

2020 PROTESTS

Portland police officer indicted on assault charge

The Associated Press
PORTLAND — A Multnomah County grand jury has returned an indictment against a Portland police officer accusing him of hitting an Oregon protester in the head with a baton in 2020.

The indictment marks the first time in the county an officer has been prosecuted stemming from force used during a protest, The Oregonian reported.

Corey Budworth is charged with misdemeanor fourth-degree assault. He's accused of "unlawfully, knowingly and recklessly causing physical injury" to Teri Jacobs on Aug. 18.

Multnomah County District Attorney Mike Schmidt called Budworth's use of force excessive and lacking any legal justification, and said in a statement that "the integrity of our criminal justice system requires that we, as prosecutors, act as a mechanism for accountability."

Budworth, 40, joined the Police Bureau six years ago.

Budworth's lawyer, Nicole L. Robbins, did not immediately return an email from the Associated Press seeking comment. The police union called the prosecution politically driven, and said Bud-

worth's baton "push" to a woman's head was "accidental."

U.S. Department of Justice lawyers and the city-hired compliance officer had highlighted the incident in their reports critical of the bureau's review of officers' use of force during the nightly demonstrations.

A video shared on Twitter caught an officer running and striking the back of a protester's head with his baton shortly after 11 p.m. on Aug. 18.

The officer knocked the woman down and then hit her with the baton a second time while she was down, the video appears to show.

The Police Bureau found the baton strike was "not intentional" and therefore not considered lethal force while the Independent Police Review office viewed the strike as a "push," compliance officer Dennis Rosenbaum noted in his report.

However, Rosenbaum said the video did not support either stance and that police should have started a deadly force investigation. Police started an inquiry as a result — several weeks later, a federal Justice Department report noted.

COVID-19

Continued from A1

The daily totals are down sharply from April, when the state topped 50,000 shots on its biggest vaccination days.

Demand for vaccinations has slowed in the past month, as those eager to be vaccinated against the virus have been served. What's left is residents for whom vaccination is inconvenient or who have doubts about getting the shots.

Oregon Republicans have been critical of Brown's approach throughout most of the pandemic, despite the state's low infection and death rates compared to most of the rest of the nation.

Critics say restrictions have unnecessarily hamstrung the Oregon economy as other states had fewer or sometimes no restrictions. Now Brown is being cast as out of step even with Democratic governors in California and Washington.

House Minority Leader Christine Drazan, R-Canby, released a public letter to Brown on Tuesday calling for her to follow the example of California, where Gov. Gavin Newsom opened the state to most activities on Tuesday.

"Oregon does not need to be the most restrictive state on the West Coast, or one of the last states to reopen nationwide," Drazan wrote.

Citing vaccines, improved medical treatment for infections, and the "natural immunity" of those who contracted COVID-19 and survived, Drazan said there were enough safeguards to lift restrictions immediately.

"If we include Oregonians with natural immunity, then we are well above the 70 percent threshold to reopen the state," Drazan wrote. "Oregonians have been through enough. They do not need to wait another day."

The range of restrictions differs from county to county in Oregon as Brown has taken steps to remove limits in areas that have put at least one shot into the arms of 65% of eligible adult residents.

Eight counties have met the standard and were moved to the least restrictive lower risk level, regardless of infection rates.

COVID-19 risk levels in Oregon counties as of June 18:

As of Friday, Oregon will have 22 counties at lower risk, five at moderate risk and nine at high risk.

LOWER RISK (22)

- Baker
- Benton
- Clackamas
- Clatsop
- Coos
- Curry
- Deschutes
- Gilliam
- Grant
- Hood River

- Lake
- Lane
- Lincoln
- Morrow
- Multnomah
- Sherman
- Tillamook
- Union
- Wallowa
- Wasco
- Washington
- Wheeler

MODERATE RISK (5)

- Harney

- Jackson (Moved from High)
- Josephine
- Polk
- Yamhill

HIGH RISK (9)

- Columbia
- Crook
- Douglas
- Jefferson
- Klamath
- Linn
- Malheur
- Marion
- Umatilla

Washington, Benton, Hood River, Multnomah, Lincoln, Deschutes, Lane and Clackamas counties are past the 65% mark. Polk County is less than 1 percentage point away from joining the group as soon as OHA confirms it has met the qualifications.

Two counties in the northwest could still see limits lifted before the whole state. Clatsop and Tillamook are over 62%, and if they keep up the same rate of vaccination, they could move to a lower level next week.

For many counties the statewide 70% mark is likely their only path out of the restrictions on restaurants, events, shops and socializing that come with high risk levels.

There are currently nine counties at what is now the state's top risk status. Marion, Jefferson and Linn have given at least one shot to more than half their populations. Umatilla and Malheur are below 40%. Columbia, Crook, Douglas and Klamath are in between.

While the end of June seems a likely time frame to reach 70% with at least one vaccine shot, the main goal has been to reach President Joe Biden's hope for a normalization of life by the July 4 holiday.

Oregon Health Authority officials and vaccination partners are making a more

assertive effort to get into the community and offer shots at workplaces, shops, schools and shopping areas.

The state is also trying to appeal to the wallets of those who haven't yet stepped up to get inoculated.

Oregon will hold a drawing on June 28 in which one vaccinated resident will win \$1 million. One resident from each of the 36 counties will receive \$10,000. Vaccines are now available to all those age 12 and older. Though they are not part of the 70% adult goal announced earlier, the state will give out five \$100,000 Oregon College Savings Plan scholarships to vaccinated youth.

OHA officials have said the state is now experiencing two different pandemics, one that can affect the health of vaccinated people only moderately at best. For the unvaccinated, the virus that has killed nearly 600,000 Americans is still spreading to the unprotected.

"If you are not vaccinated, COVID-19 remains just as dangerous as before," Brown said.

Until the 70% mark is hit, Brown will continue to announce revised COVID-19 county risk levels each week. The current list goes into effect June 18 to 24. The next revisions will be announced June 22.

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An array of solar panels can be seen in this file photo. The state's Land Use Board of Appeals has ordered Crook County to reconsider the expansion of a solar project.

Mateusz Perkowski/
Capital Press file

Solar

Continued from A1

According to LUBA, the agency's interpretation is supported by the plain language of state law and the legislative history of a bill that gave counties more jurisdiction over certain solar facilities.

The county does not get to decide which statewide wildlife requirements must be included in a project plan, the ruling said. "The legislature did not limit the universe of rules with which an applicant must demonstrate consistency to only those rules that the county determines apply."

Under the 2019 bill, county governments were allowed to approve certain projects that would previously have to be cleared by the state's Energy Facility Siting Council, including solar facilities of up to 1,920 acres on uncultivated, lower-quality soil.

Although lawmakers intended for House Bill 2329 to "streamline the permitting process and reduce permitting costs," it does not reduce

ODFW's mitigation requirements for wildlife habitat, the LUBA ruling said.

"The legislative history does not demonstrate, as intervenor argues, that the legislature intended to weaken habitat protection or to waive compliance with the Mitigation Policy," the ruling said.

Capital Press was unable to reach attorneys for Crook County or West Prineville Solar Farm as of press time.

LUBA's decision helps to clarify the procedures and expectations for solar facilities authorized under HB 2329, said Sarah Reif, energy coordinator for ODFW.

"It makes it a lot more clear for future applicants what standards they need to meet in terms of mitigating wildlife impacts," she said.

Unless the county or developer plan to appeal, ODFW looks forward to helping develop a wildlife mitigation plan that meets the requirements, Reif said.

"There's still an opportunity for this project to put forward an application that meets the

wildlife standards," she said.

1000 Friends of Oregon, a nonprofit land use watchdog, had opposed HB 2329 because it feared solar facilities would be held to less rigorous requirements.

"We were concerned county level decisions wouldn't be as thorough as state level decisions," said Jasmine Zimmer-Stucky, the group's working lands engagement coordinator.

The LUBA ruling shows that state agencies should remain involved in the approval process and points to the need for mapping to help solar developers avoid litigation and gain certainty, she said.

"The decision reinforces that if we mapped in advance where these facilities should go, we could avoid these kinds of conflicts," Zimmer-Stucky said.

Pedestrians

Continued from A1

Bend Police Lt. Juli McConkey said both cases remain under investigation. The police department is concerned about these incidents and wants to remind both drivers and pedestrians to stay safe on the roads, McConkey said.

Roads are busier than normal as Bend draws visitors for the summer months, McConkey said. And all those drivers need to keep their eyes on the road and avoid any distractions such as cellphones, she said.

"I'm not saying in these cases people were distracted, but in general everybody needs to be paying attention to the roadway and only the roadway while they are driving," McConkey said.

For pedestrians, McConkey said, it is important to stay in the crosswalks and be especially careful in the evening. Pedestrians need to wear clothing at night that is light or brightly colored or reflective to be easily seen by drivers, she said.

"I would caution pedestrians to wear contrasting clothes," McConkey said, "nothing dark that is going to blend into the night."

Bend Police responded to the June 7 crash at about 9:22 p.m. Officers discovered that Reed was in the northbound lane of NE Third Street at Mervin Samples Road near the Bethlehem Inn before being struck by two vehicles back-to-back.

Stacey Nicholson, a 19-year-old Bend resident who was driving a green 2001 Honda Civic, was traveling north on Third Street and did not see Reed in the road when she struck him.

The second vehicle, a 2004 Coachman motorhome driven by 39-year-old Bend resident Cory Holcomb, was traveling north behind Nicholson and also struck Reed.

Reed was pronounced dead at the scene. Nicholson and Holcomb stayed on scene and were cooperative with the investigation, according to police.

The pedestrian crash Monday occurred at 4:27 p.m. in the northbound lanes of the Bend Parkway at Pinebrook Boulevard at the south end of Bend.

Officers responded to the scene and found Briley lying in the road, near a crosswalk at the intersection of the parkway and Pinebrook Boulevard.

Several people in the area had stopped to help Briley and provide aid until Bend Fire & Rescue arrived and transported him to the hospital.

Briley was struck by a white 2001 Dodge Ram 2500, driven by Lloyd Thomas, a 77-year-old Hood River resident.

Thomas was traveling northbound on the parkway. He and his passenger were not injured during the crash. Thomas was cooperative with this investigation, according to police.

■ Reporter: 541-617-7820, kspurr@bendbulletin.com

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OBITUARY

ARTHUR KELLY CONRAD, JR. MD

October 18, 1951 - February 15, 2021

Kelly's Celebration of Life is now to be held Saturday, October 16, 2021, at noon at Bend Golf Club. Come join his family please!



DEATH NOTICES

Charles Henry Blackshear of La Pine, OR
 May 14, 1934 - May 19, 2021

Arrangements: Baird Memorial Chapel of La Pine is honored to serve the Blackshear family. Please visit our website, www.bairdfh.com, to share condolences and sign the online guestbook.

Services: A Celebration of Life will be held on June 26th at 1:00 pm, at the Journey Church, 70 NW Newport Ave, Bend, OR.

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