

# Police accountability starts with a new police union contract

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Former Mayor Sam Adams wanted Ron Frashour fired. So did the current mayor, Charlie Hales. So did former Chief of Police Michael Reese. So did the city attorney. So did a majority of Portland city commissioners and most of Portland's citizens.

Frashour, you'll remember, was the sniper cop who pulled out his earplug, severing communication with his commanding officer, and then killed Aaron Campbell, an unarmed African American father in the midst of a mental health crisis, by shooting him in the back. That was six years ago.

Now, however, the Oregon Court of Appeals has told Hales, who is police commissioner as well as mayor, that Sam Adams made a mistake firing Frashour. Further, the court said, Hales erred by not reinstating Frashour immediately.

These mistakes were not mistakes. They were deliberately, but not freely, chosen. Adams and Hales didn't have other acceptable legal options. The appeal was at best an expensive delaying action meant to satisfy critics.

Protection for Frashour was carefully installed in Portland's police union contract by negotiators representing both the City and the Portland Police Association years ago, long before Frashour pulled the trigger of his AR-15 rifle. The union contract protects officers from being separated from employment unless they act "out of policy." Management-by-definition employs plenty of crafty lawyers who see the tree in the forest and argue it should be cut down. In Portland, the mayor can't fire a cop. Neither can the police chief.

This practice is fair in theory; workers deserve protections from capricious management, and especially from cowardly politicians. But when a police officer brings dishonor to himself, to his colleagues, to the bureau and is the cause of mistrust between officers and basically everyone else in town – he needs to go.

So Frashour will be patrolling our streets in the near future. Because he is a trained

hunter, it's likely the new police chief, Larry O'Dea, will give him his rifle back. If Frashour kills another innocent person, can Hales fire him?

No. Our mayor is just as powerless as he ever was.

That iron-clad police union contract is still in place, undebated, undiscussed, unaddressed by three one-term mayors in a row: Tom Potter, Adams, and now Hales.

What diminishes our city, beyond the reckless danger of putting cops who've tasted blood back on the streets, armed, lethal and eager, is the hand-wringing disengagement of mayors and city commissioners from the problem, from leadership, from direct action. They can't stop killer cops. They can't keep us safe from them.

All this chatter about police reform, the marching in the streets, all the Department of Justice v. City of Portland nonsense, is self-serving foolishness if the next police union contract gets another rubber stamp. We've learned a hard lesson – time for action.

## An Open Letter to Portland's Next Mayor

Since the brutal beating death of James Chasse at the hands of three Portland police officers, no mayor has tried to run for a second term. The weight of Chasse's death has been a curse on three administrations, on City Hall and on current claims of reform. Our next mayor can lift that curse through direct participation in police union contract negotiations. Changes to the police union contract will improve accountability, transparency and community confidence in both police and city hall.

Candidates for mayor can improve accountability *now* by pledging to keep the 2017 police union contract negotiations open to the public. They can pledge to attend negotiations, be knowledgeable, have a citizen-driven agenda.

Here's the agenda for the next mayor of Portland:

Union negotiations are managed by the city's human resources department. They are

held behind locked doors and generally not reported on by the media. The next mayor can open these doors and allow civilian oversight.

The next mayor can negotiate for executive power to separate officers from employment if they irrevocably harm the trust between the city, the police and the community. These names – Leo Besner, Kyle Nice, Christopher Humphreys, Scott McCollister, Jason Sery and Ron Frashour – are just a handful who stained the reputation of high performing officers. They should have been fired by past and current mayors.

The Independent Police Review is toothless without the ability to investigate deadly force incidents. The next mayor can fight for the IPR's right to investigate, and for access to informants needed to shed light on deadly force events. And the next mayor can resource the IPR to get the work done in a timely way.

Oregon district attorneys evade responsibility for the prosecution of police officers by hiding behind grand juries. District attorneys are elected to provide accountability and transparency, but they have a conflict of interest and rarely put officers on trial. Portland's next mayor can join the next Oregon attorney general and seek legislation to follow California and ban grand juries from reviewing deadly force by police.

There are two cop-preferential standards for police investigations into deadly force. When most people get questioned, they get a chance to catch their breath before answering. But police, protected by their steely union contract, get 48 hours to get their stories straight. Further, cops who've used deadly force get the name of the officer who will interview them prior to their interview, and all cop-to-cop interviews occur in a police facility. This is not just unfair; it hovers 10 feet over unfair. The next mayor can stop the double standards.

Finally, if we're stuck with Frashour, the next mayor should put him where he belongs, on a hard chair in a basement behind an iron door and an empty desk. And keep him there.

  
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