

## The Oregonian

### Why did Portland City Council delete reference to road funding plan -- and what happens now?

*By Brad Schmidt  
August 07, 2014*

The Portland City Council on Wednesday quietly deleted from its overarching financial management policies reference to a 1988 transportation funding policy meant to help pay for road repairs.

In the aftermath, Commissioner Steve Novick, in the middle of a funding campaign for a new street fee, said he wished he highlighted what was going on.

Commissioner Dan Saltzman, upset that his unrelated plan for affordable housing money got rejected, says the 1988 plan should be rescinded altogether.

But a question remains: Why delete the wording in the first place?

The explanation gets deep into the weeds. But for anyone who wants an answer, keep reading:

The deletion was meant to be a housekeeping amendment to clean up the language, said Andrew Scott, the city's budget director.

The 1988 transportation funding policy set a "target" that 28 percent of utility license fee money collected by the city should be spent on transportation, although it gave the City Council discretion to weigh that against other general fund needs.

Almost immediately, the 28 percent target was discarded and, beginning in 1994 until 2010, no money from the utility license fee went to the Bureau of Transportation.

But the policy lived in the city's overarching financial management plans, which serve as a "blueprint" to achieve fiscal stability and ensure adequate funding for services, facilities and infrastructure.

Here's what the old language said:

"The City has adopted other financial policies that guide City operations. These are recognized as elements of the City's comprehensive financial management policies. They include ... the Transportation Fund Policy as adopted by Resolution 34423."

Here's what the new language says, sans the Transportation Fund Policy:

"The City has adopted other financial policies that guide City operations. These binding city policies are included in the Portland Policy Documents."

Scott said the wording change was meant to clean up the language and officials thought the Transportation Fund Policy intent was adequately captured elsewhere.

But it turns out the city's Portland Policy Documents, a repository of key city policies, doesn't actually include the Transportation Fund Policy.

"Policies that are passed by resolution should generally be included in the Portland Policy Documents," Scott said.

Regardless, Scott said, the 1988 policy remains in effect because the Resolution hasn't been rescinded.

"Council will need to decide whether to include the policy in the Portland Policy Documents or revise the policy as part of the budget process," he said.

And, thanks to Saltzman, it appears the City Council is going to have to decide: rescind a 26-year-old policy that isn't supplying the road money once envisioned, or stand behind it, even if the symbolic gesture leads to larger funding questions about road maintenance.

## Portland Street Fee: Commissioner Dan Saltzman calls for end to earmarks (that aren't happening)

*By Brad Schmidt  
August 07, 2014*

Portland Commissioner Dan Saltzman says the city should rescind a 26-year-old policy to pay for city streets that largely has gone unheeded.

Saltzman on Thursday emailed the City Council to question the consistency of financial decision-making in the wake of his own failed funding initiative for affordable housing.

The suggestion comes as Portland Mayor Charlie Hales and Commissioner Steve Novick attempt to pass a new street fee on businesses and residents to pay for road improvements, a plan that Saltzman thinks should be referred to voters.

On Wednesday, in an unrelated move, the City Council approved numerous changes to its overarching financial management policies -- the city's "blueprint" to achieve fiscal stability and ensure adequate funding for services, facilities and infrastructure.

Included in the city's comprehensive financial management policies was a reference to a 1988 "Transportation Funding Policy" that set a policy "target" to spend 28 percent of utility license fees on transportation. Part of the reason for the policy: to fix city roads.

But on Wednesday, the city deleted reference to that 1988 policy in its overarching financial guidebook. In practice, the city only hit the 28 percent target once and stopped spending any utility license fees on transportation from 1994 through 2010.

In response to The Oregonian's coverage of the deletion, Commissioner Steve Novick said he was embarrassed he didn't call attention to the issue to prove a point about insufficient funding.

On Thursday, Novick stressed that the policy itself remains on the books, even though it was removed from the city's overarching financial blueprint.

He also confirmed Thursday that the 1988 policy has not been incorporated into the city's repository of policy documents, which help guide financial management and decision-making.

No matter, apparently, to Saltzman.

Saltzman on Wednesday attempted to dedicate an estimated \$650,000 in new short-term rental taxes to pay for affordable housing. In a rare moment at City Hall, his proposal was publicly shot down in a 3-2 vote.

Among the objections from Hales and Novick: the City Council shouldn't earmark money outside the budget process.

Saltzman is now holding up the 1988 policy for transportation funding as an example of doing just that -- even though the city, as a practical matter, has done the opposite when it actually comes to dishing out money.

In annual budgets, the city doesn't actually spend 28 percent of its utility license collections on transportation. If it had this year, \$23 million of the \$82 million collected would have wound up in the Portland Bureau of Transportation's coffers.

Instead, PBOT got \$9.9 million from the general fund, \$2 million of it from utility fees.

Even so, Saltzman now says the Transportation Funding Policy has got to go.

Novick, in response to Saltzman's email, told The Oregonian:

"It occurs to me that I could have made yesterday really entertaining by offering to vote for Saltzman's and Fish's dedication if they agreed to start honoring the ULF resolution."

Here's Saltzman's email to the City Council on Thursday:

"Yesterday a majority of council rejected the idea of committing future general fund resources to a specific use – in this case affordable housing capital investment. Given the clear policy direction expressed that we don't want strings attached to general fund resource commitments outside of our budget process, consistency would seem to demand that Policy 34423 be eliminated. Like yesterday's rejected resolution, it is a predetermined spending of general fund resources made outside of the budget process. I look forward to discussing this matter of general fund consistency with each of you."

## **Street Roots, sold by and for homeless Portlanders, pushes to go weekly and do more good**

*By Anna Griffin  
August 08, 2014*

In a time of increased fracturing of the Portland media market, Street Roots organizers want to increase their publication schedule from biweekly to weekly. But the push has little to do with journalistic competition.

Instead, it's about helping the dozens of men and women who at any given point in the year are using the newspaper as a source of spare cash and sense of community.

"Everything we do is for those guys," said Israel Bayer, the paper's executive director. "They're the ones who asked us to go weekly. They're the ones who'll benefit if we can."

Bayer, a teddy bear of a man frequently seen in cargo shorts and a battered St. Louis Cardinals cap, is the person most responsible for raising the money to go weekly – and for Street Roots' evolution from a scrappy newsletter into a major player in Portland's civic conversation about poverty.

His interest in saving the world stemmed from being arrested – inadvertently, he says – at the 1999 Seattle WTO protests. His interest in journalism started when he worked at a 7-Eleven in Denver.

"When there were no customers, I'd read magazines from the store shelf," he said. "I started with the really dumb ones, but by the middle of the night it was, 'What's the New Yorker?'"

Bayer began at Street Roots as a volunteer in 2000, rose to executive director in 2003, and 11 years later is the guy elected officials call when they want someone to co-author an opinion piece on housing or test how a potential policy change will play among advocates for the poor and homeless.

Under Bayer's leadership, Street Roots began producing the Rose City Resource guide, a pocket-sized biannual listing of services for homeless men and women. (Portland police hand out the small yellow books like candy to people they find sleeping in downtown doorways, beneath Willamette River bridges and in camps along the Springwater Corridor.) Bayer also worked with Multnomah County to create a formula to count homeless deaths and produce an annual report of the findings. (In 2012, the county averaged more than one homeless death a week.)

"When police killed that guy at the zoo a few years ago, somebody from City Hall called and said, 'I'm not telling you what to say, but the press is going to call you, and I'd ask that you choose your words wisely,'" he said. "That was a strange, 'Oh wow,' moment."

Bryan Pollard and Michael Parker, Street Roots' founders, were activists first and journalists second. The idea for Dignity Village, the homeless camp that began as a form of protest but eventually won city approval and a permanent home in far North Portland, emerged out of a Street Roots board meeting. Pollard was a public face of the camp.

"Dignity Village would not exist without Street Roots," Pollard said. "We banged that drum as hard as possible."

Today, the paper's role is different. As homeless advocates in the Right 2 Dream Too camp try to recreate the energy and end result of Dignity Village, Street Roots reporters cover it with almost the same detachment as reporters from larger, mainstream publications. A few years ago, Street Roots even joined the Portland Business Alliance, the city's largest chamber of commerce and its loudest voice for tougher loitering laws. The relationship didn't last, but it was an effort to work with existing power structure rather than lob political grenades from the outside.

"We try to think of poverty as a bus. Whoever is touching it is on the bus: cops, business owners, tourists, homeless people," Bayer said. "We can't just bang our heads against the wall to bring down capitalism, because the capitalists buy the paper. They vote. They're going to be involved in finding solutions."

Managing editor Joanne Zuhl came to Street Roots as a volunteer in 2002 after a career in mainstream media in Wisconsin and became a paid employee in 2003, the same year Bayer went from volunteer to paid director. Today, Zuhl runs a team that wins Society of Professionals Journalism awards and gives serious, sometimes ground-breaking coverage to many aspects of poverty and street life, not just the core issue of homelessness.

That, too, is about the vendors: Great journalism can make elected officials change policies and everyday Portlanders rethink homelessness. It can also make buying Street Roots feel like a purchase rather than a \$1 donation.

"We don't want them selling widgets," Zuhl said.

Despite changes in tone and appearance, the underlying model of Street Roots is the same as it was back when Pollard was pushing Dignity Village: Vendors buy papers for 25 cents a copy. They sell copies for \$1 and keep the profits.

About 60 percent of Street Roots vendors sleep on the street. Most use their profits to supplement other income, say another job or disability payments. Cole Merkel, a former AmeriCorps volunteer and now the paper's vendor coordinator, makes a point of telling new vendors that Street Roots staff won't judge what salespeople do when they're not working or how they spend their earnings. The only consistent request Bayer makes is that vendors not smoke where they sell.

Vendors get more than money from the arrangement: Street Roots' offices, an Old Town suite next to CC Slaughters nightclub, are a gathering space. Vendors can earn more papers by doing chores around the office or picking up hand warmers in the winter and water bottles in the summer. They can use the restroom and check their email. Many list the paper as their mailing address.

"The way to sell is easy: You have to show up, you have to work hard, you have to be patient," said Willie Bradford, who usually sells outside the Multnomah County Library's downtown branch or the Portland State University farmer's market. "People will just walk past you. But if you say hello first, if you're smiling, if you're interested in them, they'll be interested in you."

Bradford has been selling the paper for almost three years.

"I started because I was looking for something to do during the day, some way to make a little money. I was also looking for something to help me keep my sanity, you know?" he said. "Everybody needs a routine."

Vendors estimate that 70 percent of sales come in the first week after an issue is published. Five or six years ago, they began asking Bayer and Zuhl to go weekly.

"Some people don't even bother going out that second week," said Paul Gefroh, a Street Roots donor whose son, Nick, found a community at the paper. "There's no point."

Adding 26 issues a year will add \$100,000 to Street Roots' annual \$400,000 budget, Bayer estimates. The bulk of that will go to printing costs, hiring a second full-time journalist and paying more on freelance writers.

Most of the paper's revenue comes from donations from foundations, businesses and individuals. So Bayer has spent much of the past year meeting with current and potential new donors to explain the reasons for publishing more often – and sell them on donating more to help cover the difference.

Donors usually come in one of two varieties: "There are old-school liberals, who made money but are left of center and want to give back," he said. "Then there are conservative bootstrap groups that say, 'We hate your politics, but we love the underlying model.'"

The sales pitch is proving easy enough that at a recent vendor meeting, a biweekly gathering at which Street Roots staff explain the new issue, Bayer announced that he was hoping to start as soon as December.

The news generated nods all around the crowded room.

"Customers tell me they want to buy it more," said vendor Sherri Banning. "And that's not just people who feel good about giving me a dollar every now and then. They read the paper. They want more of it."

Banning, a small woman with an impressive mane of curly blonde hair, used to be homeless but now lives indoors and uses her Street Roots earnings to help pay the rent and support an adult son with special needs. She sells in front of the OnPoint Community Credit Union on Northeast Broadway.

"My favorite part is the interaction with customers," she said. "Sometimes when you're on the street, or even if you're not on the street but just don't look like you have a lot of money, people ignore you. They don't even make eye contact. But I get all these smiles when I sell. Lots of smiles."

## **Portland social-investment policy would be wrong recipe: Editorial Agenda 2014**

*By The Oregonian Editorial Board  
August 07, 2014*

In the classic 1970s commercial, two kids sit at a table with a bowl of cereal that's "supposed to be good for you," but they're afraid to taste it. Finally, they arrive at a solution. "Let's get Mikey. He will eat it. He eats everything." Mikey, of course, likes the new cereal.

When it comes to progressive policy experiments, Portland plays the role of Mikey. Today's good-for-you dish is socially responsible investing. And Commissioner Steve Novick, the council's designated Mikey, has declared that the new policy tastes good. Unfortunately, Novick's social-investment policy, as currently written, looks more like a recipe for disaster.

First, let us say that there's nothing wrong with socially responsible investing. Just as with cereal, not everyone likes the same flavor of investment. So if you're socially conservative you can avoid companies that sell tobacco or alcohol, provide abortions or adopt policies that offend you. Similarly, progressives can avoid companies that sell fossil fuels, firearms or adopt policies that offend them. Or you can invest in socially responsible mutual funds, which come in both conservative and liberal varieties – as well as niche flavors. What tastes good to you might come at the cost of lower investment returns, but it's your choice to make.

However, since the city gets its money mostly from taxpayers, it would be applying a social-investing screen to other people's money. And, even in Portland, not all taxpayers think alike. To further increase the risk of dissatisfaction, Novick proposes to take socially responsible investing to a potentially unprecedented level.

Here's what's happened so far: Last year, City Council agreed to move toward a policy of screening companies for their effect on health and the environment, corporate ethics, labor practices, extreme tax avoidance and abuse of market power. Earlier this year, the council established a committee to explore ways to apply such a screen, and that committee made its recommendation to the council Wednesday. In essence, the committee recommended creation of another committee, this one permanent. The

committee would be composed of citizens with different types of expertise and would purchase data from social-investing specialists to use in screening possible bond investments (the city can't buy stocks) and making recommendations to the city's financial professionals.

No other city appears to have found a way to implement such a detailed investment screen, a point that the council appears to view as a positive rather than a warning flare. Nothing deters Mikey from trying something new! Though no council members opposed the plan, Commissioners Nick Fish and Dan Saltzman did at least advise caution. Fish expressed concern about miscommunication that has led to confusion about the city's goals. Saltzman wisely worried about the need for adequate guidelines to avoid "flavor of the month" decisions that take a company straight "from the headlines to the do-not-buy list."

Novick's plan is to target only companies that violate several criteria in the city's screen. But there are two problems with that approach. First, some of the criteria, Novick admitted, are amorphous. And second, as Fish noted, the city is full of advocacy groups that will want the city to apply special weight to the issues they promote. "This is Portland," he told The Oregonian editorial board. "A lot of people are passionate about things." Indeed, a local representative of the climate group 350.org urged the council Wednesday to ban fossil-fuel investments as part of its screen.

Novick said in an email that the city already gets lobbied by some "divestment groups." He and others on the council also pointed out that the policy only will affect future investments, and that there's no plan to divest current holdings. And they pointed out that the proposal isn't finished and Wednesday's recommendation was just one more step with important decisions remaining.

But the details don't matter if the entire concept is flawed. The bottom line – after all investing is about the bottom line – is that the city has much more important issues to deal with. Creating a complicated process to guide investments – rather than leaving the decision to the professionals – will be just one more distraction the council cannot afford.

## **Portland cop and mayor both betrayed public trust: Guest opinion**

*By Guest Columnist Andrzej Axer  
August 07, 2014*

I came to Oregon over 20 years ago from Poland, and as a naturalized American citizen who made this his second home I am reluctant to criticize publicly my city government. However, I am taking an exception from this rule after reading and hearing about the recent settlement between the city of Portland and the police captain who had paid public tribute to five German soldiers at a city park in the late 1990s. Having been born in the country that lost over 20 percent of its citizens during World War II, I feel compelled to share my personal thoughts about this case.

I understand that Capt. Kruger did not agree with his characterization as a Nazi sympathizer. I don't judge his motives. He might even have been correct. Not all German soldiers were necessarily Nazis. Many German youth were drafted to Wehrmacht whether they liked it or not. Refusal to serve in the army during the war was treated as treason. In Poland, 368 German soldiers who had died in World War II were buried in a public grave in 2000. At its base there is a plaque in Polish and German: "Here rest German soldiers of the war of 1939-1945. Remember them and the victims of all wars." The great German artist Marlene Dietrich, who had actively supported American troops during World War II, expressed similar sentiments in her famous song "Where Have All the Flowers Gone?"

However, what is the commendable act of a survivor in a different historical and geographical context can in the United States be correctly interpreted as support for the Nazi ideology, associated not only with the Aryan supremacy and but also with the hostility toward democratic institutions. Irrespective of Capt. Kruger's true intentions, he demonstrated ignorance and very poor judgment as a police officer expected to uphold the law and serve and protect the public.

The recent settlement is only the final act in rewarding the police officer for his irresponsible action. The most troublesome, however, is the explanation of the recent settlement decision by Mayor Charlie Hales and his entourage. According to The Oregonian, the settlement was reached for financial reasons. Oregon Public Broadcasting reported that the staff did not properly brief the mayor on the case. He admitted signing the settlement without reading the whole document. I wonder how many other documents he signs the same way.

In my opinion, each man in a different way betrayed the public trust.

Andrzej Axer lives in Northwest Portland.

## The Portland Tribune

### 'Brownfields' buried in bureaucracy

*By Jennifer Anderson  
August 7, 2014*

Tucked into a yet-to-be-gentrified neighborhood in Northeast Portland is a mountain of lead-contaminated soil, waiting to be picked up and hauled away to a hazardous waste site.

The soil — about three truckloads full — is at Northeast Emerson Court and Ninth Avenue, well hidden from public view since it's sandwiched between houses and a site called Emerson Garden, a small community project about four years in the making.

The soil at the garden itself has been reclaimed and tested as clean, years after a house with lead paint burned down and left lead traces in the soil. Organic vegetables grow onsite and schoolchildren use it as an outdoor classroom.

But the hazardous pile in the back, locked behind a chain-link fence and covered in ivy, is a looming reminder that brownfields like this are more frequent than we might think — part of the Portland's dirty little secrets, despite being lauded for its green ethos and environmentalism.

"If someone were playing in that pile, it would be a problem," says Cassie Cohen, executive director of Groundwork Portland, a Northeast Portland nonprofit that's helped to transform the garden with help from neighbors and volunteers.

Cohen and her group have been lobbying the city to release its "historic commercial use inventory," a database of former sites like gas stations and dry cleaners in Portland that may have left contaminants behind.

Known as brownfields, those sites are costly to clean up and rehabilitate and often mired in layers of bureaucracy, with neighborhood, city, state, federal and private parties often at odds.

Tyler Bump, an economic planner at the city's Bureau of Planning and Sustainability, says his office is close to completing the inventory and will then wait for the City Council to take up the brownfields issue before releasing it to the public.

It will be the first of its kind in the city.

"We looked back to pretty much every peak of the economic cycle, starting in 1936," Bump says. "For every eight years we looked at the business index, got the addresses, geocoded them, mapped the historical land uses."

The report will inform the city's Comprehensive Plan update process as well as various other planning decisions. "It's consistent with development patterns across the city," Bump says. "It's different snapshots in time. It does reflect how the city has grown in the last 80 years."

When the inventory is released, it will show property owners, environmental activists, residents and groups like Groundwork Portland just how prevalent brownfields are in the city.

### **Community involvement**

Since forming an affiliate chapter of the national organization in 2008, Groundwork Portland takes a community-first approach to revitalizing spaces.

Their mission is to involve low-income residents, people of color, youth and others traditionally left out of government processes in the city's land and water cleanup projects.

They've taken on three major projects so far, which they spotlighted to the public during a "Dirty Side of Portland" bus tour this past weekend.

The three-hour tours on Saturday and Sunday attracted about 30 people each, a mix of young people, environmentalists, media and others impacted or just curious about the issue.

People paid on a sliding scale of \$10 to \$25. The two other groups hosting the tour were the nonprofit civic engagement group Know Your City (formerly the Dill Pickle Club) and 1000 Friends of Oregon.

The tour stopped at the Emerson Garden, the Portland Harbor Superfund Site, and a half-acre site at Southeast Division Street and 124th Avenue that used to house a nightclub and before that a dry cleaners.

Now it's just a vacant lot filled with overgrown weeds, with a small mural on one wall that students painted.

McDonald's has expressed an interest in purchasing the space, but the neighbors — who call themselves the United Nations of Portland, reflective of their enormous diversity — aren't thrilled by it.

"Business development is the primary thing that will keep us from becoming a ghetto," says Kem Marks, a volunteer with the Division-Midway Alliance and member of the East Portland Action Plan.

"We need companies that are going to drive economic development, that serve the community and lift it up, not serve people on their way down."

East Portland neighbors have held meetings over the years to create their own vision for the space, which includes a large community garden, water feature, basketball court and open green space where they could gather, possibly sell their food and wares, and be seen as a destination in East Portland.

Lori Boisen, district manager of the Division-Midway Alliance, said the site also could play a key role in the East Portland rapid transit plans underway. She wishes officials at the city and Portland Development Commission would agree to help attract investors to this site, and laments the fact that most nonprofit groups are located in North and Northeast Portland.

"It would be nice if they could have satellite offices" in East Portland, she says.

Boisen and others won't say they're flat out against McDonald's coming in, because "at least it would be something, not a hole," she says. "We have many vacancies in the district that are still vacant for four or five years," she says.

### **Superfund site still in limbo**

The first stop on the tour was the boat ramp under the St. Johns Bridge, next to the signs warning that certain fish like bass and carp are toxic for consumption.

Fourteen years after being declared a Superfund site, individual cleanup projects along the Willamette River have made progress, but there's been no overall plan to remove the contaminated sediments along the 11-mile stretch of river that used to be dump sites for companies like Gasco and Arkema.

Now, the water is safe to recreate in but the biggest danger is eating certain fish and the lingering contaminants.

The U.S. Environmental Protection Agency is due to release their proposed cleanup plan in early 2016, which will surely stir a lot of attention.

Rick Muza, source control project manager for the EPA, says he anticipates that a round of public meetings will start next fall just prior to the proposed plan's release.

In the meantime, the Portland Harbor Community Advisory Group meets the second Wednesday of each month to discuss the community's role in shaping the cleanup effort. The next meeting is 6 to 8 p.m. Aug. 13, at the Bureau of Environmental Services Water Lab, 6543 N. Burlington St.

Groundwork hopes to see a diverse segment of the public step up and have their voices heard in this process and others.

"If we don't step up and take some action," Cohen says, "this whole process will blow over and none of us will benefit."

## The Mercury

### Donations are Trickling in to Recall Mayor Charlie Hales. Nada for Novick.

By Dirk VanderHart  
August 7, 2014

If Portland voters are upset enough with Mayor Charlie Hales and Commissioner Steve Novick to force a recall vote, they're not showing it with their pocketbooks.

Nearly a month after southeast Portland resident Ray Horton began campaigning to kick the pair out of office, contributions have barely dribbled in, Horton concedes—and what has come in has been focused on the mayor. According to what Horton says are current figures, the Recall Hales campaign has banked \$389 in donations, \$100 coming from Horton himself. The campaign to recall Novick hasn't seen any financial support other than \$100 from Horton.

"People seem much more concerned with Hales than Novick, and I can certainly understand that," he says. "He's the big dog. They see him as the root of the problem."

Here's the rundown:

Tran ID	Tran Date	Status	Filer/Committee	Contributor/Payee	Sub Type	Amount
1778368	08/06/2014	Original	Committee to Recall Hales	Miscellaneous Cash Expenditures \$100 and under	Cash Expenditure	\$62.00
1778344	08/05/2014	Original	Committee to Recall Hales	Miscellaneous Cash Contributions \$100 and under	Cash Contribution	\$100.00
1778343	08/04/2014	Original	Committee to Recall Hales	Miscellaneous In-Kind Contributions \$100 and under	In-Kind/Forgiven Account Payable	\$30.98
1778347	08/04/2014	Original	Committee to Recall Hales	Miscellaneous Cash Expenditures \$100 and under	Cash Expenditure	\$10.00
1778342	07/25/2014	Original	Committee to Recall Hales	Miscellaneous Cash Contributions \$100 and under	Cash Contribution	\$100.00
1778341	07/23/2014	Original	Committee to Recall Hales	Miscellaneous Cash Contributions \$100 and under	Cash Contribution	\$58.45
1778340	07/19/2014	Original	Committee to Recall Hales	Miscellaneous Cash Expenditures \$100 and under	Cash Expenditure	\$15.00
1783161	07/11/2014	Original	Committee to Recall Hales	Ray Horton	Loan Received (Non-Exempt)	\$100.00

With about two months left until the filing deadline, Horton's effort looks doubtful. The campaign says it's got less than 3,000 signatures to recall each official, well under the 35,000 needed by October 9. But Horton's hopeful. He says that 3,000-signature mark is important for showing potential donors the campaign is viable.

"When we get that number we can get to some bigger funding sources and approach them as if we're serious," Horton says. "Of course we are serious, but maybe they will take us serious."

For now, the recall efforts have roughly 20 volunteer signature gatherers, and Horton's holding weekly tutorials for people interested in canvassing. And even though what little financial support he's gotten has been focused on Hales, signatures are roughly even for both officials, Horton says.

The recall effort began in July, after Horton says he grew frustrated over ongoing efforts to implement a street fee. The campaign quickly began holding meetings with possible supporters, including one attended by Novick. Horton has also been sending out semi-frequent news releases critical of the two men.

## **Cops Close to Finishing New Rules on Juvenile Arrests**

*By Denis C. Theriault  
August 7, 2014*

The Portland Police Bureau has confirmed it's on the verge of closing an extraordinarily troubling policy gap—finishing up rules, for the first time in its history, that directly govern when and how officers are allowed to take juveniles into custody.

That news comes straight from Captain Dave Famous, who reports directly to Police Chief Mike Reese and oversees the bureau's professional standards division, including policy reviews and internal investigations. Famous told the Citizen Review Committee last night that a final review of those policies by the chief's office and the city attorney's office—he called it "intense"—has begun "wrapping up."

Those rules will explicitly limit arrests of children 12 and younger, a "bright line," Famous said. The rules also will spell out a specific and high threshold for determining when a child is such a threat that she or he must be taken into custody. Cops who do take that action, in what the bureau hopes will be a "rare occurrence," will also have to report it to their supervisors.

Famous said the rules are a direct response to an incident the Mercury first detailed in April—the 2013 arrest and handcuffing of a nine-year-old African American girl in New Columbia. The girl's mother, Latoya Harris, had come to a CRC meeting that month—almost a year after her daughter's arrest—to lament that a complaint she filed hadn't resulted in meaningful discipline because, the cops ruled, because the girl's arrest was within policy. (Because the bureau's current policies don't spell out any special protections for young children.)

Her daughter had been in a fight at a youth club the week before. She was arrested on a Sunday night, taken to Central Precinct without her mother, after Officers David McCarthy and Matthew Huspek showed up at her house to question her. She hadn't resisted the officers. She was handcuffed for the ride. She was made to wait in cold holding room alone after being fingerprinted. She was still wearing her bathing suit, after a day running through the sprinkler.

The Mercury's story about the arrest sent ripples of shock through the city's juvenile justice advocates while also raising eyebrows in Portland City Hall. Only days after our story, advocates began crafting suggested policy changes that look much like what Famous has laid out. The bureau announced their interest in making those changes in May, and that's when other media finally decided to pile on. The incident wound up making national headlines.

Juvenile justice advocates were part of a task force helping the bureau craft the new rules. Famous shared his notes with me after the CRC meeting:

- Directive 850.30, Juveniles Custody, will reflect public sentiment and juvenile law regarding age, drawing distinctions between member encounters with juveniles twelve years of age and older or under. Taking custody of juveniles should be a rare occurrence, based on a substantial threat to safety, which must involve an articulable opportunity for directed aggression. For example, a juvenile with failing limbs or breaking property may not pose a substantial threat, while a juvenile with flailing limbs, access to weapons, and the intent to harm self, others, animals, or members may pose a substantial threat. Discussion of such a standard through the directives process has been painstaking, viewed in the light most favorable to the juvenile.
- Other layers of accountability, such as supervisor notification, consultation with Multnomah County, and report mandates are outlined.
- Similar provisions, including the age distinction/bright line rule, are being incorporated into Directive 640.70, Fingerprinting and Photographing of Juveniles, to ensure sensitivity and consistency when encountering juveniles, so as to prevent the incident that spawned this review.

The juvenile directives are the first to go through a new public review process created as part of federal reforms. Any policy directives under review will be posted to the bureau's website—with members of the public allowed to send comments for 30 days. There's even an email list you can join, so you can be notified immediately whenever new directives go up.