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A Step Back on 48-Hour Rule

DA says agreement violates Oregon Law

BY ZACHARY SENN
THE PORTLAND OBSERVER

The Portland Police Bureau's controversial 48-hour rule, which was eliminated in negotiations with the city's police union last year, is now back stronger than ever.

The rule was a lightning rod for advocates fighting for reforms to bring more accountability to officer-involved shootings because it gave officers a two-day buffer period during which they could not be interviewed by the police bureau's Internal Affairs Department.

Police shootings spur two separate investigations; the first of which is a criminal investigation to examine if there was any illegal wrongdoing on the officer's behalf, and the second of which is an administrative investigation which determines if the officer acted in violation of bureau policies.

While the officer's right to remain silent is observed in the criminal investigation, the police bureau can compel statements from them during the administrative investigation.

The District Attorney's office, along with the Oregon Department of Justice, has now determined that police agencies cannot compel officers to make statements for administrative investigations while

criminal investigations are ongoing.

Rod Underhill, the Multnomah County D.A., says that compelling an accused officer to make a statement could effectively immunize them from criminal prosecution. He cited a 1984 Oregon Supreme Court decision that effectively determined that public employees gain transactional immunity by participating in administrative investigations that occur concurrently with criminal investigations.

Under new city rules, which memos show have been observed since May, Portland Police officers are not compelled to give statements during an administrative interview until after the case has gone through the grand jury process. This could give officers several weeks before they are compelled to participate in an interview about their conduct both leading up and during a shooting.

Constantin Severe, who serves as the chair of the Independent Police Review Board, says that this new policy effectively turns the defunct 48-hour rule into a 40-day rule. He argues that the changes will adversely affect the police bureau's relationship with the community.

Portland Mayor Ted Wheeler says that the city is evaluating its options following the policy change, and that he remains opposed to the 48-hour rule and the even longer potential waiting period.

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Making Amends

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name on Deady Hall. Matthew Deady, supported slavery before founding the UO in the 1800s but later changed his views. They decided to rename Dunn Hall.

Libby Tower, Unthank's daughter, said her father would be amused by having a building he didn't design carry his name. But he would support the reasons for the name change.

"I think it is really more the symbolism of what was Dunn Hall and making a correction for the right reason," said Tower, 63.

After his graduation with a degree in architecture, DeNorval Unthank Jr. stayed in Eugene. During his long career as an architect, he designed buildings on the campus — including McKenzie Hall, the former law school — as

well as houses and other buildings around the city and the Northwest.

"His fingerprints are all over Oregon," said Eugene City Councilor Greg Evans, who was a friend of Unthank Jr.'s.

Other notable buildings designed by Unthank Jr. include the Lane County Public Service Building and Kennedy Middle School in Eugene, and Thurston High School in Springfield. He also taught architecture at UO while still working as a professional architect.

A naming committee, which included Evans, picked four finalists earlier this year from 19 candidates who met renaming criteria for the former Dunn Hall. UO President Michael Schill then selected DeNorval Unthank Jr. in May; the UO Board of Trustees made it official in June.

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Please visit:

<https://www.oregon.gov/ODOT/TD/STIP/Pages/STIPDocs.aspx>
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Oregon Department of Transportation

Send comments to:
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