

COUNCIL CENSURES AUDITOR FOR OBEYING STATE RECORDS LAW

The Eugene City Council voted to reinstate the independent police auditor from a three-week forced administrative leave but censure her for “poor judgment” for showing public records to a member of the public.

The public records were photographs of wounds from a police dog attack. Auditor Dawn Reynolds showed the photographs to the attorney of the person who was bitten by the police dog.

The Oregon Public Records law makes it illegal *not* to disclose public records to the public. “Every person has a right to inspect any public record of a public body in this state,” the law states, with few exceptions. The law and other state and federal sunshine laws were enacted to reduce government corruption, waste and abuse.

In addition, Oregon and federal law make medical records available to patients and requires police to disclose records in civil and criminal cases.

But councilors did not mention the state public records law on April 14 when elected officials voted 6-2 to censure Reynolds for obeying the law.

Councilors George Poling, Jennifer Solomon, Mike Clark, Chris Pryor, Alan Zelenka and Andrea Ortiz voted to censure the auditor for disclosing the public record. Councilors Betty Taylor and George Brown opposed the censure.

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The councilors voting for censure argued that Reynolds had violated a “confidentiality agreement” the EPD had required that she sign. But such agreements do not supercede state law.

Requiring the auditor to sign such an agreement appears to violate the auditor city charter amendment passed by a two-thirds vote last year. The charter requires the city to hire an “independent police auditor” with required “access to all evidence” involving police complaints.

A city ordinance enacting the measure states that the “goal shall be to increase the transparency of, and public confidence in, the police complaint process.”

The charter measure passed overwhelmingly, but support for an independent police auditor appears far weaker on the council. Half of the council (Poling, Clark, Solomon and Pryor) have opposed the creation of an independent auditor and have criticized the function repeatedly.

Councilors Zelenka and Ortiz appeared more concerned about secrecy than the auditor’s actual job of auditing the police. The two councilors joined the other four in voting for the three-week suspension in a closed door meeting before hearing Reynolds explain why the records were public.

Instead of focusing on use-of-force complaints against the police, the council has largely focused on procedural complaints against the police auditor over the last year. The council has not discussed or taken action on repeated findings by the police auditor and Civilian Review Board that police failed to adequately investigate valid citizen complaints.

The council also voted 6-2 this week to require the auditor to get the permission of the city attorney before deciding what public records to disclose to the public. This provision also may violate the charter requiring an “independent auditor,” not one controlled by the city manager or the attorney he hires and supervises. The previous failures of the EPD and city manager to police the police were a primary argument for the overwhelming passage of the charter amendment.

In 2004, EPD officer Roger Magaña was convicted of sexually abusing a dozen women over six years while in uniform despite numerous complaints. Magaña used supposedly confidential police records to stalk sex victims.

Reynolds said in an interview that EPD officers have since been accused of misusing police records, but she couldn’t recall any cases where an officer has been disciplined or suspended.

Reynolds said she did nothing wrong or harmful in disclosing the public records in this case. She questioned whether the requirement to constantly consult with the city attorney will create a “huge burden,” distracting the auditor from actually auditing police complaints.

“I’m delighted to be back at work,” Reynolds said of the “stressful” suspension. But, she said, “clearly there is more work to be done defining what is confidential and what is not confidential.”

Reynolds pointed to a recent order by President Obama lifting the veil of secrecy in the Bush administration. “The presumption is always in favor of transparency,” she said of federal and state laws. “Public policy and the basis of the [auditor] ordinance is transparency.” — Alan Pittman

news Briefs

RESIDENTIAL TREATMENT CENTER IN TROUBLE

Willamette Family Treatment Services, Inc. is looking at cutting residential programs or even shutting down July 1, potentially eliminating 150 staff positions and dismantling a \$6.6 million organization that provides residential treatment for adults and children suffering from alcohol and drug abuse and domestic violence in the region.

Willamette Family, which began as Buckley House in the 1960s, relies on state funding which in turn generates matching federal funding. Each state dollar brings in \$3 in Medicaid funds. But state dollars are being squeezed as the Legislature and governor try to deal with revenue deficits that could reach \$4 billion or more.

“The second state budget has come out and is still cutting funds for residential treatment,” says the organization’s executive director, Hillary Wylie. “We are hoping that we can get the message across that without the federal match, we don’t have any money. It’s very scary for us because this is what we do. We have a large women’s and children’s treatment center by the Rose Gardens, and the men’s residential treatment on Green Acres Road, and Buckley House. All of our funds are under potentially fatal cuts right now.”

All state-funded agencies and organizations, including public schools, are looking at cuts of up to 30 percent. Less drastic cuts would depend on how federal stimulus money is allocated, and also on selective tax increases proposed in the Legislature.

Willamette Family’s executives are working with lawmakers and the governor’s office to try to continue funding. Former county commissioner Bobby Green is now

a lobbyist with the Association of Oregon Community Mental Health Programs and is involved in facilitating discussions. A group of lawmakers will be in Eugene May 1 for a meeting with the organization, and a public hearing.

Meanwhile, a meeting was held with all staff members last week to talk about shutting down or phasing out all programs. “We understand that it’s very difficult for lawmakers to make decisions,” says Wylie, “but I’ve been working for 20 years to build a residential treatment capacity to deal with pregnant addicted women and women with children and help the moms get their kids back from foster care.”

A key service of the organization is a full-time licensed daycare center on site so mothers can be in treatment and still have contact with their kids. “The idea of losing all this and having the kids go back in foster care is a nightmare,” says Wylie.

The center also gets federal parole and probation funding and state corrections money. “It’s little pieces here and there, but you have to have one to have the other,” says Wylie.

Wylie is retiring at the end of June, and Micki Knuckles, director of treatment, has been hired to take her place; but Knuckles might be looking for a job herself. Other key administrative people in the organization include Bob Richards, Lucy Zammarelli, Pam Strutz, Susie Dey, Alvin Sether, Sandy Bray, Georgia Bronson, Carol Crowe, Kelli Douthit and Marcie Gutierrez.

More information about Willamette Family can be found at www.wfts.org

— Ted Taylor

COUNTY BACKS SINGLE-PAYER

In February, Dunes City, a town south of Florence, enacted a resolution on health care reform including single-payer-type solutions. Now the Lane County Commission has passed a similar resolution by unanimous vote.

The resolution, dated March 31 and signed by board Chairman Pete Sorenson, “urges the Oregon Congressional delegation and the U.S. Congress to enact comprehensive health system reform after ensuring an honest, full and fair debate of the options, and that such debate must include single-payer-type systems and

Lane Area Herbicide Spray Schedule

- ODOT will start April 13 spraying state highways during the day on **Highway 99 North, I-5 Beltline and I-105** and then switch to night spraying for inside shoulders the following week. Call Don Angermayer at 744-8080 and/or call Herbicide Application (888) 996-8080.
- Western Lane area: **Seneca Jones Timber** (461-6245) will spray herbicides on its lands starting May 15 (#50212 and 50188).
- **Gypsy moth spraying** (southeast Eugene): First spray tentatively set for April 28.
- **Chemically sensitive?** If ODOT herbicide or Oregon Department of Agriculture’s insecticide spraying will disparately harm you because of disability, contact Forestland Dwellers at 342-8332.

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