



P O R T L A N D
CITY AUDITOR
Ombudsman

May 6, 2022

Re: Auditor's proposal to establish an Ombuds Office for Multnomah County

Dear Members of the Government Accountability Subcommittee:

I am writing to encourage you to move forward Auditor McGuirk's proposal to establish an Ombuds Office for Multnomah County.

The term "ombudsman" has its origins in Scandinavian languages and enjoys no English equivalent. It embodies a unique function with many facets that has existed for hundreds of years and at all levels of government around the world. A former Washington Post ombudsman described it as part fact-finder, part investigator, part systems analyst, part judge, part conciliator, and, if necessary, part advocate for community members.

In my decade as Portland's Ombudsman, I've found that the best way to understand the ombuds role and the value it brings to the public is through examples of how we've resolved complaints. Our resolution of complaints can determine whether community members remain in their home, keep the water from being shut off or stay in business. Below are several examples of our work, with many more on our [website](#).

- We investigated a whistleblower tip that a City-funded sobering station was an unsafe environment for patients. We reviewed dozens of accounts of people who seriously harmed themselves after they were placed in isolation safety cells. We discovered a lack of safety checks or any rigorous state regulation, as well as minimal oversight by the City of its contract with the service provider. In response to our investigation, the sobering station was permanently closed, and officials are working to develop alternatives that are modeled on current best practices.
- After years of receiving individual complaints about the City's system of enforcing property maintenance regulations, we conducted an analysis of the City's data. We found that the City's enforcement approach disproportionately affected communities of color and neighborhoods

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vulnerable to gentrification. The system also perpetuated historical racist policies and undermined the City's equity goals. We recommended that the City engage with burdened communities to seek their recommendations on changes to the property maintenance code and identify an equitable enforcement mechanism and appropriate funding source that does not rely on fines and liens.

- We investigated a complaint about the City's emergency response to a house fire that resulted in the death of an elderly woman. Our investigation uncovered a technological flaw in the City's system for screening cell phone calls to 9-1-1. The flaw prevented operators from calling back thousands of emergency calls each year where the caller either hung up or was disconnected before speaking with an operator. The investigation also revealed that the City's 911 Center had been materially overstating how quickly operators answer 911 calls. In response to our recommendations, the City has taken steps to ensure it accurately measures call answer times, is working toward meeting national standards for emergency response, and is increasing staffing at the 911 Center.
- We investigated a complaint about an impending home demolition and the health risks associated with the spread of toxic lead dust. We found that the City's rules around home demolition unintentionally resulted in geographically disparate protections: residents living east of I-205 were exposed to toxic dust from demolitions, while closer-in neighborhoods benefited from the City's rules requiring suppression of lead dust. In response to our recommendations, the City addressed the disparity and extended lead dust protections to all Portland residents.

People often ask how an ombuds differs from the audit function. Although both seek to hold government accountable, they are compatible, not duplicative. An ombuds seeks justice for individual community members while pressing for systemic change when patterns of unfairness emerge through complaints. In addition to accomplishing broad changes to City policies, we have helped hundreds of individual community members deal with predatory towing practices, usurious property liens, unaffordable water bills and over-enforcement of nuisances.

Every level of government should have an ombuds office. This is especially true for governmental entities, like the County, that provide services to vulnerable and disenfranchised populations, such as people who are incarcerated, experiencing houselessness, receiving behavioral health services, or living in residential care settings, etc. Even the best functioning bureaucracy will sometimes make mistakes, treat people unfairly, craft policies that have disparate impacts, or simply reach the wrong decision. Through independent and impartial investigations, ombuds help correct those errors, seek redress for people who have been treated unjustly, suggest ways to eliminate inequities, and improve the public's trust in government.

The Ombuds Office proposed by Auditor McGuirk will fill a significant gap in the County's services. I'd like to highlight several key components of the proposed language:

1. **Independence.** Establishing the Ombuds Office in Charter and within the Office of the County Auditor provides it with the requisite structural independence. It will assure the public of its credibility and allow the Ombuds to scrutinize the actions of County government without fear of retribution.
2. **Perform investigations.** The authority to impartially investigate complaints will allow the Ombuds to be responsive to the public's concerns, as well as provide the basis to advocate for system-wide solutions.

3. **Issue public reports.** The ability to issue reports that apprise the public of the Ombud's findings, recommendations, and concerns is essential to being a trusted and effective agent of good government
4. **Access to information.** Complete, timely and unfiltered access to all County records is essential to providing the public with independent and impartial oversight of the County through audits, ombuds investigations, and hotline investigations.

I'd also like to clarify that the proposal will not conflict with or replace the existing responsibilities other County officials have for conducting personnel investigations into whether an employee violated the County's personnel rules. In the simplest terms, ombuds investigations are about issues not people. We assess the fairness of an administrative act in relation to its impact on community members. We are not looking to assign individual culpability. Ombuds investigations result in recommendations about how to correct a wrong or improve a practice - we do not have the power to impose discipline.

It is incredibly exciting that your subcommittee is considering the Auditor's proposal to establish an ombuds office modeled on our industry's best practices. Often ombuds offices are created in the wake of a crisis and are not structured to succeed. I was part of the hiring process when the County's Department of Community Services created an ombuds office in the wake of scandals coming out of the Animal Services division. I knew then that it was unlikely to succeed as it was both too narrowly scoped and lacked independence, among other foundational aspects. All County residents need an independent ombuds office that can field complaints about all services; indeed, the jail alone could likely sustain a full-time position within the ombuds office.

Please do not hesitate to reach out with any questions.

Sincerely,

Margie Sollinger
Ombudsman, City of Portland

Additional resources:

[United State Ombudsman Association](#)

[King County Ombuds](#)

[State of Alaska Ombudsman](#)

[Ontario Ombudsman](#)