



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 17TH DAY OF JULY, 2013 AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Hales, Presiding; Commissioners Fish, Novick and Saltzman, 4.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Ben Walters, Chief Deputy City Attorney; and Mike Cohen, Sergeant at Arms.

On a Y-4 roll call, the Consent Agenda was adopted.

	Disposition:
<p style="text-align: center;">COMMUNICATIONS</p> <p>[Due to a scheduling error, Council permitted additional Communications.]</p>	
688 Request of Crystal Elinski to address Council regarding natural resources and human rights (Communication)	PLACED ON FILE
689 Request of Michael Krupp to address Council regarding communication on June 19, 2013 what we will do now that we know (Communication)	PLACED ON FILE
690 Request of Bill Gollhofer to address Council regarding contracting with the City (Communication)	PLACED ON FILE
691 Request of Taz to address Council regarding homeless issues and R2D Too (Communication)	PLACED ON FILE
692 Request of Christopher Perkins to address Council regarding homeless issues and Right To Dream Too (Communication)	PLACED ON FILE
692-1 Request of Steve Howze to address Council regarding Powell Butte Nature Park (Communication)	PLACED ON FILE
692-2 Request of Robert Duncan to address Council regarding nudity in Portland, especially around children (Communication)	PLACED ON FILE
692-3 Request of Amber Dunks to address Council regarding houseless issues (Communication)	PLACED ON FILE

July 17, 2013

692-4 Request of Reed Jones to address Council about R2D2 (Communication)	PLACED ON FILE
TIMES CERTAIN	
693 TIME CERTAIN: 9:30 AM – Proclaim July 17, 2013 to be Stand Up for Workplace Wellness Day in Portland (Proclamation introduced by Mayor Hales) 10 minutes requested	PLACED ON FILE
CONSENT AGENDA – NO DISCUSSION	
Mayor Charlie Hales City Attorney	
*694 Amend Legal Services Agreement with Radler White Parks and Alexander LLP for outside legal counsel (Ordinance; amend Contract No. 30002710) (Y-4)	186152
Office of Management and Finance	
695 Accept bid of Rio Underground, LLC for the SE 2nd Avenue, SE 3rd Avenue & SE Alder St Consolidation Project for \$2,024,730 (Procurement Report – Bid No. 115340) (Y-4)	ACCEPTED PREPARE CONTRACT
*696 Pay claim of Ida Marie Davis in the sum of \$18,000 involving the Water Bureau (Ordinance) (Y-4)	186153
*697 Amend contract with Standard Insurance Company to provide employee life and long term disability insurance services (Ordinance; amend Contract No. 30000089) (Y-4)	186154
*698 Authorize upgrade of six sedans to SUV's for use by Police Bureau K-9 Officers for \$80,554 (Ordinance) (Y-4)	186155
699 Grant a franchise to Kinder Morgan Cochin LLC for a period of 20 years to use City streets to own and operate a Pipeline System (Second Reading Agenda 554) (Y-4)	186156
700 Grant franchise to Portland State University to use the right of way to provide telecommunications, electrical and district heating and cooling services for a period of ten years (Second Reading Agenda 555) (Y-4)	186157
Commissioner Nick Fish Position No. 2 Bureau of Environmental Services	

July 17, 2013

<p>701 Authorize the Director of the Bureau of Environmental Services to execute Intergovernmental Agreements for the continued implementation of the Innovative Wet Weather Program, not to exceed in aggregate \$300,000 (Ordinance)</p>	<p>PASSED TO SECOND READING JULY 24, 2013 AT 9:30 AM</p>	
<p>702 Authorize a contract for construction of the Vernon-Sabin-Alameda Phase 2 Sewer Rehabilitation Project No. E10379 for \$3,100,000 (Second Reading Agenda 684) (Y-4)</p>	<p>186158</p>	
<p style="text-align: center;">City Auditor LaVonne Griffin-Valade</p> <p>703 Approve Council Minutes for July-November 2012 (Report) (Y-4)</p>		<p>APPROVED</p>
<p style="text-align: center;">REGULAR AGENDA</p> <p style="text-align: center;">Mayor Charlie Hales Bureau of Police</p> <p>*704 Authorize a grant agreement with Central City Concern from July 1, 2013 through June 30, 2014 in an amount not to exceed \$924,000 to support Hooper's Sobering Station and CHIERS van (Ordinance) (Y-4)</p>		<p>186159</p>
<p>705 Authorize a contract with Bode Technology for Touch DNA Services for a total not-to-exceed amount of \$350,000 (Second Reading Agenda 687; Contract No. 30003181) (Y-4)</p>	<p>186160</p>	
<p style="text-align: center;">Commissioner Dan Saltzman Position No. 3 Portland Fire & Rescue</p> <p>706 Accept and appropriate a grant in the amount of \$518,240 from the Department of Homeland Security, through its Federal Emergency Management Agency for the purchase of individual facepieces for firefighter's self-contained breathing apparatus (Second Reading Agenda 680) (Y-4)</p>		<p>186161</p>
<p>707 Authorize application to the Department of Homeland Security, through its Federal Emergency Management Agency for a grant totaling \$3,500,000 for the purchase of a Type III Rapid Response Fireboat (Second Reading Agenda 681) (Y-4)</p>	<p>186162</p>	

At 10:40 a.m., Council recessed.

July 17, 2013

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 17TH DAY OF JULY, 2013 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Hales, Presiding; Commissioners Fish, Novick and Saltzman, 4.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Roland Iparraguirre, Deputy City Attorney; and Jim Wood, Sergeant at Arms.

<p>708 TIME CERTAIN: 2:00 PM – Transmit OIR Group Report to the City of Portland on Portland Police Bureau Officer-Involved Shootings and In Custody Deaths (Report introduced by Auditor Griffin-Valade) 1 hour requested</p> <p>Motion to accept the report: Moved by Fish and seconded by Novick.</p> <p>(Y-4)</p>	<p style="text-align: center;">Disposition</p> <p style="text-align: center;">ACCEPTED</p>
---	---

At 3:27 p.m., Council adjourned.

LAVONNE GRIFFIN-VALADE
Auditor of the City of Portland



By Karla Moore-Love
Clerk of the Council

For a discussion of agenda items, please consult the following Closed Caption File.

July 17, 2013
Closed Caption File of Portland City Council Meeting

This file was produced through the closed captioning process for the televised City Council broadcast and should not be considered a verbatim transcript.

Key: ***** means unidentified speaker.

JULY 17, 2013 9:30 AM

Hales: We have some precouncil items to deal with first to welcome you to the July 17th meeting of the Portland city council. We have a couple of fun and, and non-ordinance items to take up first before we get to the regular council calendar. First is a recognition of our city fleet program. And we have, I think, a lot of the team that represent -- that comprise our city fleet operation here this morning. This is an impressive set of accomplishments, and it's been recognized nationally, in fact, we have an award here that we're here to talk about, and to formally receive. As the 2013 elite fleet award. A national recognition for what our fleet management and workers do. And what they do really matters. You know, sometimes I try to describe what the city government does to people in a summary term, and I say we're just a big, blue collar service organization. With a few administrators and decision makers, you know, layered onto the top of the cake. But, what we do, mostly, is physical work. We patrol the streets and police cars. We fight fires and deal with Emergency, medical emergencies with our medical personnel in the fire bureau. We maintain streets. We lay pipe. We have a huge blue collar construction workforce that has to get out there every day, and we have building inspectors and other folks that have to get around town. All of that depends on our fleet operation. And we have to have mobility for our workforce in order for them to do their job, and you can do that in a way that, that isn't efficient. And you can do that in a way that is. And this recognition says not only are we efficient, not only are we innovative but one of the best in the country. Some of those accomplishments, this fleet program has reduced overtime costs by 89%. Let me say that again, reduced overtime costs by 89%. By streamlining work flow and using the right shop tools. We reduced commercial repairs outside our own repair capabilities by a million dollars over two years through reorganizing our own shop operations. We have increased revenue from outside agencies by, get this, 376% over the last fiscal year. Other public agencies paying our fleet operation to take care of their vehicles because we're so good at what we do. And we have increased the number of automotive service excellence masters to total of 62 of our technicians. So, again, we're the best in the business that people have gotten the certification to do the work, and the best, in the best way. We have made investments in equipment and the systems and, and ways doing business that have made us a star in this very important public service. So, this is a great way to start our deliberations today. John Hunt is here on behalf of the fleet program, and Bryant Eng is here, as well. So John, come forward and accept this national recognition as, as the 2013 elite fleet. [applause]

Hales: Take a look at this and talk about this a couple times, John. [inaudible]

John Hunt: We are the folks that keep things running, whether we are paving a road or whatever, this is the group right here that, that they are getting the stuff ready. And if it's hot, they are out there working, and the repairs, we really wanted to say thank you to all of our staff today, and let me get a picture them up here. With all of you.

Hales: Let's hear it for the fleet crew. [applause]

Hales: Ok, thank you, everybody. [applause]

Hales: All right. That was very fun. Thank you all. The next item of business is about wellness, and while we are doing our work about maintaining vehicles, or working in an office or out there

July 17, 2013

performing those services all over the city, we need to stay healthy, and commissioner steve novick Has some ideas on that subject and I will turn it over to him.

Novick: Thank you, mr. Mayor. Over the last couple years I read article after article about the growing body of research that indicates that sitting for long periods of time is in and of itself unhealthy. The research so compelling that it suggests the chairs are fast becoming the cigarettes of the 21st century. Here today to share some of the research on the dangers of chairs are three experts. Clare, dr. Clare wheeler, physician, author, wellness consultant and adjunct professor at psu, and mary lou henrik, the outgoing executive director of the Oregon public health institute. And you know how the song goes, hello, mary lou but goodbye hearts, but ours is in favor of hearts. And the incoming director is liz baxter. So, I ask them to come up here and join us to talk about the threat pose by chairs. I would also like to recognize the Portland city councilor jane hill. Jane, where is jane? Jane, step up here. And jane.

Hales: Pendleton.

Novick: I'm sorry, pendleton city councilor. And jane, who, by the way, holds dual Portland, pendleton citizenship, has agreed that pendleton will become the eastern front of our war on chairs. [applause]

Hales: So, please stand and tell us what we should be doing. Or sit temporary.

Dr. Claire Wheeler: Hello. Hello, I am dr. Claire wheeler, and I am an instructor at Portland state university. As I was introduced. I am here to talk to you a bit about the medical and health risks prolong sitting. The average american spends eight hours or more sitting in a chair aside from all the hours spent lying in bed. But then, a significant number of americans spend 11, 12, and more hours every day sitting down. For the last 30 years, we've been telling americans that, that to cut the incidents of obesity and diabetes and heart disease, which is, by the way, killing 600,000 people year, in the united states alone, that they needed to get out and go to the gym and do moderate exercise for 35 to 40 minutes day. So people have taken that to heart and spend the rest of the day in their cars, in their chairs, and watching television, and adopting more and more leisure time activities that require simply sitting down. Those people think that they are physically active, but in fact, the rates of heart disease and other illnesses are pretty much the same for them, as well. So, we have identified new risk factor, seems to be even more significant than smoking, an hour sitting in a chair can take more time off your life than smoking a single cigarette. And we need to start with our children. In school. They need to be standing up for ten minutes every hour that they Are in that school building. I think that will help a lot of behavioral and health issues for our kids, and it will lead to healthier, healthier and happier adults, and that's, that's my statement.

Hales: Thank you, thank you very much.

Wheeler: I still do not want to sit down.

Hales: You do not need to sit down.

Mary Lou Henrichs: I was thinking about why we are having this problem, and the major studies are showing that while we've all been kind of looking over here, that, you know, sitting where we are, has been doing us in. So, i've, I got to thinking that kind of the reason that I got into this whole issue about chronic disease prevention was about ten years ago when I became the executive director of what's now the public health institute, we really took on looking at child obesity prevention. And looking at what could be done policy-wise and practice-wise, and a lot of things have happened in these past ten years. We have passed school laws around nutrition standards and what they eat, commissioner Fish has helped us to get those standards into our rec centers in the city of Portland. We have gotten p.e. Standards for more minutes. That hasn't really happened in school. It is starting to. Got some money for it. But, really looking at the literature around what chronic disease and what's causing it And how do we prevent it. So, I think that, like dr. Wheeler was saying, this idea of adults and getting us out toutle river in the gym or walking in the park, that kind of thing, but we have not been thinking about what have we done in our lives that has us

July 17, 2013

changed, and it's our eating habits and our -- what we do every day. So I got to thinking that 50 years ago, that's a scary number for me, but I was in high school, 50 years ago, and I got to thinking how my life has changed in those 50 years. Things like took the bus, two transfers to get to my high school. Walked there. And then my senior year I got car. All right. I started driving my car to school. And then I was not getting that walking in. We did not have a dishwasher when I was little. My brother and I did that at night. We had one television with a few channels that, you know, we did not watch a lot of television. I remember in my young adulthood with my family, buying our first commodore 64 computer. Putting it in the hallway so all these things had leaked into our lives. My jobs, my first job as a public health nurse, I was lucky. I walked, I was out in a district by emanuel hospital. I was at boise school. I moved a lot. And then I got into Administration. And management. And I started sitting down. Going to more meetings. Places like Multnomah county health department even blocked off the stairways, so to protect us for safety reasons. We don't have stairways open for people to be able to walk. I love city hall. I love the county courthouse because there are stairs, open staircases that were designed before the elevator took over. So, just little by little, every day, we have all become so much more sedentary. And so, we individually can think ok, now I know this. I need to start changing my activity. But we also need to think about policy things. That's the thing that public health institute has looked at, is how can we have policies that support people to do the right things? Do we have stairwells open? Do we have a policy that, that when you are going to have meetings, that, that are an hour or more, that you are going to take three to four minutes, and actively ask people to get up and move around. Are you going to encourage people rather than discourage them, from walking to the, to the person that's, you know, four cubicles over and chatting with them, rather than quickly I will send an email rather than get up and say something. And rather than saying jeez, what's that person wandering around the floor, they should be at their computer, saying no, that's good. They are up and moving. So, I think that we have got to think about practical things. I think it's the individual, but I also think that leadership and what you are doing today to just raise the awareness, and then start thinking about what can we be doing, and maybe we do have a table that lowers so that -- and raises so that people can stand. We have microphones that move. That's great. Thanks a lot.

Hales: Thanks very much.

*******:** It's hard to follow mary lou.

Henrichs: Oh, yeah. [laughter]

Liz Baxter: So i'm liz baxter, and I have spent the last 7.5 years leading an organization called "we can do better" which focused on bringing people together who cared about health care and health and trying to leverage collective voice into action. And as commissioner steve novick mentioned I am the incoming director, so I will be follow mary lou's footsteps for some time to come. If I could have brought a visual with me, it would have been a pie chart that's become fairly popular in the health reform discussions, and what it is, is looking at what are the factors that actually influence somebody's lifetime health status? And in this pie chart, about 20% of it is environmental factors, and about 20% is our biology and our dna, who were our parents and who are their parents, and about 50% of it is lifestyle. So, smoking. Do you have a lot of stress in your life. What are some of the decisions You make? Are you sedentary? And a number of other factors. And only about 10% of the overall impact on our lives is about our interaction with the medical system. That's where we spend 2.7 trillion. We don't spend that much on any of the other pieces of the pie. And so, when I was called, you know, I just cannot overstate the importance of physical activity in someone's health. There is so much at play. Oregon is priding itself on health system transformation, and so, I was trying to imagine how this initiative would fit into the health system transformation. So what I imagine is, we have the ability to pay for different types of office constructs, that we have the ability to pay for sit-stand desk as willingly as we are willing to pay for physical therapy and occupational therapy after somebody has had all the lifetime impacts because of how they have lived their home

July 17, 2013

life and their work life. Because as the physicians stated, we spend, most of our work day sitting. We spend the majority our evenings sitting, and that is not good for our health. And so, I actually had this other visual, which was the image of the creature crawling out of the ooze, starting on four feet, and moving to standing on four feet, and to us becoming upright, and that the next evolution of us may be us sitting in a very different kind of physical configuration than we have today. And the notion that in order to be a good student, the good students are those kids who are able to sit still in a chair at a desk all day. The kids troubled in our schools, the kids who need physical things, they need to be up and moving around. And we need to have way to, actually, encourage that kind of movement and have it become a part of our lives. So, I applaud you all for bringing this to, to the public venue, and encouraging that and, and probably just because of the last couple weeks, I can't help but leave with another metaphor about sitting and standing. You are all about making Portland the best place that it can be. Some of that is easy changes, some of it is fundamental change. But, we talk about the fact that people can't sit on the sidelines, that if we want to have change people have to stand up and act. And that has to be, to become a part how we deal with all of the facets of our lives, if we want a healthier Portland and Oregon, physical activity and how we encourage that as part our structures needs to be part of what we do, as well. So I join you in raging a war on the chairs. Thank you.

Hales: Thank you very much.

Novick: Mr. Mayor, since we on the council spend a great deal of time as a group sitting in public, it seems to me that we are uniquely positioned, as it were, to set an example by, by occasionally, standing and stretching while we're at this table. And I am honored that you have agreed to read a proclamation declaring our intent to wage war on chairs.

Hales: I sure have. So, thank you, commissioner novick for bringing there to our attention. Actually, I have a member of my staff, my communications director, dana haynes, who when he arrived at city hall insisted on standup desk, and he stands all day, and up until now I thought that he was eccentric, and now I understand that he was paying attention to the research, and now thanks to this effort, a lot of the rest of us can pay attention. So, thanks for bringing this to all of our attention. This proclamation says, whereas researchers have linked sitting for long periods with number of health concerns, including obesity, increased blood pressure, high blood sugar, excess body fat and abnormal cholesterol levels, and whereas according to a recent study adults who spend more than four hours day sitting while watching television or playing computer games, have a nearly 250% increased risk of death from any cause compared to people who spend less than two hours day watching television and doing the other things. And, and whereas similar to sitting while watching television, sitting in front of computer or driving for long periods raises the risk of health concerns. And as james lavigne and the Endocrinologist from the graduate school of medicine set in an article, the chair is out to kill us. And whereas research suggests that spending a few hours a week at the gym or other moderate to vigorous activities doesn't offset the risk of sitting for extended periods, and whereas one way to counter the negative effect of prolonged sitting is to stand while we talk on the phone, eat lunch or gather for meetings. Whereas we can also think about ways to move out while we work, such as walking with colleagues during meetings, and we're finding opportunities like this one to stretch. Now, therefore, I charlie hales, mayor of the city of Portland, Oregon, the city roses do hereby proclaim july 17, 2013, to be stand up for workforce wellness day in Portland. And encourage all residents to observe this day. Standing. Thank you. [applause] we may have to modify this so we can spend some time vertical at each meeting. Thank you very much.

Fish: While mary lou is here, can I add another comment, first thank you for bringing that proclamation forward, and for raising our consciousness about this issue. But, I also want to thank her for the tremendous leadership that she has given our community. The last five years she's helped the council shape policies ranging from expanding gardens and healthy foods to getting Junk food out our facilities, to also tapping into entitlement programs at the federal level so expanding

July 17, 2013

our programs for hungry children, and all of that came out of the organization she led, and the troops that, that she supervised. So, on behalf of the city of Portland I want to thank you for your service to our community.

Hales: Thank you. [applause]

Hales: Very good and very interesting. Mike Lindbergh was member of this council for a long time, and he said that, after retired, that he figured he attended 10,000 meetings, which is an appalling statistic in a number of ways. But all of us who go to a lot of meetings, if we could take one or two of those standing, we can take your advice and be healthier for it, so if people see me standing up in meetings, it's because you told me something that I could use. Thank you very much.

*****: [inaudible]

Hales: Good advice, thank you very much and thank you all. Ok. Now we're ready to move to the regular calendar, and we'll need to call the roll.

Saltzman: Here. **Novick:** Here. **Fish:** Here.

Hales: Here. Ok. We have number of consent items, I'm sorry, a number of communication items and we might have extra ones?

Moore-Love: Right.

Hales: Let's start with the ones on the calendar.

Moore-Love: correct. Item 688.

Item 688.

Hales: Is she here? If not we'll see if she comes back later. 689 then.

Hales: Oh, ok, Crystal arrived. Come on up. Good morning. Welcome. You can stand, that's fine.

Crystal Elinski: I know, I am starting a war against chairpersons who spend taxpayer money and resources giving contracts -- I am sally citizen, lucrative contracts to the revolving door business buddies, so, that's for sally citizen. And against chairpersons.

Hales: You can lower the microphone there now that you are sitting down.

Elinski: Now I'm sitting down, and I am a different person, and hello. And it's 10:05. I am Crystal Elinski. And I represent 10,000 Portlanders. Who statistically random, of course, but like me, do not have the, the paid leave to spend time monitoring the -- to spend time monitoring the city to volunteer to do every detail and remind people of what's important. But, or I don't know, running a campaign to become sheriff Wheeler County. Wow. So I like to come in as often as I can, and I used to come in a lot when I was homeless. Back in the days, and Dan Saltzman remembers me from those days, and I called Nick Fish, Commissioner Fritz as a joke because he was though he was in Charge of housing, he never asked me how I was and Amanda always did, and I was talking about the abysmal situation in housing services since, well, since I had to experience it directly myself. And upturn my life. Well, luckily I'm not in a situation that I was before. And even though I don't have the time to come here as often as I used to, I still make an effort. I still notice that the situation is really bad out there. What I'm here today for is to talk about something else that's recently changed my life, and that is I have spent time into -- we're speaking of health today. I, actually, thought, it says 9:30 time certain, stand up for workplace wellness, and I was thinking that would be Amanda Fritz's push on the sick day in Portland. So, but I know that Steve Novick has been working on it, as well, and I am sorry that I have not been paying much attention. I have not been here because I've been gone for a long time, working on a hippy community and doing groundwork for another group. And it has made it plain to me that we need to take care our resources like this is ecology and not economy. The priorities for this city need to be concentrated on water, transportation, public services, we have way too much congestion, our rivers are in horrible condition even though I like the pipe, it's not keeping up with the demand on our, on our ecology, and as a city we could do better, so always comparing ourselves to other cities. We have no excuses. Thank you.

Hales: Thanks for coming in. Thanks. OK. 689, please.

July 17, 2013

Item 689.

Hales: Welcome. And good morning.

Michael Krupp: Thank you. I will just say thanks for inviting all those blue people today.

Hales: They did that for you.

Krupp: In a few short months of your administration, we, the people have had to fight off the attempts by you and the keystone council to fluoridate our water. This was to be accomplished by adding a waste product of ammonium phosphate fertilizer production. The hazardous waste, it was, and now again is an expensive dump, as it requires epa scrutiny. And this affects our water. Untreated. To no avail. Once more you come from the swamps of crony capitalism into our mother's house, with your muddy boots on not even wiping your feet this time. As our own, you are a former employee of the contractors who will make the money that we can ill afford to do a federally mandated karl rovia project. A project so absurd it can only be the first part of a now you drink it, now you don't, fantasy of private ownership. Of the ultimate comments. Amusingly you throw your hands up spinelessly declaring your impetus, and all of this when by rights would have been Contingent was completed in advance. My home state clearly more corrupt than Oregon, had successfully pled for and received the 17-year deferment. Now you, a poster boy for the former pension dangling employers, say you have no choice. Ha: Unfortunately you are not the pacemaker our former vice president is. He had a pentagon in which to sacrifice our people. You have a ouija board of directives. Without the foundation of a affordable public drinking water, we have no foundation as a city. We will not submit to the whims of patronage. Instead might drive your mayoral hybrid precipice into the black hole of oblivion. Por favor.

Hales: Thanks. [applause]

Hales: 690.

Item 690.

Hales: Good morning.

Bill Gollhofer: Good morning. Good morning mr. Mayor and city commissioners. Thank you for allowing me to address the city council this morning. My name is bill gollhofer. Gollhofer. And I am the co-owner of drw, along with glenda hughes. We are a locally owned Portland certified emerging small business in construction management, inspection services company. On June 19, city council approved a prime consultant contract for our term for the Portland bureau of transportation, for construction and inspection and engineering support services. On behalf of my entire disadvantaged minority emerging small business team, vijay of 3-d infusion, and edmond of ttc and [inaudible] engineering, we want to personally thank each one of you for your vote of confidence in giving small businesses a chance to work with the city in such an important role. When we first discussed this opportunity proposal on the rfp and other city contracts for construction management inspection services, we set out to include other locally owned certified firms to bring complimentary skill sets and functionality to our team. We were immediately met with disheartened indifference. A common concern throughout the small business community was that our rfp was not a level playing field to compete with the national multi-term incumbents. Many Portland businesses had given up on proposing on city contracts because the same contracts would go to the same out of state incumbent firms for sometimes up to 17 years. No one was willing to invest the time and money to propose only to face imminent loss. We are able to persuade key small businesses to join our team, and if they did, we promised that we would be an advocate for small business with the city and do what we could to help make our voices heard. Our team and many small business onlookers feel the city Council's approval of this contract is a turning point for Portland businesses. We are grateful for the chance to show the city that not only can small local businesses stand toe-to-toe with the big players in terms of service and in value but we look to stand head and shoulders above. We want to specifically mention our, and thank commissioner Fritz, who listened to our concerns over the weekend, no less, about equity and city contracting, as well as,

July 17, 2013

mayor hales, for valuing our input as we discuss this with you along the campaign trail and at meetings. Additionally, we want to publicly knowledge the genuine concern we received from the staff and the city procurement services office. Christine moody, barbara gibson, jim vaness were respectful of the concerns of trying to create a level playing field between local, national firms, and sometimes complicated rfp processes. Also, my team and I would like to thank todd lyles from p-dot for his support and understanding through a very long and involved process. We sincerely appreciate his professionalism. Thank you for the opportunity to share our comments and we look forward to serving the city with a fresh approach, enthusiasm, and healthy competition, and to an area that has historically been awarded to out of state businesses.

Hales: Great, thank you.

Glenda Hughes: Mayor and city commissioners I am glenda hughes, a partner in Drw, llc, and mr. Mayor, when bill and I met with you along the campaign trail, we talked with you about our community involvement and our commitment to local animal groups, and specifically, the spay and neuter programs, and you indicated that after the campaign were over with you and nancy were eager to adopt a big, fat cat.

Hales: And we did.

Hughes: And you did, and that's what I wanted to point out. It was not a campaign promise necessarily but animal advocates cheered as you went to one of our local rescue partners, to the pixie project and got that cat so on behalf of the advocates we want to give you a meow out for adopting and not shopping and for highlighting the need of, of the adoption process of homeless animals in Portland so this is a thank you for that.

Hales: That's fun, thanks.

Fish: Can I ask one question, mayor? In some emails that I saw, I just want to be clear, do you also provide services to the bureau environmental services?

Gollhofer: That's correct.

Fish: The issue you are raising is about providing the services for the bureau of transportation?

Gollhofer: In general, we found, that that the mood in the small business community was how do we win? How do we compete? And we were fortunate enough to, to win a contract with bes, as well.

Fish: There's been a lot of traffic at bes because they Were delighted you were going to come forward and say what you were going to say, and one of the notices I got just confirmed that you provide contract technicians and inspectors and engineers to augment the staff and periods of high construction, that you are very cost effective, and that the services are very high quality, so, your friends at bes wanted to thank you for the shout out generally and the services provide the city.

Gollhofer: Thank you for the opportunity. We appreciate it.

Hales: Thanks for taking the time to do this and taking us at our word, competing successfully. I hope things continue to work well but whether they do or not, I hope that you do find the opportunity to report back to us and the bureaus about how the system is working now, but this is very much the intent, that that local small businesses could compete. So, I am happy to hear that we are making progress.

Gollhofer: Thank you for your support.

Hales: Thanks. And that cat is on a weight loss program. We'll have to get him to stand up more.

Item 691.

Hales: Taz, are you here? No? Nope. Okay. Let's move on.

Item 692.

Hales: I think there was some confusion about which week people were signing up for, so we can roll those over to next Week, and you had some?

Moore-Love: I have names for those who should have been on the agenda today.

Hales: Did you have some others?

July 17, 2013

Moore-Love: I do, the next one is Steve House to talk about the, the Powell Butte Nature Park.

Item 692-1.

Hales: We have more signed up so go ahead. Welcome.

Steve Howze: I am Steve, and I am here to talk about the Powell Butte Nature Park, and specifically, the water bureau's management of the trail improvement project and the environmentally protected zone. I am wondering why the, the water bureau's managing improvement project, when by their own admission they had no expertise in the management and the parks department. It seems a dysfunctional arrangement to me and creates conflict of interest and undue influence. The water bureau conducted a public process and made a lot of commitments and assurances to the public that they failed to honor. And they went for a land use permit, and with an mix that I believe to be loaded with fraudulent claims. While during their project management, they failed to comply with those requirements. Now, I have spent the last year trying to get the water bureau to comply with the city's own land use process and, and the decision, yet all they have done is play games with me, and basically, I mean, they denied everything, and in one instance, at a public meeting I was defamed and intimidated by a Water Bureau employee accompanied by Portland police. Now, contrary to the claims, the water bureau has made, for example, they failed to complete with the FEMA fire risk analysis study to provide improved access for firefighting on top of Powell Butte. In fact, they realigned a trail and, so that it has less access for firefighting. Additionally, contrary to the claims they made during the public process, they built two new fall line trails with high rates erosion that do not comply with the safety standards of the design guidelines. Additionally, the city did not even require the water bureau to do the necessary environmental study for the new trail construction inside the environmental protected zone primarily because of the fraudulent claims they made in the application. Now, for example, the water bureau did not increase the protection of sensitive environmental areas by expanding the size of designated wildlife habitat. Just the, to the contrary, they degraded a considerable amount of sensitive wildfire habitat. Additionally, they conducted this potential wetlands study of the upper meadow when, when the, the, all the environmental studies to date have never designated the upper meadow as a potential line. Also, they have not implemented the city's 2009 trail design guide. So, like I said, consistently I have gone to them and I have asked them to comply with the City on standards and they seem to refuse. That's why I would like to see this whole project turned over to the parks department. I would like to see park rangers out there and trail signs, compliance signs, management.

Hales: Thank you very much.

Fish: Mayor, if I could respond. Thanks for coming forward. I am the commissioner, in charge of the bureau of environmental services and the water bureau. Recently I spent an afternoon in Powell Butte getting a tour, and just so we're all clear, it is a, an active construction site so we're not encouraging anybody to, to trespass until it's open because it's an active construction site. And the issues you raised, I understand you have written dozens and dozens of emails. And each one I have noticed that one or both the bureau has given you a response. What I'm hearing today --

Howze: No response.

Fish: May I finish. I will furnish you with the emails and the response. If there are issues that you believe are still not addressed, since I am relatively new in my job, if you would kindly send me a succinct list of the issues you believe have not been addressed, and I will commit to you that you will get a response to each of those issues. Send it directly to my attention, and if you believe that a prior communication has not been adequately responded to, furnish me that so I can have the context for your frustration, and I will ensure you that you get a comprehensive response to your questions. We'll take it from there.

Howze: What about the water bureau employee that showed up at a public meeting, and with Portland police and defamed me, what about that?

July 17, 2013

Fish: If you believe that there has been fraud, which, and if you believe that, that there has been intimidation or any kind of unlawful activity, by all means, if you just put that in your communication and document it, and I am making a commitment to my colleagues that I will take fresh look and look at your concerns.

Howze: Great, thank you.

Fish: Thank you.

Hales: Thanks for coming.

Howze: Thanks.

Hales: Ok.

Moore-Love: Next we have robert duncan, speaking on nudity in Portland.

Item 692-2.

Hales: Good morning.

*******:** Good morning.

Hales: Yes, you can stand.

Robert Duncan: I am robert duncan, and good morning.

Hales: Good morning.

Duncan: Commissioner steve novick, mayor hales, commissioner Saltzman, and commissioner Fish. I am here today to speak about what currently is allowed in downtown Portland, which is to be completely naked. I have spoken to the police on several occasions. It's completely legal to be completely naked. Walking around downtown right now. And the reason that I bring this up is because this is a place that I have chosen to raise my family, my sixth child is on the way. It's a great place and great people have spoken this morning on many great topics. And I find that Portland is a great city. However, about a month ago, I believe june 8, my eight-year-old son, my seven-year-old son, and my five-year-old daughter most notably my five-year-old daughter were out on the east esplanade. Enjoying a bike ride. A floating sidewalk, a floating platform. When along comes dozens and dozens of completely nude males. We can all imagine what a completely nude male looks like. And we have nowhere to go. We have no 7-eleven to duck into and grab a slurpee. We have no outs besides jumping in the water, and here they come, dozens and dozens of completely nude males. Now, I cover myself up around my children. Is it not appropriate in a public setting to keep your clothes on. This is not something that has to do with statistics. It has to do with even a common language. People can understand you don't expose your genitals to a child out in public and expect that that's ok. And that's what i'm being told is that that was ok. Now, all fingers from the police department have pointed towards city council and the mayor's office. And I understand that fingers are getting pointed back at the police. But, I have spoken to several Police officers, in person, even, and what i'm finding is that there is, they are as disgusted as anyone else. You are the men to take action on this. So, if it's ok to be naked around my five-year-old daughter, my question is, how close can man's penis be to my five-year-old daughter's face.

Hales: Thank you for raising this serious question. I think the answer is that, it's neither the police bureau nor the city council that can change this. I think that this is right. We'll verify this because the subject has come up a number of times this summer. I believe that Oregon constitution is very generous, free speech provision, prevents us from passing a local ordinance assuming there would be support to do that. So, it prevents us from regulating this by the government. Now, what we as individuals and citizens and neighbors do, you know, hopefully people have standards for their behavior that would, you know, be more thoughtful your daughter or anybody else. But, I think that I have got this right, city attorney sitting here, we won't ask him for an immediate on the spot opinion but we'll get one and make sure that you see it. But, I believe that the problem lies in the Oregon constitution, not in the city of Portland's failure to pass a local ordinance. I think that that's right, we'll check and make sure that we have your contact information so we can get back to you about that. So, i'm not happy about that, if that's the situation. But, if that's the situation, it would

July 17, 2013

require all of us as citizens changing the state constitution. In order for us to be able to regulate speech, which I believe includes nudity in the state of Oregon. It's not Portland, specifically. I believe that's the law in the state of Oregon. I'm not a lawyer. I have heard this account from members my staff. We'll check it with the city attorney. What other options we have, I don't know. But, in terms of legal authority, we may have a big problem.

Duncan: I appreciate your time on this. I just consider my daughter, just consider my daughter, a full grown man standing this tall, and his penis is this height, this is the height of my daughter's face, and I thank you for taking that into consideration. I appreciated your time.

Hales: Thank you very much.

Moore-Love: Next is amber dunks regarding houseless issues. Is amber here?

Item 692-3.

Hales: Come on up. Welcome.

Amber Dunks: Hello, good morning, mr. Mayor. City council. My name is amber, and I am a resident of right 2 dream too and the secretary of the board. And I do appreciate you taking the time to hear me this morning. I wanted to speak about the houseless issues. I am hearing out there, a lot of assumption, and I wanted to direct that, particularly registering to you say, I disagree, I would say a family. With the community there is pretenses, and people are still trying to keep up appearances.

We are a family there. We share our successes, and we warrant our failures. As recently as yesterday, we had someone go into the permanent housing. We were to go to a location where the services are not, we would stagnate and lose that success rate, there would not only be the same amount of people on the street now, that would increase because for every one to two people that we get, that get into housing, there is five or six more that have just lost their housing because they have gotten an eviction due to failure to pay rent because they have lost their jobs, the economy is really tough out there right now. And all we're trying to do there is help as many people, help as many people as we can with what we have. We're not asking for a dime from the city, state or federal government. We're 100% donation supported. We're being fined. I'm -- hopefully the court case will go in our favor. I am really hoping for that. But the pointed is, really, we're not here to be enemies. A lot of people assume, and I think that people within the city government also are assuming that this is about being enemies. This is not about that, this is about building a relationship with the city. All we're asking for of the city is to help us, help them, by, by not asking us to pay fines, not only that are unjust, but the, they are ridiculous. All we're doing is helping the people get a full night's rest so they can access other services, so they can be productive people. We have eight people that are working on full-time jobs and ready to move onto the next phase of their life. And we have people in there that have got -- that, that are either right on the brink of getting housing. We have people in their -- we have people that have been in there that, that -- they are in permanent housing, and they are moving up. They are at the next phase and they are having babies in permanent housing. They are not getting the babies taken away from the state. They are learning how to be successful, productive citizens, and they are learning how to be -- they are learning all these things, they are learning skills, security, a sense of responsibility, which goes on to job skills. So, please, if you could take that into consideration and quit fining us, and maybe just realize that we're not here to hurt you or on front street, we are here to help you to help them. We appreciate that.

Hales: Thanks very much. [applause]

Moore-Love: Next one is reed jones to speak about r2d2.

Item 692-4.

Hales: Good morning.

Reed Jones: Good morning. I am reed jones from r2d2. I am an Oregonian, as well, and I went to school here in tillamook and to madison high school. I have a problem, and the problem is, as an Oregonian, you guys have failed. Our community. For years, my family, the jones', have been in

July 17, 2013

the community for many, many years, as you know of, and applied materials, stuff like that. Creating jobs. I think that, that the state has failed us. For many moons. The old town used to be thriving in the 1980s and 1990s. People are losing jobs because, and children are getting, not getting the things that they need. You are putting the money somewhere else. That's why people are starving and houseless, and i'm tired of it. Guys need to step up. If you want to live in Oregon, step up, man. I'm tired of this. There are people out there starving. There is babies on the streets because they don't have the money to pay rent. R2d2, I wish that we could but we cannot have children there. Or we would. You guys need to step up, man. I saw you the other morning when I was working the security. I said hello, I am very polite. I work my butt off at that place. You know. I am a coordinator at that place, to make it beautiful. Safe. So people can come and sleep, man. But man, we cannot just do it. You guys are fining us. We're on private property. Why? We're trying to help you, man. It pisses me off and I am an Oregonian. I went to college here. The jones's have been here forever. You might not like it but i'm in your face because, you know what, i'm an Oregonian. I'm tired of it, man. Step up or get out. Thank you.

Hales: Thanks. Thanks. [applause]

Hales: Ok. Let's move to the consent calendar. I don't think that we have any requests to pull items from the consent calendar. Ok. Roll call on the consent.

Saltzman: Aye. **Novick:** Aye. **Fish:** Aye.

Hales: Aye. Ok. Regular agenda items 704, please.

Item 704.

Hales: I don't think we have Presentation. This is just pursuant to the budget. So, anyone signed up to testify? On this?

Moore-Love: I don't have sign-up sheet right now.

Mike Moran: I signed up.

Moore-Love: Ok. Sorry, I left it out there. Go ahead.

Fish: It's 704. Let's take it to a vote, mayor.

Hales: We're on 704, so let's do that first. That's the central city concern. Hooper. 704.

Moore-Love: I had three people signed up for 704, which I have steve house, joseph tequila and mary lou.

Hales: I think that steve howze was on a different item, but he was already here. Mr. Moran, do you want to speak to this one? 704? So let's take testimony on that. Anybody want to testify on that? We're on the chiers van right now, so if this is the one you want to testify on, come up.

Mike Moran: I want to testify on the whole thing.

Hales: There is multiple items.

Moran: We'll take it one at a time.

Hales: Well, you get to Testify on this if you have something to say about this item so --

Moran: Yes, I do. When I was in --

Hales: Put your name into the record.

Moran: I am mike moran. And I have got a conceptual thing that really was necessary to implement called people's equity union united community impediment. Now, when I was in eugene, my experience -- they have a similar thing to this chiers called cahoots. And my experience with it was that the guys my age, which is similar to my experience with police or the older policemen were, you know, it's a good and bad cop but the younger policemen, they were really out of line. And but, the older policemen, you know, they, the experienced ones who it seemed, this, have seen this before, they comprehend it. And, and the same was true in cahoots, but it was being taken over by the young kids, and those young kids were being used as a tool of oppression. And, and psychiatric oppression, not -- they were not out to help. They were out to, to make sure that, that -- they always had hate in their eyes and, and seriously. So, that's what I want to say about chiers.

July 17, 2013

Hales: Great. Thanks.

Moran: Now, will I get -- I also want to have the opportunity to make a, a general comment about this.

Hales: If you want to, you need to sign up for the three minutes at the front end like we have just had bunch of people do.

Moran: So maybe in, on July 31st, and you are going to vote -- central city concern, it is, it is -- no. They are not a good organization. They are not a good organization. They don't need -- you put me in central city concern, and, and then we'll talk, and then we should talk about giving them \$900,000, and the other thing I wanted to say is that you are talking about drunk tanks, and yet, the police protect this, this city that is just drowning in alcohol. So, the police, they got police protection, and then, now you want to give the city money to someone who is oh, now, this is like they have got you coming and going, and it's like, like the health care industry. You make everybody sick, and then you spend all this money like treating them, not curing them but treating them because it's all revenue driven. And I already said that last time about the fleet. I already testified about the fleet. And, and you know, replacing the fleet, and the predominance of the automobile and how in the 20th century, it is a fluke of human history, and the automobile is, is driving the world to extinction.

Hales: Thanks very much. Anyone else. This is the emergency ordinance roll call, please.

Saltzman: Aye. **Novick:** Aye. **Fish:** Aye.

Hales: Aye. [gavel pounded]

Hales: And 705, a second reading, roll call.

Item 705.

Saltzman: Aye. **Novick:** Aye. **Fish:** Aye.

Hales: Aye. [gavel pounded]

Hales: And 706, second reading.

Item 706.

Hales: Roll call.

Saltzman: Aye. **Novick:** Aye. **Fish:** Aye.

Hales: Aye. [gavel pounded]

Hales: And 707.

Item 707.

Hales: Roll call.

Saltzman: Aye. **Novick:** Aye. **Fish:** Aye.

Hales: Aye. [gavel pounded]

Hales: Ok, thank you and we are recessed until 2:00.

At 10:40 a.m. Council recessed.

July 17, 2013
Closed Caption File of Portland City Council Meeting

This file was produced through the closed captioning process for the televised City Council broadcast and should not be considered a verbatim transcript.

Key: ***** means unidentified speaker.

JULY 17, 2013 2:00 PM

Item 708.

Moore: Item 708, transmit oir group report to the city of Portland on Portland police bureau officer-involved shooting and in-custody death.

Hales: Welcome, auditor griffin-valade. I want to thank you and the oir group for a thorough report and we look forward to your presentation.

City Auditor LaVonne Griffin-Valade: Good afternoon, lavonne griffin-valade, city auditor. I'm here to introduce the team from the oir group, to tell you a little about them, and then also a little about the process. So first of all, mike gennaco has a law degree from stanford law, he's a founding member and chief attorney of the oir group. Prior to the creation of oir mike served for six years as a u.s. Attorney in central california district, and was chief of the civil rights division, and prior to that he was with the department of justice civil rights division. Julie ruhlin worked for the police resource assessment center, also known as parc in los angeles. Prior to that, julie was a criminal defense and civil rights attorney. And rob miller, last but not least of course, has a law degree from ucla. Prior to becoming the deputy chief attorney of oir, rob served for 15 years as a criminal prosecutor in the l.a. County district attorney's office. The oir group provides consultant services to various jurisdictions on the west coast regarding officer-involved shootings, use of force incidents, investigative protocols, force policies and training, as well as all forms of police misconduct. For example, since 2001 the oir group has contracted with los angeles county sheriff's department to review high-profile officer-involved shootings, inmate issues in jails and in court. Other california jurisdictions they have provided such services to include san diego, oakland, pasadena, torrence and palo alto. This is the third report the oir group has completed at my request. In 2010 the folks reviewed the death of james chasse. Today they present the review of the closed investigations of six officer volunteers shootings and one in-custody death. The oldest of the cases discussed in today's report is nearly seven years old. Loss city auditors had the authority to hire outside experts to conduct such reviews since 2002, past practice wanted to also wait until any civil litigation was resolved. That often took many, many years and created a backlog of cases for expert review. I changed that practice to have more timely review of the closed investigations and contracted oir group to conduct a series of reports. We are in the process currently of amending and extending their current contract to cover the four older cases remaining in the backlog, as well as other investigations that were closed in 12 and 2013. The team will be back before you again within the next nine months or so to present their next report. Without further ado i'll turn in over to the mike gennaco.

Hales: Thank you, good afternoon, welcome.

Mike Gennaco: Thank you, good afternoon, mr. Mayor, commissioners. The general public for the city of Portland. My name is mike gennaco, it's good to see familiar faces and some new ones, as well. I'm pleased to start the dialogue with regard to the release of our second report in a series of three. As auditor griffin-valade said, our first report was a stand-alone involving the in-custody death of mr. Chasse. Then we moved on to a series of shootings and in-custody death over a nine-year period of time. We have been looking at shootings that occurred over a decade span of time. While certainly some of that historical information is no longer relevant to how the bureau does it

July 17, 2013

work and review now, it did give us an opportunity to develop a historical perspective and see the evolution of change and reform with regard to the way in which these critical incidents are reviewed. They are critical incidents. Whenever an officer uses deadly force, it obviously impacts the sever of that deadly force in a significant and tragic way no matter what. Obviously when an officer uses deadly force, which we are required to give officers authority to use deadly force, the community has questions about the deployment of that force, whether it was appropriate, whether it met appropriate standards, whether it broke the law, and whether or not the officer was performing consistent with training and expectations of the bureau and ultimately the community. We looked through each of these incidents through that lens, which is we look at the incident itself, to determine whether or not the incident and the performance of the officers before, during and after the event were consistent with best practices and certainly with the bureau's examinations and policy. In addition, we look at the actual investigation that the bureau conducts of these events. Without a thorough and fair objective investigation, the analysis or conclusions that any bureau would reach would be impacted in a negative way, if the information they are receiving is somehow not objective, not thorough, not fair. We also look at the review process, to see whether or not during the review of the investigative materials the bureau has taken an objective and critical eye with regard to the performance of its officers, again, both before, during and after the event, to determine whether or not that critical eye meets professional standards that are expected of policing in today's world and in the united states. I have to say that our review is now two thirds over, we have four more cases to look at. But we have come up with some tentative conclusions. Those conclusions are reported in the first phase of our report, as well as the second one that we are here to talk about today. What we can say is a couple things right off the bat. First, we have done this work for other agencies and other police departments throughout the country. And what we have learned that's critical to our work, our work is only as good as the information we receive. By that I mean we need access to the internal investigations, we also need access to the people that are making these decisions on behalf of the bureau, the people that are doing these investigations in the bureau, as well as other information that is contained in the investigative files. I can say that in the course of our working now for almost three years with the police bureau, we have not had any problems in achieving those important goals and objectives. We've received complete cooperation from the bureau and command staff all the way up to the chief. We've received candid communications in the investigative and review process. Without that investigation and that kind of cooperation we wouldn't be able to do our work effectively. The second thing I would like to say, over the course of the decade in which we're looking at officer-involved shootings, the 2004, 2005, 2006 shootings that we looked at, compared to today's expectations, today's examinations in 2013, fell below the mark in a number of ways. In some cases there was no internal investigation whatsoever, it was just reliance on detective investigation. In some cases it was really not a robust review administratively to look and see whether or not the incident could become a learning session, and also an accountability piece for the bureau. That wasn't going on so much in 2004, 2005, 2006. But it wasn't going on so much throughout the country for any police agency through those years. I think it's a symptom of how as a result of stakeholders such as yourself, the community of Portland and others, that kind of pressure and interest has put increased pressure on the bureau itself to do a better job. Our review preliminary narrowly, they have started to do a better job. I have to say the review process is one of the more robust or most robust review processes we've seen in our experience. We hold some of the things the bureau does and hold them out and the gold standard for reviewing other agencies. There's more to be done, more to be done, policies can be improved. The way they investigate can continue to be improved. We use these incidents as evidence in which we hope the bureau considers our recommendations and implements them so that the next go-round they will have an even more improved product. Finally, I wanted to talk a little bit about the theme we tried to portray with regard to the seven shootings that are the subject of today's discussion. The theme

July 17, 2013

has to do really with the challenges of modern day policing. That is, six of the seven officer-involved shootings or in-custody deaths involved dynamic situations. An officer is responding to an individual attempting to avoid apprehension. There is a pursuit, a foot pursuit or a vehicle pursuit. There's a need to follow this individual in a way that is consistent with best practices in policing. What we have seen too arch or cases in which departments have a sort of catch at all costs strategy, end up finding themselves in a position of peril, and then deciding the need to use deadly force as a result of coming too close to the individual they are pursuing. What we have found that is when officers perform consistent with principles of officer safety, it also reduces the likelihood that deadly force will be used, and also reduces the likelihood that there will end up needing to be an officer-involved shooting, as well as increasing the safety of the officer. It comes at little cost. Generally speaking it doesn't result in a lack of apprehension because smarter officers can perform in a way to contain of individual, bring the individual into custody without incident. That's what we like to see. With regard to foot pursuits, we make a couple of recommendations we think would improve these principles of officer safety, such as when an officer goes into foot pursuit, radioing his location or her location. We think that's critical. If a person is on an island no, help can be afforded the officer.

If the person is on an island, the bureau can provide additional resources to help the officer perform his or her tasks. Those are the kind of things we are looking, for and we are looking for the bureau to improve. I'll turn it over to my colleagues for a couple other illustrations of that phenomenon.

Rob Miller: Thank you, mike. Good afternoon. Use of deadly force is usually the end of a chain of events that ultimately resulted in the firing of a gun or other use of deadly force by police. As such, our method is to look at this chain of events, back through all the things most relevant, to see not only whether the best practices were being employed at the time the trigger was pulled, but what led up to it and what decisions, forks in the road, which we have found to be vitally important, may have contributed to a good outcome or a bad outcome or a less or more desirable outcome. One with the least amount of violence and injury to all concerned. In this particular case we do have some vehicle pursuits that we have viewed during our time reviewing Portland police bureau cases. The vehicle pursuit is one type of pursuit. It's become what of a science in police work and that's to the good. By this point in the game, police have learned often from very bitter experience that every decision about a pursuit has to be weighed carefully against a possible downside. Are you going to run over somebody in your zeal to pursue somebody for a misdemeanor? Are you going to injury the officers because they are going too fast? Are you going to injury the suspect, who you may not be sure about whom you may know nothing and not be sure what the reason for the flight is? The good news that we have observed that is Portland police bureau definitely has participated in this developing science, as it were, and they show that they are aware of basic management, pursuit management principles in the pursuit that i'll focus on today. Which is the suran case, which resulted in the shooting. The first and most -- the first important aspect of it was the vehicle pursuit.

And there was all the hallmarks you want to see, management of the pursuit from the get-go by a sort of detached party, not by somebody actively involved in the pursuit but by an individual of rank who was not part of the action, as it were. Constant updates throughout the pursuit and generally speaking, a relatively short pursuit. In general they should be as short as you can make them. Portland police bureau, their doctrine about pursuits tends toward the more proactive end of the spectrum within police practices. That includes the pit maneuver and the boxing-in maneuver which i'll talk about in a minute. The pit maneuver is a high-stakes operation. At speed, it involves nudging or intentionally ramming the suspect vehicle, and hopefully bringing the pursuit to a safe stop at that point and going from there. In the suran case, the pit maneuver was executed with all appearances that it was executed within the programs of bureau policy. However, it resulted in the up-ending of the suspect vehicle, which then slid a fair distance on its side and caught fire. This did not incur signal safety injury on the suspect, who then climbed out of the vehicle and ran, and that resulted in a foot pursuit which ended with the shooting. But the vehicle pursuit and pit maneuver

July 17, 2013

itself was quite dramatic. That causes us to try and stand back and see what lessons can be learned from this particular maneuver, in a way our attempt is to not view everything through the lens of the ultimate event, which was the shooting. Because many pit maneuvers and vehicle pursuits of course don't result in a shooting. Lessons can be derived from these very dramatic events that may not lead to a shooting. While the pit maneuver appeared to be reasonably well executed, it had an unpredicted and unusually jarring outcome, which was the vehicle falls over, slides a long way and bursts into flame. And that causes us to recommend that the department should look at pit maneuvers, even successful pit maneuvers that don't seem to result in anything unpredictable, and evaluate them as a very serious use of police force and police technique. In this particular case speed was the potential issue. This maneuver appeared to be executed at the feather edge of the allowable 45 miles per hour speed but that could never be -- or rather it was not definitely determined because there was no analysis using the available tools. The department has standard accident reconstruction tools at its disposal, as well as a gps device that can help it determine speed.

So I lay this out really to discuss both the method we use and the way in which we strive to derive useable, exportable lessons from these few but very dramatic incidents call critical incidents. The other thing that came into play that relates to pursuits is the boxing-in maneuver the department employs. It can be done while moving but much more often simply done when the ppb officers seek to control the potential flight of a vehicle that is stopped or has been stopped. In this case, vehicles came in on at least two sides and prevented it from getting away. That entails what for us is a very debatable officer safety cost benefit analysis, by driving right up and almost kissing the front or rear bumper of a suspect vehicle, especially a suspect that the bureau has reason to believe might be armed. Officer put themselves, even if just momentarily, at a moment of extreme vulnerability because they are sitting there trying to control their car and bring it to a stop. And they are going to be looking straight at the person they feel like they are about to arrest, and who obviously now is acutely aware of that plan. For that reason, many, many departments in our experience do not allow a boxing in maneuver, certainly at that kind of range, because it's oath likelihood of resulting in gunfire, they believe, is greater and an unnecessary risk. We tend to agree with that point of view. It is a debatable point in police operations. I wouldn't say that it's a -- that it's a debate that is fully concluded, but this is our experience and our belief and therefore we felt obligated to make the recommendation, even though we know the department disagrees with us. I'm going turn this over to my colleague julie ruhlin so discuss further matters.

Julie Ruhlin: Good afternoon, julie ruhlin with oir group. I just want to talk briefly about another challenging tactical situation we've seen often end up in a deadly force, use of deadly force by a police officer, and that many agencies confront. And that is how to deal with an individual who's seated in a car who's not complying with an officer's orders to get out of that vehicle. It came up in two of the seven incidents that we reviewed in this report. One incident that we reviewed in the last report, as well, and another notable case we haven't reviewed but certainly heard a lot about here in Portland, and that was the kendra james shooting. In the shooting of keaton otis, in one of the cases we reviewed for this report, officers made the decision that the way to handle the situation was to try to pull mr. Otis out of the vehicle, and one officer did a control hold and attempted to pull him out of the vehicle, and ended up himself getting pulled into the vehicle in a very tactically disadvantageous position. The officer was strong and large and fit, and they were surprised he was pulled into the vehicle, when in fact we've seen that again and again. I think officers tend to underestimate the leverage advantage a seated person has when you're trying to engage the person and the strength they have the leverage. We see it in other cases where an officer reaches into a vehicle to try to disable it and the suspect at that point tries to pull away and again, the officer's in a very precarious position because the car's moving away and he or she is maybe being dragged by it. These kinds of situations often lead to the use of deadly force by the officer. There's no clear or easy answer as to how to deal with these problems. We have urged in this report, the bureau to lean

July 17, 2013

on its tactical experts to try to develop some comprehensive policy guidelines that would really put them out in front of other large departments, because as I said, that is a problem that many agencies struggle with, and we have yet to see a really good comprehensive way to approach it from a policy and training standpoint. We've had those discussions with the bureau, and we're eager to see how that progresses. One other issue I wanted to raise briefly, because it has to do with another city agency, that's the bureau of emergency communications. We make a recommendation in this report based on our review of the incident that led to the shooting of David Hughes in 2006, where there were some issues with the dispatcher's performance in that case. In our prior report we noted some issues with the dispatcher and the way she communicated with the bureau and that was in the Derrick Collins case from our last report. In this report we recommend that the city and the bureau look at ways in which you might be able to bring Boec into the police review board process, in those cases where the dispatcher's performance or level of communication with the bureau is an issue. And the bureau has agreed with that recommendation. So I would be expecting to -- that having that dialogue with city leaders, as well.

Novick: We will, thank you.

Gennaco: I just wanted to sum up by saying we appreciate the opportunity to again work with the bureau, the city, the stakeholders. We had very robust discussions earlier this morning with a number of your city stakeholders and appreciate their feedback. The trip coming here is well worth it just to hear from them, hear their perspective and also to better inform us as we go forward in our review. That being said, we have nothing further to present but are certainly available to hear any questions from you all, and to respond to them.

Hales: Great, thank you for a good report. Questions for the team? Further questions for the team now?

Saltzman: I guess in your first recommendation to make sure officers have sufficient training regarding perishable skills -- I guess I never heard that phrase.

Gennaco: Commissioner, that is a term of art. Perishable skills mean skills if you don't practice them, you lose the ability to perform, consistent with how you've been trained. They deal with tactical decision making, how to come up on a car, using the radio, those things that patrol officers do every day. Where it runs into difficulty is specialized units not performing as patrol officers. They are not going on calls and therefore, in the one case we looked at, when they had to go tactical, they probably could have used some perishable skill training and it may have improved the way they performed that day.

Saltzman: Anything else regarding discouraging the use of using first names during interviews and things like that?

Gennaco: This is really a formatting question, but in the report the decedent was continually referred to by his first name. We think a more formal approach and using the last name is more desirable.

Saltzman: I guess my final question, just related to the box-ins. Was that one where the bureau disagreed with you?

Miller: Yes, it was. I wouldn't say it was unanimous but many others discourage the box-in.

Saltzman: They are supposing an officer to somebody behind the wheel?

Miller: I think it's a fairly deeply held conviction of all of ours, there's a huge overlap between officer safety and good constitutional best practices policing that also provides a maximum protection for the community. When officers are unsafe or put themselves in a more unsafe position, then decision making can not be optimum, and the likelihood of impulsive or quick decision making that leads to, in retrospect, what might seem like unnecessary use of firearms or violence can occur more often.

Saltzman: That does beg the question, if not the box-in maneuver, then what under those circumstances?

July 17, 2013

Miller: Well, some departments simply don't -- if a suspect meets certain criteria, such as, well, a certain level of seriousness of the suspected behavior, they allow an escape route. Otherwise some will do a much looser box-in that is a compromise between attempting to discourage flight using the car, but not get so close that you feel that the slightest erratic movement by the suspect driver might put you at deadly risk. You know, when you're doing classic box-in, you as -- you are the police officer and I am a suspect, we're closer than you and I are right now.

Novick: You've said the pit maneuver obviously can be dangerous, the box-in maneuver can be dangerous. Do you know if there are other ways to chase a vehicle that are less dangerous where you can reliably stop them?

Miller: We didn't recommend against the pit maneuver. The department has clearly employed the pit maneuver for a long time. The statistics on pit maneuver effectiveness are pretty good, and safe. But it is a high-stakes maneuver that needs to be scrutinized every time it's used, especially when the outcome is unpredictable as it was in the case I discussed. And therefore what we're really recommending is that the department use its capabilities to analyze the pit maneuver, determine exactly what the speeds were, whether they actually complied with department policy, and if there are any other irregularities that could be improved upon.

Hales: Other questions? Mr. Gennaco, Mr. Miller, Ms. Ruhlin, thank you, good report. I'm going call on the chief to respond and public testimony. We may have other questions for you that arise out of that, but thanks very much.

Hales: Thank you, Lavonne. Chief, come on up. There's a written response, the public may not know, there's a written response from the police bureau in the report itself. Obviously we want you to cover some of the points from that and any other additions you want to make to that report you've already put into the record here, chief.

Chief Mike Reese, Bureau of Police: Thank you, Mayor. And just for the record, I'm Mike Reese, chief of police. I've brought up with me Larry O'Dea, assistant chief of operations. And Donna Henderson, assistant chief of investigations. I want to thank the Mayor, City Council and Auditor for the opportunity to respond to the second report by the OIR group regarding six police officer shootings and one in-custody death. The investigation and review of deadly force 90s in-custody deaths recognized a critical lens with which to view a police department. In no small way, these incidents are where transparency, accountability and the community's trust in their police officers are measured. This report by the OIR group is another positive step forward in assisting the police bureau to develop that trust and meaningful improvements to how we respond to officer-involved shootings and in-custody deaths. As a department we embrace these changes. As our written response indicates, we have already implemented many of the suggestions made by OIR. There will always be room for improvement in tactical response to incidents and post-incident investigations. The police bureau is committed to transparency in how we analyze these incidents. We have made signal safety improvements in the way we investigate all uses of force, and we continue to work toward streamlining effectiveness and review of our post processes.

Reese: I would like to thank OIR group once again for their approach to this review. As well as highlighting the challenges that critical incidents present to police officers and police departments. Lastly, I want to point out the good work being done by the men and women of our organization every day. These officers respond with courage and a commitment to public service that deserves recognition. In many instances they put their own lives on the line to protect the safety of our community. I appreciate their hard work and their dedication and I'm humbled to be the chief of police. Thank you very much.

Hales: I want to say I appreciate the form of your response. You see agree, disagree, but there's no lack of clarity here so I appreciate that and I think the community is well served if you are saying, here's where we agree with the reviews and why we do or why we don't. Particularly as we've

July 17, 2013

already started to discuss, that's a clear difference in practice between what you believe is appropriate and what the reviewers are concerned about. So thank you.

Reese: Thank you, sir.

Hales: Questions for the chief or his staff? I don't know if anyone else is going to present or if you're here to respond. Great. Thank you, stand by and we'll see if there's a need for you to come back up. I know there are people signed up to testify. Thanks.

Moore-Love: We have eight people who wish to testify.

Hales: Good afternoon, welcome.

Dan Handelman: Mayor Hales, commissioners, I'm Dan Handelman with Portland Cop Watch. You will get a summary of our analysis and a full analysis. I'm wondering if I might have five minutes.

Hales: Your organization, obviously this is a key issue for you. We'll deviate from the rules in this case.

Handelman: Appreciate that, Mayor. Your report contains some well directed critiques but also a deeply disappointing discussion of race in reference to the Keaton Otis case. It was found an accidental death without question. We feel the OIR group relies too heavily on the police perspective. The report does challenge the Bureau by suggesting alternative ways the incidents could have been handled. In some cases the OIR group chastised officers by putting themselves into danger and using that mistake as an excuse for deadly force. It's pretty much never true that they had to shoot someone. Cases involving car and/or foot pursuits suggest such cases may prompt officers to use deadly force more often. However, OIR failed to call for more oversight as a partial recommendation for ongoing problems. OIR brushes off the fact that he was racially profiled, even though they gave a description that could have been a 27-year-old white kid in the car. Another case, an individual who was chased after supposedly littering, ended up wounded by many of the 39 bullets officers fired at him. The officers were cleared of wrongdoing based on easily disproven facts. He said the officers never lost sight of the African-American young man which should have ended the chase, and officers admitted to doing just that. We support OIR group's multiple suggestions to improve the chances of making firing police permanent, as well as arbitration decisions that reinstated the officer after he killed Dennis Young. No existing policy would have stopped him from leaving his assigned post to go to his sister's house. Young's family was awarded \$200,000 in a settlement with the city. OIR points out that a civilian had shut off the lane of traffic. Otherwise the officer might not have used his taser and punched the man, which clearly caused a crisis and killed the man. Nobody asked if Grant would still be alive if police had never intervened. Nobody asked if the officer should have been investigated for using deadly force. He shot at close range using his AR-15 rifle. We say likely unjustified since Suran was both unarmed and using a gun found in the burned-out van. He ran from a shed that officers filled with six canisters of gas, fired through a fence and ended up hitting a nearby apartment with an AR-15 bullet that passed through the Latino man, wounding him. This also applies to the recent death of Hatch, the police never engaged him before shooting him. The police confronted and shot another at close range, Hughes. He was referred to as paranoid for thinking the police were after him, even though officers visited his hotel room earlier in the day. Conversely, an emergency operator was doing well talking to Bradley Morgan in 2012 before police arrived and shot him, but no outside review of that case might be done until at least 2015. As noted in our response, the group should refrain from using the term suicide by cop. It's always a homicide and gives the idea that officers have no choice. In other potential misconduct cases the Bureau find more complaints of stain based on office complaints than civilian. We urge caution in moving forward with the suggestion to shorten commander memos rather than changing the system that lets them vote on their own recommendation. We support quite a number of OIR's other recommendations and take issue with others. We are thankful for the new and generous use of the shooter officers' names. It looks like OIR will be allowed to review shooting from 2012 and 2013 in another report.

July 17, 2013

Debbie Aiona: I'm debbie aiona representing the league of women voters of Portland. We have been involved in police oversight since one of our past presidents served on the commission that proposed the city's first oversight agency over 30 years ago. We'd like to thank by thanking auditor griffin-valade for facilitating this review. The report discusses short coming is training division analyses. These potentially provide critical guidance for needed changes to policy and training. Oir report indicates the analyses have improved but they could be better. As a complement to the bureau's efforts to improve the analyses, the league recommends tapping into the training advisory counsel and crc for supplemental assessment. Using the oir report as a guide, the advisory committees could study recent analyses and report back to the bureau on how they measure up to the concerns outlined by oir. Oir explains that reviews of officer-involved shootings should identify potential training, policies, super vision and equipment issues. The 2010 police oversight stakeholder committee recommended outing such policy related issues to findings in all investigative cases. To date, we have seen no evidence this recommendation is being followed in cases that come before the crc. In light of oir's emphasis on such factors, these ratings should be included in all investigative cases. The lessons learned from a broad evaluation that goes beyond specific allegations can point the way to improvement. It has been 10 years since the first parc report on police shootings was released. Parc evaluated the implementation of its recommendations in its follow-up room. Crc issued a follow-up report that addressed only two of the four reports. Oir states "the internal review processes must be accompanied by efforts to make substantive modifications in the way officers act, and make decisions in the field." it's time for a look back at past recommendations to determine if indeed officers have made substantive modifications in the field. The report emphasizes the need to step back, plan, wait and bring in more officers. Unlike suspects have the advantage of personnel, training, equipment and communication. The bureau should continue working to use those advantages effectively in order to reduce the number of tragic endings for both the suspects and the officers. Thank you and you'll find additional points in our written testimony.

Hales: Thank you, thanks very much. Afternoon.

Fred Bryant: Good afternoon. I'm the father of keaton otis. Three years and I still am baffled and confused. I read the oir report and there were things in there i've said all the time, that information was not given, it was with held. Medical examiner's reports were not completely filled out. Things were said to me that I know are not true. We know for a fact that my son was profiled. They say it themselves. I'm still baffled after three years, why does this continue to -- well, let me say it like this. I'm pretty smart, okay? And what is put before me is what I see. When someone says something that is not true, it really irritates me a lot. People need to be held accountable for their behavior, period. Everyone knows my son was just driving down the street and these officers were just sitting in a coffee shop. My son is 6'5", 165 pounds, driving a toyota corolla. He's going to scoot down so he can drive. I've lived in the city my whole life, 53 years, and i've seen it all. What I have not seen is accountability. I'm a taxpayer, and you know, I deserve the truth. I deserve honesty. In any big organization there's going to be problems. But if you see the problem, hold somebody account abdominal for it, don't keep brushing it off, because that's what I see. You know, I see a video of officers talking and my son talking and everybody else says i'm lying. But it's right on the video. It's right there. You know, I don't know, i'll be talking about this until I don't breathe anymore because I have 11 grandchildren, african-american grandchildren. In this city. And we need to stop fluffing each other up and do the right thing, period. You expect us to do the right thing and we try. We expect you to do the same thing. You know, i'll never see my son again and i'm getting okay with that. But for future, we really need to do something different right now. Thank you.

Joe Walsh: My name is joe walsh, I represent individuals for justice. I would refer you to the otis keating case, also, starting on page 79. If you go to page 84 my argument with the police

July 17, 2013

department is why in god's name did you even stop this man? And if you look down the list, it says mr. Otis seemed to say, do you know what I know? That's looking from one car to the other, no verbal. It's just a police officer deciding that mr. Otis had this, -- do you know what I know -- mr. Otis, he had a hoodie. We just went through a national trauma that involved a hoodie. The case of trayvon martin involved the same crap. Let me tell you a story. When I get up in the morning and I have to go to the store, it's a hassle. I'm on oxygen, I walk with a limp, I need a cane, it's a hassle. But i'm a white male. And I never in my 71 years ever thought of the fact that I may not return home because a police officer shot me. Think about that. Every one of you on this council never had that thought. People of color have it every day. And this city has a problem. This city can have all the reports you want. But until you change the way these police officers back there with their guns look at people, nothing's going to change. I had an incident with a police officer, I went up and asked him for his card, is business card. That's a very routine thing. He was a sergeant. I looked at me and said, no. My police officers are not going to give you their card. I will give you mine but they are not going give you their cards. That's a violation of policy. You all know that. I knew it but it wasn't a big incident. Did I file a complaint? No. Because a police officer's attitude is they don't care. But you do nothing. And the commission does nothing. Until the people of Portland can elect an independent commission to investigate these crimes, these reports that you have, you can wipe your ass with. Because they are worthless. Thank you.

Hales: Next, please.

Kathleen Bushman: my name is kathleen bushman, and my problem is that this issue of police accountability is a very low bar. I hear self-congratulatory comments about how much they are improved their accountability. I'm not impressed, and i'm not surprised either. You have officers in soup supervise sore positions beginning with the neo-nazi at the precinct level, and another who with road rage reactions who remains in a supervisory position. They are setting a tone for the entire police department. Police do not think they should be accountable is not surprising. I think what we need to do, I think it's a possible solution, rather than I think -- I wonder if all the supervisory positions should be replaced with elected officers based on their previous record of showing good judgment in the use of force. We should not be promoting officers who have shown poor use of judgment. But they are not only promoted and allowed to remain on the job, they sometimes remain in supervisory positions and that needs to change.

Hales: Thank you.

JoAnn Hardesty: Good afternoon, mayor, city councilmembers, my name is joann hardesty. I want to thank the group for the second of three reports. I want to share my colleague's that spoke earlier disappointment in the fact that these reports simply don't go far enough. I want to point out a couple of examples of where I think there's a disconnect. Fred bryant talked about his son keaton otis. I think the -- I think page 84 gives you a snapshot into the mind of the individual officers who made the decision that day to pull keaton otis over. If any of you had happened to have on a hoodie and were jumped down in the car, I don't know that they would have made the same assessments. He looked at me like: As if to say: Do they know what I know: How do you look at someone with that thought? Did he transmit it through osmosis to the car next to him? The fact he said that he looked like he might be a gang member, that wasn't because of a hoodie, it wasn't because of the car. And so because we refuse to address the racial profiling that takes place when the gang enforcement unit comes out with 10 officers that respond to do a traffic stop, i'm not surprised that keaton otis is dead. I'm just surprised that more young people aren't dying at the hands of police. Have you witnessed how the gang enforcement unit does their job? If you have not, I encourage you to do that. I also want to make a point about one of the -- and so that was my point about this page. Each of these statements are racially biased statements that were used collectively to decide that keaton otis must be stopped. That is not appropriate, and i'm disappointed that we continue to shine away from the issue of race. The oir group says they don't think these cops are racially motivated. But it's not

July 17, 2013

rocket science. Keaton otis isn't the first or last person to lose their life that were african-american men at the hands of police, because they didn't look like they belonged in the neighborhood they were killed in. Last point I want to make is about recommendation -- recommendation 9, talks about the bill should revise, directly states unsatisfactory performance. I have 12 seconds left.

What I want to highlight is that the chief says this is already part of the agreement, that the supplemental language in the directives for employment for the collective bargaining that allows us to fire cops for these reasons that are listed. If that were true, we wouldn't keep rehiring cops that we have fired for this particular behavior. And so I think it's important that someone outside of the police bureau reviews this document and not just take Portland police bureau's word that they have implemented or made these changes. If it's true, the officer wouldn't be home getting paid today.

Hales: I'll get the chief to respond, but I think what he said is they are implementing some of these disciplinary training provisions already and are attempting to bargain them in the collective bargaining process, which we're in right now. Obviously whatever --

Hardesty: But that's not what it says here this is supplemental language in the directives right now.

Hales: We are also in bargaining so we haven't completed bargaining. Whatever happened in all of these incidents happened under current and previous management and under the existing contract, which has now lapsed because we've gotten to the end of the year. We're in bargaining now and we hope to conclude that and have all these changes incorporated in the new collective bargaining agreement.

Hardesty: I hope so, too. thank you.

Hales: Thank you.

Barbara Ross: Hi, good afternoon, mr. Mayor and city commissioners, my name is barbara ross, i'm here testifying as an individual not representing any group. This is a really good record that helps us look at these cases in detail, from the officers' point of view and from a policy point of view. I'd like to call your attention to one thing, and that's the unnecessary delay in completing investigations. There are a lot of things about these cases, these tragic cases that are not under your control. But the length of the investigation is. And the report outlines the number of months it took to complete these reports. Marcelo vaida, fourteen months, timothy grant, fourteen months, scott suran, 20 months david hughes 23 months. And then the one that went to arbitration, it took two and a half years to complete that. You don't have control over a lot of things. Well, this is the past, we're improving. But I draw your attention to the independent police review's annual report that came out about 2012. And on page 25 they report that the median length of time it took to complete investigation of citizens complaints was 221 days. 221 days. 221 days. And that the internal affairs portion of that investigation has lengthened to 81 days. Now, this inexcusable delay has lot of bad results. The police officer is left hanging, the family gets no closure, the communities impatient and cynical. And the reputation of the bureau is damaged by this kind of inexcusable delay. So I hope that you as a city council will work with the bureau to say, we need some definite deadlines for each step of this process. And these changes need to be made thoughtfully so that you do allow appropriate time. But I think it's important that you hold people accountable for completing these reviews in a timely manner, because that really allows a better result in the long run in terms of responses. There are a lot of things you can't fix but this is something you can, and I hope you will take seriously you're opportunity to take positive action. Thank you for this opportunity to testify. I appreciate it.

Hales: Thank you, barbara.

Hardesty: Excuse me, did you want to tell her that is going change?

Hales: I think we want to get the chief up to talk about that.

*****: Good afternoon.

Crystal Elinski: Good afternoon, my name is crystal elinsky. I realize that I am very traumatized. It's taken me years to come to terms with it. But just all this time listening to the oir and the term

July 17, 2013

busy maneuvers and tactics and it just comes flashing back and I can't breathe. Fit wasn't for the people here right now, I would be so freaked out. There are multiple guns in this room with what I consider really crazy people maybe back from military service. I myself would not want to undertake situations. But a lot of us manage to avoid confrontation in our lives. We avoid it. I feel from everything i've witnessed, which is just incredible, incredible what i've seen in the city since I started to pay attention, since I moved here with Kendra James. I can't believe what i've seen. Since this happened to me firsthand i've been attacked. Brutalized. Molested by the police 10 ways to Sunday and I can't imagine the different ways that are coming flashing back. So thank you. Because I kind of offing for what I wanted to say but i'm looking at you, Mayor Hales, I wish you could take off that entire list and just concentrate on the Portland police. Even Mayor Potter had trouble with it and he apologized to one of my friends who was totally disgusting they attacked in her home would it police. It's crazy. And then to sit here and talk about accountability, I know you're holding me down so I don't go up to Chief Reese. He's kind of saying the same thing to people surrounding him. I said -- no, not accountability, but to be up front and honest with the public, you interrupted my mother's favorite tv show to announce your closing occupy. The most ludicrous of reasons, something about, I don't know. But you missed and you never apologized about, oh, this is a transparency on how you overlooked a serious situation where a woman was raped because you were too busy with the vigilantes of occupy. Where are the priorities? I've been there to witness so many things, just the other day I got kicked out of a park. I fell asleep in, and I don't know if you know, I have a disability. But I don't talk to the police anymore. They say you have to leave, I start walking. They followed me many cars, many police, just surrounding me. I could have hurt myself in the situation I was in. It was horrible. And again, it just keeps coming back and this has to stop. We need to clear this all out, start over. I've followed the recommendation of the DOJ, that's the only time I really testified. I haven't depended on the IPRC, the review board, and I tried to work with Portland Cop Watch but I was too traumatized. As commissioners, please, please, let's really clean this out. Thank you.

Hales: Thank you, thank you very much.

Moore: We've had a request for one more person to speak.

Hales: Okay.

Mike Moran: I'm Mike Moran, and like I say, p.u.c.b., people's equity union and benefit, with respect to this issue, i'm going to keep it short. I could speak more but I just want to say -- put it this way. Police -- i'm going to skim back to 6-98 just for a second -- authorized six districts. We talked about that last week or two weeks ago and the auto mania and how automobiles are a fluke of the 20th century. And it does really relate to -- and I said police are already way too much in line with the mobility nobility. They drive to the mansions of glory and the genocide machines. Anyway, if there is to be funds added for police, then it really needs to be to community -- and I would say, unarmed community police within the paradigm of an economic shift to a needs-based intercommunity neighborhood equity. Equity means two things. It means equality, and it means ownership. It means ownership and equality. And so that's all, that's all I really want to say at this time.

*******:** Thanks very much.

Hales: Questions for the auditor Griffin-Valade and the team?

Hales: Lavonne, could you please come back and Chief, could you come back and we'll call on others as we need to? Mr. Fish, go ahead.

Fish: Barbara Ross' submission has some information about the time it takes to do some reports directed at both of you. Could you respond to the numbers that she put out there, and tell us what your view is of the timeline and what it would take to act accelerate that time line?

Griffin-Valade: I completely agree with her concerns, the DOJ completely agreed. We have added extra investigators who are very experienced, to do twice as much investigation in half the amount

July 17, 2013

of time. We have -- are preparing to make some other changes to the ipr ordinance going forward that will allow to us have more comprehensive investigations and much more timely investigations. The new director of ipr is going to be invited up to maybe elaborate a little more about some of those changes.

Constantin Severe, Director, Independent Police Review: Good afternoon, I completely agree with ms. Ross' assessment that 300 days to do a full investigation is unacceptable. When doj came to town in our settle agreement with the doj it's going to be down to 180 days. It's something that internal affairs and ipr, we meet weekly. One of the things we meet about is looking at cases and where they are along the process. Internal affairs has done a really good job of tying up their investigations. They do really good investigations in the 60-day period that they meet to do those investigations. The thing that really hurts us is just like the occasional extra week here and there, and for us to be able to follow these cases along their path and to make sure that all the parties, whether it's ipr, ia, folks at the bureau, whether it's a commander or training, all the different parties are held responsible to their timelines, we try to make sure they meet up with those time line.

Hales: Maybe constantin, you and the chief can elaborate what it would take in that 180-day span to actually chief it.

Severe: I think it's a relatively simple thing, truth be told. One, the first step in any kind of accountability process, everybody needs to know what are their expectations. Secondly, when folks don't meet their expectations, they are held to account for not meeting the expectations. I know if one of my investigators is not meeting up with their particular timelines I expect an explanation of why. We have a two-week limit for investigations. At the two-week limit, we receive reports every week. The monday the report comes out, I expect all of my folks, and i've told them that, by monday, middle of the afternoon, I want to know where you are on the case. If it's taking extra amount of time for a good reason, that's fine. I know internal affairs, same thing. They have -- there's an expectation with the internal affairs investigators that they provide an explanation of why their case is taking longer. One of the things we have found traditionally, as the case goes throughout the bureau, sometimes with folks who have a lot of different priorities and responsibilities of making sure these administrative cases take the appropriate amount of time are or the appropriate level of importance that they are supposed to do. Particularly for officer-involved shootings, one of the biggest reasons for the delays was that for a long time administrative cases would wait until the detective's case was done. As part of the new doj agreement and just something ia was working towards anyway before that, there would be a concurrent investigation. From the minute there's an officer-involved incident or in-custody death, the investigation starts from day 1. So in the most recent officer-involved shootings the internal affairs investigation has been able to be done in a 60 to let's say 80-day period. So that makes it possible for, one, the case to be done in that 180-day period. Secondly, when we have our outside reviewers, they are not central Oregon do it with cases with three years, four years, five years. They will be a lot closer in the time of when they actually occurred.

Hales: Good, thank you. Chief, do you want to reflect on that?

Reese: I agree with the director, the importance of having at the onset of these tragic encounters, having the ipr director and the professional standards division come to the scene to begin the investigation immediately will help to shorten the timelines. It is partly resources and the auditor's office and standards have added additional resources to speed up the timelines. We want continues good evaluation robust thorough analysis and our detectives and ipr and professional standards conduct, but we want them to do the work faster. It's a challenge. We are committed to the 180-day timeline.

Hales: Mr. Fish, did you have other questions?

Fish: Thank you, mayor. Chief, do you have the report handy?

Reese: I do not have it with me.

July 17, 2013

Fish: The auditor can show you her annotated copy. I was struck by some testimony we had, if you could turn to page 84. I was struck by the testimony and then rereading the section on the indicators that the officer cited for stopping Mr. Otis. Then of course the description incident report goes on to say that even if the investigators don't conclude this is racial profiling, there could be an impression in the community or there's the perception as well as the reality. As I read the six bullet points, and I'm not, you know, a trained law enforcement professional. But just looking at this from a kind of one step removed, this looks like very thin gruel to me to sort of make a judgment to warrant a stop. I wondered if you have anything to say in response to the testimony we've had about these indicators, and to put it into some context. I think anyone reading this would have some questions.

Reese: Mr. Otis was stopped after the officers witnessed multiple traffic infractions. Again, the officers were part of our gang enforcement team at that point in time. They were specifically out trying to interdict people involved in gang activity or to do proactive work in getting kids out of gangs. The heat officers' attention was drawn to Mr. Otis. They followed his car. They had lawful reason to stop him as the officer's report pointed out they waited until they had additional infractions. When they went to make a traffic stop, he eluded them and refused to stop. That heightened their concern about his behavior and again caused them to call additional resources to come to the scene.

Fish: And again, because it's not specifically stated here, what were the traffic infractions that gave cause?

Reese: Initially un signaled lane changes. As they just began to follow him he made several un signaled turns as if he were eluding them, the officers. When they went to make a traffic stop, did he elude them, he refused to stop.

Fish: Just making a comment if un signaled lane changes was cause for concern, we could stop just everyone on the street these days.

Reese: Again, the officers and the report pointed out waited until they witnessed multiple violations.

Fish: Could you turn to your recommendation, your comment on recommendation no. 9? I think it's important that we calibrate expectation in forms like this. This has to do with something Ms. Hardesty raised about revising directives and having a different standard for discipline in the collective bargaining agreement. I don't want to go through the whole laundry list. As general matter so people understand, we have the right to revise our directives. But in order to be successful in having discipline stick, we have to negotiate changes in or collective bargaining agreement to make clear that this infraction gives rise to this discipline or he will we're right back to the progressive discipline model that an arbitrator will apply, correct?

Reese: Yes.

Fish: So what are the options the city has, if the city truly wants to have these directives take hold, what are the different legal options we have to try to get this into the law?

Reese: Again, we're working through the collective bargaining process now on many of these issues. We do have a new force policy that lays out very clearly to officers and the community our expectations around use of force. Good decision-making, good tactics, I think those are the benchmark standards the community and the department expect.

Fish: Okay. But what happens if, through the collective bargaining process, you're unsuccessful in negotiating this provision?

Reese: The city has the right to implement policies for the department. We are in a collective bargaining process right now so we're trying to resolve as many of the grievances we have outstanding through that process.

Fish: And how high a priority is it for you, as the chief, to resolve this issue that's framed in recommendation 9?

July 17, 2013

Reese: Again, our force policy is one of the our most important policies and I have the highest priority for that, for making sure that officers understand the -- the expectations I have and that the community has around use of force, providing them good clear guidance. I think that our new policy that we've been training to will do that.

Griffin-Valade: I would like to add state of Oregon that if I might. Constantine, please weigh in if you have things to add. One of the things we are going push for right away is a discipline guideline which will build consistency in how officers are explained that will assist the city greatly in being able to terminate or discipline police bureau members, and also then with arbitration.

Fish: Madame auditor, it is helpful but doesn't necessarily bind an arbitrator.

Griffin-Valade: But consistency will. As constantine has I think shared with all of you, we have lost in arbitration before, we haven't treated every officer the same in similar circumstance.

Fish: When you see we, does that mean ipr?

Griffin-Valade: That means ipr.

Fish: Will this be something that's required to be looked at in the collective bargaining?

Griffin-Valade: We don't know.

Reese: It's being reviewed as part of the collective bargaining process. The guideline somewhere already exists?

Griffin-Valade: We have a draft of it.

Fish: Absent an agreement with our labor department or some other legal process, unilateral implementation, it would simply be evidence that we would give an arbitrator of what we think would be the appropriate range of discipline. It would not have the force of law until we change the contract.

Reese: We're always looking at comparables to see that we're being fair and consistent. There are no guarantees in arbitration. I think one of the most important take-aways of the oir report is that the city should be tightening up policies and training and practices so when we do get to arbitration we put forward our best case.

Novick: Commissioner, chief and madame auditor, my understanding is that the hope is if we have a consistent disciplinary policy over time, that will reduce the number of cases we lose in arbitration. People won't be able to make the argument that you're treating me differently than the last six people.

Griffin-Valade: Yes.

Hales: Right, exactly right. Other questions? Thank you all very much. So unless there's any further council discussion we have this report before us. Move to accept the report.

Fish: Moved.

Novick: Second.

Hales: Roll call on accepting the report.

Saltzman: I want to thank our auditor for bringing this report and doing the work and bringing the recommendations. As always this is an evolving work here in terms of striking the right balance between members of the Portland police bureau doing their job, but also holding ourselves accountable to our citizens and making sure we are doing things within the confines of the law and making sure that the policies that it is bureau adopts speak to that. I should say the policies of that the auditor's office is working on, expected outcomes with certain levels of discipline. I think that's a very useful thing. Hopefully we can make that a useful part of or collective bargaining agreement, as well.

Novick: I appreciate the comments of the auditor and the concerned citizens here. Aye.

Fish: Thank you, madame auditor, thank you. The oir group, i've appreciated each of the times you've come before us and walked us through your work. Frankly, the clarity of your reports. The way they are constructed. And I appreciate the discussion we've had today, that is work in progress but I think a lot of important issues have been raised and I appreciate the dialogue with the various

July 17, 2013

leaders. We have a lot of work to do but I think we're heading in the right direction. Thanks to all and thanks to the citizen whose took time to share there's views with us.

Hales: We talk a lot in this room about important subjects. There are a lot of important subject for the city council to address in trying to lead the community and provide a good future for the 600,000 people we work for. But there's no subject more vital and critical than this. This is the ultimate use of public authority in the worst situations. We have to look at it carefully and look at it again and look at it again. And I think this combination of independent review by our auditor and by professionals, a vigilant citizenry organized and active to watch how we do our work, and how we commit to and implement change; and longhorn at this desk and in the police bureau, that are genuinely committed to making change and having this not be a shelf study but a guideline for a better police bureau. We have to have all three of those things working to have a chance of progress. I believe we do have all three of those things working. I believe we have excellent work here, and thank you it for. I believe that we have people in the community that are raising the right issues and holding us account abdominal. And I believe that this chief and his leadership team are, as I am, committed to making positive change. Frankly that's why they work for me is because I believe that commitment is real and that we will continue to make progress towards a more humane and more consistent approach to the ultimate governmental authority, which is that awful moment when force has to be used. This is subject I obviously care a lot about. I must care bit because i'm the mayor and this is my bureau. But also because as a Portlander we have hopes and expectations for how the relationship between the police bureau and the community ought to be, and an illegal of how it should be, and we'll keep working towards that ideal and towards that day. So thank you all for good work on a vital and important subject that all of us want to see us all do better. Thank you, thank you very much. [gavel pounded]

Hales: With that we are adjourned for the day. Thank you. [gavel pounded] [meeting adjourned]

At 3:27 p.m. Council adjourned.