

OUR VIEW

Oregon
obscuring
records on
police
discipline

It's virtually impossible for Oregonians to find out anything about the discipline of law enforcement officers. Short of an officer getting charged or arrested for a crime, the public may never know.

Oregon legislators did make some changes in the recent special session. The Department of Public Safety Standards and Training is now required to keep an online, statewide database of some information. When a law enforcement agency is making a hire, they are supposed to check it. Good.

Legislators passed a second bill aimed at making it harder for the officers who are fired or disciplined to have that decision overturned by an independent arbitrator. As long as the discipline is consistent with the agency's "discipline guide" or "discipline matrix," the arbitrator can't change the disciplinary action. That's also good. It depends, though, on what the agency and the union decide should be in the discipline guide or matrix.

You may not be surprised to learn there are deeper problems keeping the public in the dark. Police officers, sheriff's deputies, state employees and employees of cities, counties, school districts and more have the power to collectively bargain under Oregon's Public Employees Collective Bargaining Act. We are not questioning their right to do so. We do question what public agencies may bargain away in those agreements.

We have not read every such agreement. Many contain language similar to this: "If there is a reason to discipline an employee, the person imposing the discipline shall make reasonable efforts to do so in a manner that will not embarrass or humiliate the employee before other employees of the public."

That's good to protect the reputation of employees. It also, though, throws up a wall blocking disclosure of disciplinary actions from the public.

State law backs up those provisions in contracts. The law says a personnel discipline action and materials and documents supporting that action are conditionally exempt from disclosure. There's also a specific part of Oregon law covering when no discipline results for public safety employees. "A public body cannot publicly disclose a personnel investigation of any of its public safety employees if no discipline results, unless the public interest requires disclosure or if the public body determines that nondisclosure would adversely affect the public's confidence in the body," according to Oregon's public records manual.

In short, the records can be made public, but it must be determined that there is "public interest" in disclosure. That's an uphill fight from the get-go. If a member of the public wants such records, it's the agency that has the records that makes the initial decision if it is in the "public interest" or not to release them. Good luck convincing them to turn the records over. It sets up a perfect opportunity for some agencies to deny a request is in the public interest and hide what they are doing. Yes, in Oregon, you can appeal an agency's decision to decline a records request. That can quickly mean going to court and the cost of hiring a lawyer. Who has the money to do that?

If Oregonians want reassurance that bad officers are being properly disciplined, union contracts and state law create a blockade stopping it.

Unsigned editorials are the opinion of the Baker City Herald. Columns, letters and cartoons on this page express the opinions of the authors and not necessarily that of the Baker City Herald.



Collaboration crucial to forests

The decision by two groups to withdraw from the Northern Blues Forest Collaborative is extremely unfortunate. It is imperative that stakeholders with all perspectives work together to address the challenging issues facing our national forests and communities.

The Northern Blues Forest Collaborative was originally developed to foster tough conversations and relationships between groups representing diverse perspectives and values relevant to public land management. The goal was to develop projects that would help restore and steward the forest ecosystem and sustain social and economic benefits to local communities. Regrettably, they objected to a simple briefing from the U.S. Forest Service exploring the continued use of the 21-inch screen under current forest conditions, and anticipated future climate effects. That's not collaboration, that's a "my way or the highway" type of attitude.

To be clear, the collaborative only agreed to discuss science behind the 21-inch rule, also known as the "Eastside Screens." There has been no proposed action from the Forest Service, nor has the collaborative agreed to anything other than a discussion. Apparently, this potential discussion prompted these two groups to "pick up the ball and go home" rather than to listen, talk and work with others who

have different views.

Today the 21-inch rule restricts opportunities for science-based forest restoration across at-risk forested landscapes. Fast-growing grand fir have proliferated in the absence of fire, and are driving a shift from historically open forests in the northern blues dominated by fire-resilient species like ponderosa pine, western larch and Douglas-fir, to densely stocked, closed forests.

It's worth discussing solutions that give land managers more flexibility and give collaboratives more space to work together to reduce the risks of wildfires, insects and disease on national forests. These natural disturbances are occurring at unprecedented size, severity and frequency — and this trend is projected to accelerate under most climate models.

The 21-inch rule imposed decades ago was originally only an 18-month amendment to the forest plan. The one-size-fits-all solution does not reflect the conditions on the forests in 2020, which are at a high risk for uncharacteristic wildfires that drastically affect the ecosystems and local communities.



LINDSAY WARNESS

Rather than allowing our forests to burn and fill our air with unhealthy smoke, thinning overstocked stands reduces competition for sunlight and water, and enables trees to grow older and larger. This type of forest management also improves and enhances wildlife habitat for species that depend on diverse forest types.

Collaboratives do not succeed if they do not work towards the three legs of collaboration — which are ecological, economic and social. In having the nuanced discussions about these goals, the collaborative must be able to use all the tools available to meet the restoration needs of the forests and communities. Active forest management is one tool to address these issues, even if there are disagreements on where, when, and how broadly these tools should be used.

In today's world, working and talking together to achieve common goals is as important as it has ever been. Collaboratives are where solutions are found and while they may be uncomfortable for multiple parties, it is imperative that we continue the spirit of working together rather than against each other.

Lindsay Warness works in the wood products industry and is a former member and founder of the Northern Blues Forest Collaborative.

GUEST EDITORIAL

Trump wrong to try to intimidate schools as they prepare to reopen

Editorial from The San Jose Mercury News

The decision on how and when to reopen schools was hard enough before President Trump last week injected politics into the issue.

Staying in character with another simplistic, bombastic declaration that ignores the nuances of the coronavirus, he tweeted Monday that "SCHOOLS MUST OPEN IN THE FALL."

Nevermind that COVID-19 cases continue to surge at alarming levels across the country, including here in California, and many hospitals are nearing capacity while Trump does nothing to slow the spread.

He ramped up the pressure Wednesday by threatening to withhold federal funding from schools that do not resume in-person classes this fall, which is absurd for many and puts the lives of students, teachers and staff on the line for political reasons. Trump instead should pressure Congress to provide additional funding needed to make schools safer to reopen.

The president also attacked the Centers for Disease Control's reasonable guidelines for reopening schools, calling its emphasis on safety, social distancing and remote learning too expensive and impractical. The CDC lost whatever respect it still had by caving and announcing it would issue less-restrictive orders next week.

Fortunately, Trump doesn't make the final call on reopening schools. That decision is immensely complex and should be made by health and school officials based on science, not politics.

The challenge will be balancing the value of reopening schools with the need for safety. Our children are already suffering academically and emotionally from being kept out of the classroom. We all want to see them return to school, where they learn better from in-person instruction. Moreover, the economy cannot fully recover until parents have the ability to focus on work during school hours.

But reopening schools must be done prudently.

Alameda County, San Mateo County and Santa Clara County education officials already have published reasonable protocols for schools to reopen. Alameda County's are the toughest, requiring students to wear masks and establishing physical distancing goals. Contra Costa County officials should follow their lead. They instead put forward a road map for individual districts to establish their own set of guidelines, an approach that could result in confusion for students and parents.

Health and school officials must consider a wide range of issues, including:

- Age of the students. Elementary students are less likely to contract and spread COVID-19 than high school students. And elementary students can more easily be contained in a single classroom with a single teacher.
- Design and availability of classrooms. Schools need extra space for appropriate physical distancing for students, teachers and staff. Newer, up-to-date schools have better ventilation,

which reduces the risk of infection.

- School district finances. Schools need additional revenues to clean facilities, revamp classrooms, purchase protective equipment, conduct testing and implement safety protocols.
- Equal opportunities for students. Some schools will inevitably be forced to conduct full-time or part-time remote learning. But poorer families don't have equal access to computers or the internet.

Trump noted in one of his tweets this week that countries such as Germany, Denmark, Norway and Sweden have reopened their schools with "no problems." He failed to mention that, with the exception of Sweden, they first established national strategies to sharply reduce the number of COVID-19 cases and then mandated strict national protocols for schools.

Denmark, for example, has implemented hourly hand-washing and established enough classroom space to limit children to small groups of no more than 12, creating a virtual cocoon with no crossover with others. It is also conducting classes outside and in parks, whenever possible.

California and the Bay Area have learned the hard way that dealing with the coronavirus threat requires patience and careful planning. Trump lacks both skills. The decision on when and how to prudently reopen local schools should be left in the hands of health and school officials.