

The Oregonian

After 10-year hiatus, Portland OKs cops for FBI's Joint Terrorism Task Force

By Brad Schmidt
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Portland's all in.

A divided Portland City Council on Thursday blessed police involvement in an FBI-led anti-terrorism task force, clarifying the convoluted relationship it created in 2011, with Mayor Charlie Hales casting the swing vote and withdrawing his previous opposition from a decade ago.

Citing a need for better collaboration to ensure public safety, the City Council voted 3-2 to assign two officers to the Joint Terrorism Task Force. The decision reverses Portland's outlier status nationally as the only big city that doesn't assign officers to participate on a full-time basis.

Mayor Charlie Hales provided the decisive vote for involvement, joining commissioners Dan Saltzman and Nick Fish. Commissioners Amanda Fritz and Steve Novick voted in opposition.

Hales described his decision as one of the most difficult he's made in 13 years on the City Council, saying he has at times been appalled by actions involving the federal government and the FBI. As a city commissioner in 2001, Hales voted against involvement in the task force.

But given recent attacks in the world -- the Boston Marathon bombing in 2013, last month's terrorist attack in Paris and most recently the killings in Copenhagen - Hales said he believes Portland police should be as prepared as possible for threats.

"I do think the world has changed," Hales said, contrasting the attacks of Sept. 11, 2001, to more recent events. Facing a "more distributed threat" of neighbors attacking neighbors, he said, "local knowledge really matters."

Although the City Council gave its approval, involvement won't become official until a vote next week authorizing a memorandum of understanding with the FBI. Portland will assign two officers to the task force; the Police Bureau has 944 authorized positions, from Chief Larry O'Dea on down to rookie patrol officers.

Portland's on-again, off-again involvement in the task force - and awkward relationship with federal officials - began in 1997. The famously liberal city drew national attention when the City Council voted to cut ties in 2005.

A subsequent 2011 City Council vote allowed "as-needed" involvement. But city and federal officials grumbled that Portland cops didn't actually participate and watchdogs were unsatisfied with vague annual reports.

The previous decisions packed political drama and community crusading, in part because they followed major local events: in 2004 the FBI wrongly accused Oregon lawyer Brandon Mayfield of being linked to a train bombing in Madrid; in 2010 the FBI arrested an Oregon college student for trying to detonate a fake bomb in Pioneer Courthouse Square, and he was later convicted.

"We don't have any recent event like that," said Tung Yin, a Lewis & Clark professor specializing in national security law. That absence helps explain why, this go round, "it isn't really catching the public's attention."

Yin said he expects the once-polarizing issue to subside absent another local sting operation, which likely would boost support for involvement, or unless opponents such as the American Civil Liberties Union can demonstrate significant FBI abuses.

"Most likely nothing's going to happen for the foreseeable future," he said, "and therefore it will be out of sight, out of mind."

The City Council's decision means two Portland officers will join the local task force, which includes the Oregon State Police, Washington County Sheriff's Office and the Portland of Portland, along with federal law enforcement.

The officers will be authorized to work on investigations beyond Portland. They will be required to seek advice from city attorneys if they have concerns their work violates state law prohibiting police from collecting or maintaining information about people's religious, political or social views -- unless it's directly related to a criminal investigation.

To ensure oversight, O'Dea will seek Top Secret clearance from the FBI and Hales, who supervises the Police Bureau, will sign a non-disclosure agreement to receive quarterly, or as-needed briefings, from the FBI's special agent in charge.

In a statement, Greg Bretzing, the special agent for Oregon, said he looks forward to a strengthened relationship.

"We all care deeply that our community stay safe," he said, "but also that the people who live, work and worship here can do so freely and without fear."

Thursday's decision followed a lengthy hearing two weeks ago where proponents and opponents laid out their views on involvement. U.S. Attorney for Oregon Amanda Marshall said participation is "vital" because "it helps connect thousands of dots" between the information police gather on the streets and the FBI's broader work.

But David Fidanque, executive director of the ACLU of Oregon, argued that the best way to keep Portland safe is to build trust among the community and local cops - by staying out of the FBI's task force.

The City Council took no public testimony Thursday, allowing 30 minutes so each member - with Hales uncharacteristically going first - could explain his or her vote.

Fish said he believes Portland can participate without violating civil liberties. Saltzman, who voted against pulling out in 2005, said embedding officers fulfills the City Council's obligation to help keep Portland - and other cities -- safe.

"What can happen here in Portland can have ramifications in Chicago, Los Angeles or New York," he said. "You're only as good as your weakest link, and Portland should not be that weak link."

Fritz and Novick opposed the decision. Fritz said community trust is her top concern and she doesn't think joining the task force will build confidence. Novick, who kept his vote private until casting it, echoed that stance.

"I cannot ignore the fact that the leaders of numerous organizations in the Muslim community say that many Muslims do not trust the FBI -and would trust the Portland police less if we join the JTTF," he said.

But that opposition was not unified.

The Somali American Council of Oregon supported involvement. Musse Olol, the council's chairman, said in an interview that many Somali-Americans are concerned that teens could be recruited into local gangs or become targets by terrorists groups for radicalization. Working in the task force would provide more resources and contacts to prevent that, he said.

"We felt like they heard us," he said of the City Council's decision.

Hales, meanwhile, said he was reluctant to reverse his 2001 vote against involvement. He had been leaning toward keeping officers out as recently as Saturday, until a 22-year-old killed two people in Copenhagen at a cafe and synagogue.

Hales, who made his decision Wednesday, said he doesn't believe Portland cops can change the culture of the FBI. But he remains confident that "our officers will follow our instructions."

"Obviously I'm not doing it for political reasons in this case, as you may have noticed," Hales said following the vote, a handful of hecklers nearby. "This is not the popular side of this decision."

Uber in Portland: Will city task force be able to meet deadline for new ride-sharing rules?

*By Joseph Rose
February 19, 2015*

With the meter running on Uber's self-imposed suspension of ride-sharing pickups in Portland, City Hall is beginning to worry that a task force charged with revamping taxi regulations isn't moving fast enough.

Mayor Charlie Hales has promised the controversial San Francisco-based startup that the citizen task force will submit new for-hire transportation rules that will allow it to resume operations by Apr. 9.

However, more than two months after Hales made that pledge, the citizen Private For-Hire Transportation Innovation Task Force has yet to start drafting new rules that will somehow balance the interests of existing cab companies with emerging app-based ride-share services.

The approaching deadline "is a concern," said Dylan Rivera, a Portland Bureau of Transportation spokesman.

Bryan Hockaday, a spokesman for Commissioner Steve Novick, who convened the task force in early January, said the task force may need to add meetings to its schedule over the next month.

In December, after two weeks of illegally picking up riders in Portland, Uber agreed to hit the brakes on its controversial UberX ride service -- which allows residents to hail and pay for private rides with the push of a smartphone button -- for three months.

UberX contracts with drivers who use their private vehicles as de facto taxis, which is illegal in Portland.

At the same time, the startup has said it expects the task force to come up with a new regulatory framework to allow it to operate by the first week of April -- or it will start rolling again the city.

On Thursday afternoon, during the task force's fourth gathering, facilitator Jim Owens told the group that the pace of progress on a draft ordinance has caused "great concern of how do we get there."

Task force members agreed to create a subcommittee to meet separately to start building what chairman Mike Greenfield called "strawman proposals that at least give us something to kick around."

Novick and Hales want a code revision that establishes insurance requirements, background checks and other guidelines for ride-sharing businesses using mobile apps to hail rides.

Leah Treat, the Portland Bureau of Transportation's director, said the task force's top priority be to guarantee the safety of ride-sharing drivers and riders. The first code revision landing before the City Council in April will at the very least address safety concerns, she said.

"After that," Treat said, "the task force will keep meeting and taking on other issues."

When task force member Richard Lazar, president of Readiness Systems, suggested closing the subcommittee's work sessions to the public, Greenfield, a retired State of Oregon executive, shook his head.

Noting the intense public interest in the group's work, Greenfield said every part of the process needs to be transparent.

The task force has also scheduled a Feb. 26 public hearing that will allow Portlanders to have their say on the city's taxi service and ride-sharing companies. It will be held at 6 p.m. on the second floor of the Portland Building.

So far, the task force has spent most of its time in "information gathering mode," listening to people who would be affected by the refitted codes. On Thursday, representatives of Uber and its chief competitor, Lyft, testified before the task force.

Here are five takeaways from Thursday's meeting:

1. PBOT director Treat announced that she had a potential conflict of interest. Treat, whose resume includes transportation positions in Washington, D.C., and Chicago, said she has

worked for people who went on to become investors and advisors for Lyft. They include former D.C. Mayor Adrian Fenty, who ditched politics to be an advisor for the ride-sharing company, which operates in 70 U.S. cities. "It will not have an undue influence on my decision making," Treat said, adding that she may eventually be called on to write ride-sharing regulations.

2. Brooke Steger, Uber's Northwest operations manager, said her company would help eliminate the Portland area's "transportation deserts" - places, particularly in the suburbs, currently underserved by TriMet and taxi companies. (Uber continues to operate in Gresham, Tigard, Beaverton, Vancouver and Hillsboro.)
3. When asked why Uber has been unwilling to work out a compromise with Eugene, which has fined the company and its drivers \$120,000 for operating illegally, Steger said that city's managers have been unwilling to even set up a meeting. Two months after saying Portland had no authority to stop UberX from picking up riders within the city limits - which led to the city suing Uber -- Steger praised its efforts to revamp the rules to allow private ride companies.
4. Annabel Chang, public policy manager for Lyft, pitched the benefits of ride-sharing likely reducing drunk driving on Portland's streets. In Los Angeles, 91 percent of Lyft users who took a 2014 survey said they take the service when they plan to drink or are already buzzed, Chang said.
5. Sue Stahl, who represents the Portland Commission on Disability on the task force, questioned Steger about Uber's ability to serve riders in wheelchairs. Steger responded that the company is working with private contractors in other cities to provide vehicles with wheelchair lifts. "We are very sensitive to this issue," she said.

The Portland Mercury

Hales, with "Reluctant" Vote, Swings Portland Back into FBI Anti-Terror Task Force

*By Denis C. Theriault
February 19, 2015*

It was so much easier back in 2001, almost a generation ago, when Mayor Charlie Hales—still just a city commissioner—cast the lone vote in favor of pulling Portland out of an FBI led task force meant to take aim at terrorism. Eventually, after he left the council, other commissioners agreed and pulled the city out in 2005.

But now? He's the mayor. He's the police commissioner. And the world, he says, has changed.

Even after September 11, he says, Portland might have held onto the "parochial" notion that it could escape what he called the "radical evil in the world," another major attack aimed at traditional symbols of American might. He might have held onto that notion, too. Until the Boston Marathon was marred by homemade backpack bombs, he said, and until gunmen in Paris and Copenhagen turned on their own neighbors.

Which was why, this afternoon, Hale reversed what had been a history-making move in 2001. He cast the decisive vote in a 3-2 decision that puts Portland back in the Joint Terrorism Task Force (pdf)—considering but setting aside compellingly argued concerns over profiling and civil liberties from several Muslim groups and the American Civil Liberties Union of Oregon.

Portland had been the only major American city not to work with a JTTF. The decision means two of Portland's 900-plus cops will soon be assigned to our region's <http://www.portlandmercury.com/portland/give-the-fbi-a-chance/Content?oid=3848913> task force full-time.

He'd been polling his staff as late as this Monday on what they would do. But even by then—after reading about the shootings in "multicultural," Portland-like Copenhagen over the weekend—he'd mostly made up his mind. He'd been leaning toward getting out. "It was always a close call." He fretted over the loss of those community ties. It was those fresh bullets that persuaded him, he says, 51 percent to 49, to vote to pull the city back in.

"I don't know how many people think Portland is in a bubble, and we're not part of that world. Maybe you could have maintained that notion after 9/11," he said in his office after the vote, invoking the symbolism of an attack on the Pentagon and World Trade Center. "But what's world dominant about the Boston Marathon? Or a Copenhagen delicatessen? Nothing. There's nothing to distinguish those places from a sidewalk in Portland."

The decision almost felt abrupt—it came with no public testimony today, per council practice for votes, after a nearly four-hour hearing two Thursdays ago. (Interestingly, if Hales had kept the council to its usual timing, with the vote coming just a week after the hearing, before Copenhagen, it might have gone the other way.)

Hales and Commissioner Steve Novick stood out as the two swing votes, undecided, with the mayor especially keeping his comments cipher-like up until today's vote. Would both join Commissioner Amanda Fritz, and keep the council out? Or would one or both side with Commissioners Dan Saltzman and Nick Fish? Hales, as mayor and the presiding officer at council meetings, normally votes last. But he cut through the drama by taking the somewhat rare step of voting first.

He said he's been "ashamed" over the conduct of the FBI over the decades and also over the American war machine. But he also said he was "appalled at the radical evil in the world today." He explained he was pulled more by the latter, and felt mollified, with regards to the former, by the prospect of adding and insisting upon some new oversight.

"We should participate," he said. "But with some very clear caveats."

That was supposed to be the case when the city, led by Sam Adams in 2011, negotiated a case-by-case reunion with the feds that everybody realized wasn't working. The feds never actually felt like the cops were engaged sufficiently. The mayor never actually got the secret clearance promised in the agreement to keep tabs on our cops' doings. And the annual reports the public was supposed to receive were infamously and unsatisfyingly skimpy.

The new arrangement does away with the annual reports. Instead, it binds the FBI's special agent in charge to meet quarterly with the mayor and police chief, with the mayor signing a non-disclosure agreement so he could learn privileged tidbits that otherwise couldn't be uttered in public.

Hales also pointedly held up his new police chief, Larry O'Dea, saying he trusted him to assign cops with the right temperament. Those cops would be subject to a sitdown with O'Dea and Hales and told that they must honor state law and city policy (both are less tolerant than the FBI when it comes to keeping files on activists and others who aren't accused of crimes) and tell them immediately when those things conflict with their FBI instructions. They'll also be told their jobs in Portland will depend on their ability to fink out the feds if it should come to that.

The mayor also said he wouldn't feel so comfortable if the FBI's Portland agent in charge wasn't Greg Bretzing, whom the mayor says he trusts, despite getting to know him "a little," to work on mending the FBI's relationship with Arab and Muslim communities.

Fritz was plainly unconvinced by all of this talk of instinct and personal currency, asking Hales what would happen if Bretzing were reassigned.

"I will want to very carefully take that personas measure," Hales said, "and see if I have the same level of confidence."

A few seconds later, when it was her turn to vote, she expressed her profound disappointment that the vote seemed lost. She mentioned her childhood near Manchester, England, and a schoolmate's brother who was killed by the Irish Republican Army. The community worked together, she said, to build trust rather than diminish it.

"We had an opportunity to create more confidence within the community," she said. "I don't believe with this action we are doing that.... Everyone's committed to public safety. The question is how do we best get there?"

Fish and Saltzman both followed with impassioned defenses of the decision to rejoin, with Saltzman—citing his faith as a Jew, and the daily "insecurity" he feels in the face of antisemitism—especially unhesitant.

Saltzman thanked the mayor for changing his mind. And he spoke what could have been a retort to Fritz and her remarks about the city's commitment to public safety. He said rejoining "fulfills the obligation each one of us has on this dais to keep Portland safe.... We're only as good as our weakest link. And Portland should not be that weak link."

Fish emailed his written remarks, excerpted below, even before the hearing ended.

As a City Commissioner, I take very seriously my duty to keep Portlanders safe. Since 2011, the world has become an even more dangerous place. We have been witness to senseless violence, both domestic and foreign. Recent terror attacks in Boston, Paris, and Copenhagen are stark reminders that freedom requires vigilance at home and abroad.

Every other major city in America, including New York and San Francisco, participates in the JTTF. As former and current police chiefs and U.S. attorneys explained to me, we are safer when local, state and federal law enforcement share information and talk to each other on a regular basis.

And when our trained Portland Police officers are at the table, they help guide investigations consistent with our values.

Novick was last to vote, leaving only the drama of whether the vote to rejoin would be 4-1 or 3-2. He laid out his thoughts over the past few weeks, saying he believes in the "good intentions" of the FBI's local team and that he was "encouraged" by the mayor's insistence on meeting with the two cops assigned to the JTTF.

He just couldn't shake what he heard from members of various Muslim groups—that working with the FBI would diminish their relationship with the Portland Police Bureau and sap something the FBI is counting on as a strength: our cops' more fine-grained knowledge of the city and its denizens. He read from a letter (pdf) signed by several prominent groups to help make that point.

"I cannot ignore the fact that the leaders of numerous organizations in the Muslim community say many Muslims do not trust the FBI and would trust the Portland police less if we joined the JTTF," he said. "I don't want to risk risk that people wouldn't tell us about threats."

Hales, after the hearing, said he and O'Dea had yet to settle which two cops they'd feel comfortable assigning. He also said he'd judge how the oversight system he'd worked up was playing out in real life.

And if problems couldn't be fixed, if he couldn't trust that the cops he chooses will have their boundaries respected, if wasn't getting the information he needed to be sure laws were being followed, "then I'll be pulling the plug."

He also, again, singled out O'Dea as someone he trusts to keep the community's backing in mind. "I have a lot of regard for his integrity."

I asked him if he'd have felt as comfortable with his last police chief, Mike Reese. (Reese, as Willamette Week mentioned briefly this morning, is among those rumored to be mulling over a run against Hales next year. He almost ran against him in 2012.)

"No," Hales said. "In a word,"

He continued after a beat "Mike Reese did a good job. But because I recruited Larry and we've had good conversations about what matters, we know each other very well."

Daily Journal of Commerce

City project exceeds budget; 'red flags' pop up

*By Shelby King
February 19, 2015*

An independent auditor hired to investigate budget overages during construction of an employee building at the Columbia Boulevard Wastewater Treatment Plant found no evidence of illegal practices, according to Portland Commissioner Nick Fish.

"In response to the auditor's report about the new Bureau of Environmental Services employee building at the Columbia Boulevard Wastewater Treatment Plant, I committed to bring in an outside law firm to review the findings, conduct an investigation, and issue a written report on lessons learned and 'best practices,'" Fish wrote in an email. "In its report, Barran Liebman LLP found no evidence that laws, rules or ethical guidelines were violated. However, the report raises a number of red flags about bureau practices and decisions."

The Bureau of Environmental Services recently completed design and construction of an office building that was supposed to cost \$3.2 million. Instead, ratepayers forked over \$11.5 million to complete the building.

Portland City Auditor LaVonne Griffin-Valade conducted an audit of the project and released her report in October 2014, stating that cost increases were due to the bureau expanding the project's scope, making "discretionary design choices" and failing to oversee the project during the design phase.

Fish's office hired Barran Liebman's investigators to review the auditor's report, investigate whether any laws, rules or guidelines were violated, and analyze project management decisions.

The firm's report states: "We found no evidence that funds were misappropriated, misdirected or mishandled (with the sole exception of the pass-through payment to the designer discussed in more detail below). We also found no evidence that caused us to question the motivations of the BES staff. While there is considerable legitimate debate about BES decisions and judgment calls and whether the right choices were made, we saw evidence that the BES staff tried to make the best choices for the city and the ratepayers and we were impressed with their skill level. Our review, however, identified practices and decisions that contributed to the controversy and which we believe should be evaluated by the city in its ongoing discussions about best practices in managing capital projects of this magnitude."

The "pass-through payment" mentioned in the report was a transaction during the design phase in which the project's general contractor, Skanska, paid the project's design firm, Skylab, and was reimbursed from the construction budget.

"We did not find any evidence to suggest that the design work was not performed and we did not find any evidence to suggest that the design work was unnecessary," Barran Liebman investigators wrote in their report. "BES had, however, incurred the expense without authority. Specifically it had permitted design work to proceed when the design budget was exhausted and ultimately arranged for payment from the construction budget by means of a pass-through."

Barran Liebman issued 11 recommendations the bureau should implement in order to prevent a situation like this from occurring again. Fish said he's "already initiated a number of reforms that address many of the findings. They are designed to strengthen accountability and transparency."