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Mayor Axelrod Statement Regarding Fesser Case

Thank you for joining us here tonight.

This has been an incredibly difficult week for our community. Like many of you, I am shocked and outraged at the treatment of Mr. Michael Fesser by members of our Police Department under former Chief Timeus as characterized in the press. Our city does not and will not tolerate discrimination in any form.

As Mayor of West Linn, I must apologize for the described conduct that has stained our community. Such actions do not reflect West Linn and our neighboring cities, and we will be vigilant to make sure that such conduct never occurs in the future.

Mr. Fesser: I want to offer my sincerest apologies to you, your family, and everyone who has been hurt by this. The articles describe inexcusable racism and abuse of power at the hands of members of our Police Department. The pain, hurt, and fear that this caused you is unacceptable. I am deeply sorry.

I look forward to meeting you and your family, and learning from the courage you have to share your story and press for justice. I commit to doing my part to work together with all parties and community members on a journey of healing.

In order to heal, we must understand what happened, be fully transparent with our community about what we learn, and take steps to hold those within city government accountable, including ourselves.

Tonight, I want to share these concerns and the steps the City is taking. We also want to open the floor to hear from you. Our previously scheduled agenda items can wait if they need to.

Our interim City Manager, John Williams, took on his role last month. He is here tonight, as is our current police Chief Terry Kruger, to listen to you.

First, an important note on the City Council's role in this matter: our City's vote-adopted Charter bars the City Council from getting involved in personnel

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decisions, including termination and discipline. Put another way: We cannot legally weigh in on an officer's employment status or be involved in discipline.

The City Manager is accountable to us, and it is our job to set policy for the City.

Since the described events more than two years ago, there have been significant changes to our Police Department:

- Former Chief Timeus, the captain and lieutenant involved in this case no longer work in the department.
- Sgt. Tony Reeves, then a detective and still a member of the West Linn Police Department, was disciplined in the initial wake of the Fesser case. Those decisions were made by the then-acting Chief, and the City Manager at the time.
- The City, through a public engagement process, brought on a new police Chief, Terry Kruger who began the process of rebuilding the department:
 - Under this new leadership, our City and our Police Department has been working to reform our workforce, and hired staff to create a diverse workforce in alignment with ethical and unbiased policing and professional conduct.
 - Chief Kruger has also been instilling a new police department culture, including training around key goals such as equity, inclusion, implicit bias, and procedural justice.
 - Our city and the department are committed to continuous improvement, full transparency, and improving community trust.
- Our Council and the City are committed to a culture embracing diversity, equity, and inclusion. This is integral to our Council goals, and we have been working with surrounding cities, school districts, and other groups—like the West Linn Alliance for Inclusive Community—to expand and integrate diversity, equity, and inclusion in everything we do.
 - This past year we co-sponsored the first Equity Summit for our region and I along with Councilors Walters and Cummings participated in that event as did many other councilors and elected officials, our staff and police department personnel and many community

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members and others. We are planning further events and activities in 2020 and beyond.

I am proud of the new diversity, equity, and inclusion focus/work the City and Police Department have accomplished so far. We must continue to work on espousing a community premised on diversity, equity and inclusion, and I will do everything I can to build this healthier community for everyone.

But it's clear we have much more work to do.

The Council at this time does not know the full details of this case, and the insurance carrier did not ask for the City to decide the matter.

While we were not involved in the details of the case as noted, I hope that the settlement by the insurance carrier, and additional actions being implemented by the City, regional stakeholders and others to address this issue more broadly brings to Mr. Fesser a sense of justice.

In the week since the articles were published, investigations have been launched by several jurisdictions:

- Clackamas County District Attorney John Foote has launched an investigation into the underlying facts of this case, and the actions of the officers involved. This investigation will also involve a review of the civil case record and the Multnomah County arrest and prosecution files.
- Multnomah County District Attorney Rod Underhill has initiated his department's own review of this case, and Mr. Fesser's initial indictment.
- Governor Kate Brown directed the Oregon Department of Public Safety Standards and Training to conduct a full and thorough review.
- Portland Police Chief Jami Resch has asked the Portland Police Bureau's Professional Standards Division to look into the role Portland officers played in this case.
- Chief Kruger has put Sgt. Reeves on administrative leave pending outcome of these investigations, and the Department of Public Safety Standards and Training (DPSST) has put former West Linn police officer Mike Stradley on administrative leave.

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Many other leaders—including Senators Ron Wyden and Jeff Merkley, Congressman Earl Blumenauer, State Sens. Lew Frederick and James Manning and Rep. Janelle Bynum, and Portland’s Mayor Ted Wheeler and Portland’s City Commissioners—have asked the Department of Justice to investigate. Thank you all, for holding us to account.

- This council joined that call last week, sending a letter to United States Attorney Billy Williams to ask for “a thorough outside review by the Department of Justice into the actions of the City of West Linn and the West Linn Police Department in this case.” In this letter, we pledged our commitment to transparency, and to providing any information required to complete a thorough investigation.

While we await the results of those outside investigations, our Police Chief, our Interim City Manager, myself, and members of our council have been reaching out to community leaders and regional partners—both to share our commitment to a full examination of the facts, and to hear advice on appropriate next steps.

Tonight, I’d like to share a few of those next steps:

- This case is complicated and concerning, and involves multiple decisions over the last three years that need to be fully evaluated. I am asking my fellow council members to join me in directing our Interim City Manager to launch an independent review of our City’s systems, procedures, and protocols regarding police conduct, accountability, and complaints. This review should look at how information and decisions about cases like these is managed and communicated, and any operational deficiencies we can address.
 - As members of the community share their thoughts tonight, I welcome your feedback.
- There are difficult and important conversations ahead of us as a community, to better understand the impacts of institutional and systemic racism, and the white privilege and power that too often goes unchecked. It’s particularly important to me that we foster an environment where the

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people most impacted by this case—and the day-to-day impacts of racism in our culture—feel safe in sharing their stories, and are truly heard.

- We are seeking additional DEI resources to help with this effort, and we are in the process of reaching out to NAACP and others to help guide our community engagement and healing process into the future.
- I wish to thank NAACP Portland Chapter President Rev. E.D. Mondaine for taking my call, and graciously agreeing to meet later this week.
- I would also like to acknowledge our Governor, our regional Mayors and legislators, and Rev Mondaine for the support and guidance I have already received.
- Finally, in keeping with our commitment to full transparency, we will be posting information about this matter on a new page of our City's website, including a link for emailing messages, questions, and concerns, which will be shared with the Council, Interim City Manager, and the Police Chief.

It is my hope that by addressing the concerns of our community through these investigations and immediate actions, we can begin to rebuild the trust that has been compromised by this case.

I want to thank my colleagues for your thoughtful and compassionate work on these important issues. I also want to thank members of our community and our partners across the region and state for demanding accountability.

I hope you will all continue to work alongside us, as we endeavor to be a community that fully lives its values of diversity, equity, and inclusion—a West Linn that welcomes all, and treats everyone with respect.

Thank you.