

The Oregonian

Portland Police Not Complying with Restrictions on Taser Use, Federal Report Says

By Maxine Bernstein

January 5, 2017

Portland police supervisors haven't held officers accountable for failing to use stun guns in five-second cycles and waiting between each cycle to evaluate if more are needed, federal investigators say.

Officers have used Tasers in bursts of up to 13 seconds and fired second cycles without pausing to allow a suspect to follow police commands, according to the U.S. Department of Justice's latest compliance report on mandated police reforms.

The federal review said the officers routinely are violating Police Bureau policy and a 2014 settlement agreement between the city and the Justice Department, and supervisors aren't identifying the policy breaches.

The court-adopted settlement followed a 2012 federal investigation that found excessive and unjustified use of Tasers by police against people with mental illness, including unnecessary multiple cycles without pause.

It spurred police to adopt a more restrictive policy in December 2014.

But the Justice Department review looked at the bureau's use-of-force and after-action reports over the past year to determine that officers aren't familiar with the new limits and that supervisors need better training to deliver informed critiques.

Tasers fire sharp electrodes that are designed to subdue a person. They can cause pain, disorientation and loss of balance. They also can cause serious injuries and even death if someone falls when they lose muscle control.

Bureau policy requires officers to stop each stun gun cycle after five seconds, see if subsequent cycles are necessary, wait a reasonable time to allow the person to comply between each cycle, and give a warning of a stun gun use, unless the wait would endanger officers or others.

The Justice Department identified "many instances" when officers violated all those provisions, including in one case using a Taser on someone who was already restrained, its report said.

"Too often, supervisors found these impermissible uses of force to be within policy," the department's report said.

Justice officials observed bureau Taser training last spring and fall and said instructors must more clearly explain the limits, including what constitutes one stun cycle, what should happen after each cycle and that officers shouldn't fire more than three stun cycles unless circumstances warrant and then only to avoid a higher level of force. The training also must be geared to supervisors to ensure officers are following the policy.

One instance, an officer fired a stun gun during a struggle. Another officer involved in the fight told the sergeant reviewing the use of force that he "thought the Taser had cycled for 11 seconds." The Taser download report confirmed this: one cycle for six seconds and an immediate second cycle of five seconds.

The sergeant's after-action report found the Taser use "consistent with PPB Policy, the DOJ agreement and best practices." More senior supervisors reached substantially the same conclusions, all contrary to police policy and the settlement, according to Justice officials.

"Based on our interviews with supervisors, some still improperly endorse cycling beyond five seconds, counter to the bureau's new policy," the federal report said.

The Police Bureau has issued officers a new Taser Model X2 battery configuration that allows only a five-second cycle. The new batteries ensure the stun guns will not cycle for a period of more than five seconds continuously, said Sgt. Chris Burley, police spokesman.

But the Justice Department noted that officers still can fire cycles in rapid succession with the new battery system. Even with the new equipment, "it is important to continue to emphasize the five-second rule," its report said.

The Taser restrictions, as of Aug. 19, were moved from a separate directive into the bureau's new umbrella use-of-force policy, which should help signify their importance, police and Justice officials said. Since then, officers don't appear to have used their Tasers beyond the allowed three cycles, Burley said.

City-hired compliance consultants, in a separate report submitted to the court in late December, noted that the bureau had changed its Taser policy, but said the bureau "still has an obligation to train to the policy and ensure that officers and supervisors adhere to the policy."

Downtown Portland's Paradox: Crime, Public Perceptions Threaten Growth, Retailers Say

*By Anna Marum
January 7, 2018*

By many measures, downtown Portland is flourishing.

Employment and wages are up, and more businesses have opened than have closed. Vacancy rates remain near historic lows. Skyscrapers command record prices, and cranes loom over the skyline as development dollars and new residents continue to pour in.

Paradoxically, downtown retailers and others are faced with theft, break-ins, human waste and the detritus of the opioid epidemic on a regular basis. These problems are made worse by a shortage of police making the rounds, they say.

Portland's booming economy has left many behind, but shop owners are growing frustrated by increased crime, public defecation and harassment.

As 2017 drew to a close, the problems remained vexing and defied solutions that are both compassionate and effective. The underlying data raise as many questions as answers, and city leaders, pressed to respond to a situation some retailers feel has reached crisis levels, vow to keep downtown livability and safety as top priorities.

Business and city officials are quick to distinguish between crime and homelessness, emphasizing that those sleeping on the streets should be treated with compassion as long as they don't break any laws.

But just the presence of panhandlers or others lingering on the sidewalk can discourage some from visiting downtown's restaurants or shops. Meanwhile, recurring crime, no matter who commits it, wears thin for some.

Police staffing

Kevin Pilla owns Budd+Finn, a gift shop that sits between the Pearl District and Old Town/Chinatown. His store was broken into twice in two weeks around Thanksgiving, he said, resulting in a total loss of about \$500 from his register.

Officers responded both times, though well after the incident and offered little hope the culprit would be caught.

"It's become a running joke, the number of police cards I have," Pilla said, referencing the business cards officers give him with the case numbers. "I should make a decoupage or something."

Pilla said the city sorely needs to beef up its police force.

According to Sgt. Chris Burley, a Portland police spokesman, the bureau is authorized to employ 946 officers, but currently has 935 sworn members. About 110 of these are still in training, he said.

Today's authorized staffing levels for officers are about what they were in 1994. Since then, Portland's population has grown by nearly 30 percent.

In November, the City Council voted to dedicate \$2 million of a \$12 million budget surplus to the Police Bureau. Burley said that money has allowed the bureau to hire 14 new officers.

Michael Cox, spokesman for Portland Mayor Ted Wheeler, said the mayor's office will continue to support the bureau's efforts to reach "appropriate" staffing levels. He declined to provide a specific number.

Portland Police Association President Daryl Turner worked the Old Town beat for about 12 years altogether. Back in the '90s and early 2000s, he said, officers had time to walk their beats and initiate calls.

Now, with more calls and a smaller force, Portland officers spend more time responding to high-priority calls, rather than looking for crime or people in trouble, Turner said.

"Our call response times have doubled in the last five years," he said. "It used to be 2-3 minutes, now it's over 6 minutes."

That time isn't from the moment someone calls 911, but from the moment police are dispatched, he noted.

He says the force needs hundreds more officers to keep up with the growing population and officer turnover, but he does not expect the mayor's office to increase the authorized staffing level.

"This is not sustainable," he said. "We're running a Cadillac on a Volkswagen engine."

Crime rates

Overall, Portland crime rates have dropped since the 1990s, mirroring a nationwide decline.

But in 2017, data show, reported crime climbed in Portland overall and in downtown, Old Town/Chinatown and the Pearl District. Some of this increase is explained by the influx in

residents and visitors as Portland's population grows and the city remains a popular destination for tourists.

According to the most recent Census data available, most of downtown Portland has seen double-digit residential growth in the last six years. Because Census tracts don't match up with the neighborhood boundaries police use when reporting crimes, it's difficult to calculate accurate crime rates, or the number of crimes per a certain number of residents.

Kris Henning, a criminology professor at Portland State University, explained even if the boundaries did match, the crime rate would be skewed, appearing higher than it really is. This is because of the large number of non-residents who visit downtown.

If crime rates could factor in these visitors, he said, "downtown would look a lot safer."

The Oregonian/OregonLive analyzed comparable data on offenses logged by Portland police in 2015, 2016 and 2017 for downtown, Old Town/Chinatown and the Pearl District. Earlier data is not included because police changed the way they categorize crimes in early 2015.

According to the data, several types of crime – including larceny, vandalism, drugs and prostitution – dipped slightly in 2016 before surging in 2017. But select offenses increased each year.

Assaults other than sexual assaults jumped considerably in the downtown neighborhoods. Officers recorded 861 assaults from May to November in 2017, nearly 25 percent more than the same period in 2015.

Reports of burglary downtown – the breaking-and-entering that Pilla experienced – have nearly doubled since 2015.

"I know my incident isn't a murder, but it's killing my business," Pilla said. "The impact is so much greater to a small business."

The data

Pilla, who moved to Portland from New York, opened his shop four years ago. His five-year lease is almost up, and he's not sure he'll renew it. In early December, his sales were down 25 percent compared with the prior year, he said.

"My numbers are off this year," he said, "and it's because no one is coming downtown anymore."

While it might be true for Pilla's block, most metrics suggest the opposite.

Dec. 18 numbers from Downtown Clean & Safe, which is managed by the Portland Business Alliance, showed a 40 percent increase in foot traffic on 10 downtown corners from December 2015 to December 2017.

Last year's tree lighting ceremony at Pioneer Courthouse Square drew an estimated crowd of 30,000, said Theresa Vetsch-Sandoval, spokeswoman for the square. That's far more than previous ceremonies, which drew about 15,000 to 17,000 people, she said.

According to Clean & Safe's annual business survey, employment downtown grew 2 percent from 2015 to 2016, from 97,281 to 99,031 jobs.

Kidder Mathews, a Seattle-based commercial real estate firm, reports average rents for downtown Portland (including the Pearl and Old Town) office buildings are rising quickly and vacancy rates would be hard-pressed to get much lower.

Retail vacancy rates don't look as good. About 9 percent of downtown retail space is vacant, whereas a healthy rate is usually defined as about 5 percent.

However, Jerry Holdner, a research director for Kidder Mathews, warned that Portland's storefront rate is skewed by the closure of Macy's large downtown store.

"That submarket would be healthy if Macy's hadn't moved out," he said. "It's just going to be a blip. It should rebound by summer, maybe."

Brokers for the vacant five floors of the Meier & Frank Building have found a tenant for the second floor in Oregon State University, but have yet to announce any retail or office tenants for the remaining four floors.

Some available parking data paint a mixed picture. Monthly transaction counts for the city's six SmartPark garages downtown show that the number of transactions has fallen over the last couple years.

According to the Portland Bureau of Transportation, at its busiest point in the summer of 2015, the system of garages logged 166,107 transactions. At its high point this summer, it recorded only 149,511 transactions.

Bureau spokesman Dylan Rivera said the decline doesn't necessarily mean the garage usage is dropping.

"There's so much demand for parking downtown," he said. "Anecdotally, we've seen people staying in the garages longer."

For instance, construction workers working on Multnomah County's new courthouse snap up many of the spaces at the garage at Southwest First and Jefferson, and stay all day, Rivera said.

And despite a recent fee increase for on-street parking meters downtown, the city's streets are "overflowing with demand," he said.

Perception

For 19 years, the city auditor's office surveyed thousands of Portlanders about city services and quality of life. The office produced the survey results in its annual community survey. It did not conduct the survey this year due to budget cuts.

The last survey, released in November 2016, offered discouraging results. "City livability rated the lowest in survey history," it declared. Marks for downtown fell too.

In 2012, 59 percent of respondents said downtown was a good place to work, shop and play. In 2016, that number dropped to 45 percent.

The survey also asked Portlanders how they felt walking alone downtown during the day and at night. In 2016, 63 percent said they felt safe during the day, and just a quarter of respondents said they felt safe at night. Those rates were the lowest the survey had seen in a decade.

Jessie Burke, co-owner of the Society Hotel in Old Town/Chinatown, which opened in 2015, has a different perspective. Business for the hotel, which offers hostel-style beds, has been booming, Burke said.

Across the street, on a cold afternoon, several people sat outside with blankets and belongings. Burke acknowledged that people sitting directly in front of businesses affects those shops' sales. But she warned against business owners being quick to make assumptions.

"We don't know everyone's circumstance," she said. "We can only be mad about people breaking the law. Whatever behavior is bothering people, if it's breaking the law, you get to be upset. If it's not, you don't."

Rather than complain about people loitering, Burke suggests business owners boost sales in a different way: Recruit businesses into nearby vacant storefronts. Those just looking for a place to sit likely won't want to set up shop in front of a bustling store or restaurant, she said.

Homelessness

Since January 2016, the county and its partners added more than 650 year-round shelter beds. Meanwhile, the city's Housing Bureau plans to complete 283 units of affordable housing this year.

But so far, the shelter beds and affordable apartments haven't been enough to keep up with the county's growing homeless population.

Every two years, Multnomah County conducts a point-in-time count of those in the area experiencing homelessness.

While the methodology has several limitations, it provides one of the only glimpses at how the number of homeless people in the county has changed over time.

This graph shows how homelessness has changed, according to the point-in-time count conducted by Multnomah County and the city of Portland every two years.

The count differentiates from those who were unsheltered, staying in emergency shelters or staying in temporary housing. As of Feb. 22, while the total number of people experiencing homelessness was down from its recent high point in 2011, the number of those unsheltered or in an emergency shelter (not including those in transitional housing) was at its highest point in the last eight years.

With the increase come some signs of hope, city and county officials say: There are more people sleeping in shelters or transitional housing than outside for the first time since 2005.

Central City Concern has served Portland for nearly 40 years. The nonprofit operates health clinics, addiction treatment centers and supportive housing facilities. It also helps people find employment.

Sean Hubert, the organization's chief housing and employment officer, said he's seen different types of people grappling with homelessness in recent years.

In past decades, people were often pushed into chronic homelessness by factors that often included poverty, addiction and domestic violence, he said. Now, new factors such as rising housing costs have forced people out of their homes. Baby boomers, with increasing health care costs and insufficient retirement savings, are also struggling more than most.

"Traditionally, we've worked with chronically homeless people," he said. "Now we're also wrestling with an aging population that's ending up on the street, and we're dealing with people who are just economically displaced."

Kaia Sand, the new executive director of Street Roots, says people without housing can experience more trauma, especially if they are victims of crime. Street Roots is Portland's alternative newspaper sold by and for homeless men and women.

Because they're more vulnerable, homeless people deserve more protection, she said in an email.

"If laws ultimately criminalize homelessness — making a horribly difficult situation more difficult — then those laws are unjust," she said. "Let's shift this focus from which seven feet of sidewalk someone dwells on to the fact that person has no good options, and moving them along is just piling more stress onto a traumatic situation."

Livability

Business owners, advocates and city leaders agree that no one thing will address their various complaints.

After Columbia Sportswear chief executive Tim Boyle threatened to move his company's Sorel offices out of its downtown location if incidents of harassment, theft and human waste didn't decrease, Wheeler added additional foot patrols by police to select parts of downtown.

Those patrols are still in place, Cox said. The mayor's office – with the help of police, city transportation officials and the Portland Business Alliance – also added "no-sit zone" signs to Portland sidewalks. One of the new signs was installed in front of the Columbia Sportswear flagship store downtown.

In response, protesters staged a sit-in at the store, and advocates criticized the no-sit policy for criminalizing homelessness.

Protesters gathered on Saturday, Dec. 2, 2017, at the entrance of Columbia Sportswear flagship downtown retail store at 911 S.W. Broadway Ave.

The Columbia incident illustrates the potential backlash business owners may face complaining about certain issues in progressive Portland.

In a December interview with The Oregonian/OregonLive, Portland Business Alliance President Sandra McDonough agreed that Portland needs more police officers, but acknowledged complaints of public drug use and defecation are harder to address.

This is partly because some livability issues aren't necessarily crimes, and because it's impossible to separate those committing crimes and those who are homeless.

"We want to be super-duper careful," McDonough said. "We don't believe that every person out there who is homeless is committing livability crimes."

And while addressing homelessness is a high priority for the business group, those committing crimes should be prosecuted, she said.

The Downtown Clean & Safe program, with its security and sanitation workers, is managed by the business alliance and operates within a 213-block area of downtown.

According to the group, workers collected nearly 17,000 needles in its district in 2016, up from about 10,000 the previous year. McDonough said workers were on pace to collect 30,000 needles in 2017.

Counts for graffiti tags, bags of trash and biohazards the workers removed were also all up significantly, according to Clean and Safe's statistics.

Jake France co-owns Boys Fort, a gift shop at Southwest Ninth and Morrison. (It's now closed due to building renovations. The owners are reopening at a different downtown location.) France said he saw someone shooting up on the sidewalk in plain view near his store the other day. He fought for years to remove the phone booth and other items in front of the shop, because they attracted drug dealers, he said.

While France said he'd like to see police officers be more aggressive with known drug dealers, he knows arresting those who use drugs isn't the answer.

France is among the business owners who are open to supervised injection sites in Portland, providing a safe place off the street for people to use drugs.

The facilities typically provide clean needles and access to medical staff, and are stocked with the overdose-reversing drug naloxone. Vancouver, B.C., is home to several such facilities, and in the Seattle area, King County is poised to open two injection sites, provided opponents don't find a way to block them.

Desperate times

But some business owners – especially those with small businesses – still feel unsupported.

Absent satisfactory responses from police or government officials, they've taken matters into their own hands, creating closed Facebook groups or sending out group texts to warn one another about shoplifters, harassers or those who are inebriated.

Tamara Goldsmith, owner of East Burnside boutique Redux, moderates one such group. She said shop owners want to be compassionate to those who are homeless or are suffering from mental health or addiction issues, but they're left with few good options.

"It's really sad because I wish we could allow some of them to stay and get warm, but if one learns that we have a restroom or welcome people to hang out, word will spread and we will be inundated by a much larger group the next day of folks who 'were told they could use our bathroom,'" she wrote in an email.

Fewer business owners felt there were enough social services in 2016 than in 2015, according to an annual survey of downtown business owners conducted by Clean & Safe.

Instead, the business owners call the county crisis line or provide directions or even rides to shelters or the ER, she said, but few have the time to do that on a regular basis.

And because Portland's small businesses don't have dedicated security or loss prevention personnel, employee safety is often an issue, especially when a person is working alone.

Calling the police does little to help, Goldsmith said. The police arrive too late, and if a person committing a crime is caught and taken into custody, they're often released the same day, sometimes coming back to the shop to seek revenge.

"These feel like desperate times downtown in Portland today," Goldsmith said. "There is a pervasive feeling among small business owners of feeling unprotected ... by both the police and our local government, and a lack of responsibility taken for our overall health and well-being."

The Portland Tribune

Portland Loo Back on City Council Agenda

*By Jim Redden
January 7, 2018*

Lawsuit settlement clears way for city to resume funding public toilets from other sources.

Portland has not given up on building public toilets after agreeing settling a lawsuit that alleged the previous ones had been illegally funded.

On Wednesday the City Council will consider a request from Portland Parks & Recreation to fund \$1,172,019 in improvements to Couch Park. Part of the request includes the installation of a public toilet known as a Portland Loo.

The freestanding toilets were first designed and funded by the Portland Water Bureau. But, during a long-running ratepayer lawsuit, a Multnomah County Circuit Court judge ruled they should not have been paid with water funds. The city recently settled the suit for \$10 million without admitting any wrongdoing.

The request includes a number of improvements in Couch Park, including a Portland Loo. All costs would be paid by the parks bureau. Other work includes the removal and replacement of existing play equipment, the installation of safety surfacing, and the removal of brick paver plaza for the completion of significant Americans With Disability Act improvements.

Most of the project is funded from the 2014 Parks Replacement Bond approved by Portland voters, with other funds coming from a \$150,000 Metro Nature in Neighborhood grant and \$350,000 raised through the Harper Playground Foundation.

"The replacement of the play area and the installation of a Portland Loo at Couch Park were both identified as a project to be funded by the 2014 Parks Replacement Bond. The existing play area is out of date, has potential safety implications, and does not provide for equal access to play and inclusion for children and caretakers of all abilities," reads the ordinance authorizing the funding, which says the existing restroom will be closed to the public.

You can read the ordinance [here](#).

To read a previous Portland Tribune story on the settlement, go to portlandtribune.com/pt/9-news/381934-269883-fish-10-million-utility-settlement-ends-water-wars.

The Portland Mercury

The Mayor Has a Second Home—But Has Been Reporting the Wrong Address to the State for Years

*By Dirk VanderHart
January 5, 2018*

Mayor Ted Wheeler is fortunate enough to own a second home—a 2,790-square-foot Arch Cape getaway with sweeping views of the Pacific Ocean. But if you'd like to send mail or pay a visit, maybe don't rely on Wheeler for the address.

For the past six years, Wheeler has furnished the Oregon Ethics Commission with the wrong address for his home away from home, an error that could technically merit thousands of dollars in fines. From 2012 to 2017, statements of economic interest (SEI) Wheeler is required to file as a public official listed an address for the home that doesn't even exist. Wheeler entered in the correct address for a 2011 filing, then began consistently listing the wrong address each year since.

The Mercury discovered the faulty information during a cursory search through Wheeler's yearly SEIs, which also list a condo near an airport hangar (Wheeler has his pilot's license), and various business interests the mayor has had a stake in over the years. We wondered if perhaps the mayor had fudged the address to prevent visitors. His office insists that's not the case.

"At some point back years ago when they were filling out the forms...the first three numbers they wrote wrong," says Michael Cox, the mayor's deputy chief of staff. "The error just carried over into all future years. They know their address."

After the Mercury asked about the incorrect information, but before his office responded to our questions, Wheeler's wife, Katrina, had corrected the forms, Cox says.

Furnishing incorrect information on an SEI can be costly. According to Marie Scheffers, a compliance and education coordinator for the Oregon Ethics Commission, offering up false info on an SEI is punishable by up to a \$5,000 civil fine under state law. Cox says it did not appear as though the ethics commission was concerned about the Wheelers' lapse.

"I believe when she spoke to the staff over there, they just gave them directions on how to correct the forms," Cox said.