

## The Oregonian

# The Oregonian's Investigation Prompts Portland to Stop Charging Victims for Police Reports

By Gordon Friedman  
December 7, 2018

Mayor Ted Wheeler announced Friday that Portland will no longer charge crime victims for copies of their own police reports after an investigation by The Oregonian/OregonLive found people face high fees and long waits to get them.

Wheeler's announcement came minutes before a scheduled interview with an Oregonian reporter, who had told the mayor's staff he would inquire about the city's response to the investigation. It also came after most city commissioners had told The Oregonian/OregonLive that crime victims should not pay for their documents and recommended additional changes.

In the interview Friday, Wheeler said he was "surprised" that his Police Bureau did not already have a plan in place to eliminate fees for crime victims and credited the newspaper with spurring the change.

"When I heard you were going to ask me about that I was a little surprised we didn't already have a plan in place to execute on that," Wheeler said.

Eileen Park, the mayor's communications director, said aides had been "working on it" but without the mayor's knowledge.

Wheeler also said he will enact other changes to keep him in the loop when some records are withheld from journalists.

[The Oregonian/OregonLive's October investigation](#) found people seeking Portland police reports must pay at least \$30 up front and face long delays, even if they are seeking the report as a victim. In 2017, the average wait for a police report was 133 days. In contrast, Seattle is able to turn around most reports in under a week. It charges about \$1 per report and doesn't charge victims.

Though Wheeler's announcement means crime victims will be able to receive police reports free of charge, it doesn't guarantee they will get them quickly. Several crime victims The Oregonian spoke to for its investigation said the long delays harmed their abilities to move forward with their lives.

It's unclear how or whether the Police Bureau will tackle its deep backlog of requests that results in weeks or months of delay -- a central shortcoming revealed by The Oregonian/OregonLive's investigation into police records policies.

Park said the mayor's office is preparing a budget proposal for next year that would add money to the bureau's records unit and seek efficiencies. Commissioners Nick Fish and Amanda Fritz had already told The Oregonian they'd support hiring more records employees to shorten the backlog.

In preparing to follow up on its investigation, The Oregonian asked each of Portland's city commissioners for their thoughts. All but Commissioner Chloe Eudaly responded, and most urged the Police Bureau to make sweeping reforms.

“Portlanders are waiting too long for Police Bureau records, and the city is not meeting community expectations around transparency and accountability,” Commissioner Nick Fish said in a statement.

“In this next budget, I want the bureau to tell us what it will take – whether it’s better training, better technology, or more people – to improve service, especially for victims,” he said.

Fritz said she would support a one-time funding allocation to help the agency dig out of its backlog, with the goal of achieving a one-week turnaround for simple police reports.

A police spokesman could not be reached Friday for comment for this story. It’s unclear whether Chief Danielle Outlaw or other Police Bureau leaders coordinated with the mayor’s office on the upcoming change in records policy. Wheeler said it will take effect Jan. 1.

Commissioner Dan Saltzman, who used to be police commissioner, told The Oregonian/OregonLive that while it’s easy to say crime victims should get reports, the bureau will expect funding to cover those costs.

As it is, the Portland Police Bureau largely views public records as an extra service for which the public must help it recoup costs, not a core part of its mission as an organization.

Some Oregon public agencies and government entities in other states view providing access to documents as a cost of doing business for the public — not a service for which reimbursement is required. But Oregon law allows state and local agencies to reimburse for the “actual cost” to find, compile, review and release government records.

Washington’s strict laws, which punish agencies for delaying records, are the reason the Seattle Police Department deploys enough staffers to be able to turn around simple police reports in under one week and for less than \$1, its director of transparency and privacy told The Oregonian.

The problem extends well beyond crime victims’ access. The Oregonian/OregonLive also wrote about how activists struggle to get information, which can stymie civic engagement on issues the city has declared a high priority, such as pedestrian deaths.

In a recently released report on records access in Oregon, the state’s public records advocate wrote that agencies need to view fulfilling records requests as a core function, not an afterthought. Better-funded records departments would curb the need to charge high fees for public records requests, she wrote.

“When public bodies are not adequately funded, then requesters are expected to make up the difference to cover the costs of public records requests,” advocate Ginger McCall wrote. “Public bodies’ ability to procure necessary technology and staff depends on buy-in from leadership.”

Wheeler made another records-related announcement during the interview: He said he intends to direct city bureaus under his control not to deny members of the press access to documents without his knowledge and city attorneys’ go-ahead.

“If they are going to withhold records from the press, I personally want to know why they are withholding records and I want somebody upstairs in the legal department to sign off on it,” the mayor said.

He cited as the impetus for the change a mid-level manager’s decision to keep records from a reporter, which spurred an appeal to the Multnomah County district attorney, who ordered the city to release the documents because they were withheld improperly.

“That as mayor is disappointing to me because it undercuts the public’s faith and trust in government,” Wheeler said, bemoaning the “colossal waste of my time and my staff’s time” to explain that misstep.

That change has implications only for the bureaus Wheeler directly oversees as a commissioner-in-charge. But that includes bureaus that frequently withhold information from the press and general public, including the Police Bureau.

## **The Portland Tribune**

### **Council to Fix Alleged Mistake in Building Warning Sign Ordinance**

*By Jim Redden*

*December 9, 2018*

#### **Lawyer says signs being required for unreinforced masonry buildings are unconstitutional.**

Facing a threatened lawsuit to its recently-passed ordinance requiring warning signs to be installed in unreinforced masonry buildings, the City Council will consider changing it Wednesday.

The change is not expected to stop the suit, which is threatened by owners of such buildings who say the signs will reduce the value of their properties. Instead, it is in response to a mistake the lawyer representing the owners says he found in the ordinance approved by the council on Oct. 10.

In a Nov. 20 letter threatening the suit, attorney John DiLorenzo said the ordinance only requires signs to be posted by owners who apply for permits to upgrade their buildings. In response, the City Attorneys Office said it disagreed with that interpretation, but submitted a "clarification" to the council anyway.

"[A] third party questioned the application of this provision," the new ordinance explains.

"I'm glad that they're fixing their error so that we can engage with them on the ordinance they intended to pass," says DiLorenzo.

The original ordinance was prompted by fears that URMs — as they are called — will collapse in earthquakes, injuring and killing people in and near them. Signs warning of the dangers are to be posted in all such buildings that have not been reinforced over several years, depending on who owns them.

There are approximately 1,800 URMs in Portland. Of those, 1,640 are believed to have not been retrofitted to survive an earthquake.

In his letter, DiLorenzo said if the council does not repeal the requirement, he will file a federal lawsuit to have it declared unconstitutional. He is representing Masonry Buildings Owners of Oregon, a trade group representing landlords of such buildings.

DiLorenzo said the ordinance violates the First Amendment rights of the building owners and unconstitutionally favors some owners over others.

"The Ordinance overlooks owners of URM homes and differentially treats favored persons (nonprofit organizations, churches, and public schools) but mandates compliance by least

favored persons by March 1, 2019, notwithstanding their ownership of identical forms of URM buildings," DiLorenzo wrote.

The council previously discussed requiring owners to bring all UMRs of them up to current earthquake codes, but felt the cost — an average of \$105 per square foot — is too expensive.

To read a previous Portland Tribune story on the issue, go to [tinyurl.com/y982xsue](http://tinyurl.com/y982xsue).

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

For more information, visit [www.portlandoregon.gov/bds/70766](http://www.portlandoregon.gov/bds/70766).

## **Report: Rezoning Portland will Increase Housing, Lower Rents**

*By Jim Redden*

*December 10, 2018*

### **UPDATE: Opponents demand public testimony be allowed on new Residential Infill Project economic report.**

A revised rezoning plan working its way towards the City Council would result in almost twice as many new homes being built in Portland over the next 20 years, according to an economic report released Thursday.

The new homes would also be far less expensive to rent because they would be much smaller, mostly multifamily units, says the report prepared by Portland-based Johnson Economics.

The Residential Infill Project recommendations are currently being considered by the Planning and Sustainability Commission. It will be briefed on the report on Tuesday, Dec. 11, by the Bureau of Planning and Sustainability, which is planning the project. No public testimony will be allowed, which opponents say is unfair.

In recent months, the commission moved to substantially increase the recommended portion of existing single-family neighborhoods to be rezoned for smaller multifamily projects, like duplexes, triplexes and four-plexes.

The commission originally considered recommending that 60 percent of single-family neighborhoods be rezoned. It has now raised that 96 percent, or almost all of them. The commission also wants to encourage developers to build multifamily projects by increasing the maximum size of the structures. Single-family homes would be limited to 2,500 square feet but increased to 3,500 for a triplex or four-plex.

The changes would result in 38,115 new homes being built over the next two decades. That compares to 13,665 new homes under the city's current zoning, the report says. The original recommendations would have only produced around 200 additional homes.

"You would expect high rates of redevelopment" with the changes, says economist Jerry Johnson, the author of the report.

According to the report, under the city's existing zoning, the majority of new homes built over the next 20 years would be single-family houses that would rent for an average of \$4,159 a month. If the council approves the recommendations, the majority would be duplexes, triplexes and four-plexes, with the average rent being \$1,823 per unit.

"The impact on rental residential pricing was highly significant, with average rents dropping by 56% as compared to the default scenario (current zoning), which reflects a change in unit size as opposed to reduced rents per square foot," the report says.

The numbers do not include the larger multifamily projects expected to be built along major transportation corridors and in designated urban centers including downtown.

After the Dec. 11 briefing, the commission will then hold a work session on the current version of the recommendations for the project — commonly referred to as RIP — on Feb. 12 of next year. It is then expected to vote to approve and send the recommendations to the council on March 12, setting up a series of council sessions and final vote on them over the summer.

The Johnson Economics report predicts a relatively small increase in demolitions if the rezoning happens — from 1,384 to 1,501 over the next 20 years. But the net increase of 24,333 units is much greater because so many multifamily projects will replace them.

Almost all of the new units will be rentals, not owner-occupied homes, however. According to the report, few developer are building condominiums anymore because of liability and insurance issues, which are national concerns.

The recommendations are controversial. Supporters say the change will encourage the construction of a greater and more affordable range of housing throughout the city. Opponents say the rezoning will change the character of the city's neighborhoods and encourage more existing homes to be demolished and replaced.

"It is no surprise that by allowing more units on a single lot, we can lower prices per home. Right now, the only type of housing allowed in 43 percent of the city is the most expensive: a single-family detached home with mandatory space for a car. This latest recommendation will allow for smaller, more flexible, and less-expensive housing options, making it possible for all kinds of Portlanders to live in neighborhoods that are close to schools, jobs, parks, transit, and all the things that we love about our city," said Madeline Kovacs, coordinator of Portland for Everyone, a project of the 1000 Friends of Oregon land use watchdog organization.

But the results were criticized by the Multnomah Neighborhood Association, which is challenging the city's push for more "missing middle" housing in court.

"The memo shows that the RIP will increase demolitions by 8%, create 24,333 mostly small rental units, promote rentals over owner-occupied units, [and] result in an average monthly rent of \$1,823," reads a Sunday email from the MNA, whose members are also demanding public testimony on the report.

You can learn more about the project at [www.portlandoregon.gov/bps/67728](http://www.portlandoregon.gov/bps/67728).

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## Willamette Week

# Fight Between County and City Endangers Deal for \$5.25 Million a Year in Funds for Services for Homeless

*By Rachel Monahan  
December 7, 2018*

**After passing two affordable housing bonds to build housing, the city and the county have been working to find funds for mental health, addiction and other services to help address homelessness.**

Portland City Council is slated to vote next week on a revised agreement with Multnomah County and the regional planning agency Metro that could provide up to \$5.25 millions a year toward funding services to address homelessness.

The Metro council is also slated to vote on the intergovernmental agreement, which divvies up local hotel and car-rental taxes between local agencies.

The problem: County officials are not on board—and they need to be for the funding changes to occur.

The new Visitor Facilities Intergovernmental Agreement—at least, the version City Council and Metro Council are slated to voted on—would for the first time include funding to address homelessness.

But that would not necessarily be a stable source of funding, the county argues.

That's because the funding for services could be cut in the event of a downturn in revenues without a renegotiation between the city, county and Metro. Instead, a new oversight committee would be created to reallocate money in the event of a tourism downturn. (Homeless services may be the low priority, the county argues, and be cut first.)

Kafoury says she is "actually dumbfounded" by the decision for the city and Metro to proceed with a vote in advance of an agreement with the county.

"The mayor has said that homelessness is his number one priority," Kafoury tells WW. "Travel and tourism has said it's a huge issue for their industry. And we know we need money to solve this issue. I just don't understand why when we've all said that publicly and privately we can't get to an agreement."

"The agreement I'm looking for is some stability in dollars to help get people off the streets and into housing," Kafoury adds.

The first of these IGAs, signed in 2001, was initially created to fund an expansion of the Oregon Convention Center. The agreement was revised in 2013 to finance a Convention Center hotel.

The IGA, funded by a 2.5 percent tax on hotel rooms and car rentals, brought in \$21 million last fiscal year, with the vast majority being spent on bonds.

The new agreement does not raise taxes but rather reallocates surplus funds that already exist—or that are projected to exist once bonds, including those for Providence Park stadium, are paid off.

The allocation for homelessness, officially titled Livability and Safety Supportive Services, would grow to \$5.25 million by fiscal year 2022-23.

Other changes in the IGA include a one-time allocation of \$2 million for a new acoustics for the Arlene Schnitzer Concert Hall (which would be matched with private dollars), as well as authorizing \$40 million for the Veterans Memorial Coliseum and \$40 million in bonds for the five performance venues in downtown, including the Schnitz.

Kafoury has consistently championed increased funding for homeless services. And this is a significant chunk of money, but a fraction of the money that is estimated to address the services needed to address homelessness.

The county, city and Metro agreed back in February to the concepts for the changes to the IGA and have been counting on the funding to help fund apartments for the lowest-income Portland residents that are built with Metro's \$652.8 million affordable housing bond, passed by voters in November.

City officials defend the deal, arguing the oversight committee allows them to be slightly less conservative in their financial projections.

"This updated agreement has the potential to be a win-win-win: more funds for key arts and entertainment venues, new funding for housing and homelessness, and no increase to taxes, which will ensure travel and tourism are robust contributors to our economy and community," says Michael Cox, chief of staff to Mayor Ted Wheeler in a statement.

Kafoury and Wheeler were scheduled to meet this afternoon at 4:30 pm.

## **Portland Police Will No Longer Charge Crime Victims For Police Reports**

*By Katie Shepherd  
December 7, 2018*

**"Little by little, reform is happening," Mayor Ted Wheeler says.**

Mayor Ted Wheeler announced on Twitter that the Portland Police Bureau will stop charging crime victims for their own police reports on Jan. 1.

The change comes amid criticism for lengthy backlogs and expensive fees for crime victims, journalists and members of the public looking for information in Portland police records.

"This fee has been in place for a long time, under many administrations," Wheeler tweeted.

The \$30 fee dates back to 2015, when PPB tripled prices for basic police reports from \$10. WW first reported the bureau's months-long backlog and a sharp increase in pricing for police reports in December 2016. The bureau pointed to a number of technical problems and insufficient staffing to explain the delays.

"I can't make any good excuses because there aren't any," police spokesman Sgt. Pete Simpson said at the time.

The mayor's office declared it would look into the problem after The Oregonian wrote again about the backlog and compared PPB's public record policies to the Seattle Police Department's. Unlike Portland, Seattle typically provides police reports within a day or two, The Oregonian reported.

"Little by little, reform is happening," Wheeler said.

# **Bird Is Asking Portlanders to Rally in Front of City Hall to Bring E-Scooters Back**

*By Elise Herron  
December 8, 2018*

## **The company is also asking people to sign a petition.**

Portland's e-scooter pilot program ended Nov. 20, but Bird is not flying out quietly.

On Friday, the Santa Monica, Calif.-based company announced plans to hold a rally in front of Portland City Hall at noon on Dec. 12. The e-scooter operator sent out a mass email asking Portlanders to RSVP for the event, which it says is an attempt to "get Bird back on the road as soon as possible."

"Let's show City Council how much we appreciate their work making Portland a leader in sustainable transportation," the email reads.

Prior to the program ending, on Nov. 2, the company's senior manager, Marlo Sandler, sent a letter to City Commissioner Chloe Eudaly boasting job creation in the form of overnight scooter chargers.

"Nearly 700 Portlanders have worked as chargers for Bird," Sandler wrote, "earning an additional \$413,000." (That pencils out to \$590 a person. It's a weird job.)

Bird is also asking residents to sign a petition of support for bringing e-scooters back to the city. A representative for the company did not immediately respond to request for comment on what the rally will entail.

Bird was founded by Travis VanderZanden—a former ride-hailing company executive who has worked in the executive ranks of both Uber and Lyft. The City Hall rallies a template used by the largest companies in the so-called "sharing economy"—both Uber and Airbnb coordinated mass displays of support for the benefit of Portland officials.

Among the three companies renting out scooters in Portland, Bird is perhaps the most aggressive in its tactics.

Twelve entire pages of the company's application to run scooters in Portland were redacted—far more than any other company application WW requested. Dylan Rivera, a spokesman for Portland Bureau of Transportation, said that's because Bird's lawyers fought harder than the others to keep quiet what they consider "trade secrets."

# **Portland Transportation Bureau Made Bank on E-Scooters During the City's Pilot Program**

*By Elise Herron  
December 7, 2018*

## **Expenses also exceeded \$80,000.**

Portland scooter rides added more than \$100,000 to city coffers this year.



Financial records provided to WW by the Portland Bureau of Transportation reveal that during the four month e-scooter pilot program, the city grossed \$188,245.25 from operators Bird, Lime and Skip in application fees, permits, use fees and penalties.

As a stipulation of the program, companies were required to pay a 25 cent surcharge on every e-scooter ride taken. PBOT reports residents took 676,034 total rides in four months. Other rules said that operators must make 90 percent of fleets available and that they must deploy scooters to East Portland. (Skip was fined \$9,000 for violating that requirement.)

The city spent money monitoring the scooter pilot. During the four months of the experiment, PBOT also reports spending \$86,420.86 on administration, enforcement and evaluation fees.

The agency is still determining whether or not to invite scooters to operate full-time in Portland. Initial data on the pilot program is scheduled to be released next year.

## **The Portland Mercury**

### **Lying to a Protester About First Amendment Rights Isn't Police De-escalation, Board Finds**

*By Alex Zielinski  
December 7, 2018*

There are certain circumstances when police officers are allowed to lie to members of the public: When they're working undercover, when they're working on a hostage negotiation, and when it's unavoidable to protect public safety.

Lying to a protester about their First Amendment rights, however, doesn't make the cut.

At a meeting this past Wednesday, Portland's police oversight board, the Citizen Review Committee (CRC)—the civilian-led board that, among other things, hears appeals from people who've accused police officers of wrongdoing—unanimously agreed that a cop violated the Portland Police Bureau's "Truthfulness" policy when he told someone they could go to jail for filming the police.

This particular incident took place on November 30, 2016, when activists met on public property near an oil terminal in industrial Northwest Portland to protest the Dakota Access Pipeline. During the demonstration, activist Ben Kerensa used his cell phone to take videos of the police monitoring the protest, including PPB Sgt. Erin Smith. That's when Smith told Kerensa that he "could be arrested" for filming police activity. That's not true: Federal courts have ruled that filming police officers on the job is a right covered by the First Amendment.

This isn't the first time this specific case has come before the CRC. A year ago, Kerensa reported this incident to the city's Independent Police Review, the city-staffed office that investigates police misconduct and presents their findings before the CRC. Smith told investigators that he had knowingly lied to get Kerensa to stop filming.

While a representative from the Portland Police Bureau (PPB) argued that telling someone they "could be" arrested is not a genuine threat to arrest, the CRC ruled Smith had violated the police bureau's policy on professional conduct by threatening Kerensa and misrepresenting the law. PPB Chief Danielle Outlaw agreed.

But Outlaw didn't stop there. Instead, she punted the case back to PPB internal affairs, requesting they investigate if Smith had also violated PPB's truthfulness policy during his interaction with Kerensa.

At Wednesday's hearing on this second allegation, Smith's supervisor, Capt. Stephanie Lourenco, argued that while Smith had acted "unwisely," he had not violated PPB's policy.

"You can use deception for officer safety purposes," Lourenco said.

Smith told investigators he had lied to Kerensa to get him to back away from another PPB officer. At the time, that second officer was writing Kerensa a citation for improperly using a crosswalk. (That citation has since been dismissed.) Lourenco said that Smith's lie served as a type of police de-escalation technique.

CRC members weren't sold.

"How is lying going to make the officer more safe? It's not like they wanted him to leave, since they had to give him a citation," said CRC Vice Chair Candace Avalos. "I continue to be concerned that lying is considered de-escalation."

Other committee members pointed out that in his original interviews with investigators, Smith never mentioned a threat to public safety.

"I don't think just because an officer says after the fact that he thought there was a safety issue means that that officer in the moment thought there was a safety issue," said CRC member Andrea Chiller.

Chiller said there was no evidence in Kerensa's video, witness testimony, or any other documentation of the incident that suggested he was posing a safety threat.

"To look at the totality of these circumstances and say that this officer had a subjective belief there was a public safety issue, I just can't buy that," Chiller said.

The CRC ultimately ruled that Smith's lie was not exempt from PPB's truthfulness policy. Their findings will be sent to Outlaw, who can agree or disagree with their decision.

Kerensa, who spoke at the evening hearing, said the outcome of this case could have a ripple effect across the police force.

"[This could] send a message to other officers that they can lie to the public," he said, "and they can get away with it."

## **OPB**

### **Man Shot By Portland Police At Fred Meyer Starbucks ID'd**

*By Conrad Wilson  
December 7, 2018*

A man who was shot and wounded by Portland Police on Friday night has been identified as Ryan Beisley. The 34-year-old suspect was released from the hospital Saturday and taken to the Multnomah County Jail.

Authorities say there is a federal warrant for Beisley's arrest. Police have not stated yet what the warrant is for.

Four Portland Police Officers shot Beisley after he “displayed a firearm” at a Northeast Portland coffee shop and grocery store on Friday evening.

The shooting took place both inside and outside a Starbucks attached to the Hollywood Fred Meyer grocery store.

The incident began just after 5 p.m. when officers responded to a man behind the counter who the caller said “seemed drunk,” according to police.

“As officers were continuing to respond to the scene, they learned that the employees were hiding in a back room and that the suspect was attempting to get inside,” Portland Police said in a statement late Friday.

The suspect struggled with officers after he was hit by their gunfire, police said.

Portland Police Chief Danielle Outlaw responded to the scene, police said, along with the Multnomah County District Attorney’s Office and representatives from the Office of Independent Police Review.

“I’m thankful there was no loss of life during this volatile situation,” Outlaw said in a statement. “The Police Bureau is committed to conducting a full and thorough investigation and we will share additional information when appropriate.”

Police said late Friday the investigation is ongoing.

On Saturday, Portland police identified the four officers involved in the incident as Lucas Brostean, Dustin Luitzon, John Sapper and John Shadron. Shadron has served 19 years at the bureau, Sapper nine years, and Brostean and Luitzon two years.

All four officers will be placed on administrative leave until the investigation is complete.

The Fred Meyer Hollywood location was open Saturday; the Starbucks remained closed.