

The Oregonian

Citizen Panel Finds Portland Police Sergeant Lied About the Law, Violating Bureau's Policy on Truthfulness

*By Maxine Bernstein
December 6, 2018*

A citizen panel Wednesday night voted 7 to 0 to sustain a complaint that a Portland police sergeant violated the bureau's policy on truthfulness by lying about the law to get a protester to stop filming him and other officers.

The Citizen Review Committee's vote directly challenges the "not sustained" ruling by the sergeant's supervisor, Traffic Capt. Stephanie Lourenco, and the bureau's Police Review Board.

The committee's challenge will now go to the police chief for consideration. Officers found to have been untruthful in the past routinely have been fired.

Committee members said they were perplexed by the captain's reasoning for her finding, even though Sgt. Erin Smith acknowledged he misrepresented the law to get protester Benjamin Kerensa to stop videotaping him during a Nov. 30, 2016 demonstration in front of fuel storage facilities in Northwest Portland over the Dakota Access Pipeline.

Smith admitted to falsely telling Kerensa that he didn't have the right to film officers and threatened Kerensa that he could be arrested if he didn't stop.

The citizen committee a year ago had found Smith violated the bureau's directive on professional conduct by misrepresenting the law to Kerensa and improperly threatening to arrest Kerensa who was lawfully filming officers.

Police Chief Danielle Outlaw agreed with those findings. But she also sent the case back to internal affairs for further investigation, asking investigators to consider whether Kerensa also violated the bureau's policy on truthfulness.

Following the latest internal affairs investigation that included another interview with the sergeant, Lourenco said she could not sustain the untruthfulness allegation but recommended a debriefing with the sergeant.

She found Smith's deception was permitted under an exception in the policy, which says it's ok to not be truthful when "necessary to protect the physical safety" of an officer or another bureau member.

Lourenco referenced Smith's latest interview in which he said he used deception to distract Kerensa, de-escalate the encounter and get him to back away from another officer who was issuing a citation to him.

The sergeant "made a very quick decision to try to get compliance without escalating the situation," Lourenco said.

Committee member Andrea Chiller said she just "didn't buy" the sergeant's or captain's explanation.

A lot of what the sergeant said "undercuts his own credibility," she said.

Chiller said she wondered how lying to someone can be construed as a de-escalation technique. "Why would someone calm down if they think the officer is lying to them?" she asked.

Chiller suggested the sergeant's safety explanation was an "after-the-fact" excuse.

Committee vice-chair Candace Avalos agreed. "How is lying about your right to film going to make the officer more safe?" she asked.

The police captain attempted to explain her reasoning further, but it only continued to baffle committee members.

"I don't think anyone is disagreeing that this behavior by the sergeant was inappropriate," Lourenco said. But Lourenco said she said the bureau's policy has an exception, allowing deception "when necessary" to protect one's or another's physical safety.

"Necessary doesn't exclude all other possibilities," the captain said. "Every officer is going to have a different threshold. What's the safety risk that allows me to lie? That's not spelled out in this policy."

Committee member Daniel Schwartz countered that the video evidence captured of the 2016 encounter involving Kerensa showed there was no perceptible threat to an officer.

"I don't believe a reasonable person can look at the video evidence and conclude that the exception applied," Schwartz said. He said he was thankful Kerensa knew his rights.

Kerensa said it sounded like the traffic captain was making excuses for the sergeant. "I had the constitutional right to film the police," he said. "There's no circumstances where an officer should be allowed to infringe on First Amendment rights."

The citizen committee's challenge will now go to the police chief, who can agree with its finding or not, and then determine what level of discipline Smith will face for his actions. The committee also recommended the police bureau re-examine its policy on truthfulness and make sure any exceptions are narrowly construed.

Committee members commended Outlaw for taking another look and directing internal affairs to consider the additional violation.

"That's a positive," Collier said.

City Council Approves Negotiated Job Duties for New Portland Public Safety Specialists

By Maxine Bernstein

December 6, 2018

Portland police on Wednesday got the green light to hire 12 public safety specialists, new civilian employees who will handle low-level, non-emergency calls and carry Tasers.

The City Council unanimously approved a negotiated agreement with the Portland Police Association that defines the scope of the new jobs. Among the specialist's duties: handling car break-ins, bike thefts, burglaries or property crimes with no suspect leads, non-injury traffic collisions, searches for missing people and walking patrols.

The new specialists, to be hired next year, will have to complete a six-week training by Portland police, which will include 40 hours of crisis intervention training on how to respond to people with mental illness, use of force training and courses on the use of a Taser stun gun, classes on report writing and a course on implicit biases.

They'll drive specially-marked cars, but not police patrol cars, and be able to respond to calls where no police authority is required. They won't be certified by the state's public safety department as they won't have the power to detain someone or enforce criminal laws.

Their uniform: green polos or jackets with a Portland Police Bureau patch and tan pants.

"They'll generally serve as ambassadors of good will for the bureau in the community," the mayor said. "There's quite a bit of work done by police that doesn't require police authority."

Yet some of the city commissioners and community activists questioned if the training is sufficient, what type of accountability will exist for these new employees and why it took so long to negotiate the scope of the jobs with the police union yet local residents didn't have much of a chance to provide input on the jobs' development.

Commissioner Amanda Fritz urged the bureau to evaluate whether the six weeks of training is enough, and, along with Commissioner Chloe Eudaly, questioned whether the police union is the appropriate union to represent these new specialists.

Dan Handleman, of the police watchdog group Portland Copwatch, said he's concerned that these specialists will serve essentially as "enhanced desk clerks with pepper spray."

"The community wasn't engaged in defining what they're going to do," Handelman said.

The specialists will be divided among the bureau's three precincts, won't work the precinct's front desks, and will face investigation by police internal affairs for any alleged misconduct, the mayor said. He said the specialists are not a community engagement or a community policing unit.

The mayor said the new specialists will help free up sworn officers so police can spend more time with the community and not just "run from call to call."

"It's a better allocation of our resources," Wheeler said.

The City Council previously approved money for the program in the 2017-2018 budget. The cost for 12 specialists is \$649,459, according to the city. Little action occurred until last summer when the city began negotiating with the union the scope of the specialists' work. Starting pay would be \$49,816 and jump to \$58,302 after four years.

"Twelve is what we could afford," Wheeler said of the new positions. He said he expects this to be a pilot program, but hopes to expand it after the city can evaluate the specialists' work and address any glitches that arise.

Officer Daryl Turner, president of the Portland Police Association, said the police union considers these jobs a "recruiting tool" to help attract people who may go on to become sworn officers with the bureau. He said the union wanted to represent these civilian bureau members to have the opportunity to negotiate their training and work responsibilities. The specialists will be reporting to a police sergeant.

"Being that they're going to work so closely with police officers, we wanted to make sure they got the right training," he said.

Turner said he recognizes that these specialists won't be serving as desk clerks, another non-sworn police job represented by a different union.

Eudaly called the specialist jobs a "positive step forward," but she urged the mayor, the council and police bureau to do a better job informing the public about the specialists' roles.

She asked that police report back to the council in one year with an evaluation of the effectiveness of the specialists. She also said she wasn't convinced the new positions should fall under the police union. The council may in the future may want to consider if other city unions might be better alternatives, Eudaly said.

Eudaly said the specialists aren't mental health responders, but she said she believes the bureau also would benefit from adding specially-trained mental health responders to respond to crisis calls, without police.

The Portland Tribune

Sources: Housing Bond Questions Remain

By Jim Redden

December 6, 2018

Plus, Hardesty not yet collecting many post-election contributions and remember the insult about Portland attributed to President George H.W. Bush.

The Portland Housing Bureau does not yet know how many more units it can build with the city's affordable housing bond funds following the passage of an amendment to the Oregon Constitution allowing businesses and nonprofits to partner on the projects.

Metro knew that if its own measure on November's ballot also passed, it would be able to build 63 percent more units with the \$653 million affordable housing bond measure. But when the committee overseeing the city's \$258 million bond met on Monday, it was told legal questions still need to be answered about such partnerships, and more public outreach needs to be conducted before making any final decisions.

City leaders previously promised to build or rehabilitate 1,300 units with the bond funds. Oversight committee members were told that goal has not yet changed. Instead, the potential partnerships might result in projects being built at different locations or increasing the most affordable units.

Not politics as usual

Winning candidates can usually count on a surge of campaign contributions as special interest groups that did not donate previously begin currying favor.

But that has not happened to incoming City Councilor Jo Ann Hardesty, who has reported raising only a little more than \$1,000 through Nov. 25. The largest contribution was \$500 from Vancouver businessman Devon Coleman.

Hardesty's political action committee is not hurting for money, however. It has just over \$11,000 in the bank and no debts.

The same is true for Hardesty's losing opponent, Multnomah County Commissioner Loretta Smith, whose PAC is reporting a \$15,000 surplus. Not surprisingly, Smith reports raising even less than Hardesty since election night, just \$100.

Did Bush say that?

The death of former President George H.W. Bush locally brings up the term "Little Beirut," which he reportedly dubbed Portland because of its protests against him and his policies.

But did he actually say it? Many news stories and commentaries attribute the term to him, but others say it came from unidentified "staffers." No one seems to have claimed credit for the label, which was based on the chaos in the Lebanese capital at the time. Almost every prominent Republican who visited Portland then was protested, so any number of them and their employees could have come up with the term.

Regardless, local anti-Bush protesters embraced the label, with some even calling themselves B.E.I.R.U.T., for Boisterous Extremists for Insurrection against Republicans and other Unprincipled Thugs.

Unarmed Police Coming to Portland Streets

*By Lisa Balick/KOIN 6 News
December 5, 2018*

City Council approves new role for Public Service Support Specialists, who won't carry guns.

Twelve new members of the union that represents Portland police officers are coming to the streets of Portland, but they won't be carrying guns.

The City Council on Wednesday approved hiring Public Safety Support Specialists — also known as PS3s.

The PS3s won't respond to shootings, robberies or crimes in progress. What they will do is assist police officers on non-emergency calls, like traffic accidents with no injuries, follow up on property crimes where there is no suspect information, help in searches for missing people, write reports.

"Instead of sitting waiting for a tow for 25-30 minutes, we can go and help with the accident then call a PS3 who could show up to wait for the tow while we go to the next priority call," said union Portland Police Association President Daryl Turner, the leader of the union representing rank-and-file officers.

The PS3s would not be sent out without a supervisor's approval, Turner says. They'll get 200 hours of police training.

But instead of a gun, they'll carry pepper spray and they'll drive city cars, not marked patrol cars.

The council approved the agreement with the union on Wednesday for the PS3s, who will be paid with money saved by the elimination of the mounted patrol. They'll earn about \$24 an hour. Hiring will begin soon.

The Portland Mercury

Hall Monitor: Take Two

By Alex Zielinski
December 6, 2018

Will the city's second swing at citizen-led police oversight be any different from its first attempt?

The last time Portland officials created a committee to improve police interactions with the public, it blew up in their face.

It wasn't entirely the city's fault. Portland was ordered to assemble a Community Oversight Advisory Board, or COAB, by a federal judge as part of the city's 2014 settlement agreement with the US Department of Justice (DOJ). That agreement, meant to improve the way Portland police use force against the mentally ill, calls for a number of reforms within the Portland Police Bureau (PPB), along with the creation of COAB to oversee those reforms and suggest ways the PPB could improve community-police relations.

But COAB seemed doomed from the start. Meetings would regularly devolve into tense arguments between police-reform activists and officers, both of which were represented on the board. Members, city officials, and DOJ lawyers gradually stopped attending meetings. In 2016, then-mayor Charlie Hales killed the program, largely ignoring COAB's 50 recommendations. The community wasn't happy. The feds weren't happy.

Two years later, Mayor Ted Wheeler unveiled the Portland Committee on Community-Engaged Policing (or PCCEP, pronounced pee-sep), a second attempt at the court-mandated board.

Like COAB, PCCEP is tasked with making recommendations on how PPB can improve police interactions. Police accountability advocates are understandably cautious to embrace the new coalition, which met for the first time in November. As the city takes a second swing at citizen-led oversight, the question remains: Will this group be any different from the divisive COAB?

I turned to Nicole Grant, Wheeler's senior policy advisor and PCCEP mastermind, for answers. Grant joined the Hales administration just in time to watch COAB fizzle out, giving her the necessary perspective to make PCCEP stick. (She hopes.)

"I think the biggest difference is the city's buy-in," Grant says. City commissioners steered clear of COAB's work, not wanting to get tangled up in its disorder. This time around, commissioners were required to advise Wheeler on his selection of PCCEP members and seem hopeful for its success.

"I do not think the city did its job in protecting [COAB members] and investing in them and their work," Grant says. "Because of that, PCCEP is operating at a deficit of trust. That's something we have to live with."

One of the community's biggest gripes about COAB was that its meetings were led by a Chicago-based contractor hired by the city. "Why would an out-of-state [group] supervise a body that's supposed to be community-driven?" says Grant. "It just didn't make sense."

With PCCEP, meetings will be led by local facilitator Brad Taylor, who has a history of training city bureaus on conflict resolution.

And while COAB was expected to deliver suggestions to the city and DOJ within a year, PCCEP has no cutoff date. There's no reason it couldn't become a permanent committee, Grant says.

“For PCCEP, the settlement agreement is the floor. It’s where we begin,” she says. “Whereas with the COAB, it was the ceiling.”

Unlike COAB, there are no members of law enforcement that sit on PCCEP. That’s intentional: Grant sees the mandated semi-annual meetings between PCCEP and PPB as a more productive and less combative way to share community feedback with officers.

Yet there’s no certainty of the committee’s outcome. A PCCEP member recently asked Grant if PPB and the city will actually listen to the group’s suggestions.

"I admitted to her, it's hard. It's not as simple as saying 'Here's a recommendation,' and [PPB] responds with 'Okay!'" Grant says. "It's a constant struggle and it takes time. It's absolutely a long game."

A Growing Divide in City Hall Threatens Police Oversight

*By Alex Zielinski
December 6, 2018*

Portland’s citizen-led police oversight board has some concerns.

In October, the city’s Citizen Review Committee (CRC)—an 11-member board of volunteers tasked with reviewing police conduct—wrapped up their six-year investigation into when and how Portland police officers use violence against members of the public.

The CRC condensed their findings into an eight-page report that not only raised concerns about inconsistent use-of-force training across the Portland Police Bureau (PPB) but suggested policy tweaks to fix the problem.

For committee members, the report was a significant accomplishment: years of plodding meetings with wary officers, long nights navigating through legalese, and tedious policy dissections had all paid off.

One of the CRC’s many duties is to make policy recommendations to both city council and the chief of police in order “to prevent and rectify patterns of problems.” The group had already shared their policy recommendations with former PPB chief Mike Marshman, whose feedback was included in the October report, and were patiently waiting to get the finished product before city commissioners.

“We were excited to go to city council to say, ‘Look what we’ve achieved! We did something! It’s worth it for us to be here!’” says CRC Chair Kristin Malone.

But the committee’s council liaison, City Auditor Mary Hull Caballero, didn’t share that enthusiasm. In a short email to CRC members, Hull Caballero wrote that she wouldn’t be putting their report on the city council’s agenda.

Malone and her fellow committee members were stunned.

“It had never occurred to us she would stand in the way of a CRC report,” says Malone.

Hull Caballero’s decision speaks to a growing divide between the CRC, the city’s police advisory board, and Hull Caballero, its appointed advocate in city hall.

Hull Caballero, the only elected official in city hall who doesn’t sit on city council, isn’t the first auditor to distance herself from the CRC, a group whose mere existence offends Portland’s domineering police union, the Portland Police Association (PPA). It’s uncommon for a city

auditor, who usually deals in research and analysis, to be so connected to police accountability work—but it’s the way Portland’s chosen to organize its police oversight.

The frayed relationship between the auditor and the CRC not only threatens to keep critical policy improvements off city council’s radar, but also discourages those committed to improving Portland’s imperfect police bureau.

“This level of disconnect is unusual,” said Dan Handelman of Portland Copwatch. “But what’s worse: It’s saying the community’s voice isn’t important. That their input on policing isn’t valued.”

For Malone, the tension between the CRC and auditor’s office began two years ago, when Hull Caballero announced she’d no longer be meeting with CRC members unless it was during a public meeting. Hull Caballero has only attended one of the CRC’s monthly meetings since then, aside from a brief visit to hand out certificates of appreciation. The group has repeatedly asked for her presence to give feedback on policy recommendations, but she’s declined.

Lately, CRC members have only been able to learn what Hull Caballero thinks of their work by speaking with members of the Independent Police Review, the city office that sets the CRC’s agendas, or from members of city council, who, unlike the auditor, regularly meet with the group.

“I can’t help but ask myself, ‘Do we have the auditor’s support? Does she even want this group to exist?’” says Malone. “If we’re doing something wrong, I just want to know.”

At November’s CRC meeting, held one floor below Hull Caballero’s office in City Hall, Malone announced she was considering stepping down as chair and leaving the CRC.

“I wish people would understand how hostile this feels for volunteers,” she tells the Mercury.

CRC members wear many hats. When the group isn’t researching PPB policies, it acts as a board of appeals for members of the public who report police misconduct, which can encompass everything from claims of retaliatory arrests to officer rudeness. The CRC is also responsible for reaching out to community groups to gather feedback on PPB’s work. The volunteer gig takes up an average of eight hours a week.

While the policy advisory piece of their work is generally the most drawn-out and least noticed, it’s often the most impactful. After presenting their use-of-force recommendations to Chief Marshman in 2017, the former PPB head amended the bureau’s Use of Force Directive to include officer protocol around de-escalation tactics.

In an email to the Mercury, Hull Caballero wrote that because of these changes, she was “unclear what value would be added” by CRC presenting the Use of Force report to the council. In her eyes, it seems, the policy problems have already been solved.

But policy changes don’t always stick. As Handelman pointed out at a recent CRC meeting, de-escalation policies haven’t necessarily been reflected in recent fatal police shootings. That’s why getting the CRC’s report in front of city commissioners—especially Mayor Ted Wheeler, who currently serves as the police commissioner—was important.

“I think the city council should hear a deadly force report, especially in this climate,” Handelman said.

City council seems to agree.

At a November council meeting, commissioners unanimously voted to appoint a new member to the CRC. Before casting her vote, Commissioner Amanda Fritz noted her concerns over not regularly hearing the committee's recommendations.

"We continue to have a problem with public trust in our police, and the CRC has to be a central part of that," Fritz said. "We have to get the reports back to the council in a timely manner."

"Auditors are a special type of person. They aren't like regular politicians. Maybe police oversight is not a good fit?"

Since entering the office in 2015, Hull Caballero has pushed to better define her role in city hall. In 2017, she championed a city charter amendment—approved by city council and voters—to safeguard her independence from Portland City Council, the body in charge of the bureaus she audits. Earlier this year, Hull Caballero refused to house the city's campaign finance program in her office, citing her lack of faith in the program's efficacy.

She now appears to be backing away from her involvement with the CRC. For longtime city watchdogs, it's a familiar pattern.

"The CRC has become an area of discomfort for the past three auditors," said Debbie Aiona of Portland's League of Women's Voters (LWV). Aiona said Hull Caballero stopped taking meetings with the LWV after the group disagreed with a position she took.

Unlike her fellow elected officials, Hull Caballero strategically distances herself from politics and policy-making—especially the kind that may ruffle feathers, like those involving police reform. Members of the PPA have opposed the CRC since the establishment of the committee in 2001, accusing its members of anti-police bias. For Hull Caballero, supporting a CRC directive would all but guarantee a heated meeting with PPA's top brass—exactly the kind of political tension an auditor works hard to steer clear of.

But Portlanders recently elected a new city commissioner who's eager to shake up the police bureau's status quo. Incoming commissioner Jo Ann Hardesty campaigned on a platform of police reform, which included plans to audit the entire police bureau. Malone is hopeful that Hardesty will be able to rework Portland's current police oversight system, but for now, all she's certain of is that things have to change.

To underscore that certainty, Malone recalled a 2014 conversation she had with police reform advocate Teresa Raiford, shortly after Malone joined the CRC.

"She told me the CRC is a dead end... that it's unable to make any real change," Malone says. "At the time, I didn't believe it entirely. But now, I'm thinking maybe she's right."

City Council Unanimously Approves New Unarmed Police Role

*By Alex Zielinski
December 5, 2018*

There's a new type of officer coming to Portland.

Well, technically, it's a new type of "specialist": the "Public Safety Support Specialist" (PS3 for short), an unarmed, non-sworn employee of the Portland Police Bureau (PPB). In an afternoon council meeting, Portland City Commissioners unanimously approved the creation of this brand-new position within the PPB.

PS3s will not be able to make arrests, detain people, or drive a PPB patrol car. Based on the contract, these new PPB employees will follow up on property crime, traffic accidents, and any other low-level, non-violent crimes. They'll wear green polos with a PPB emblem and tan khakis—and will carry pepper spray.

The idea of adding unarmed officers to PPB's arsenal isn't necessarily new. The plan for this new position has been in the works since 2016, when then-Mayor Charlie Hales signed off on a controversial new contract with Portland Police Association (PPA), Portland's police union. And Mayor Ted Wheeler set aside funding for these 12 positions into his 2017-2018 budget.

Some police reform advocates, however, said they felt blindsided by today's decision.

"It is really shameful that there was no real lead up and no community discussion before today," said Dan Handelman with Portland Copwatch. He noted that the previous city council session held on this contract update—in June—did not allow for public comment.

"If this is about community engaged policing, well, the community wasn't engaged in defining what they're going to do," Handelman said.

Wheeler said that speeches he gave and presentations he made while running for office in 2016 were a form of community engagement.

He also argued that the PS3 role was never meant to solely focus on community outreach, adding that community engagement is a job requirement for all PPB officers.

Yet, in defining the new role, Wheeler said, "PS3s will generally serve as ambassadors of goodwill for the community."

The meeting ended with some lingering confusion around whether or not a PS3 will spend more time engaging with the community than other sworn officers.

Other community concerns were more clearly addressed. Nicole Grant, a senior policy advisor to Wheeler, dismissed the perception that the position was created to fill a mental health first responder role, an idea held by some community members.

"My understanding that this was part of the bureaus' community policing effort," said Grant, who also worked for the Hales administration when the idea was first being fleshed out.

"We did not want desk clerks, we didn't want paper pushers," she said. "There really was a desire to have them out in the community serving as first responders in non-emergency situations."

Grant also rebuked an idea perpetuated by PPA President Daryl Turner in an interview with Willamette Week. According to WW, Turner suggested PS3s would staff the front desk at PPB precincts and wait for tow trucks to remove a car blocking the road after a collision.

"I don't understand Daryl Turner's position. That quote caught us by surprise and is factually untrue," said Grant. "Nowhere in this document does it say they'll be engaging in front desk [work], or administrative [work], or clerk work. I don't understand where that language came from."

Grant said that when the city's negotiations with the PPA over this contract amendment concluded in 2017, all parties "were absolutely on the same page."

Commissioner Chloe Eudaly, the one member of council who signaled her opposition to the amendment, asked PPB to present a report to city council in a year to analyze the success (or failure) of the PS3 program. She also acknowledged public comments about this decision being rushed without community input.

“This position was originally called for by the community,” Eudaly said, referencing the community’s push to include unarmed police in the 2016 PPA contract. “This is the result of hard fought advocacy by the community.”

However, Eudaly echoed comments made earlier by Commissioner Nick Fish about the city’s failure to adequately informing the public about these council decisions before they go to a vote. It’s a concern Wheeler’s raised in past council sessions.

“I want us to take the lion’s share of the responsibility for [the public’s] confusion. We are not doing a good enough job informing the public, let alone engaging them and meaningfully involving them. I think it’s crystal clear that... we can never do too much.”

The Portland Business Journal

More Twists as New Portland Marathon RFP Lands

*By Pete Danko
December 5, 2018*

The city's new solicitation to find a producer for the Portland Marathon, released late Tuesday, shrinks the importance of race production experience and adds a new goal: creating an event that will generate revenue the city can use to pursue sports opportunities for historically underserved communities.

The changes are more aligned with the proposals submitted by two local entities that were not selected during the original bid solicitation in September, and less so with the bid of Brooksee LLC, the Utah company that won that since-abandoned process.

Bids in the second go-round are required to arrive by 4 p.m. on Dec. 17 and will be judged by an entirely new panel of evaluators, according to the city procurement office.

The decision to re-do the bidding process was a surprise. The announcement came on Nov. 21, roughly one month after the city announced its intent to award the contract to Brooksee, which has produced marathons in several states. The city did not alert Brooksee in advance of releasing its decision in a press release.

Brooksee has said it will rebid. Oregon Sports Authority, the well-connected nonprofit that had protested the earlier results, said it will as well.

Mayor Ted Wheeler is behind the new request for proposals, having pulled the plug on the first solicitation before the contract with Brooksee could be negotiated. Wheeler said he wanted to push bidders to outline a “bold vision” for the race.

The mayor's influence could be felt in other ways: While the four-person evaluation committee that judged the first solicitation was selected by a project manager from the Bureau of Transportation, the mayor's office said Wednesday that it will "collaborate" with PBOT on its composition this time around.

As for the vision thing, the new RFP adds bullet points related to creating an engaging event that will draw out-of-town visitors, highlight Portland’s neighborhoods and be “a unique and world-class marathon experience.”

It also alludes to improving a course that historically was concentrated on the far Northwest and North “quadrants” of the city and was frequently criticized as uninspiring, even before the city recently put new limits on the number of police officers available for the race.

“Describe your organization’s vision for a racecourse that highlights the uniqueness of the Portland community and its neighborhoods, including how you will leverage community-based partnerships to assist you in these efforts,” the new RFP says.

The RFP isn’t explicit about how responses to the new items will influence evaluation of the bids, which will be scored in various categories adding up to a total of 100 possible points.

What is clear is that only 20 points will be available in the category “Proposer’s Capabilities/Experience,” down from 30. Bidder plans for their registration platforms and websites were also reduced in value, from 15 points to 10 points.

Brooksee, with deep experience putting on the REVEL Race Series, had finished first in both those categories.

The 15 points taken from the two diminished categories will now go to a new category, “Equity and Inclusion,” described this way in the RFP:

It is the City’s intention that the partnership with the successful proposer for this new branded event will generate revenues sufficient to help fund or support new, local sporting opportunities geared toward youth in economically disadvantaged communities, people with disabilities, communities of color, LGBTQ+, women, or any other historically underserved population in Portland. Proposers should describe how they will meet this goal.

Brooksee’s winning proposal was light on any element like that, although it did talk about the company’s own Brooksee Foundation, which has a program called Launch Team “that trains youth ages 8-18 to participate in half marathons.”

Oregon Sports Authority, which finished third among the five bidders in the earlier round — Brooksee was first with 304 points, Rugged Races LLC second with 266, and OSA third at 258 — put more emphasis on a social component.

It highlighted a community advisory aboard with “individuals who have demonstrated a deep commitment to inclusion and equity,” including Rukaiyah Adams of the Meyer Memorial Trust, Sarah Bradham of Girls on the Run, Wildfang’s Emma Mcilroy and Rachel Solotaroff of Central City Concern. It went on to propose a focus on homelessness.

“We plan to work with key community partners to provide both Portlanders and visitors with unique insight and compassion into the issue of homelessness, while also providing meaningful opportunities for engagement and action,” the bid said.

The bid from a local group called Rose City Marathon — its proposal was rated last by the evaluators, with just 216 points — highlighted inclusion and a charitable component in a race centered at the Rose Quarter.

“We and our Rose Quarter hosts are committed to advancing diversity, equity and inclusion (DEI) within our organization and community,” it said. “Our mutual goals are to address social inequities that disproportionately impact specific groups and to continue to utilize our platforms to positively impact people throughout our community that have been underserved.”

It was unclear if the Rose City Marathon group planned to submit a bid in the new RFP.

The Skanner

Audit Flags Problems with Portland's Environmental Agency

December 5, 2018

A new audit finds problems with how the City of Portland is managing environmental restoration projects and "green streets" designed to control stormwater.

OPB reports that the Bureau of Environmental Services is spending millions on projects aimed at improving water quality, restoring wildlife habitat and preventing flooding, but auditors with the City of Portland found the bureau often can't prove those projects are meeting their goals.

This year, the bureau invested \$13 million in restoration projects and green streets. Auditors say the agency needs a better system for measuring the benefits of those investments.

"The Bureau cannot report on overall progress because there is no inventory of restoration projects on which to base reporting, none of the projects we reviewed had quantifiable goals, and there are no protocols for consistent monitoring or data collection," the audit states.

Kaitlin Lovell, science integration division manager for the Bureau of Environmental Services, said the bureau has plenty of evidence that its restoration projects have been successful.

"We know they have been effective by having salmon swimming in urban streams and by having a swimmable Willamette River," she said. "What they're asking us to do is to be more quantifiable - to really demonstrate we are getting a return on our investment in a much more tangible way, and we think we can do that."

Lovell said the bureau agrees with the audit's conclusions and plans to collect more data at the beginning of its restoration projects to help measure the benefits over time.

The city's "green streets" use plants alongside roads to absorb stormwater and prevent sewer backups and overflows. But auditors found the bureau doesn't have a way of determining where they're most needed or how well they're working. Plus, it's failing to inspect and maintain them.

OPB

Portland Council Unanimously Approves Deal For Unarmed Police 'Safety Specialists'

By Amelia Templeton

December 5, 2018

After years of discussion, Portland is one step closer to hiring a team of 12 unarmed "public safety specialists" to respond to incidents that don't require a uniformed police officer.

In a unanimous vote Wednesday, the City Council approved a change to the city's labor agreement with the Portland Police Association, the union that represents rank-and-file officers.

The agreement lays out what the new unarmed safety specialists, known as PS3s, will do and how they'll be trained.

The city says the specialists will wear khaki pants and carry pepper spray. They will drive their own specially marked cars to distinguish them from armed officers.

“They will go on walking patrols. They’ll attend your neighborhood meetings. They’ll generally serve as ambassadors of good will in the community,” Mayor Ted Wheeler said.

The PS3s will respond to a fairly narrow set of incidents, including thefts and break-ins without a suspect, minor traffic collisions that don’t involve injuries, and aiding police officers searching for missing children and elderly adults.

They will also help police officers maintain equipment and write evidence reports, according to the agreement between the city and the union.

The unanimous vote should have been a victory lap for Wheeler, who eliminated the police bureau’s mounted patrol unit to free up funding for the positions in his first budget two years ago.

Instead, the mayor and his staff spent much of the hearing responding to public concerns that the positions were watered down during negotiations with the police union.

The Willamette Week reported that Portland Police Association President Daryl Turner said the specialists would not be responding to any public calls for service, and the weekly paper reported that the union views the positions as clerical desk jobs.

Commissioner Nick Fish asked the mayor’s staff to explain why, after months of bargaining for a written agreement, the city and the union still seemed to be at odds over the role.

“I actually don’t understand Daryl Turner’s position on specifically whether PS3s will be manning the front desk precincts. That issue was settled late last year,” said Nicole Grant, the mayor’s senior advisor on policing. “That quote caught us by surprise and is factually untrue.”

According to Grant, the specialists are precluded from performing the work of front desk clerks for the bureau, because clerks are represented by another union, AFSCME, which would object.

Fish expressed concern that the union will try to undermine the new program.

“Are we setting ourselves up for endless disputes and grievances with PPA over exactly what is the job description?” he asked

Asked by Commissioner Chloe Eudaly whether the city had made any major concessions to the union, Grant replied that it had not.

Reached shortly after the council vote, Turner said he did not intend to suggest the PS3s would be on desk duty and said the Portland Police Association is not opposed to the new position.

Turner said they would be able to respond to calls “with no law enforcement nexus” if their supervisors, who will be sworn officers, approve it. He stressed their role responding to non-injury traffic collisions, and also suggested they could help out during public events like parades and marathons.

“We negotiated it, in our last contract, to be able to sit down and have these conversations, and come up with a position like this that would serve to assist police officers in non-law enforcement incidents, that don’t take any law enforcement authority,” Turner said.

The police union views the positions as a recruiting tool for college students and people contemplating a career in law enforcement, according to Turner.

“This is one way to get a little bit of experience being around law enforcement and being around what we do,” he said.

The groundwork to create the positions was put in place shortly before Wheeler took office, during the last major contract negotiation with the police union in 2016.

Gresham, Bend and Eugene already employ similar unarmed officers.

While police policy votes often spark heated public debate in Portland, the council hearing was sparsely attended and few people testified.

Many who did attend said they wanted to see much deeper reforms at the bureau, and argued that fewer officers should carry guns.

“They’re basically going to be enhanced desk clerks with pepper spray” said Dan Handleman of the grassroots group Portland Copwatch. “I think we in the community were hoping they were going to be doing more.”

Unlike sworn officers, the safety specialists will not have the authority to make arrests, detain people, or enforce criminal statutes.

They will go through a six-week training program at the bureau, which will include report writing, driving safety and crisis intervention training.

The PS3s will not be required to be certified by the state’s Department of Public Safety Standards and Training.

However, according to Wheeler, the safety specialists will be required to follow all police bureau rules and directives, and can be subject to investigation and discipline through the bureau’s internal affairs department.

Want A Straw For Your Drink In Portland? You'll Have To Ask.

*By Ericka Cruz Guevarra
December 5, 2018*

You soon won’t be able to expect a server to give you a straw for your drink in Portland, Oregon – unless you ask for one first.

Portland City Councilors on Wednesday approved an ordinance that implements a by-request-only policy for plasticware for dine-in, delivery and takeout orders starting July 2019.

That means what was once a given at restaurants and dining establishments now needs to be requested: Instead of sitting down and automatically getting a straw with your glass of water, for example, you’ll need to ask your server for one.

And at the drive-thru, restaurant employees will need to ask customers if they need condiment packets, utensils or plasticware like plastic straws and stirrers.

To be clear: it’s not an outright ban on straws, though the city did consider that. The brains behind the legislation say they made a conscious effort not to do that after conversations with members of the community – namely, the disability rights community. The idea, though, is to get people to think twice about plastic consumption.

“These plastics are cheap and a lot of businesses have made it a point to just include them in whatever order is happening for food and drink – and that is the default,” said Pete Chism-Winfield, program specialist with the city’s Bureau of Planning and Sustainability.

“So what we’re trying to do with this policy is reset the default that doesn’t include all these different plastics that may or may not be needed, and give the consumer an opportunity to make that decision themselves.”

What Is Portland Actually Doing?

The city is making it so that all retail food and beverage establishments will only give customers plasticware after a customer asks for it. And for customers getting takeout, plasticware will only be provided after employees ask customers if they need it.

The city simply wants to get people to think twice about whether or not they need to use disposable plasticware when they order food.

“We want to really be able to break out of the status quo mold of automatically expecting to have plasticware or plastic straws every time we sit down at a restaurant and order a soft drink or order a cocktail,” said Amy Rathfelder, an environmental and sustainability policy advisor to Mayor Ted Wheeler.

“We want to just sort of break out of that thinking and start to change the dynamic. Because ultimately, as we consider the larger impacts of climate change and the small steps we’re going to need to take to reduce its effects, this is one of them.”

Can I Still Get A Straw In Portland?

Yes.

“This is not a ban,” Rathfelder said. “This is just a repurposing of the way that we use and have these materials available.”

The city did initially consider an outright ban. Following conversations with people with disabilities, policymakers changed their minds.

“What we heard from them is that accessibility through the tool of the plastic straw is a very, very important thing,” Chism-Winfield said. “And if that tool is something that they need, we want to make sure it’s still available.”

Is This The Same As The Plastic Bag Ban?

The ordinance passed by city councilors Wednesday replaces current city code that already bans plastic checkout bags and foam food containers with broader prohibitions and restrictions on single-use plastics.

The ordinance on single-use plastics condenses disposable materials – plastic bags, plastic straws and foam containers – to one section of city code.

It’s in the same vein as the plastic bag ban — but again, it’s not a ban.

Why Straws?

The city sees straws as a low hanging target in its effort around waste reduction.

The city is also joining a wave of efforts happening around the country around straws. (Seattle, for example, passed an outright ban on straws.)

“It’s a great first gateway item for consumers to understand what their plastic consumption looks like,” Rathfelder said. “It’s a great place to start because it’s relatively easy to remove and find alternative solutions for.”

Social pressure surrounding a viral video of a turtle with a straw lodged in its nose also played a part. And in the summer of 2017, the Surfrider Foundation launched the Ditch the Straw PDX campaign, specifically focused on reducing plastic waste in Portland and starting with the plastic straw.

Who Is In Favor? Against?

Charlie Plybon is the Oregon policy manager for the Surfrider Foundation, which focuses on environmental protections for the world’s oceans.

According to Plybon, single-use plastics show up over and over again in ocean cleanup efforts, including those at Oregon’s coasts. The foundation worked with the city on the ordinance. He said the policy gained traction among members of the environmental activist and business communities.

“We really feel the Portland business community has embraced this policy and has really been a partner in helping develop the policy,” he said.

The Portland Business Alliance, which represents hundreds of businesses throughout the city, sent a letter to Mayor Ted Wheeler in September declaring its support for the policy. The Surfrider Foundation worked with about 100 businesses through its Portland chapter to pilot the policy voluntarily.

“We saw huge savings for businesses, both in the amount of straws they were putting out there but also in financial savings,” Plybon said.

Portland restaurant Por Que No, for example, reported a drop in 3,000 straws a month based on an ask-upon-request policy, according to Plybon.

“Multiply that out times hundreds and hundreds of restaurants in Portland, we’re talking about eliminating millions of single-use plastics from our environment.”