

## **The Oregonian**

# **Portland Police Deny 'Kettling' of Protesters in Response to ACLU Lawsuit**

*By Maxine Bernstein  
January 19, 2018*

Portland police admit that they corralled a throng of marchers last year, took their photos and demanded their IDs, but say they moved in only after people ignored repeated announcements by officers to leave or because they needed to investigate disorderly conduct.

The officers' actions were lawful, the city said this week in a response to a lawsuit filed by the American Civil Liberties Union in November.

The federal class-action lawsuit argues the opposite, that police violated the civil liberties of 200 to 250 demonstrators by "kettling" them -- surrounding them and detaining them -- without probable cause or reasonable suspicion during a tense series of protests June 4.

Police also denied the ACLU claim that Mayor Ted Wheeler "ordered, directed or approved any actions" of police during the protest, though the city acknowledged that Wheeler was at the police command center at times that day.

The June 4 showdown began when conservative group Patriot Prayer got a permit to demonstrate in Terry Shrunken Plaza near City Hall and drew counter-protests. Police tried to separate the groups. Near the end, officers held a large gathering of people at a downtown street corner.

Police conceded in their response that officers made a mistake that day when announcing a command over their sound truck for people on Southwest Fourth Avenue, between Morrison and Alder streets, to disperse after officers tried to clear out and shut down Chapman Square, across from Terry Shrunken Plaza.

Some people in the square began throwing bricks, water bottles, bags of marbles and balloons "filled with foul-smelling substances," William Manlove, senior deputy city attorney, wrote in the response.

According to the ACLU's lawsuit, police ordered protesters in that area to leave, but then surrounded them, causing confusion.

But police said they followed up their mistaken command with repeated announcements, warning that people would be detained to investigate disorderly conduct, Manlove wrote.

The ACLU suit alleged that police fired pepper-spray balls at several protesters as they tried to leave the area through the parking garage on Fourth Avenue.

Manlove said Oregon State Police, who were helping out Portland police, fired pepper-spray balls toward the parking garage because people "were advancing up the garage, into a position where projectiles could be thrown, putting the public and police officers at risk."

Police said officers have used tear gas, pepper spray and rubber ball distraction devices during some protests. They also have allowed officers to use "non-lethal force" without warning in response to specific threats, Manlove wrote.

While the city denied a policy or practice of "kettling" protesters, the bureau acknowledged other times they have detained demonstrators in mass:

-- In November 2014, when people were protesting a grand jury decision not to indict a police officer in Ferguson, Missouri, in the fatal shooting of Michael Brown, an 18-year-old black man. Police said the demonstrators remained in a public street.

-- On Jan. 20, 2017, when officers arrested about 38 people during a demonstration against the inauguration of President Donald Trump. Police said they "continued to march and protest in the street" despite commands to disperse.

The ACLU's lawsuit argues that police acted in both of those cases without probable cause or reasonable suspicion.

While Portland frequently is the stage for public marches and protests, some have erupted in violence and illegal behavior, the city noted.

"Violent and unlawful marches and gatherings have no legal protection under the First Amendment, the Oregon Constitution or federal or state law," Manlove wrote

Mat dos Santos, legal director of the ACLU of Oregon, called the city's response "absurd." He noted that many people witnessed officers surround and detain protesters in a "kettle" on June 4. He said the city will be hard-pressed to show officers had individualized suspicion that 200 to 250 people detained in the street that day were breaking the law, as the city contends.

"While we are disappointed in the City's disingenuous response, we remain steadfast in our belief that our clients will be vindicated," dos Santos said. "We'll see them in court."

Portland's new Police Chief Danielle Outlaw told The Oregonian/OregonLive in October when she first started that she wanted to go through the bureau's training on crowd control herself before she passed judgment on how police have handled city protests.

"I haven't had a chance to do a critical review of past incidents. That's certainly on my radar," she said then. "Bottom line is we're here to protect people's First Amendment right to free speech."

## **Iconic Views at Risk of Obstruction Under Proposed Portland Zoning Plan**

*By Jessica Floum  
January 21, 2018*

Portlanders hold their iconic volcano—and the ability to see Mount Hood from city hilltops, neighborhoods and even the bank of the Willamette River—dear to the heart.

They've also increasingly demanded creation of lots of affordable housing as wages have stagnated and rental prices skyrocketed.

Portland's Central City Plan 2035 lays out the city's planned approach to zoning over the coming years, which will impact where flora-filled bike paths can go, include incentives for property owners to improve their buildings' earthquake resiliency and increase building height limits in an effort to make affordable housing development more feasible.

After the proposed height increases drew blowback, city council members offered some alternatives that would dial back or modify those increases.

Those proposals, up for a City Council vote on March 7, drew upward of 50 members of the public to testify at a hearing Thursday. Many argued in favor of limiting building heights to preserve views of Mount Hood and Southwest Portland's Vista Bridge.

Below are the following viewpoints revealing iconic landscapes or architecture that Portlanders complained would get obstructed if the Central City Plan were to be adopted without the proposed amendments.

In its current form, the plan proposes increasing building heights along the north side of Southwest Jefferson Street and Southwest 14th Avenue to support commercial development along Southwest Jefferson. Commissioner Amanda Fritz proposed keeping current height restrictions to preserve views of the Vista Bridge from Goose Hollow.

Fritz also proposed an amendment that would keep the maximum building height at the western end of the Morrison Bridge at 75 feet. This would maintain the city's practice of stepping down building heights as they get closer to the river to maintain views of it.

The plan originally proposed raising the maximum building heights near the downtown Transit Mall and the Morrison and Hawthorne bridgeheads to increase density near public transit.

To alleviate concerns about the obstruction of river views by tall buildings at RiverPlace, Mayor Ted Wheeler proposed an amendment that would limit tower width and require specific orientation of and spacing between the buildings. The new specs would allow more light and air to pass between the buildings. They would also protect views of Mount St. Helens from Southwest Terwilliger Parkway and make room for public access to the waterfront.

Tourists and locals in the summer frequent Salmon Street Springs, a ground-level fountain at Tom McCall Waterfront Park. Visitors can take in Mount Hood from the park along the Willamette River. Members of the public adamantly argued in favor of lowering building heights in the Central Eastside to protect this view.

Wheeler introduced an amendment to the Central City Plan. It would have allowed maximum building heights on the Central Eastside of 175 feet north of Main Street and 275 feet south of it. Wheeler now proposes to limit heights in a narrow swath of the Central Eastside that specifically lines up with Mount Hood as seen from Salmon Street Fountain to just 30 feet at riverside up to 100 feet east of Southeast 10th Avenue. This would limit development potential and job creation within that area, but the view corridor from this park would have the lowest impact on development and jobs compared to the five other places people can see Mount Hood from Waterfront Park, city documents said.

Mayor Ted Wheeler introduced an amendment that would allow buildings in Old Town/Chinatown to stretch 350 feet tall, or up to 425 feet high in the blocks between Northwest Fifth Avenue, Northwest Broadway, Northwest Glisan and Northwest Everett. The city previously considered limiting the heights to 125 feet to preserve the historic neighborhood's character, but property owners in the neighborhood complained.

Wheeler pushed back against critics' allegations that the city's plans to permit taller buildings would "privatize views."

"This isn't done for developers," Wheeler said. "This is done for more housing."

He acknowledged there is a tradeoff between protecting views and making it easier to build affordable housing.

"I like the view too," he said. "It's a really iconic view. I also understand that we are in a housing crisis in this city that is going to continue into the foreseeable future."

The Portland City Council will vote on possible changes to the proposed city development plan on March 7. While Thursday was the last public hearing, people can submit written testimony via email to until noon on Monday, Jan. 22.

You can find more information on the plan [here](#).

## Willamette Week

# Oregon Senate Candidate Kayse Jama Asks Whether Comments in Portland City Hall Security Line Were Racially Targeted

*By Katie Shepherd*

*January 21, 2017*

**As a guard peeked into a bag, he allegedly asked Jama if he had "any bazookas or bombs."**

The most prominent Somali immigrant in Portland says he was left wondering if he had been accused of being a terrorist after a security guard at City Hall searched through his bag on Friday.

Kayse Jama, the director of Unite Oregon and a candidate for the Oregon Senate, says the security guard made an alarming remark when Jama handed over his bag for a routine search.

As he peeked into the bag, Jama says the guard asked if he had "any bazookas or bombs," according to a Facebook post Jama wrote Friday evening.

The racially charged question lit up social media after Jama posted about the alleged interaction. Many people said the comment was racist.

"I am certain the guard asked this question in jest—and, indeed, many community members have experienced similar comments—[but] for me it was not funny," Jama said in a statement responding to questions sent by WW. "I still don't find it funny."

In his Facebook post, Jama noted that his Somali heritage is not hard to identify—he speaks with an accent—and wondered if the guard had noticed and made the comment because he is an immigrant.

People on social media were quick to lob criticisms at City Hall's security guard, calling the comment racist and anti-immigrant. But others thought the guard was likely trying to make a poorly thought-out joke.

Jama says he no longer believes he was singled out for his ethnicity.

"It is evident that this is not just something that happens to people of color or immigrants and refugees," Jama said.

Jama is not a new face in City Hall. He's been engaged in local politics for some time as the director of Unite Oregon, a nonprofit that works to organize people of color, immigrants and refugees around political issues. Now, he's running to unseat Sen. Rod Monroe (D-East Portland) in the state Senate.

He updated his Facebook post after hearing feedback from the comment section, saying that he did not want to see the security guard lose his job.

A spokesman for Portland Mayor Ted Wheeler was not immediately available for comment this weekend.

Jama tells WW that he now believes the remark wasn't targeting him, but it signals that city employees lack training in how to deal with people from different backgrounds.

He adds that he doesn't think the guard should be disciplined.

"This is not about him, or me," Jama adds. "I go to City Hall all the time and I am very comfortable there. I want to ensure all our community members feel welcome in City Hall and in every public building—and to receive the same treatment no matter who they are."

## **The Portland Mercury**

### **A New Report Suggests More than 24,000 Rental Units Aren't Subject to Portland's Strongest Tenant Protections**

*By Dirk VanderHart*

*January 19, 2017*

#### **Mayor Ted Wheeler Isn't Sure a Change Is Called For**

It's been a matter of heated debate ever since Portland passed a law requiring relocation payments to renters nearly a year ago: Should "mom-and-pop" landlords who only manage one rental unit be exempt from the law?

So far, the Portland City Council has said "yes." The single-unit exemption was passed as part of the initial law in February 2017, and survived a round of tweaks the council made to the law last summer.

Now, renters advocates are making their strongest play yet to get the exemption taken off the books. An analysis being shared by the tenant activist group Portland Tenants United and city council candidate Jo Ann Hardesty purports to give the most comprehensive look to-date at how many units are actually exempt under the loophole—and it's a lot.

According to the new report, fleshed out over the course of three months by a Portland researcher named Meg Hanson, the city contains more than 24,000 units exempt from the renter relocation laws because they are their owners' sole rental property. That accounts for more than 16 percent of the city's total rental units, the report suggests, with more than half the single-family homes and condos up for rent citywide subject to the exemption.

"There's been this big piece of data that's been missing from this very important conversation about policy," Hanson tells the Mercury. "This is a huge gap and something that was really important."

The city's mandatory renter relocation policy requires landlords to pay between \$2,900 and \$4,500 to renters when they either issue a no-cause eviction or cause a tenant to move by raising the rent by at least 10 percent. It's not popular with folks who rent property.

But while the region's landlord lobby has attempted to fight the relocation policy in court (so far unsuccessfully), hearings on the matter have been disproportionately attended by small-time landlords who argue the requirements are too onerous for a "mom-and-pop" outfit. Those pleas have held weight in City Hall, as have the contention of realtors who say the law is convincing small landlords to sell their properties.

Hanson says her study—conducted voluntarily in her free time—was aimed at adding a semblance of data to the discussion.

To arrive at her conclusions, Hanson says she scraped tax data from the Multnomah County Assessor's website. By drilling down, she says she was able to identify with reasonable certainty which properties were not occupied by their owners. She deemed those rental properties, then set about analyzing that data to find which owners only appear to own one rental unit.

"This is a blunt instrument," Hanson concedes. "This study is not intended to split hairs."

Instead, she believes the analysis offers an idea of how much of the rental market is currently exempt from relocation payments. She believes the loophole has created a rental market where tens of thousands of tenants aren't being afforded protections that city leaders have said are necessary for others. Hanson is a renter herself, she notes, and has been friendly with Portland Tenants United, though she characterizes her work as an "independent study."

Earlier this week, Hanson says she met with officials from the Portland Housing Bureau (PHB) to go over her findings. According to her characterization, city officials did not take much exception to the study, though they cautioned that vacant units are not allowed for. We've reached out to the Housing Bureau for comment, but have yet to hear back.

In the meantime, the data will be fresh ammo in the most intense argument currently existing around the renter relocation law. At some point in coming months, Portland City Council plans to take up an ordinance making the law permanent—but exactly when isn't clear. Hearings have been repeatedly pushed back as a "technical advisory committee" made up of varying factions debates what a permanent policy should look like.

That debate extends to city council as well. Mayor Ted Wheeler has so far opposed doing away with the single-unit exemption, while Commissioner Chloe Eudaly has supported the move.

Now, more voices are piling on. This afternoon, Hardesty has called a press conference with representatives of PTU and the Community Alliance of Tenants to trumpet the findings in the new report. According to a press release sent out yesterday, Hardesty will also call into question Wheeler's decision to delay a meeting of the city's technical advisory committee, which had been scheduled for this afternoon.

Michael Cox, Wheeler's deputy chief of staff, said today that delay was due to scheduling issues, though he couldn't offer specifics. And he made clear that Wheeler's position hasn't changed.

"The mayor has seen the report that's referenced," Cox said. "The truth of the matter is that we do not have the kind of quality data we want." While he noted that he wasn't disputing the report's findings, Cox says the only way to know the truth is to require landlords to register their rental properties with the city—a campaign pledge of Wheeler's that is still in the works.

"Nobody's trying to refute this data," Cox said. "Certainly rental registration would have the kind of quality first-order data that we're looking for."

Update, 2:47 pm: Wheeler's office has issued a statement addressing the rescheduling of today's meeting, and the mayor's feelings on the single-unit exemption.

"Assumptions don't necessarily make good policy," Wheeler writes in the memo, addressed to members of the technical advisory committee. "Rather good data help to inform the creation of good policy. Consequently, I have instructed PHB to refrain from amending the one-unit exemption at this time."

Wheeler goes on to say he favors the creation of a registry system which would make better data available.

The mayor's instructions to the housing bureau certainly hold sway, but they aren't necessarily the final say. When council ultimately takes up the renter relocation payments again, a vote of three city commissioners would be enough to do away with the exemption. It's not clear such a voting bloc exists.

Here's Wheeler's full letter.

## **The Portland Business Journal**

### **Of Building Heights, Parking and Wayward Birds: Portlanders Debate Development at Final Central City 2035 Hearing**

*By Clare Duffy  
January 19, 2018*

While city commissioners will inevitably decide how to move forward with Portland's development, a City Council hearing Thursday suggested residents of the Rose City haven't determined how they'd like the city to look over the next few decades.

The Thursday meeting was the final opportunity for the public to testify on the Central City 2035 Plan, a document that lays out goals and policies to guide Portland's growth in the coming 15-plus years. The years-in-the-making proposal addresses such issues as how high-rise windows should be glazed to protect birds and where parking structures should sit.

The 70 testifiers who showed up Thursday weighed in on a collection of amendments to the plan that emerged from public testimony in the fall.

Unsurprisingly, the most-debated items on the list relate to development, especially new housing development. Nearly everyone who spoke before Council acknowledged Portland's housing and affordability crisis, and the need for development to solve it. However, there was disagreement as to how much is needed, where it should or shouldn't go and whether it should be allowed to block certain views.

Several residents of the Riverplace neighborhood along the waterfront on the south end of downtown Portland argued against amendments that would allow increased building heights in the area, making additional development possible. One testifier expressed concern about the potential for a "dramatic increase in density" that could clog streets and strain neighborhood resources.

Others argued that adding to the city's housing supply should be the top priority. Mayor Ted Wheeler insisted that going forward the bulk of housing and other building development would be focused in Portland's central city.

Business owners and members of the Central Eastside Industrial Council spoke out in October on a similar issue: an amendment that would significantly cut down height limits for a small segment of buildings on the Central Eastside to preserve the view of Mt. Hood from the Salmon Springs fountain at Tom McCall Waterfront Park. They returned Thursday to reiterate their opposition to the amendment.

“This will unfairly impact the Central Eastside and will really make it challenging for us to meet our economic and employment goals” by limiting the potential and incentives for development, Emma Pellet, whose family owns City Liquidators, told City Council last fall.

But even more testifiers showed up in support of the so-called "Salmon Springs View Corridor," saying that development across the river from the waterfront park could hurt tourism and make it difficult for Portlanders who use public transportation to get a glimpse of the mountain.

"If you had this ethos," one testifier said, "you'd build big buildings around the Big Ben in London and the Eiffel Tower in Paris. You'd be blocking Portland's Eiffel Tower if you blocked the last downtown view of Mt. Hood."

The proposed expansion of the I-5 at the Rose Quarter, a state-funded project to curb congestion, also drew passionate opposition, with testifiers asserting that the freeway addition would create disruption in a community that's historically faced a lot of it already and that it would hurt street-level development by creating an unpleasant environment for pedestrians and cyclists.

City Council will vote on the amendments, and the final Central City 2035 Plan, March 7 at 2 p.m.