

The Oregonian

Mayor Wheeler 'Believed People Would Die' at Portland Protest

*By Gordon Friedman
October 23, 2018*

Portland Mayor Ted Wheeler believed people would be killed during political demonstrations last June in the wake of the MAX stabbings, according to his testimony during a lawsuit deposition.

“I believed people would die,” Wheeler said of a turbulent June 4, 2017 rally, during which opposing protesters took over downtown streets and parks and were kept at bay by riot police. Officers used pepper balls on protesters and corralled and photographed hundreds of rallygoers in a tactic known as “kettling.”

The American Civil Liberties Union filed a class action lawsuit in response, contending the police were overly aggressive and violated protesters’ civil rights.

Wheeler sat for a deposition lasting two hours and 23 minutes at City Hall in July as part of that federal suit. ACLU lawyers questioned him in detail about police policy and whether he personally dictates police tactics. They peppered him with questions on his whereabouts and actions during the June 4 protest.

In the testimony, not previously reported by any news outlet, Wheeler described his approach to his job as police commissioner as almost completely hands-off. He said he “provides broad overall direction and strategy” to the police but delegates all “command and control authority” to the police chief.

“I don’t call tactics,” he said.

Wheeler said he had “no formal role” connected to the June 4 protest and was present at the police command center that day only to “observe, to listen, to watch.” He kept contacts with police personnel to “minor pleasantries,” he said, and was “generally staying out of the way.”

Even after the protest, Wheeler did not review police reports or incident summaries about the clashes, he said. He said he could not recall taking action in response to a city report that found the police unjustified in corraling protesters. And he described his conversations about crowd control with police leaders as “only very general.”

A city attorney allowed The Oregonian/OregonLive to read the deposition transcript and four exhibits in the case, all filed under seal in federal court. The exhibits include pages of text messages between Wheeler and his chief of staff, Michael Cox.

The rally at which police corralled protesters took place only nine days after a man stabbed to death two men and maimed another on a MAX train. The victims were slashed after they stood up to an Islamophobic rant the knifeman directed at two teenagers, one of whom was wearing a head scarf.

Wheeler told the ACLU lawyers he was on a plane to London when he learned of the attack, and he quickly flew back.

“I don’t have many facts,” Wheeler texted Cox that day. “Sounds like these 3 guys are heroes. I should visit guy in hospital unless he has been released. Talk to families? Muslim community?”

Cox drafted a news release in which the mayor would call the attacker a monster. “Get rid of monster. Too silly,” Wheeler texted back. “Add that they were apparently defending a woman. If true say they are heroes. Say it.”

Days later, Cox texted the mayor about the planned June 4 rally. “We should get in front of this tomorrow,” Cox wrote in a 2:30 A.M. text.

Later that day, Wheeler asked the federal government to withdraw the permit it issued to Joey Gibson, a Washingtonian who leads the conservative Patriot Prayer group, to hold the rally on federal parkland downtown. But it declined.

Portland was still reeling from the MAX attack as protesters descended on downtown for the rally. Gibson and his followers had been known to provoke violent outbursts from counter-protesters. Demonstrators on both sides have come to rallies armed.

In his deposition, Wheeler said he believed that in connection to Gibson’s rally, “the potential for widespread civic unrest was very, very real.”

“I was concerned that, given how shocked people were in Portland, given that people were mourning, given that there were many people who were very, very angry about what had happened, and, frankly, terrified by what had happened, I thought it was an extremely volatile situation,” Wheeler said.

He went on: “And I do not mind saying, I was very worried that if they came to Portland and had a protest, it would lead to death. I believed people would die.”

Two days after the protest, Wheeler texted Cox, his trusted deputy, about the police response.

“I think it would be very helpful to have the police do a basic recounting of why they used crowd dispersal techniques Sunday and why they kettle people,” Wheeler wrote at 10:40 A.M.

“I’m getting hammered on these two issues. We have to explain for people who could not see the bigger picture unfold,” the mayor said.

He concluded: “To many it looked like chaos.”

City Contends John Elifritz's Death by Portland Police Was His 'Exclusive Fault'

By Maxine Bernstein

October 23, 2018

John A. Elifritz's death at the hands of Portland police was his fault alone, city attorneys argue in their first formal response to a wrongful death lawsuit filed by his ex-wife and daughter.

The police shooting of Elifritz inside a Southeast Portland homeless shelter resulted from the 38-year-old's "own criminal, reckless and negligent actions," wrote deputy city attorney Naomi Sheffield in a legal filing late Monday.

Elifritz's ex-wife and daughter, the representatives of his estate, filed suit against the city and Portland police in May, alleging police stormed into the CityTeam Ministries shelter with AR-15 rifles and a police dog and used excessive force against Elifritz, who his family says was experiencing a mental health crisis and posed no threat to the officers.

Elifritz, a suspect in a carjacking, had burst into the shelter on Southeast Grand Avenue armed with a knife on April 7.

"When he was shot, John Elifritz presented no threat to the Defendant Officers or to anyone else," wrote Timothy Volpert, one of the attorneys for the plaintiffs.

In response, the deputy city attorney said it was Elifritz's own behavior that caused his death, blaming his failure to drop his knife in response to repeated police commands and his decision to lunge at officers as reasons police shot and killed him.

The city also cited Elifritz's use of methamphetamine that day, his carjacking of an occupied vehicle that he drove in a dangerous and erratic manner and prompted calls to police and the cutting of his neck while he was moving erratically around the crowded shelter that night as examples of his reckless actions.

"City defendants are not at fault in the actions pled by plaintiff because the death of Mr. Elifritz was the sole and exclusive fault of Mr. Elifritz," the city's response said.

The suit seeks unspecified compensatory and punitive damages from the city, as well as a request to order the city to halt its alleged policies and practices that encourage the use of unreasonable force, particularly against people suffering from mental health challenges.

Earlier on April 7, Elifritz had called 911 to report that his wife and children were murdered, but police said they learned that his family was OK. Barbara Elifritz and John Elifritz divorced four years ago but resumed a relationship four months before his death.

Police had encountered Elifritz, holding a knife to his throat, earlier in the afternoon on April 7, but he backed away from them and they decided not to pursue him. Soon after, Elifritz was suspected in an attempted carjacking and then a successful carjacking and a road-rage encounter. He crashed the stolen car before he entered the shelter.

Two Portland officers fired nine sponge-tipped rubber rounds at Elifritz, and five other Portland officers and one county sheriff's deputy fired at least 15 bullets, according to police reports.

Elifritz suffered nine gunshot wounds, including two gunshots to the chest that killed him, an autopsy showed.

The case is before U.S. District Judge Marco A. Hernandez.

The Portland Tribune

City Hall Update: Portland Wins \$2.5M Bloomberg Prize

By Jim Redden

October 23, 2018

Plus, PBOT says Sunday Parkways big success and 'South Reach' planning continues with two upcoming meetings.

Portland will receive services valued at up to \$2.5 million to help reduce congestion and greenhouse gas emission as one of the winners of the Bloomberg American Cities Climate Challenge.

Portland was named as one of 20 winning cities last Wednesday. The challenge is part of the \$200 million-plus American Cities Initiative started by liberal billionaire and former New York mayor Michael Bloomberg, to support city efforts to fight climate change.

Bloomberg Philanthropies said it included Portland because of the city's innovative and ambitious climate action plans to reduce air pollution and citywide emissions with specific projects aimed at the transportation and buildings sectors, areas which typically are responsible for 90 percent of all citywide emissions and are areas over which mayors have significant authority.

Sunday Parkways big success

The Portland Bureau of Transportation has announced that more people than ever participated in its Sunday Parkways program intended to encourage bicycle use in 2018. This was the 11th year for the weekend events.

According to PBOT, 125,000 people participated in four events in different parts of the city this season, which now has ended. They included 33,000 participants on the first-ever "Green Loop" route, which is included in the proposed Central City Plan update approved by the City Council to link the inner west and east neighborhoods.

'South Reach' planning continues

Two more community meetings are set to help the Bureau of Planning and Sustainability plan for the "South Reach" area of the Willamette River south of downtown.

The first is from 6-8 p.m. this Thursday, Oct. 25, at the Center for Equity and Inclusion, 5757 S.W. Macadam Ave. The second is from 6-8 p.m. Thursday, Nov. 8, at the SMILE station, 8210 S.E. 13th Ave.

An open house to share a summary of the information gathered to date will be held from 9-11 a.m. on Dec. 1 in the Llewellyn Elementary School Cafeteria, 6301 S.W. 14th Ave.

For more information, go to: tinyurl.com/y96j2zpc.

Willamette Week

Nearly Half of E-Scooter Riders Didn't Ride Bikes, New Survey Says

*By Elise Herron
October 22, 2018*

The new technology appears to be effective in getting cars off the road.

A new survey says nearly half of Portland's e-scooter riders are new to the bike lane.

It's been three months since e-scooters hit Portland streets. The newly released survey results from Portland Bureau of Transportation reveal the technology is being rapidly embraced by both locals and tourists.

A key finding from the survey—which compiled responses from over 4,500 Bird, Lime and Skip users—is that e-scooters appear to be effective in getting people out of cars.

Thirty-four percent of Portlanders said their last e-scooter trip replaced what would have been a taxi, Uber or Lyft ride. About 48 percent of tourists who responded to the survey said their last e-scooter trip replaced a car ride. As well, a third of Portland respondents said they frequently use e-scooters to commute, while another third said they use e-scooters recreationally.

Forty-five percent say they never biked previously, while 78 percent report never having used Biketown, the city's bike-share program.

That's important because the big public policy goal of the scooter program is to increase alternatives to cars—and increase pressure to improve bike lanes.

The survey results—which analyze the 472,069 rides that have been taken to date—are part of PBOT's evaluation of e-scooter's long-term viability in Portland.

The city's pilot program will run until Nov. 20, at which time the city will take scooters off the street while deciding whether or not to indefinitely adopt the new technology into Portland's transit system.

The Portland Mercury

Here Are the Results of Portland's E-Scooter Survey

*By Erik Henriksen
October 22, 2018*

As the city heads into the final month of its pilot project to see how much everyone loves and/or loathes e-scooters, the Portland Bureau of Transportation (PBOT) has released some findings—namely, those gleaned from a survey sent to Portlanders who rode a Bird, Lime, or Skip e-scooter.

And according to both e-scooter riders and PBOT, things are going GREAT. In a press release, PBOT said the survey results "suggest scooters are a popular new transit option for Portlanders and visitors alike." It should also be noted, though, that these results are from a relatively small number of respondents—out of 75,000 surveyed, less than 5,000 responded.

PBOT's complete results are here. We'll have to wait until after November 20—the final day of the city's e-scooter pilot project—to learn if PBOT has decreed that e-scooters "contribute to the city's mobility, equity, safety, and climate action goals."

In the meantime, who's up for some PORTLAND E-SCOOTER E-FACTS™???

- The majority of respondents do not care for public transportation, with 61 percent of respondents saying they "never" use e-scooters to access a bus, MAX, or streetcar. If an e-scooter hadn't been available for their last ride, 19 percent of respondents would have "driven a personal vehicle, carshare vehicle, or other motor vehicle" instead.
- The majority of e-scooter riders use them for commuting to and from work (18 percent) and "fun/recreation" (28 percent). Okay, sure.
- Most of the survey's respondents (12.79 percent) work or attend school in Northwest Portland (ZIP code 97209). 97209 was also where there largest percentage of respondents lived (9 percent). This was followed by 10 percent of respondents working or going to school in downtown/Southwest Portland (97201) and 8 percent working or going to school in inner Southeast (97214).

- Despite the city's requirement that e-scooter companies distribute a minimum 20 percent of their scooters in "historically underserved neighborhoods" in East Portland, only .73 percent of respondents said they worked or went to school in ZIP code 97266—and only 1.5 percent of respondents said they lived in 97266. (97266 runs from SE 82nd to SE 122nd and is bordered on the north and south by SE Division and SE Clatsop.)
- When asked, "What changes would encourage you to use e-scooters more often?", 58 percent said they wanted "more e-scooters available," 44 percent responded wanted "safer places to ride (e.g. bike lanes or paths separated from vehicles)" and 9 percent were irredeemable dorks who want "e-scooters with seats."
- 38 percent of respondents are in their 30s, and 31 percent are in their 20s. (.04 percent said they were in their 90s. Okay!) 62 percent identified as men and 33 percent identified as women. The majority of respondents (36 percent) are also doing quite well for themselves, making more than \$75,000 a year.
- 78 percent of survey responders know that users are legally required to wear a helmet while riding e-scooters! This data point is particularly interesting in comparison to the findings of the Mercury Scooter Science Squad, whose rigorous studies, conducted by "looking around," concluded that .0000000006 percent of e-scooter riders actually wear helmets.

Meanwhile, the Washington Post reports that a very dramatically worded class-action lawsuit filed on Saturday in Los Angeles "accuses two of the largest e-scooter companies, Lime and Bird, as well as other e-scooter firms, of 'gross negligence' and 'aiding and abetting assault.'" And while the scooter companies won't say how many of Portland's e-scooters have been vandalized and/or dumped in the Willamette, we do know that Lime, at least, recommends using a grappling hook to get them out.

There. That is literally all the e-scooter news that there could ever be.