

Wind, dust close interstate, cause accidents

East Oregonian

Interstate 84 was closed for hours Tuesday evening after winds gusting up to 65 mph blew threw the area and caused serious car accidents, knocked down trees and knocked out power.

The interstate was closed in both directions between Pendleton and Stanfield, as well as a large section through the Columbia Gorge from

Troutdale to Hood River, due to falling trees. Highway 11 was closed for hours north of Pendleton due to a serious accident as well. Westbound lanes between Pendleton and Stanfield reopened at about 10:30 p.m.

There was also no immediate word on the seriousness of the accidents, though many cars were involved, many ambulances were dispatched and extrication

equipment was needed at multiple crash sites.

The latest information from Oregon State Police noted one interstate crash near Echo involved at least five vehicles.

The high winds also knocked out power to nearly 1,900 Umatilla Electric Cooperative customers in the Hermiston and Pendleton area, from about 5:45 p.m. until well into the night.

Service areas affected include the Ordinance area southeast of Hermiston, Butter Creek, in and around the city of Hermiston and in the Mission area near Pendleton, according to h.

Trees were reported down in the area, too, including one that landed on a house and another that landed on a car in Hermiston.

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MARIJUANA: Has until end of year to enact a ban

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issue to Pendleton's citizenry was the next best option.

"I believe (council members) want what's best for the community," he said. "Put it up to us. Make us decide."

After the public hearing was closed, Councilor Al Plute quickly made a motion to amend the ordinance banning marijuana, replacing a indefinite ban with a temporary one that would last until the November 2016 election.

The councilors that supported a ballot referral — Plute, Jane Hill and McKennon McDonald — gained a new ally in Wood.

Explaining his change of heart, Wood said he took a deeper look in to the Measure 91 elections data, which revealed the vote to legalize marijuana in two out of the three voting wards in Pendleton was closer than the 63-37 percent result in

"I tell you what, I voted against (Measure 91). But this is not my personal agenda, this is the agenda of the citizens."

— **Chuck Wood**, Pendleton city councilor

Umatilla County would suggest.

He also solicited input on his Facebook page and the feedback he received gave him additional anecdotal evidence.

"I tell you what, I voted against (Measure 91). But this is not my personal agenda, this is the agenda of the citizens," he said.

Councilor Tom Young warned the council that if anybody eventually voted in favor of marijuana dispensaries, it would violate their oath as city councilors, which specifically prompts them to uphold federal law.

Young joined councilors Neil Brown, Becky Marks and John Brenne in voting against the amendment.

Because the vote was on

an amendment and not the ordinance itself, Houk was allowed to break the tie and cast a vote.

He voted against the amendment, defeating it 5-4.

"Once this passes, then it goes into ordinance form and you still got 4-4," he said. "I will not support just moving it forward for no reason. You need to get five councilors on board one way or the other."

Proponents of a voter referendum were not pleased.

"I see that the votes are here to enact a ban, and the votes that are opposing the amendment are only opposed to having citizen input," Hill said. "If you truly believe that the community is opposed to both recreational and medicinal marijuana,

then there is zero risk to referring it to the voters."

Although the stalemate was already well established, the council was required to vote on the unamended ordinance that indefinitely banning marijuana. It, too, resulted in another 4-4 tie.

In accordance with city charter, Houk was not allowed to break the tie and the ordinance was referred to the next meeting.

Houk said it was in the city council's best interest to negotiate a compromise amongst themselves.

If the council doesn't enact a temporary or indefinite ban by the end of the year, state law dictates it loses that power permanently.

The council also voted to postpone a vote on an ordinance enabling street utility fees to the Dec. 15 meeting.

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TRANSPORTATION: Good Shepherd offers free rides to medical appointments for low-income patients

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he said.

His 12-year-old son walks back and forth to Sandstone Middle School, only blocks away, but Orem is worried about what will happen when his son is old enough to attend Hermiston High School and has to walk more than a mile to school every day, rain or shine.

Orem, who spent 17 years living in California cities with public transportation, said having a small fixed-route bus system in Hermiston would be a huge benefit for people without other transportation.

"I would go out and just do things," he said.

Orem said the employees of Hermiston Transit Services and Umatilla Cab Company are all "beautiful people" he has enjoyed getting to know. But he wishes he could take a spontaneous trip to a restaurant or store without having to call and wait as long as 30 minutes for a cab.

"It's doable to live with just the taxi system in town, but it's just not cutting the mustard," he said. "It's an existence but it's not a happiness."

Sundi Marquez sees a lot of car-less residents, including Orem, through the Umatilla Cab Company and Prestige Car Service. She said probably 80 to 85 percent of her companies' clients don't have another way to get around.

"You'd be surprised," she said. "There are a lot. We're their primary mode of transportation."

She said cab drivers in town become "part of peoples' daily activities," including rides to work, to medical appointments and to the grocery store.

"Wal-Mart is our mainstay, always," she said.

Umatilla Cab Company charges customers by the mile, while Prestige Car Service charges by the hour. Marquez said the car service has become popular with elderly customers who



Dale Orem, of Hermiston, gets out of a Umatilla Cab Company taxi after a ride to Loneys Martial Arts Center on Main Street.

would like a driver to come into the store and help them with their groceries.

Not everyone who takes a taxi is without other modes of transportation. Marquez said clients' car might be in the shop, or they don't want to drive in the snow or need a ride home from a medical procedure.

Taxis aren't the only way to get around without a car, either. For residents who want to go from one city to the next, Kayak Public Transit is a free bus system run by the Confederated Tribes of the Umatilla Indian Reservation.

The bus is open to all area residents and runs through cities around Umatilla County, as well as connecting the Tri-Cities, Walla Walla and La Grande. It stops daily in Hermiston at McKenzie Park and Wal-Mart.

CTUIR Planning Director J.D. Tovey said "kayak" is a tribal word that means "to remove hindrances."

"That's kind of what our mission is, is to remove obstacles for people to go to work, to play, whatever they need to do in their lives," he said.

Tovey said a family with two vehicles can save an estimated \$9,000 a year by getting rid of one. Kayak Public Transit saves families that money by allowing them to find another way to get to work, he said. Each bus seats about 30 people, and Tovey said every morning there is a "nearly full" busload of people commuting to work from Pendleton to Hermiston. Some go even farther, meeting up with a carpool buddy in Hermiston to travel the rest of the way to a job in Heppner.

The service has been growing steadily and now gives more than 100,000 rides a year. It connects people to eight regional hospitals and helps reduce absenteeism at the area's major employers.

Some organizations offer rides to medical appointments for low-income patients. Good Shepherd Medical Center's CareVan service has been providing

free transportation to appointments at the hospital or Hermiston physicians' offices since 2006.

CAPECO also provides rides to its clients via Dial-a-Ride. In some cases, such as an Oregon Health Plan or Medicaid patient going to a doctor's appointment, the ride is free; in other cases riders are asked to pay for the trip.

Dawn Capica of CAPECO transportation said there is "definitely a need" that CAPECO does its best to help fill. She said more volunteer drivers would make a world of difference in how many rides the program could give.

"There are a lot of people out there who need help," she said. "Not everyone has a vehicle or has access to one."

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LAB: Accreditations for other analysis remain intact

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evidence and limits analysis to two pills, with the exception of MDMA, or ecstasy.

State police operate five forensic labs and provide the only full-service forensic lab system in Oregon. The American Society of Crime Laboratory Directors/Laboratory Accreditation Board of Garner, North Carolina, provides the accreditation for the labs. John Neuner is the executive director of that operation. He said Oregon State Police reported the labs stopped drug testing, and the society on Sept. 11 removed the accreditation for drug work.

That does not stop the labs from processing drug evidence, he said, but accreditation matters in the eyes of the public, jurors and law enforcement. He said the society and board ensure 369 crime labs across the U.S. meet international standards for handling and testing evidence.

The society renewed accreditation for the Oregon labs on Sept. 30, 2011, and it expires after five years. Neuner said the society is changing to a four-year window in part to provide more frequent oversight, as well as for administrative reasons, including to more easily meet new federal standards for DNA analysis.

The society does not conduct "unannounced visits" of labs, he said, and it has no plans to send someone to the Pendleton or Bend labs to see any changes firsthand.

"As an accrediting body," he said, "we are concerned with what they are doing to address that and we monitor that activity."

The monitoring comes in the form of reports and information the labs provide, he said, and in Oregon's case the society is requiring more reporting than usual.

Neuner said the suspension for drug evidence will last only as long as it needs, but that may depend on the length of the criminal investigation. He said accreditations for other analysis remain intact. The Pendleton and Bend labs, for example, still can gather and test evidence from crime scenes.

Morrow County District Attorney Justin Nelson said accreditation matters, and until state police conclude their investigation and ensure changes are in place, suspending the drug work was the right move.

"I think the Pendleton lab went above and beyond what it had to do," Nelson said. "They voluntarily suspended the work."

The Larsen investigation also opens the door to new questioning from defense attorneys, particularly regarding evidence chain of custody. Nelson said defendants have every right to know and question what happened to evidence at every step, from the crime scene to the lab to the courtroom. He and other prosecutors in those letters promised to review cases Larsen was involved with and notify defense lawyers of findings.

"There's a lot of good people in law enforcement, and when there's a question of integrity of one of them, that tarnishes the reputation of all of them. And that's what's unfortunate about this situation."

— **Will Perkinson**, Pendleton attorney

Brady v. Maryland is the landmark 1963 United States Supreme Court case that compels prosecutors to make such disclosures. Pendleton attorney Will Perkinson explained the Supreme Court in that case found prosecutors withheld evidence that indicated a man convicted of murder did not commit the crime. The Supreme Court ruled withholding exculpatory evidence — evidence that exonerates or tends to exonerate the defendant — violates due process "where the evidence is material either to guilt or to punishment."

Perkinson said Brady is a case every prosecutor and defense attorney knows and "has been interpreted and applied pretty expansively in the decades since." And key subsequent cases out of the Brady ruling have determined prosecutors have a duty to comb their files for exculpatory evidence.

Oregon, however, did not have a state law enforcing compliance with the Brady ruling until 2013, when the Legislature created Oregon Revised Statute 135.815 to outline what prosecutors must disclose. Even so, Perkinson said, prosecutors do not reveal evidence that favors the defense "more than you would like to think."

He said he does not think local district attorneys have nefarious motives, but instead are in difficult positions.

"They work hand-in-hand with the front lines of law enforcement and feel that pressure," Perkinson said. "But their first obligation is to justice."

Perkinson questioned how suspending accreditation could be voluntary and not mandatory, and he raised concerns the accreditation bar is too low. Not only does the Crime Laboratory Directors/Laboratory Accreditation Board not conduct surprise inspections, Perkinson noted it gives labs a six-month notice before a visit.

But Perkinson said the Oregon State Police Forensic Services Division has to explain what Larsen did — and how — and not merely input new policies for people who should be trustworthy.

"There's a lot of good people in law enforcement, and when there's a question of integrity of one of them, that tarnishes the reputation of all of them," Perkinson said. "And that's what's unfortunate about this situation."

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