

MULTNOMAH COUNTY BOARD OF COMMISSIONERS' MEETING
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MEETING DATE: 6/16/16

AGENDA ITEM # _____ OR NON-AGENDA SUBJECT: KEVIN HAYES

FOR: _____ AGAINST: _____ PART #5

NAME: PAUL, ADOLPH, PHILLIPS

CONTACT INFORMATION (optional):

ADDRESS: 1212 S.W CLAY apt #217

CITY/STATE/ZIP: PORTLAND, OREGON 97201

PHONE: 503 224-9954

E-MAIL: _____

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MEETING DATE: _____

AGENDA ITEM # _____ OR NON-AGENDA SUBJECT: MIKEREESE, DOJ

FOR: _____ AGAINST: _____
NAME: MARY ENG officers KAFORRY
Lindsay HUNT

CONTACT INFORMATION (optional):

ADDRESS: _____

CITY/STATE/ZIP: _____

PHONE: _____

E-MAIL: maryeng1@gmail.com

+ Rachel Andrew

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APR 30, 2014

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Lieutenant's Legal Claim Is Fourth Since Winter 2013 for Reese

by [Denis C. Theriault](#)

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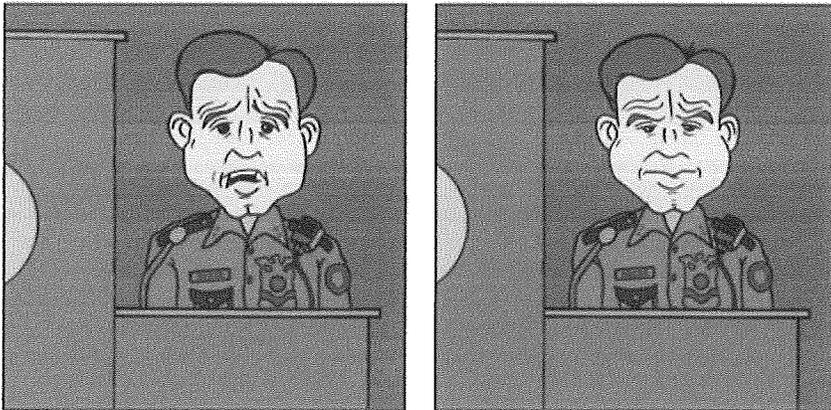
Wed June 15 at 7 and 9:30 pm
Joshua Redman Quartet at Jimmy Mak's

Wed June 15 at 9 pm
The Domestics, 1939 Ensemble, Moorea Masa at Mississippi Studios

Thurs June 16 at 7:30 pm
Flare at Zidell Yards

Thurs June 16 at 7:30 pm
Mary Roach at Powell's City of Books

Thurs June 16 at 8 pm
Cherry Glazerr, Sex Stains at Lola's Room



DAN LESAGE

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ANOTHER DAY, it seems, another legal headache for the upper echelons of the Portland Police Bureau.

Last Wednesday, April 23, a lieutenant with 20 years at the bureau filed a scathing federal lawsuit accusing Chief Mike Reese and North Precinct Captain Chris Davis of unjustly punishing her over a misconduct investigation she led against Davis several years ago.

The lieutenant, Rachel Andrew, is seeking \$300,000 in damages for lost pay and emotional distress—citing claims she was unfairly suspended by Reese at Davis' behest and then denied a promotion. She says Reese has been angry with her at least since 2008—after she first investigated Davis over his use of an informant and recommended he face discipline.

Her lawsuit follows a separate Oregon Bureau of Labor and Industries (BOLI) complaint that included those same claims—along with one that's far more disturbing. Andrew says Reese twice asked her, during a 2012 discipline hearing attended by his assistant chief, a city attorney, and a mayoral staffer, to "demonstrate how a male masturbates."

Andrew says she was punished, in part, for previously making that gesture among fellow officers—even though, the complaint contends, "male employees use the gesture often, [and] are never investigated and never disciplined for the conduct."

The BOLI complaint also claims Reese's former director of services and discipline czar, Mike Kuykendall, had offered her a lighter punishment—40 hours unpaid instead of the 80 she was handed—if only she'd agree not to press any retaliation claims in court.

The *Mercury* first reported both of Andrew's complaints. ADVERTISEMENT
Reese and a police spokesman said they can't comment, citing the threat of litigation.

Andrew's legal claim is the fourth to emerge from the most senior levels of the police bureau since winter 2013—an unusually conspicuous number, given that there are only 50 or so sworn officers who hold the rank of lieutenant or higher.

It's also not the first time Reese has been connected to retaliation claims in court documents. In 2010, the city paid Officer Tom Brennan to settle claims he was unfairly banished to the property warehouse (by former Chief Rosie Sizer) after he irritated Reese by complaining about another officer.

Two of the recent claims spill from a high-profile text-messaging scandal that wound up forcing then-discipline czar Mike Kuykendall, a civilian with the same power as an assistant chief, into an abrupt resignation. Kuykendall had been texting with a probationary lieutenant, Kristy Galvan, about harassment accusations leveled at Galvan's then-boss, Captain Mark Kruger.

Kruger had previously been disciplined for setting up an illegal shrine to Nazi-era German soldiers in a public park. And Kuykendall, in his texts to Galvan, called Kruger a Nazi. Kruger somehow learned of the messages and responded by filing a tort claim accusing the bureau of unfairly punishing him a second time for his shrine.

Galvan, meanwhile, filed her own tort claim accusing Kruger of harassment, retaliation, and discrimination because of her gender. Galvan, who was later demoted to sergeant, has also filed a BOLI complaint over the row.

The third tort claim comes from former Captain Todd Wyatt ADVERTISEMENT
—demoted to lieutenant in late 2012 in the wake of an off-duty road-rage case and a separate claim he had inappropriately touched female employees. A review board had urged Reese to fire Wyatt—advice Reese didn't accept.

Because Wyatt was acquitted in his road-rage case, he says, the bureau shouldn't have investigated him in the first place. He also claims the women who complained about his touching had been coerced.

In an interesting footnote, Wyatt, Kruger, and Andrew all share the same lawyer, former Oregon Justice Department big shot Sean Riddell.

The allegations in Andrew's case stretch back to 2008—about a year after Andrew says she recommended disciplining Davis.

She was applying to become a lieutenant in the detective division. And she alleges Reese, still just commander of Central Precinct, had taken "exception with the depth of her investigation" into Davis.

"Reese also informed [Andrew] that if she was selected for promotion that she should decline the promotion," the complaint says.

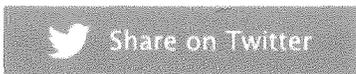
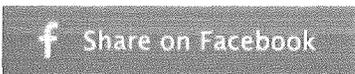
A few years later, the complaint notes, Davis had moved to internal affairs. And in 2010, he opened his own investigation into Andrew—on claims of harassment and untruthfulness.

A supervisor, Commander Ed Brumfield, wrote a memo clearing Andrew of untruthfulness after reviewing Davis' investigation, the complaint says. But Davis, it also says, directly wrote the chief's office—"without precedent"—suggesting Andrew face punishment.

Andrew's BOLI complaint says Davis never mentioned his shared history with Andrew. She was disciplined in 2012, after the meeting where Reese allegedly asked her to make the masturbation gesture.

Andrew complained to BOLI soon after. And while that BOLI complaint was under review, in September 2013, she applied for a promotion to captain. The lawsuit says Andrews scored fifth out of 13 lieutenants—and that Reese passed her over for two officers who'd scored lower than her.

One of those newly minted captains, according to the lawsuit? Davis.



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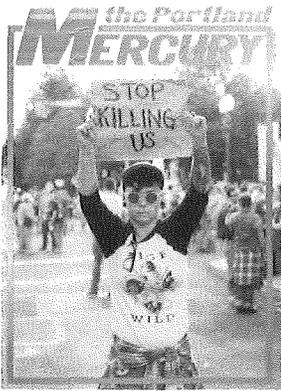
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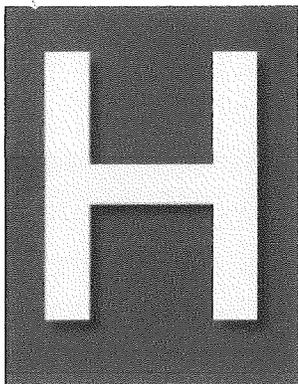
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Hunt Lessons Learned

Posted by [consulthardesty](#)
8 May, 2013

In September 2012, **Consult Hardesty** took up demands by the [Albina Alliance Coalition for Justice and Police Reform](#), regarding the City of Portland contract with Dr. David M. Corey. Corey had for 13 years been responsible for delivering psychological evaluation services to the Portland Police Bureau.

Along with training, it is our assessment that psychological evaluation services practically cry out for wider public influence, in reforming a bureau mired in racism, deceit and improper use of force.



4 Oct 2011
Portland City

The AMA Coalition had long called for racial diversity in the PPB. By providing pre-hire screening of applicants, Corey stood as gatekeeper on the path of recommended new hires. **Consult Hardesty** also sought a wider discussion by civilian authorities about the complicity of psychological services delivery in maintaining a deficient police bureau. We reinforced AMA Coalition requests to improve the contract for service providers to expand the pool of professionals to whom a contract would be offered. We gained an understanding of the value of psychological evaluation services *throughout* an office and in particular 'return to duty' evaluations following trauma.

After repeated City Hall testimony ([here](#) and [here](#)), Mayor Adams gave **Consult Hardesty** opportunity to work in closer relationship with his Police Liaison Neale. **Consult Hardesty** identified a nationwide pool of psychologists, and other consultants who could assist a Mayor's Advisory Panel in getting better practices. We built relationships with professionals with long-term experience in reforming bureau culture and learned how the City could drive cultural change through drafting job requirements, directed recruitment and internal promotion.

Adams did not seek re-election; Neale took a job with PPB. A police hiring process has since obviated the need for pre-screening police candidates. Before Adams' office, Adams *did* announce that a new contract would be developed and community input would be sought as it was drafted. In answer to Hardesty Adams stated the final proposal would require a public hearing in City Council for adoption.

Consult Hardesty has begun collaboration on improvements to the psychological evaluation services with Baruti Artharee, acting Police Liaison on Mayor Adams' staff. Gone are the vestiges of any public panel of experts in psychology; the City has put the police bureau in the lead of developing a contract. The City was an arbitrator between police proposals and advocacy by the AMA Coalition.

Committee, drawn from part of the faith-based community.

Never has a City of Portland decision – to discipline officers for violating | designed to prevent misuse of lethal force – been upheld. Last weekend community held a memorial vigil for an unarmed mother of two who was Officer Scott McCollister ten years ago. The relatively minor discipline ha McCollister was overruled by an arbitrator in 2006. “My finding is based c conclusions that the failure to conduct an IAD [Internal Affairs] investigati fatal gap in the information available to the Chief on which to base his de declared arbitrator John C. Truesdale in his 44-page opinion. Faulty polic investigation failed to lead to any basis for discipline.

Reported *The Oregonian* in 2012:

“The arbitrator’s ruling that dismissed former Chief Mark Kroeker’s 90 suspension of McCollister reads as a template for how arbitration has down Portland police discipline. The litany of reasons for overturning suspension have popped up in multiple Portland arbitration decisions

The arbitrator’s 2006 ruling did not bring about a dutiful investigatic police’s role in Kendra James’ homicide. Nor did it lead to improven providng arbitrators with actionable evidence of police misconduct

It is this disconnect, between lessons learned and remedial action one m of any organization, that forms the topic of this post.

Portland Police are not held accountable by civilian authority. Not in perp budget overruns, not by county District Attorneys seeking criminal indictn grand juries, not even when a police review board votes almost unanimo terminating an errant officer’s employment.

In 2007, rookie PPB Officer Lindsay Hunt blew the whistle on her supervi Training Officer Quency Ho. Among Hunt’s allegations were that Ho after break into a home without probable cause, drew his firearm without reas suspicion or probable cause, refused to fill out a use-of-force report after citizen, and ordered witnesses to destroy a knife left at the scene of a cri violations occurred within the first seven months of Hunt’s ‘training.’ Inste beginning an internal affairs investigation, a precinct-level inquiry found H claims baseless. Citizen victims were not interviewed. In 2010 Hunt filed lawsuit alleging retaliation for reporting misconduct: that, by refusing to al PPB code of silence, she was no longer safe, that she would not get ‘bac fellow officers. More below.

The City’s response to Hunt’s suit? They hired forensic psychologist Dr. F Klecan. After little more than two hours of interviews with Hunt, Klecan te

suffers from a paranoid personality disorder she'd had since childhood. [whose psychological evaluations had not found this 'lifelong condition,' w called to testify.

The City's discovery, that an alleged psychological disorder had escaped detection in pre-hire screening, did not occasion meaningful inquiry into PPB psych eval processes.

The City of Portland engages in willful refusal to improve policing. No civil authority asked how the City could hold that it was both getting valuable police employment screening, and also find undetected disorders could surface. Although, in 2011, Portland's Citizen Review Committee, a nine-member established to help improve police accountability, acknowledged Hunt was unfairly; no policy changes were proposed, let alone implemented, so that officers in a bullying culture could provide leadership in reform.

Portland misses opportunities to integrate lessons learned.

A 1998 white paper, Personnel Performance Evaluations in the Community Context says, "Research has demonstrated that well-designed performance evaluations can be used as a catalyst to shape behavioral responses and organizational change."

PPB Chief Reese and Mayor Adams heralded a recent investigation into the use of force as a 'learning opportunity' in a press conference at the outset. Still, to Findings of unconstitutional policies and practices, we hear but scant reference to an organization embracing change. PPB announced last week a new Behavioral Health Unit, designed to better police those perceived to be in mental health crisis as a unilateral response to DoJ Findings.

PPB did not pre-screen officers for their psychological fitness to serve in the field. Indeed, the pioneer into the group was Officer Bret Burton, whose former partner settled for nearly a million dollars with the heirs of James Chasse; an unemotionally-challenged man, killed by PPB in conjunction with then-Deputy and the Multnomah County Jail.

From page 388 of the white paper:

"The supervisor should have a major impact on determining how well an officer has performed, but not to the extent of ignoring input from citizen investigators or officers themselves."

Consult Hardesty advocates for a comprehensive approach when considering the best to utilize psychological evaluations in policing. We seek to tie together threads of police accountability. By partnering with the community, civilian

can build into its policies and practices feedback mechanisms designed to improve performance. While improving a contract for psych eval services, an integrated approach might lead to wider appreciation for officer evaluation in general. Should the City begin in earnest to evaluate officers, they will see whistleblowers as in possession of behavioral information worthy of consideration.

++++++

Hunt ultimately resigned within her first year as a Portland cop. He was drafted as a field training officer and received a written reprimand in 2008. In 2011, the 9th Circuit Court of Appeals ruled U.S. Magistrate Judge John V. Acosta erroneously allowed a Klecan's report into Hunt's trial, but it did not reverse the 2008 decision that PPB had not retaliated against Hunt.

In 2009 City Auditor LaVonne Griffin-Valade found problems in the city's whistleblowing system, including a lack of guidance on where to report problems, lack of anonymity, and poor reporting training for employees. Instead of promoting a policy to protect reports of misconduct from within PPB and spawning independent investigation that would lead to actionable intelligence, Griffin established a 24/7 anonymous hotline that city employees and regular citizens can use to report fraud and abuse. As of 2011, the hotline had not led to any reports, let alone investigations or reduction in misconduct.

There *is* a new term in police culture that describes lessons learned: '*Pul Lindsay*,' refers to attempts to hold superiors accountable to police policy and constitutional protections.

[Top of Page](#)

2 thoughts on "Hunt Lessons Learned"

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MEETING DATE: June 16, 2016

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FOR: X AGAINST: X

NAME: Lightwing Watchdog PDX

CONTACT INFORMATION (optional):

ADDRESS: X

CITY/STATE/ZIP: X

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MEETING DATE: 6/16/14

AGENDA ITEM # _____ OR NON-AGENDA SUBJECT: Overhaul

FOR: _____ AGAINST: _____

NAME: JOE WALKER

CONTACT INFORMATION (optional):

ADDRESS: _____

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AGENDA ITEM # _____ OR NON-AGENDA SUBJECT: COAB / ROSENBAUM SWATSON
LLP

FOR: _____ AGAINST: _____

NAME: LAURA VANDERLYN

CONTACT INFORMATION (optional):

ADDRESS: _____

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MEETING DATE: 6/14/16

AGENDA ITEM # R1 OR NON-AGENDA SUBJECT: _____

FOR: _____ AGAINST:

NAME: Chris Baird

CONTACT INFORMATION (optional):

ADDRESS: Placid Parkway

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2. Written testimony will be entered into and remain a part of the official permanent record.

**MULTNOMAH COUNTY BOARD OF COMMISSIONERS' MEETING
PUBLIC COMMENT SIGN-UP SHEET**

Please complete this form and return to the Board Clerk
This form is a public record

MEETING DATE: 6/16/16

AGENDA ITEM # R1 OR NON-AGENDA SUBJECT: _____

FOR: X AGAINST: _____

NAME: Mel Radar

CONTACT INFORMATION (*optional*):

ADDRESS: _____

CITY/STATE/ZIP: _____

PHONE: _____ E-MAIL: _____

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MULTNOMAH COUNTY BOARD OF COMMISSIONERS' MEETING
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MEETING DATE: _____

AGENDA ITEM # R-3 OR NON-AGENDA SUBJECT: _____

FOR: _____ AGAINST: _____

NAME: ~~LAURA~~ ARTIST LAURA VANDERLYN _____

CONTACT INFORMATION (optional):

ADDRESS: _____

CITY/STATE/ZIP: _____

PHONE: _____ E-MAIL: _____

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PUBLIC COMMENT SIGN-UP SHEET

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MEETING DATE: _____

AGENDA ITEM # R3 OR NON-AGENDA SUBJECT: _____

FOR: _____ AGAINST: _____

NAME: MARY ENG

CONTACT INFORMATION (optional):

ADDRESS: 6313 SEW Pox

CITY/STATE/ZIP: _____

PHONE: 503 468 0468

E-MAIL: maryeng1@gmail

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MULTNOMAH COUNTY BOARD OF COMMISSIONERS' MEETING
PUBLIC COMMENT SIGN-UP SHEET

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MEETING DATE: _____

AGENDA ITEM # _____ OR NON-AGENDA SUBJECT: R4

FOR: _____ AGAINST: _____

NAME: ARTIST LAURA VANDERLYN

CONTACT INFORMATION (optional):

ADDRESS: _____

CITY/STATE/ZIP: _____

PHONE: _____ E-MAIL: _____

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MEETING DATE: _____

AGENDA ITEM # R4 OR NON-AGENDA SUBJECT: _____

FOR: _____ AGAINST: _____

NAME: MARY ENG

CONTACT INFORMATION (optional):

ADDRESS: _____

CITY/STATE/ZIP: _____

PHONE: _____ E-MAIL: _____

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MULTNOMAH COUNTY BOARD OF COMMISSIONERS' MEETING
PUBLIC COMMENT SIGN-UP SHEET

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MEETING DATE: 6/1

AGENDA ITEM # R-3f OR NON-AGENDA SUBJECT: _____

FOR: AGAINST: _____

NAME: BRENDA JOSE, UNLIMITED CHOICES

CONTACT INFORMATION (optional):

ADDRESS: 211 SE 80TH AVE

CITY/STATE/ZIP: PORTLAND, OR

PHONE: 503-234-6167 E-MAIL: brenda@unlimitedchoices.org

IF YOU WISH TO ADDRESS THE BOARD IN PERSON:

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PUBLIC COMMENT SIGN-UP SHEET

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MEETING DATE: _____
AGENDA ITEM # 5 OR NON-AGENDA SUBJECT: _____

FOR: _____ AGAINST: _____
NAME: MARY ENO

CONTACT INFORMATION (optional):

ADDRESS: _____

CITY/STATE/ZIP: _____

PHONE: _____ E-MAIL: _____

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MULTNOMAH COUNTY BOARD OF COMMISSIONERS' MEETING
PUBLIC COMMENT SIGN-UP SHEET

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MEETING DATE: _____

AGENDA ITEM # 6 R1 OR NON-AGENDA SUBJECT: _____

FOR: _____ AGAINST: _____

NAME: Mary Eng

CONTACT INFORMATION (*optional*):

ADDRESS: _____

CITY/STATE/ZIP: _____

PHONE: _____ E-MAIL: _____

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MEETING DATE: _____

AGENDA ITEM # R-7 OR NON-AGENDA SUBJECT: _____

FOR: _____ AGAINST: _____

NAME: Mary Eng _____

CONTACT INFORMATION (*optional*):

ADDRESS: _____

CITY/STATE/ZIP: _____

PHONE: _____ E-MAIL: _____

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