

## The Portland Mercury

# Right 2 Dream Too Was Supposed to Leave Its Home By Today. It's Sticking Around

*By Dirk VanderHart*

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It's a bit ironic that today—exactly one year after City Council declared a housing emergency in Portland—was also the day when homeless rest area Right 2 Dream Too (R2DToo) was supposed to have been bounced from its long-time home.

Under an agreement the Portland Development Commission (PDC) inked two years ago with the people who own the plot at West Fourth and Burnside, the land was to be empty by October 7 to give the city time to study it in advance of a purchase.

That's not going to happen. The PDC now says that R2DToo can stay on the land until, at latest, April 7—the day the agency could opt to purchase the property for \$1.2 million under the agreement.

"While all parties had agreed to have the site vacant by today, if the owners can successfully work with R2DToo on a resolution that results in a vacant site by 4/7/17, then the contract would allow PDC to purchase the property on that date," PDC spokesperson Shawn Uhlman tells the Mercury.

The news is vital for R2DToo, which a state land-use board ruled in August cannot move to a long-anticipated home in the Central Eastside. That decision was a blow for the well-regarded encampment for two major reasons: The city had already spent or committed most of the money set aside to move R2DToo, and it was staring down an October deadline to move.

The PDC's decision, then, creates some breathing room. What it doesn't do is offer clarity.

Officials are still trying to figure out whether there is a workaround that might allow the camp to move to the Central Eastside plot at SE Harrison and Third—for instance, via changes to the city's zoning code. The two city officials who've been most involved with the camp, Mayor Charlie Hales and Commissioner Amanda Fritz, have both said in recent days they have no clue how the city will move forward.

"I'm not hopeful of finding somewhere else," Fritz said today, noting officials looked for years before landing on the Central Eastside site.

R2DToo co-founder Ibrahim Mubarak says the camp's six additional months will help, but might not ultimately be enough: should the city pursue zoning code changes to accommodate R2DToo, they might not be able to go through in time.

"I don't know what's going to happen," he says. "We're trying to do it expeditiously."

If the rest area isn't able to move to its intended land, there's another problem. Out of more than \$850,000 that was dedicated to finding R2DToo a new plot, all but around \$30,000 has been spent or committed in the effort to resettle across the river. That's money the organization will demand back if it turns out the Central Eastside is off limits.

"It was supposed to be for us to get out land, but they put it under the watchful eye of the city officials," Mubarak says. "They weren't supposed to do something until both sides agreed, and we didn't agree to everything."

Fritz says the money will still be available.

"We've assure them that if they're not moving [to SE Harrison and Third] then the money won't be used for that," she says. She added the funds could be replenished from the city's contingency fund or some other source.

The PDC's already paying rent of sorts for R2DToo. As part of its purchase deal with the owners of the property at West Burnside and Fourth, the agency pays \$10,000 a month.

## **Portlanders Just Got Their First Look at a Police Body Cam Policy**

*By Dirk VanderHart*

*October 5, 2016*

EVEN BEFORE Mayor Charlie Hales hastily exited city council chambers amid a hail of profanity last week, it was clear: Portland's first glimpse at rules for police body cameras wasn't going great.

After more than a year of work and six public hearings on the topic, the city had just unveiled a draft policy [PDF] for how cops will be required to use the fast-spreading technology that's popped up in the wake of endless questionable police shootings around the country.

City officials didn't actually want to unveil the draft policy yet. It had to be revealed because it was mentioned in a tentative agreement with the city's largest police union, the Portland Police Association (PPA), over a new contract.

Still, by the time the draft saw daylight, it had the full support of the PPA. With public approval, Portland might be one step closer to a tool advocates say can improve police accountability and slash citizen complaints.

The thing is, if the intermingled anger over the draft body cam policy and the (largely unrelated) new police union contract at the September 28 hearing are any indication, the public does not approve. Nor do some city officials.

"From my perspective, this current version of the policy would set back oversight," says Constantin Severe, director of the city's Independent Police Review, which investigates citizen complaints against cops. Severe's boss, City Auditor Mary Hull Caballero, voiced similar concerns in an October 3 memo to city council members.

They're not alone. The draft policy the city's worked up falls short of the ideals advocated by national civil rights groups.

In August, a Washington, DC-based consulting firm called Upturn teamed up with the Leadership Conference on Civil and Human Rights to look at body camera policies in cities throughout the country, scoring them with a set of principles it says are necessary to protect

civil rights—things like when cops can view the footage they've taken, and how strictly they're forced to hit the record button during an incident.

Chicago, according to the audit, has a fairly robust policy. Fresno? Not so much.

So the Mercury asked Upturn to grade Portland's nascent policy. The results weren't great.

Out of eight categories—scored with a self-explanatory green check, yellow circle, or red X—Portland's draft policy aced just two, according to Upturn's reading. The firm says the policy adequately protects the privacy of sensitive parties like victims and witnesses, and doesn't leave much wiggle room in what types of events must be recorded.

One category, limiting officers' ability to misuse footage, got partial approval. Five additional categories were given a red X, meaning the policy is problematic or doesn't address the matter. Groups like the ACLU of Oregon and Portland Copwatch have also raised concerns.

That might change. Hales and others have made clear in recent days that the body camera policy is merely a draft, and that the public will have an opportunity to offer critiques and discuss potential edits.

The mayor, who's out of office at the end of the year, is far more focused on pushing through a new contract with the police union than nailing down a body camera policy. As Hales told the Mercury recently: "By the time the body camera policy is adopted, I will be a private citizen."

But if he's too busy to dig into the specifics, you shouldn't be. Here are four pieces of the draft body camera policy that should be discussed before it's finalized.

### **SERT Officers Are Left Out**

Under the policy, gang cops, transit cops, patrol officers, and others are all specifically required to wear body cameras. Left out? Cops working on the Special Emergency Reaction Team (SERT), Portland's version of SWAT.

That's a problem for oversight advocates. Portland Copwatch's Dan Handelman says the omission makes no sense, since such officers are "most likely as a unit to use implements of deadly force." The ACLU of Oregon has argued the same thing.

Hales, when asked about this omission on Monday, said he wasn't aware of it. But PPA President Daryl Turner argues the rule makes sense, since the city doesn't want to give up SERT's tactical secrets.

"They are highly trained individuals," Turner said. "We wouldn't want those things to be on camera."

Turner's opinion has outsize weight. The city has agreed that the body cam policy is subject to "mandatory bargaining," meaning that if the union doesn't like it, it can file a grievance and take its case to an arbitrator—a scenario that most often works out in the union's favor.

In Handelman's view, it's fine if the city wants to limit access to sensitive SERT recordings—it just needs to possess them.

"You can exempt it from release," he says. "You just need to record it."

Incidentally, the draft policy might also leave out the police bureau's Crisis Negotiation Team, which sometimes joins the SERT in responding to highly charged scenarios. The policy's wording is unclear.

### **Exceptions to Hitting Record**

Portland's draft policy got high marks from Upturn for its insistence that cops activate their cameras, in most cases, "upon receipt of a call for service where a possible crime is in progress or has just occurred"—even when an officer self-initiates a stop.

The policy also requires officers to "notify a supervisor and document the reason" if they failed to hit record at a prescribed time.

The language is in line with what advocates recommend—but it has the potential to leave out vital footage. According to a September 30 piece in the Atlantic, a central weakness of new body camera policies around the country is that officers are failing to record during high-profile events.

Recent officer-involved shootings in Charlotte, Chicago, and DC, all included instances of an officer not pressing record. In case after case, police departments say officers did not have their body cameras activated when it counted, the Atlantic's Robinson Meyer writes.

In high-stress instances, Portland's draft policy gives officers an out: It says in cases of a perceived "immediate threat," cops don't have to press record until they're out of danger.

### **Cops View Footage Before Reporting**

The draft policy says officers get to review their body cam footage before writing an incident report unless deadly force was used.

That's a provision that's been pushed nationally by the police lobby, and which the PPA's Turner says is necessary to help prosecutions. But it's a red flag for many.

"I'd be really concerned about a system where a cop gets to review the evidence and the suspects don't," says City Commissioner Steve Novick.

The ACLU, Portland Copwatch, and Upturn all agree.

"Pre-report viewing by officers creates an uneven playing field," Harlan Yu, a principal at Upturn, told reporters when unveiling his firm's report in August. "This gives officers an undue advantage over other witnesses in a court of law. Officer statements will always appear more accurate."

Even Portland's exemption for deadly force incidents, which a handful of cities across the country have used, isn't helpful in Upturn's view, since there is still leeway for senior police officials to allow an officer to view the footage.

### **Supervisors Have Very Limited Access to Footage**

For IPR's Severe, a central problem with the draft policy is that it hamstringing the bureau from overseeing cops' performance via video.

The policy contains provisions that say supervisors and professional standards officers can't look at video for a performance review or to discover policy violations, and that they may not "randomly" review recordings of any officer.

"You're not allowing the city to use this as a means of being proactive in looking at body-worn cameras and making sure these tools are measuring up," Severe says. "Once you're a year or two into using these body-worn cameras, how do they work? And are members using them appropriately?"

"I don't really think this meets the public's expectations."

What public input for the draft body camera policy looks like remains to be seen.

Hales has introduced language that would direct the police bureau to convene a "stakeholder committee" to review the policy for best practices, and would allow the general public to comment as well. A report will eventually go before city council.

But as we noted above, all changes will need to pass muster with the PPA, lest they lead to an acrimonious labor dispute. Turner, the union's president, promises he's keeping an open mind.

"It's all negotiable," he says. "What we've done is put together the four corners. From what we can tell right now, this is what the policy is. Things might change."