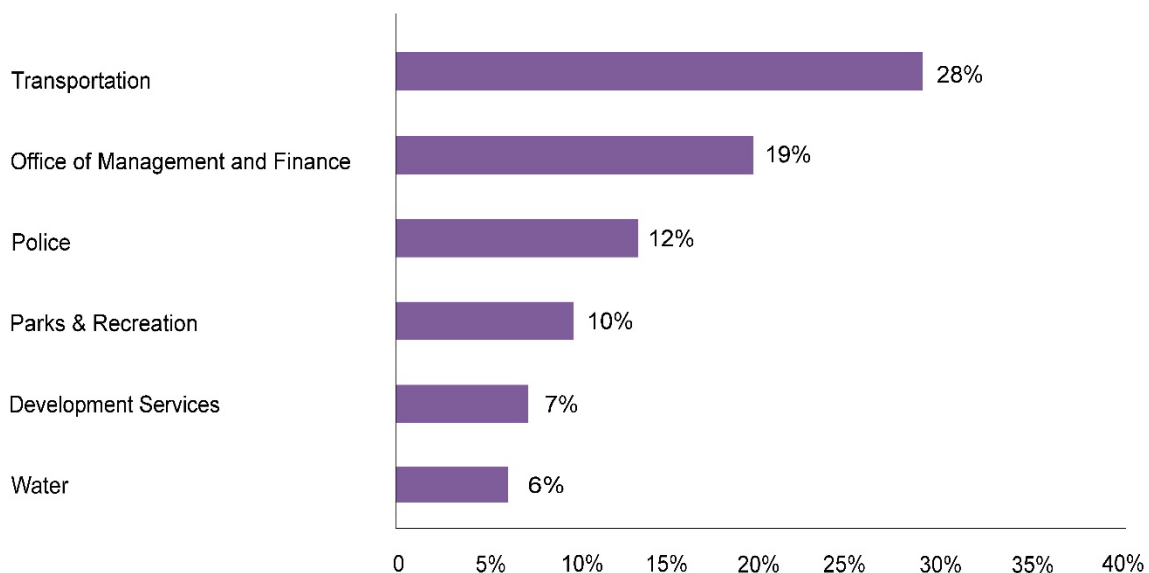


Source: Ombudsman's Office analysis of complaint data

Transportation-related complaints topped the list

We receive complaints that cover the broad spectrum of City bureaus and services, but bureaus that are involved in enforcing City regulations tend to generate more complaints. As in 2022, the Bureau of Transportation had the highest number of complaints. The Office of Management and Finance, which includes the Revenue Division and the Homelessness and Urban Camping Impact Reduction Program, had the second highest number of complaints, followed by the Police, Parks and Recreation, Development Services, and Water bureaus. These numbers include some complaints that involved more than one bureau, which were counted against each bureau's total.

Figure 5. Most complaints were about six bureaus



Source: Ombudsman's Office analysis of complaint data

As the City prepared to implement changes to its form of government, bureaus were grouped under six new service areas. The highest concentration of complaints (37 percent) was under the Public Works service area, which includes the Transportation, Water, and Environmental Services bureaus. Other service areas had the following percentages of complaints: Budget and Finance (19 percent), Public Safety (15 percent), Community and Economic Development (12 percent), Vibrant Communities (10 percent), and City Operations (2 percent). Another 5 percent of complaints were about bureaus or offices that do not fall under one of the service areas.

How we handle complaints

We examine each complaint individually to determine whether we will accept it for assistance. We consider factors such as whether the complaint involves egregious injustice, affects the complainant's basic human needs such as the need for shelter, comes from a member of a historically marginalized or underserved community, or raises an issue that has inequitable impacts. Our assistance most often involves informal resolution through actions such as:

- elevating the concern to a supervisor within the bureau;
- expediting consideration of the complainant's issue if they have experienced unreasonable delay; or
- providing the complainant with information to help them understand the reason for the bureau's action.

We undertake an investigation when a case raises potentially serious concerns about justice, fairness, and equity affecting an individual complainant or involves important issues that could affect other community members in addition to the complainant.

When we decline to investigate complaints, this is often because we can direct the complainant to another, more appropriate process available to resolve their issue. Complainants may contact us again if they are dissatisfied with the outcome of a bureau's grievance or appeal process.

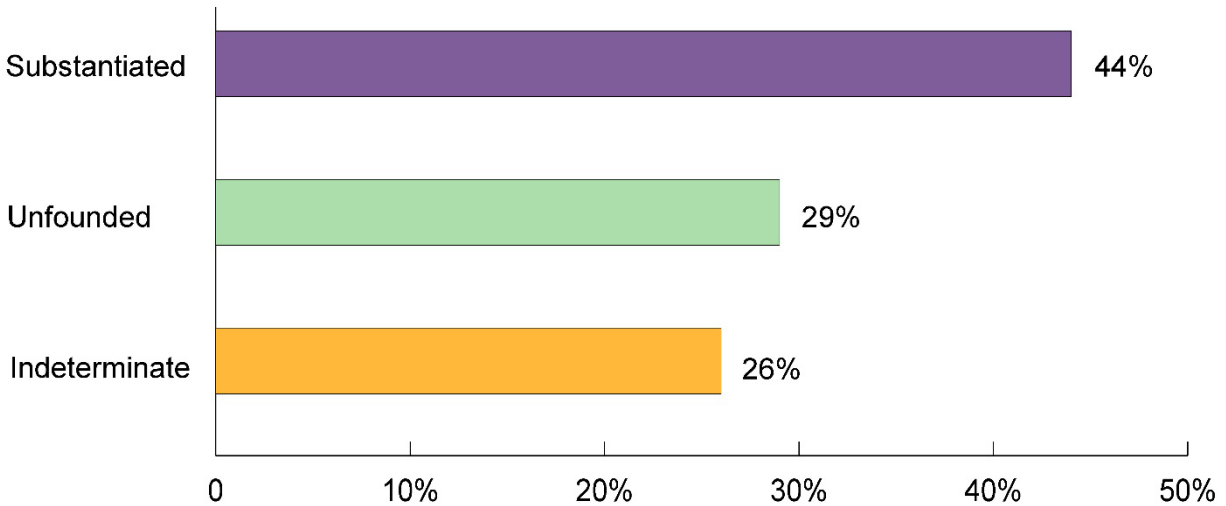
Investigations look at whether complaints are substantiated

We completed 34 investigations in 2023, which represented about 9 percent of jurisdictional complaints, compared to 15 percent of complaints that were investigated in 2022. We do not have a specific number of investigations that we aim for, as it depends on the nature of the complaints we receive and whether a complaint cannot be resolved informally or raises broader systemic concerns, among other factors.

In 44 percent of our investigations in 2023, we found the complaint to be substantiated. In 29 percent of investigations, we determined that the complaint was unfounded and in 26 percent of cases the evidence was insufficient for us to determine whether the complaint was substantiated or not.

Figure 6. We completed 34 investigations

Note: Percentages do not add up to 100 due to rounding.



Source: Ombudsman’s Office analysis of complaint data

Bureaus accepted our recommendations

We generally make recommendations to bureaus when an investigation shows that a complaint is substantiated. In 2023, we made recommendations in 15 cases. In all of these cases, bureaus accepted our recommendations. Implementation of the recommendations was completed in 13 of those cases. Recommendations in two cases, one involving Parks and Recreation Urban Forestry and one involving the Joint Office of Homeless Services, remained in the process of implementation.

Sometimes we recommend that the City cancel or refund fines and fees to complainants. The implementation of our recommendations resulted in total financial savings of about \$70,000 for 11 community members in 2023, seven of whom were members of marginalized communities, including people of color, people with disabilities, or people experiencing homelessness.

Complainants expressed appreciation for our work

“I am grateful to the Ombudsman's Office for helping to reimburse me for a super expensive towing penalty. I was in crisis and they were there to help me. They are compassionate and really care about their residents. We are fortunate they are here to help.”

“In the fall we ran into a disagreement with the Water Bureau. The Ombudsman's Office was successful in providing the financial relief - several thousand dollars - the Water Bureau could not. We are so appreciative of your efforts!”

We helped Portlanders get a fair outcome

- **Vehicle towing:** A houseless community member's vehicle was towed. They went to the tow yard but were denied access because they did not have the title. They said the title was in the vehicle, but the tow company still refused. The Ombudsman reached out to the Transportation Bureau, which contacted the tow company. The owner, accompanied by the Ombudsman, was allowed to go to the vehicle and get the title. The next day, they were able to remove their vehicle from the lot.
- **Improper code violations:** Development Services cited a property owner for two code violations. One of these was based on the City's mistaken determination that the owner did not have the correct permits for their auto repair business. They stopped doing auto repair and struggled to replace the lost income and to correct the other code violation. Meanwhile, fees, penalties and interest grew to over \$40,000. In light of the initial mistake, the Ombudsman asked the Bureau to bring this amount down to zero. The Bureau agreed to do so.
- **Delayed water bills:** A community member with disabilities received a letter saying that a six-year-old water bill was being referred to collections. After the Ombudsman contacted the Water Bureau, the Bureau reviewed the customer's account and determined that a pre-collections letter had not been sent as required. The Bureau withdrew the case from collections and the customer was only responsible for the final bill, saving them almost \$500.
- **Damaging sewer repairs:** A Bureau of Environmental Services project required a homeowner to redo the sewer from their house to the street. The City contractor did not do the job properly and sewage backed up, damaging the

homeowner's basement and leaving them without service for a month. The contractor who then repaired the sewer line assured the owner that the City had flexibility in charging and he would likely not have to pay. Nearly four years later, the owner received a bill for \$7,200. The Ombudsman determined that the circumstances warranted making an exception and recommended waiving the charges. Environmental Services agreed.

- **Unfair tax penalties:** The Revenue Division sent a community member a notice imposing penalties and interest for late payment of Metro and Multnomah County personal income taxes being collected by Revenue. The community member felt the penalties and interest were unfair because they were unaware that they owed the taxes, which were new in the 2021 tax year. After learning that Revenue was only providing penalty waivers to taxpayers who requested them, the Ombudsman recommended that Revenue waive all late penalties, refund those that had been paid, and notify all delinquent taxpayers that they could seek a penalty waiver or receive a refund. The Revenue Division waived all penalties and interest for that tax year.

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