

The Oregonian

Feds want Portland police who use deadly force to file an account immediately

By Maxine Bernstein

February 2, 2016

The U.S. Department of Justice wants Portland police to require officers who use deadly force to file immediate accounts of what occurred in use of force reports.

Justice Department lawyers are meeting next week with Multnomah County prosecutors and Portland city attorneys to try to get them on board.

Assistant U.S. Attorney Jared Hager said the Justice Department's 2012 settlement with the city calls for the Police Bureau to review policies governing on-scene statements from officers in deadly force encounters and make them consistent with professional standards.

"This is something that's a priority for the U.S. Attorney's Office to get resolved," Hager told City Council members last week.

The Police Bureau now requires officers who use force that doesn't result in the loss of a life to file such reports. The reports include the officer's description of what occurred and why.

The change would help address longstanding concerns that Justice officials, city-hired police consultants and community members have voiced about the controversial "48-hour rule," which is part of the police union contract and requires internal affairs investigators to give officers at least two days' notice before interviewing them after a deadly shooting or death in custody.

The city settlement stems from a federal investigation that found Portland police engaged in a pattern or practice of excessive force against people with mental illness or perceived to have mental illness. The negotiated settlement calls for a wide range of changes to Portland policies, training and oversight.

Police Chief Larry O'Dea last week repeatedly told the City Council that the bureau was acting at the direction of the Multnomah County District Attorney's Office in choosing not to compel officers who use deadly force to talk to investigators right away.

"It really is their investigation," O'Dea said.

Multnomah County Chief Deputy District Attorney Don Rees said Monday that his office is involved in "ongoing conversations on this topic." The DA's Office is particularly interested in "preserving the integrity" of any criminal investigation into an officer's use of force, Rees said.

City-hired consultants, [in a report presented to the council last week](#), recommended yet again that the bureau enter into negotiations with the rank-and-file union to get rid of the 48-hour restriction.

In a written response, O'Dea said he agreed with the recommendation, yet said the contract isn't up for renewal until June 2017.

Further, he sought to make clear that the 48-hour restriction pertains only to internal affairs investigations, in which an officer's actions are examined to see if they follow bureau policy and training. The chief said the 48-hour restriction doesn't prevent officers from voluntarily making statements to detectives leading a criminal investigation into a shooting.

But in Portland, it has the same effect: Detectives routinely ask officers involved in a shooting for an immediate statement or walk-through at the scene as part of the criminal investigation, but are routinely denied. And often, the officers aren't interviewed by police detectives until at least two days after a shooting.

If detectives ordered an officer to provide a statement in a criminal inquiry, then the District Attorney's Office couldn't use what the officer said in any prosecution against him or her, the chief and detective division commander said.

"Once we compel (a statement), that creates some level of immunity for the officer who used that level of force," Detective Division Cmdr. George Burke said. "We don't want to do anything that is going to cause a problem with any admissibility (of statements) for the criminal investigation."

But Justice Department officials don't think the filing of use-of-force reports by police involved in fatal shootings would contaminate any criminal investigation.

"We feel the law is on the side of allowing some limited, routine reporting," Hager told council members.

Case law supports the argument that use-of-force reports are part of a police officer's routine job assignment, he said.

The 1967 U.S. Supreme Court decision [Garrity v. New Jersey](#) held that an incriminating statement made by a police officer is inadmissible against the officer in a criminal trial if the officer made the statement under the threat that the officer would lose his job if the officer invoked the right to remain silent. The court concluded that, under those narrow circumstances, the statement would be considered coerced because the officer was denied any meaningful opportunity to assert his Fifth Amendment rights against self-incrimination, according to federal Justice officials.

Based on the court decision and subsequent case law, Garrity wasn't meant to apply to officers' routine documentation of their activities, including, for example, the completion of use-of-force reports or discussing the use of force with department officials, according to Hager and Justice Department lawyers.

Cases from across the country have held that routine reporting is part of a public employee's job and isn't considered a compelled statement, Hager said. Something is only considered a compelled statement when officers face the threat of losing their jobs, not simply the possibility of discipline, he said.

"Attempting to provide blanket Garrity protection for every use of force statement is bad policy and goes beyond what is required by law or necessary to protect officers' Fifth Amendment rights," [the Justice Department wrote in a technical memo to Seattle police](#) more than four years ago. "Use-of-force statements are an invaluable training and officer-safety tool, and they are critical for maintaining accountability and managing risk."

Michael Gennaco, a consultant with the California-based OIR Group hired by the city, told the City Council that many other major city police departments are able to avoid any contamination of their criminal investigations when internal affairs investigators compel officers in shootings to provide a statement to them about what happened on the same day of the event.

"The concern about the risk that somehow the obtaining of that compelled statement could then jeopardize a criminal investigation in this context has never happened in the history of mankind with regard to officer-involved shootings," Gennaco told the council.

At other agencies, the officers give compelled statements in an interview room with internal affairs investigators, walled off and protected from any piece of the detectives' criminal investigation, he said. That's never presented to the district attorney's office, so there's no risk in contaminating the criminal investigation, Gennaco said.

Waiting for officers' statements for more than 48 hours runs the risk of the account being contaminated by outside influences, he said. The officer may hear talk about the encounter in the police locker room, get information from a lawyer or witness a video of the incident.

Obtaining an immediate statement, in contrast, "provides you with an insight in the officer's state of mind right after he's used it," Gennaco said.

Officer Daryl Turner, president of the Portland Police Association, said no one has formally brought a specific recommendation to the union. He declined further comment.

The Portland Tribune

Candidates have first public face-off

*By Jim Redden
February 2, 2016*

The campaigns for mayor and Portland City Council kicked into high gear last week with the first public forum featuring the major candidates and candidates complaining about not being invited — a sure sign the stakes are getting higher.

The forum also confirmed the No. 1 issue in this year's election is skyrocketing housing costs.

The mayor's seat is wide open and commissioners Amanda Fritz and Steve Novick are up for re-election. So far, the races have drawn 18 candidates, though Fritz currently is running unopposed. Many of the candidates have been working behind the scenes for months, quietly

building campaign organizations, meeting with supporters, raising funds, and making appearances before special-interest groups that have not been publicized.

The two major candidates for mayor — State Treasurer Ted Wheeler and Multnomah County Commissioner Jules Bailey — also have begun sending out email news releases about their platforms.

But last Tuesday was the first time the major candidates appeared before a large crowd at a public forum. It was hosted by the Regional Arts and Culture Council, a city-county agency that helps fund arts organizations and services. It was attended by Wheeler and Bailey; Novick and his major challenger; Stuart Emmons; and Fritz.

Two candidates questioned why they weren't invited. One is realtor Fred Stewart, an African-American running against Novick. The other is mayoral candidate Sarah Iannarone, who announced after the lineup was set.

Although the forum was intended to focus on arts and culture issues, all of the candidates repeatedly said that the rising cost of housing is the biggest problem facing artists who are not established enough to afford them — which is the vast majority of younger and even older artists. Wheeler recounted meeting a young woman artist with a part-time bartending job who is worried about the rent increasing at the apartment she is sharing with other people. Bailey and the other candidates all agreed that rent increases already are forcing artists to leave town — and that artists also are losing affordable studio spaces in commercial buildings that are being converted to expensive offices.

Housing affordability is likely to dominate the council campaigns even more in coming weeks. Three of the next candidate forums are specifically about housing and related issues. The first is a forum on homelessness hosted by the Union Gospel Mission on Feb. 12. The next is a forum on affordable housing hosted by the Native American Youth and Family Center on Feb. 26. The third is a Feb. 25 forum on residential demolition and infill projects hosted by Renew Oregon, a historic preservation organization.

Affordable housing approaches

Many of the ideas the candidates discussed for addressing the affordable housing crisis were not new, but it was the first time they presented them before a large crowd. About 500 people turned out for the forum at the Gerding Theater at The Armory in the Pearl District, and they applauded every proposal.

Among other things, Wheeler said the city should reduce cost increases it creates on affordable housing and other projects. He said the design review, permitting and inspection processes take too long and cost too much money, and suggested waiving at least some city development charges for affordable housing projects.

“The system needs to be reformed,” said Wheeler, saying the review process cost a developer he knows an additional \$150,000 for two homes on the same lot.

Bailey said the city needs to fast-track lower-cost, market-rate housing, too, so that people can more easily move from renting to owning their homes.

“What we need is a strategy that looks at a spectrum of affordable housing,” Bailey said.

Novick proposed increasing the number of lower-cost multifamily housing in neighborhoods, including duplexes, triplexes, fourplexes and small apartment buildings with courtyards.

“If you can create more affordable housing in neighborhoods, you reduce the pressure to increase costs elsewhere,” Novick said.

Emmons also advocated creating more small homes in the city, a housing style he is pursuing at his firm, Emmons Architecture.

“We need to lower per-door costs, not just through funding but by thinking smarter,” Emmons said.

Fritz said she supported Mayor Charlie Hales’ promise to dedicate \$20 million in city funds to homeless shelters, transitional programs and affordable housing next fiscal year, even though it could mean less money for the arts.

“We have to take care of people living on the streets,” Fritz said.

Despite the serious nature of the discussion, there were some moments of levity.

Wheeler drew laughs when he talked about his failed effort to learn how to play the trumpet as a child.

“It took seven years before someone had the courage to tell me, people without lips shouldn’t play the trumpet,” he said.

Fritz cemented her reputation as the council’s hardest-working member by saying she’s reading the Comprehensive Plan update for entertainment.

And Novick won applause when he said the housing crisis was a symptom of growing inequality in the country and urged the crowd to vote for Bernie Sanders for president.

Could new homeless camp be long-term model?

By Jim Redden

February 2, 2016

Those behind the Right 2 Dream Too homeless camp are considering the planned new version to be a long-term model for other neighborhoods and communities.

“It is designed to be duplicated elsewhere in the city and around the world,” says Mark Lakeman, a Portland architect active with the City Repair Project who worked on the design.

The Portland City Council will consider relocating the camp — commonly known as R2DToo — from its current location at Northwest Fourth Avenue and Burnside Street to a city-owned gravel lot at Southeast Third Avenue and Harrison Street at 2 p.m. Thursday, Feb. 4.

A concept plan prepared by Lakeman and others for the new location was presented for the first time at a packed community meeting hosted by Commissioner Amanda Fritz on Saturday. It shows a 17,000-square-foot facility with permanent water and sewer lines, raised garden

plots, tents for both overnight and longer-term residents, and 3,000 square feet of restrooms, showers, laundry facilities and other buildings.

“It’s intended to enhance the neighborhood because people will be coming from all over the world to see it,” Lakeman says.

But Gary Rehmborg, co-owner of the adjacent East Side Plating Inc., says the move is “going to cause irreparable harm for our business” at 8400 S.E. 26th Place.

Documents to be considered by the council on Thursday call for the relocated camp to accommodate up to 100 people at a time and remain there for as long as 10 years. The deadline for the move is October.

Some other area businesses and homeowners also oppose the idea, including the Central Eastside Industrial Council. President Brad Malsin says the organization has retained lawyers who are exploring legal options for challenging the relocation, which would establish the new camp on property currently zoned for industrial use.

“We don’t believe allowing people to live outside in tents is humane, and that is not a good location,” says Malsin, owner of Beam Development. “We spent a lot of time drafting the Southeast Quadrant Plan [to guide future development in the area] and camping is not one of the approved uses.”

However, many of the comments at the meeting were supportive of R2DToo’s operation as a self-governing camp with a code of conduct that prohibits drugs and alcohol use. Mayor Charlie Hales, who attended the meeting, said police are never called to the current camp to resolve problems.

One question repeatedly raised at the meeting was whether camps like R2DToo are the city’s only proposed response to homelessness or are part of a larger plan. Hales assured those in attendance that the city is working on a larger plan with Multnomah County and other partners called A Home for Everyone that intends to spend \$30 million in the next fiscal year to create more shelters, transitional programs and affordable housing.

Hales said the City Council will hold a work session on homelessness and housing issues — including new camping policies and the progress the city-county plan is making — at 2:30 p.m. Monday, Feb. 8.

The new camp is being financed with approximately \$846,000 paid by Old Town property owners to buy a parcel near Union Station from the city that had been considered for an earlier relocation site. The city used \$254,044 to purchase the Southeast Portland property from the Oregon Department of Transportation.

Camps, tensions on rise

The meeting and upcoming votes are happening as tensions over homeless camping are increasing in the city.

Camps have grown more visible in neighborhoods and along nature trails since Hales told the police to only crack down on homeless residents who are committing crimes in camps — not because the camps are unsightly.

The Overlook Neighborhood Association has been especially critical of the city allowing camping along North Greeley below Interstate Avenue. Portland officials have allowed dozens of people to camp on city-owned property in what is called Hazelnut Grove. The city moved other campers off adjacent property, but a number have resettled on city-owned property next to Legacy Emanuel Medical Center.

Some of those using the Springwater Corridor in East Portland are complaining about an increase in homeless camping along the popular commuting and recreation trail, especially between Southeast 82nd Avenue and I-205. A growing number of walkers and bicyclists say they no longer feel safe using the public trail because of the increasing number of homeless people living along it.

More recently, the board of directors of the McCormick Pier Condominiums along the west bank of the Willamette River in Northwest Portland locked the gates and blocked access to the riverside walkway in front of their units because of the increase in homeless people using it. City officials ordered them to reopen it because the walkway is part of the public Willamette Greenway.

The apparent increase in camping has prompted the Portland Business Alliance to launch an online campaign urging residents to pressure the City Council to find alternatives.

“We need more safe, indoor options for the individuals now camping on our sidewalks, under bridges and in our parks. And we need to address areas where unorganized campsites have sprung up, creating problems for nearby residents, businesses, shoppers and tourists. Portland is better than this,” read a portion of a proposed email to the council as part of the Portland Can Do Better campaign.

PBOT invites input on bike share station locations

*By Jennifer Anderson
February 1, 2016*

Where should Portland locate its bike share stations when BikeTown launches this summer?

The Portland Bureau of Transportation will start inviting public input on station location next month, through a series of open houses and an interactive online map to be released March 9.

The map will include different options for the 100 station locations throughout the central city that will house 1,000 smart bikes.

People may comment on the proposed station locations and make suggestions for others.

While BikeTown users may pick up and park anywhere within the service area, the stations will be the primary place people can rent and return the bikes.

When the system launches in mid-July, people will be able to view every bike's location in real-time from the system's website or smart phone app.

The initial service area includes downtown, Old Town/Chinatown, inner Northwest, Goose Hollow, South Waterfront, West End, Pearl District, Central Eastside, Rose Quarter, Lloyd District and inner North Portland.

The PBOT open houses to discuss station locations are scheduled for these dates:

- Tuesday, March 15, 5:30-7:30 p.m. in Southeast Portland, location to be determined
- Thursday, March 17, noon-2 p.m., City Hall, Lovejoy Room, 1221 S.W. 4th Ave.
- Wednesday, March 30, 5-7 p.m., Portland Building, 1120 S.W. 5th Ave.
- Tuesday, April 5, 6-8 p.m., Northwest Portland, location to be determined
- Thursday, April 7, 5:30-7:30 p.m., Immaculate Heart Church, 2926 N. Williams Ave.

Two new parks to break ground in East Portland

By Jennifer Anderson

February 1, 2016

East Portland residents will soon have two new places to gather, play, walk, bike, garden, take their children and dogs and otherwise find peace in nature.

Portland Parks & Recreation announced this week that construction will kick off this spring for two long-awaited green spaces in park-deficient areas: Gateway Discovery Park and Loowit View Park.

The first will be a new gateway into Northeast Portland's Gateway neighborhood, east of Interstate 205; the second is 2.5 miles away, adjacent to Shaver Elementary School in Northeast Portland's Argay neighborhood.

Together, the newly named parks will serve about 1,800 households that don't currently have ready access to a park or natural area.

"These two new parks represent a significant step in addressing historic inequities in park facilities in east Portland," says parks Commissioner Amanda Fritz. "All over Portland, people are telling me, 'Provide parks for people who don't have one.' There are inequities in every neighborhood, and insufficient resources to correct them all. Loowit View Park and Gateway Discovery Park continue the city's determination to correct the disparities in east Portland."

A playground for everyone

At Northeast Halsey Street between Northeast 104th and 106th avenues, Gateway Discover Park will be nearly four acres, built in partnership with the Portland Development Commission.

Park leaders see it as a new living room for the Gateway neighborhood, featuring accessible spaces and activities for all ages, including a plaza for events, festivals and farmers' markets.

Flexible green spaces will accommodate picnic areas, nature play and accessible playground features as the site of the city's second inclusive, barrier-free playground.

The nonprofit Harper's Playground participated on Gateway Discover Park's project advisory committee and advised on the inclusive design.

Construction is estimated at \$5.2 million, which includes \$4.2 million from parks system development charges (not general fund tax dollars) and \$1 million from the PDC.

"The name 'Gateway Discovery Park' invokes the same exciting sense of adventure that awaits in our entire neighborhood," says Linda Sanchez, a member of the park's naming committee.

The Gateway Area Business Association "shares the excitement of east Portland neighbors for the amazing new gathering space coming soon," she adds.

A park with a view

The second, much larger park will be at Northeast 126th Ave and Beech Street. Previously referred to as the Beech property, Loowit (loo-WIT) View Park will include views of the vista of Loowit (the native American name for Mt. St. Helens), a youth sports field, a full-size basketball court and a covered teen area with a climbing structure, two ping pong tables and a group seating area.

A skate park is under discussion. Other features include accessible play and picnic areas, shelters, a restroom, pedestrian and bike paths, parking, community gardens and a fenced off-leash dog area.

"The name 'Loowit View Park' holds meaning on many different levels," says Cary Watters, a member of the Tlingit Tribe and the park naming committee. "The fact that this park's name is a native (Chinook Wawa) word, and that it honors the traditional way in which our people named places, is a huge step forward in healing — not only for the native community, but for the land and the at-large community."

Construction is estimated at \$7.8 million, from parks system development charges.

Fritz dedicated the parks SDC funds (revenue from new construction development in Portland) to the two projects in 2014.

In January 2015, the parks bureau launched the community design process for the parks; the designs were finalized last summer and both are slated to break ground this spring.

Parks staff solicited park names last fall from neighbors through public meetings, emails and web comments.

Among the participants were volunteers and residents with the Argay Terrace Neighborhood Association, Gateway Area Business Association, Hazelwood Neighborhood Association and the Parkrose Heights Neighborhood Association.

"It is extremely exciting to see these park projects continue," says parks Director Mike Abbaté. "A key milestone in the development of a new project is the name that the park will be known by for generations to come. We are so grateful to the naming committee, and to the Project Advisory Committee who, along with City staff, are guiding the development of these sites. Loowit View and Gateway Discovery Parks will be memorable into the future."

Despite the two new parks, the bureau has a list of unfunded maintenance needs of \$250 million over the next 10 years.

SDCs are restricted to expanding capacity only, and can't be used to maintain or repair existing facilities.

Parks leaders say the list of additional parks projects — demanded by the city's growing neighborhoods — comes to another \$472 million over the next 10 years.

"In east Portland, two out of every five households do not have easy access to a city park," Fritz says. "That is in stark contrast to the rest of Portland, where four out of every five households live within a half-mile of a park or natural area."

Willamette Week

Jules Bailey Makes New Budget Pledge – This Time It's for Horses

By Beth Slovic
February 1, 2016

Portland mayoral candidate Jules Bailey caught voters' attention last week when he pledged, if elected, to spend general fund dollars—the money that pays for cops, parks and firefighters—[on the arts](#).

This week, he has a new pledge—to spend more general fund money on the Portland Police Bureau's mounted patrol.

Bailey, a Multnomah County commissioner, says he'll restore two positions to the unit that Mayor Charlie Hales cut in 2013. Those positions would add \$210,000 to Portland's overall budget annually.

Hales made cuts to the unit when Portland faced a \$25 million budget shortfall in 2013. But Portland's mounted patrol unit is habitually on the chopping block: Commissioner Dan Saltzman proposed eliminating it entirely when he was in charge of police in 2010.

Interest groups, including Friends of the Mounted Patrol backed by developer Bob Ball, successfully lobbied to keep the unit. Supporters argue the horses make officers more approachable. As one officer told *WW* in 2010, "No one's ever come up to me and asked to pet my car."

This year, Portland again [faces a budget crunch](#) as Hales shifts more money to his latest priority: Portland's housing emergency.

In addition to restoring the positions, Bailey says he would return the unit's horses to a stable in Old Town. The horses used to live at a stable in Centennial Mills along the waterfront but [had to move 22 miles away](#), to Aurora, in 2014.

"Police horses have been walking Portland's streets for over 100 years," Bailey wrote in a press release. "I want to help build on the community support and to find partnerships that will give them a forever home."

The Portland Mercury

Jessie Sponberg's Inviting Other Mayoral Candidates To A Homeless camp "Slumber Party"

*By Dirk Vanderhart
February 1, 2016*

Invites to Portland's exclusive candidate forums have been hard to come by for Portland's lesser known mayoral candidates, so Jessie Sponberg's organizing his own. It's a sleepover.

Sponberg, a well-known local activist, announced today he's gotten approval from campers at Hazelnut Grove to hold a "mayoral candidate slumber party" at the organized homeless encampment on Saturday, February 27.

"There's a huge disconnect between the haves and have-nots in Portland," Sponberg says. "The role of the mayor should be to find cohesiveness within the community and bridge that disconnect."

It's the type of move that can be expected of Sponberg—who in the past has dumped a truckload of coats and blankets for the homeless [in the middle of W Burnside](#), and helped spur the "[Camp Cascadia](#)" protest against Portland disconnecting its open-air drinking reservoirs. But whether it will get traction remains to be seen.

Sponberg says he's already gotten two candidates, Sean Davis and David Schor, to sign onto the idea (Davis hasn't independently confirmed that yet). As we reported in this week's issue, the three men have [formed a loose alliance](#) as they push for entrée into a race that, so far, has been focused on state Treasurer Ted Wheeler and Multnomah County Commissioner Jules Bailey. Sponberg says he'll personally invite the remaining candidates "as soon as possible."

If the slumber party's sort of a stunt, it's also topical. Mayor Charlie Hales' office has shown a willingness to sanction organized camping as a stopgap measure while the city bolsters its housing and services. There are already [two formal agreements with camps](#) in the works, and that landscape is likely to change further when Hales unveils a new policy on homeless camping in coming days.

All of which means sites like Hazelnut Grove will be a big part of the conversation in the mayor's race. So far, both Wheeler and Bailey have been ambivalent. Wheeler's put much of his focus on more homeless shelters, and during a [visit to Hazelnut Grove last month](#) said he was "struggling with the idea that we're allowing people to live outside in the elements."

Bailey, meanwhile, has been beating the drum for a [strategy being worked up](#) by the A Home For Everyone coalition.

"It's a question of resources," Bailey told the *Mercury* recently, when asked about his stance on city-sanctioned encampments. "Our time and our energy is better spend trying to make sure that we have as many partners in the community to provide shelter space as possible."

It'll be interesting to see if either man accepts the invitation to spend a night at Hazelnut Grove (Bailey, when we spoke to him, hadn't even visited). Sponberg, who's planning to formally roll out his campaign this afternoon [at Mt. Tabor Park](#), says he'll invite them soon—and couldn't resist a dig at Wheeler, a millionaire who's considered the race's frontrunner (though there aren't any polls backing that up).

"Ted Wheeler's climbed Mount Everest—I'm sure he'll be fine," Sponberg said. "But there won't be any sherpas to carry his bags for him."