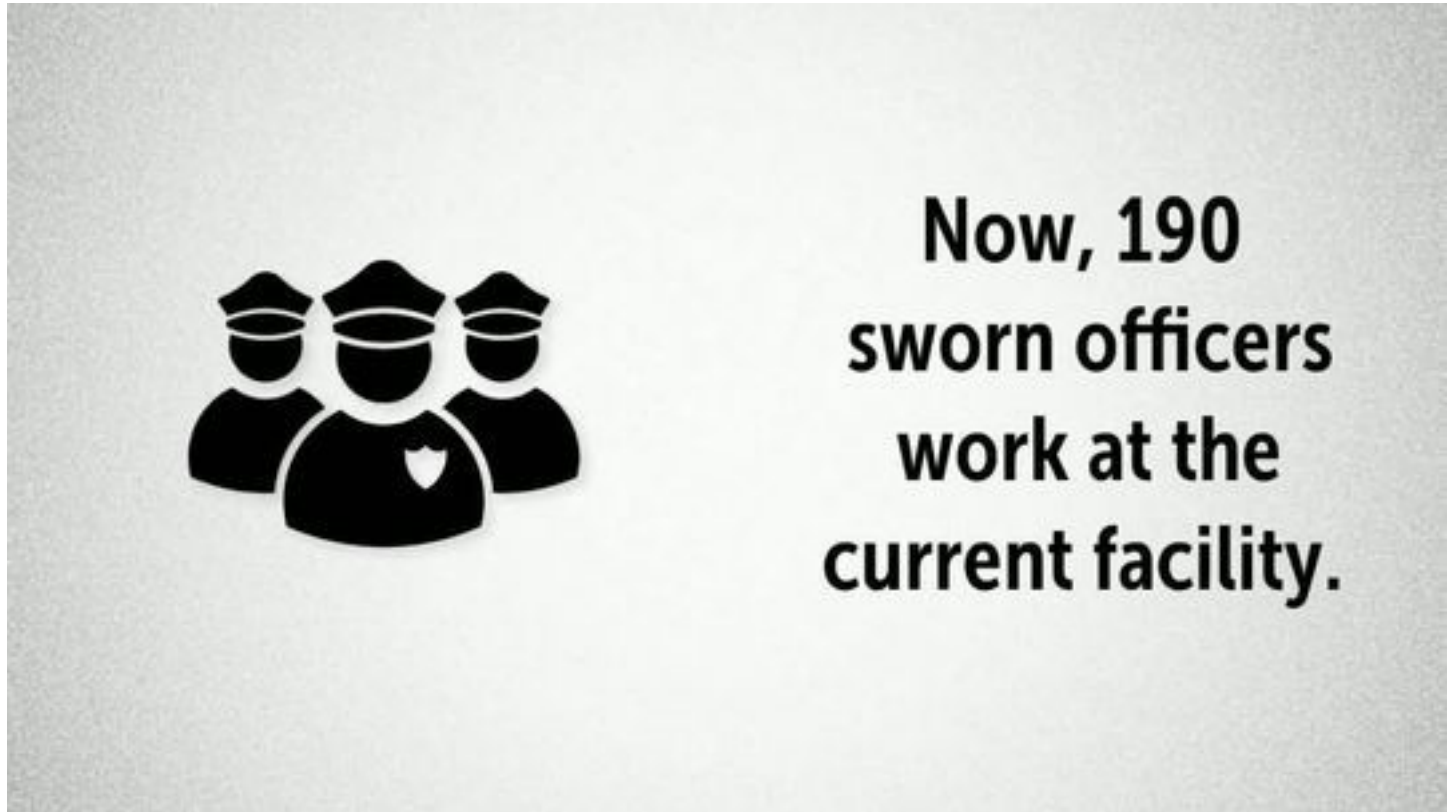


Salem City Hall toes ethics line with election spots

[Jonathan Bach](#) Updated 9:56 p.m. PT May 11, 2017

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The newest proposal for a new police facility in Salem sees significant cuts compared to the measure that was on ballots in November. Julius Lasin

An Oregon political science professor says the city government crossed an ethics line with the videos

Alfredo Ruiz wasn't happy seeing Jerry Moore talk about cramped conditions at the downtown Salem police station.

The 70-year-old retiree said he is so upset with the video, he's no longer considering voting for the bond for a new \$61.8 million police facility.

"He really shouldn't be on the commercial at all," said Ruiz. "If Police Chief Moore were neutral in this matter, he should not appear in this commercial." Chief Moore couldn't be reached for comment.

But the Oregon Secretary of State's Office cleared the city's informational spots. The state granted the ads what officials call "safe harbor," immunity from complaints about impartiality under state law.

A City Hall spokesman said officials wanted to get out more information on the measure. So the city created "informational" [videos](#) aired online and on television about the ballot measure after getting clearance from the state.

City employees have to be careful with their time if they want to get political.

It's not illegal for them to advocate for or against a measure. But state election law forbids city employees from advocating these causes when they're on the clock at work.

Under Oregon law, employees such as the city manager are allowed at work to "prepare and distribute impartial written material or make an impartial presentation that discusses election subject." Chief Moore is a public employee, not an elected official.

Elected officials such as Mayor Chuck Bennett and city councilors — politicians — are allowed to "advocate a political position at any time," according to the law. They have come out in full support of the bond measure, penning letters in the Marion County voters' pamphlet.

"The police chief, city manager, city councilors and I are so convinced that Salem needs a new public safety building that we have trimmed the building's design and cut more than \$20 million from the original price tag," Bennett says in his letter.

The Friends of Salem Police, a political action committee advocating for the bond measure, [ran a spot](#) pushing voters to approve the measure that would move officers out of their City Hall quarters downtown.

Parts of footage in the "Yes" vote ad are the same as footage the city of Salem paid to have produced for its informational spots.

They both came from the same production company, Calcagno Media Inc.



In Salem's information ad, a woman who appears to be a crime victim speaks with an officer. (*Photo: Courtesy of City of Salem*)

In the City Hall video, a young woman who appears to have been a crime victim speaks with an official as they sit on couches opposite one another.

"Everyday, citizens come to our lobby to speak with an officer about one problem or another," Chief Moore says in narration. "Many of the conversations are sensitive and sometimes very personal. When we meet with them, we don't have the ability to provide a private setting for victims to report their crimes."

In the campaign video, the same footage of the young woman on a couch plays as an unnamed narrator says: "If you're a victim of a crime, there's no way to shelter you from your assailant."



In the campaign ad, the same victim can be seen. (*Photo: Courtesy of Friends of Salem Police*)

Michael Calcagno, the media company's president, couldn't be reached for comment.

Jim Moore, a political science professor at Pacific University, said he believes the similarities between the city informational spots and the Friends campaign ad mean City Hall is crossing an ethics line.

"Given the similar wording, the same focus on the same issues and the identical visuals between the official ad and the information from the chief, it looks like the chief is campaigning for the measure. Voters will see it that way," Professor Moore said.

City spokesman Kenny Larson defended the decisions, saying the city knew it had to do a better job than last year telling voters what they needed to vote in an informed way, no matter which way they ended up voting.

"We've been meticulous in making sure to dot our 'i's and cross our 't's in regards to following all of the rules," said Larson.

"To the extent that any media put out by the City or the Friends of Salem Police are similar, we've made all our materials available to anyone who requests it. We have no control over how third parties use it," he said. "Both sides of the issue, for and against, have used the media we've put out to argue their positions."

In April, the secretary of state's office approved City Hall's ads with Chief Moore, emails obtained by the Statesman Journal show. That means the ads comply with Oregon election law for impartiality, specifically [Oregon Revised Statute 260.432](#).

"As your material now has safe harbor, if our office receives a complaint alleging that the material is partial and a violation of ORS 260.432, our office will dismiss the complaint," Alea Sharp, an investigations and legal specialist with the secretary of state's office, said in emails to city officials.

Deb Royal, Chief of Staff for Secretary of State Dennis Richardson, confirmed the veracity of the emails.

Chuck Adams, a longtime political consultant hired by the Friends of Salem Police campaign, lauds City Hall for going the extra mile with the secretary of state's office when, he said, city officials didn't have to.

Chief Moore in the informational ads doesn't explicitly ask for a "Yes" vote on the ballot measure. You can watch similar informational spots [posted to the police department's YouTube channel](#), which the Statesman Journal sent to Professor Moore.

For the professor, it's up to the state and lawyers to decide whether content is officially impartial.

He highlighted one of Chief Moore's lines in the ads: "We've heard the

concerns from voters."

"Sounds an awful lot like campaigning," Professor Moore said.

But the words Chief Moore uses aren't really the point, he said, so much as "the tremendous similarity between the paid ad and the informational spots."

Send questions, comments or news tips to jbach@statesmanjournal.com or 503-399-6714. Follow him on Twitter [@JonathanMBach](https://twitter.com/JonathanMBach).

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