

# Police Union contract negotiation listening session offers hope for change but also illustrates the limitations of bargaining

---

**Anchor 1:** Last night (Monday night), Mayor Ted Wheeler and Commissioner Jo Ann Hardesty hosted a listening session on the upcoming police contract negotiations.

The meeting was open to the public, soliciting community response to the state of policing in Portland.

As the contract negotiations near, leaders of a national police reform campaign urged the Mayor and Commissioner to push for reforms that would restrict the use of deadly force, hold officers accountable for misconduct and allow for greater civilian oversight.

Activists from Black Lives Matter and Campaign Zero gave presentations at the invitation of Commissioner Hardesty.

KBOO's SJ Oxendine attended the event, and spoke to Mayor Ted Wheeler, who also acts as police commissioner, about the negotiations with the Portland Police Agency, or PPA.

**SJ:** We are here tonight with the Mayor, please tell us why we are here tonight Mayor, and what you hope to accomplish.

**Wheeler:** Well this is the first of two public listening sessions, and Commissioner Hardesty and I are here tonight not to talk, not to give speeches, but to hear from the public about what they hope is included in our upcoming discussions around the renewal of the contract with the Portland Police Association.

**SJ:** It seems to me like there might be some issues that are more important, actually, than money, do the Commissioners and the Mayor really have the enforcement ability to go for more authority and oversight and that sort of thing?

**Wheeler:** Well, we have an obligation to negotiate in good faith, and try to come to an agreement with the PPA that's fair, but what we're hearing from the public so far is that accountability and oversight are definitely the top issues. So I expect tonight we will hear more about accountability, oversight, use of force, and probably some other issues as well. But what I heard during the last negotiation several years ago, and what Commissioner Hardesty heard is that the public really didn't feel like there was any meaningful engagement opportunity. So we wanted to make sure that it is—as this process unfolds with PPA, there is an opportunity for the public to weigh in, and so tonight is the first of two sessions that we've planned so far.

**Anchor 2:** That was Portland Mayor Ted Wheeler speaking about his expectations for the Police contract listening session.

Deputy City Attorney Heidi Brown gave the crowd an idea of the parameters of the negotiations. While some issues can be addressed in the Police union bargaining, others are off limits. Here's Brown.

**Brown:** The other thing that I wanted to share with you is a little bit about state and federal law. There are many things that we can bargain about, there are a few things that are off-limits, either for constitutional reasons, or for state law. So, for one example, under the Constitution, public employees—many public employees—are entitled to due process before and after losing pay or their jobs. By losing pay what I mean is when they are suspended from work for misconduct, or they lose their jobs for misconduct. Before that can happen they have a right to certain due process protections, and that's required under the Constitution, both the U.S. and the Oregon Constitution. And then an example of state law, along with the Public Employees Collective Bargaining Act, which we've already talked about, there is something called the Officer Bill of Rights, if any of you have the time, familiarize yourself with those, they're in Oregon law and it's helpful to know about them because you're not allowed to provide less than what's in the state law in our collective bargaining agreement.

So those are just a couple of examples of laws and issues that we can't bargain, but keep aware that there are many, many other issues that we can bargain about, and those are really the

things we want to focus on, and hear from you as we go through making decisions about what are the priorities. So thank you very much for your time.

**Anchor 1:** That was Deputy City attorney Heidi Brown outlining some of the parameters for bargaining the police union contract.

The listening session was broadly seen as a step in the right direction. Unite Oregon's Andrew Riley noted that it was heartening to see the turnout and the interest, but that there are still lengths to go in order to create meaningful change.

**Riley:** My name is Andrew Riley, and I am an organizer for Unite Oregon and I convene the Police Reform Network of activists who have been engaged on this contract. I am really excited about the turnout tonight, we got probably 80 to 100 folks in the room, a lot of people were here to speak up about police accountability and justice.

**SJ:** What do you in particular want to come out of this evening's event?

**Riley:** I want the city to hear why this issue matters in human terms. I think its really easy with a contract like this to talk about dollars and cents, talk about salaries and benefits, but we need to talk about what the actual human impact is at the end of that contract. One of the things I'm really excited about tonight is the number of folks who have brought photos or banners of the names of people who have been killed or harmed by Portland Police, to really highlight that we can talk about policy, we can talk about politics, but there are human lives at the end of it.

**SJ:** From my perspective, as I sit here and I'm listening and I'm watching, I'm wondering about the actual authority that the Commissioners and the City Hall have to institute any of the kind of changes that you're talking about, given the concrete structure of the police contract.

**Riley:** Well, and that's why I think an event like this is so important, I think it would be really easy for the city to do what they did in 2016, which is negotiate a contract in secret, don't involve the community, don't put anything in there that really advances the community's interest. But they need to do that differently this time around, we've got a lot of folks in this

room telling them that. And there are some things we're going to need to change in the law as well, there's stuff that we can do in this contract, there's stuff we can't do in this contract, and so that's going to involve for example, looking at the statewide use of force law, the state law that's called the Officer's Bill of Rights that prohibits the city from doing some things to promote accountability, but I do think there is a lot we can get done in the contract itself.

**SJ:** Speak to oversight, civilian oversight. What in specific would you like to see happen?

**Riley:** I'd like to see it be improved and strengthened, I'd like to see it be made meaningful. Right now we sort of have this patchwork of agencies, it's an alphabet soup, you have the Independent Police Review Division or IPR, which is neither independent, nor empowered to review the police, its name is a little bit of a misnomer there. You've got the Citizen Review Committee, you've got the Police Review Board, all of which have different roles in this process, and so what I want to see is consistent, meaningful civilian oversight, the ability for civilians to compel officer testimony, to actually have jurisdiction in deadly force cases which they do not, and to recommend discipline when officers do commit misconduct.

**Anchor 2:** That was Andrew Riley with the advocacy group Unite Oregon.

During the presentations, it was pointed out that there are limitations to what can be changed in the police contract. Sarah Iannarone, a candidate for Mayor, pointed out that the contract is not the only way for citizens to enact change on this issue.

**Iannarone:** Hi, my name is Sarah Iannarone, and I am currently running to be the mayor of Portland in the 2020 May primary.

**SJ:** Alright, and why are you here tonight?

**Iannarone:** You know, one of the reasons I am running for mayor of Portland is that I am so concerned about the loss of life on our streets. Like in the last year, we've seen so many people who are homeless dying on our streets, so many people walking, or taking active transportation or even driving dying on our streets. But especially, it's painful when the people who are charged with keeping us safe end up ending the life of someone on our streets. And so I think it's particularly important for us to think about what kind of public safety we want to have,

how we want to spend our precious public safety dollars, and how we want to ensure that the people who are charged with keeping us safe are actually keeping us safe. This will be the deadliest year on record for police use of force in almost a decade, and that suggests to me – that’s around the time of the DOJ settlement has been in place for Portlanders, and that suggests to me that maybe we’re not doing quite as much as we could be if in a decade we haven’t made progress and in fact the number is back on the rise again.

**SJ:** Well as a new mayor, how would you change things? What would your approach be?

**Iannarone:** Well I think we need to decentralize the community oversight of policing. You know when you think about the intractability of the police union contract, often I don’t think the average Portlander realizes how much we’re locked into what goes on with the Portland Police through these contract negotiations. And so, regardless of what comes out of this negotiation, I know that there are steps that we have to take regardless of the contract, to ensure that the community has a fair say in how policing is overseen.

**SJ:** I’m a little bit confused, and maybe some other folks would be, you say that we’re locked into this and that and the other, just what kind of authority would you be able to exert to make the kind of changes that you’re talking about?

**Iannarone:** Well when you think about things like the overview of policing right now, we tend to do it writ large, right? We don’t have these interest groups of people who are most informed about how things should be going down, in terms of, what does it look like for us to be doing community oversight of anti-bias crimes? What does it mean for us to be doing community oversight to ensure that immigrant and refugee communities are safe? What does it mean to be doing community oversight of Black Lives Matter, and making sure that racial bias isn’t there? We tend to do it all in one lump sum. What do we do about community oversight in terms of use of force with people with mental health crisis? And regardless of how the police union contract works out, we can start to, as a community, decentralize some of those, so that even inside the Police Bureau, we can say, ‘you know, you’re not doing a very good job with regard to anti-bias, so we’re going to take you off of that subject area.’ In some ways it allows us to have oversight that we may or may not be allowed to negotiate through the contract process, depending on who’s leading it, obviously right now I don’t have a leadership position. But also,

y'know we understand that even the chief has so much power over what's going on, based on what they have to execute, by virtue of what's negotiated in the contract. Does that make sense?

**SJ:** Well it does to me but it seems to me, as I listen to everyone speaking here, that more and more and more, there is very little that City Hall, the Commissioner, or the public at large has any control or input into these negotiations.

**Iannarone:** Right, and so that's what I'm saying like this is something that I think regardless of how these negotiations turn out, we actually can institute as a public because there's nothing in the contract precluding this at the moment. So we could actually devolve, if you will, and have a decentralized oversight model based on, there's nothing in the contract that says, we can't reassign you from this unit to that unit. As long as it's lateral, and doesn't affect your pay or working conditions, there's nothing that precludes that. So it might actually be an inroad for us having some community oversight of policing, it's like fighting back through the cracks of what should already be ours. So I'm thinking about innovative approaches, regardless of how this contract negotiation works out. If that makes any sense.

**SJ:** I think it makes sense, but for the people who are into the weeds in the finances of things like this, it sounds to me like you would have to completely re-organize the budget to do these things, can you speak to that a little bit?

**Iannarone:** I mean that's one of the major reasons I'm running for mayor, when people say, why would someone like you run for mayor, it's because I can control two things, the assignment of the bureaus, and the budget. And so aligning those budgets regardless of the bureau with the strategic plans and the priorities for those bureaus is going to be important, and it's something that we don't do. And you saw Darryl Turner's response on behalf of PPA to the Street Response, which we all know—I mean it's a pilot program underway in Lents right now—but we all know sending an unarmed person is going to reduce the possibility that people in mental health crisis are ending up on the receiving end of excessive force, and lethal use of force.

**SJ:** So you support the Portland Street Response?

**Iannarone:** I do, I think a reallocation toward that is one thing that the mayor's office can do, is fully fund that program and expand it

**Anchor 2:** That was Mayoral Candidate Sarah Iannarone speaking with KBOO's SJ Oxendine at last night's Police contract listening session. Portland residents can give their input on police negotiations online at [portlandoregon.gov/wheeler/80027](http://portlandoregon.gov/wheeler/80027).