

The Oregonian

How Robert Moses' car-centric vision shaped modern Portland, and then reshaped it in reverse

By Douglas Perry

May 3, 2017

His fee was \$100,000, and this was in 1943, but Multnomah County leaders thought they had scored a great deal.

They described Robert Moses, New York City's parks commissioner, as "one of the nation's outstanding city development experts" and the ideal man "to blueprint the Portland area's future." In the Big Apple, *The Oregonian* reported, Moses was known as "The Man Who Gets Things Done." New York Mayor Fiorello LaGuardia called him, supposedly in all seriousness, "His Grace."

Portlanders expected Moses to live up to those honorifics with his plan for the Rose City. They believed he would put 20,000 returning-from-war Oregonians to work and turn Portland into "a permanent industrial empire." The politicians who hired him hailed the 54-year-old planner as a man who wasn't afraid to tell politicians "to go to hell."

Today, Moses, who died in 1981, is best known for the opposition he engendered in New York. Neighborhood activist Jane Jacobs became an urban-planning heroine in the 1960s for successfully resisting Moses' efforts to build a massive highway through the center of Manhattan. A new documentary about her fight with the powerful planner, "Citizen Jane: The Battle for the City," has received raves. Britain's *The Guardian*, [reviewing the film](#), sneeringly dismissed Moses as "Bulldozer Bob."

Moses' vision for Portland was more or less the same one he had for New York: an industrial metropolis developed around massive highways, with residents thrown into shadow underneath the throughways or, better yet, pushed out to the city's periphery.

His 1943 proposal for Oregon's biggest burgh -- commissioned by the Portland city council, the port authority and the Multnomah County commissioners -- included widening the Ross Island Bridge and the construction of a Skidmore Street bridge, an interstate bridge, a "foothill thoroughway" linking the Ross Island and Skidmore bridges, another highway connecting McLoughlin Boulevard with the Skidmore bridge, seven new schools and an 11-block Union Station/bus-depot plaza. The estimated cost started at \$75,000,000.

He also proposed a "24-block civic center between S.W. Salmon and Columbia streets, extending from Front [Naito] avenue to 6th avenue, with a connection to the south Park blocks," *The Oregonian* reported. To top off his proposal, Moses recommended construction of a \$10 million, state-of-the-art sewage system.

Collier's magazine called the Portland plan "a masterpiece," insisting it was "one of the wisest, most foresighted pieces of postwar planning we've yet heard of. It insures Portland, if the plan is adopted, against a lot of haphazard, wasteful leaf-raking projects dreamed up in a hurry as the boys come piling home. It means local control and financing of the assorted projects, with a horde of carpetbagger bureaucrats from Washington ruled off the scene."

That local financing, however, ended up being the problem. Portland leaders expressed as much enthusiasm for the plan as *Collier's*, but, unlike the national magazine, they had to find a way to pay for it.

Commissioner William Bowes, who had led the effort to hire the New York planner, declared there was "the utmost desire among the [region's leaders] to put in the Moses program." (The

young Oregonian reporter who wrote down those words as they came out of Bowes' mouth: future Oregon governor Tom McCall.)

Portland voters in 1945 ultimately balked at the cost, putting the region-wide plan on the shelf. But significant pieces of Moses' 85-page proposal would be implemented piecemeal over the next few decades -- notably the Interstate 405/I-5 loop around downtown. "The ideas [Moses] presented for a new freeway system in Portland were not new, but his stature helped provide the momentum to move forward on building Portland's freeway system," the city's Transportation Office [wrote in a 2005 report](#).

Other major pieces from the plan were blocked, with none more significant than the Mt. Hood Freeway, an ill-conceived adjustment to Moses' original vision. The eight-lane highway would have obliterated some long-established Southeast Portland neighborhoods and cut others off from the rest of the city. The freeway plan finally died in the mid-1970s.

By this time -- thanks to Gov. McCall, among other political leaders and activists -- the Portland metro region was easing away from the car-centric planning model Moses advocated. The Harbor Drive freeway was removed and an urban growth boundary enacted. In 1986, some three decades after Portland had begun paving over the extensive 19th- and early 20th century streetcar tracks in the city, TriMet's light rail launched. A new Portland identity began to take shape.

Most May Day protesters released from jail as prosecutors wait for police to finish investigations

By Jim Ryan

May 2, 2017

Most protesters arrested during [Portland's May Day riot](#) on Monday have been released from custody as prosecutors wait for police to conclude their investigations.

Portland Police Bureau officers arrested 25 people during the protest, which was declared a riot about 90 minutes after a permitted march began after a rally at Shemanski Park on downtown's South Park Blocks.

Portland Police Chief Mike Marshman estimated about 600 to 700 people participated in the permitted rally and march — many fewer than he and the bureau anticipated — and that he was surprised the black bloc and anarchist element began causing problems early in the event.

Eighteen adults were arrested on suspicion of misdemeanor crimes and have May 15 court dates, said Haley Rayburn, a Multnomah County deputy district attorney. Prosecutors are waiting on the investigation before pursuing charges against three arrested on suspicion of felonies.

Another protester arrested on suspicion of assaulting a police officer pleaded not guilty to a lesser charge Tuesday and could also face more protest-related charges later, Rayburn said. Three underage protesters were referred to the county's juvenile department.

Two of the 22 adults remained jailed early Tuesday evening, according to jail records. Police previously said the juveniles were released to parents.

Rayburn said prosecutors will review all cases and intend to file charges in cases where crimes were committed.

Her office has worked out a system for dealing with mass arrest cases, giving more time for police to wrap up their reports and for prosecutors to review all evidence and make decisions on charges, said Chief Deputy District Attorney Kirsten Snowden.

That's why most protesters weren't arraigned Tuesday, Snowden said.

"(Police) need time to write reports," she said. "We need time to review the video and make informed charging decisions."

Protesters who were arrested on felony accusations are Rachel Visco, 34, Frank Martinez, 24, and Javier Ivan Reyes, 20. Corey Daniel Joe, 42, on Tuesday pleaded not guilty to attempted assault of a public safety officer, a misdemeanor, but he is being investigated on suspicion of assaulting a public safety officer, a felony.

The riot began as a city-permitted rally and march that featured impassioned but peaceful speeches. Eventually, however, it was redefined by black-clad protesters, who threw or launched projectiles at police, set bonfires in the street, vandalized police vehicles, and damaged and vandalized numerous downtown buildings.

Police said the escalation of violence forced them to initially revoke the permit for the march and declare it over. Eventually, officers used flash-bang grenades to disperse the crowd after police declared a riot had broken out. Officers swarmed a large group of rioters near City Hall, essentially quelling the violence.

Marshman on Tuesday said officers quickly contained unruly agitators who disrupted a peaceful march.

"They were vigilant. They were aware of what was going on around them and kept people safe. They protected property as best as they could," the chief said. "They took control of a pretty contentious situation. They did their jobs, and they did it well."

As the march got underway, a fire medic was the first to be struck by a thrown Pepsi can or bottle along Southwest Fourth Avenue as police officers on bicycles rode along the edge of the march route, the chief said. Marshman was in the mayor's office at City Hall as the march passed by, he said.

Marchers didn't make it halfway along their route before some in the crowd started slinging objects at the Mark O. Hatfield Courthouse on Southwest Third Avenue, shattering a front and back window.

After officers were pelted with Pepsi bottles, lead balls and smoking flares, the police incident commander, Capt. Larry Graham, decided to revoke the march permit.

"This one got unruly pretty quick," Marshman said. "We were afraid we couldn't protect the permitted marchers so the incident commander made the decision to shut it down. And, the only way we could do that was with our loudspeaker system."

As marchers at the front of the pack continued to wind west onto Southwest Pine Street from Second Avenue, police commands were issued from the back of the group on Second, urging families and children to leave the area.

Then, police had to be quick to respond to other violence – from the bonfire set in the middle of Southwest Morrison Street and Fourth Avenue – to the breaking of Target's large glass pane windows and the throwing of a lighted flare into the store, the chief said.

"In fairly short order, we arrested 25 people, and that seemed to take the wind out of their sails," Marshman said. "It started fast, and it ended fairly fast."

Unlike the Inauguration Day protests, when police repeatedly fired tear gas and sting-ball rounds, officers Monday used only aerial distraction devices called flash-bang grenades, police said.

Officers were able to quickly move in and arrest those committing crimes as they were in smaller groups by the time the march was shut down, Marshman said. Officers are instructed that if they can safely move in to make arrests, they should do so, the chief said.

In the future, Marshman suggested that perhaps the Multnomah County District Attorney's Office, working with the mayor's office and police, should be firmer with more severe sanctions for those who commit such violence during protests.

Regardless, police will be work to determine who was responsible for throwing the flare into the downtown Target. "That's a serious offense. That's first-degree arson," Marshman said.

"Is a big fire at Fourth and Morrison OK for the people of Portland, once or twice a year?" he said. "I think the community should have a say."

Portland May Day march organizers criticize police response

*By Samantha Matsumoto and Allan Brettman
May 2, 2017*

Some organizations participating in downtown Portland's May Day [march-turned-riot](#) criticized police behavior while a handful of labor unions distanced themselves from the violence and destruction that police say prompted the response.

Participants on Tuesday described an event that began as planned: fiery speeches in Shemanski Park in the South Park Blocks followed by a march that wended along a city-approved prescribed route. No more than 30 minutes into the march, however, police say some in the crowd started throwing rocks at officers.

By about 5 p.m., violence had escalated to the point that police declared a riot. [Nine minutes later](#), officers swarmed a group of protesters near City Hall, effectively ending the riot.

On Tuesday, people who were there pieced together what transpired. No participants endorsed anarchists' actions – setting a fire in a downtown street, vandalizing two police vehicles and breaking windows of downtown buildings – but none directly blamed anarchists for the eruption of violence.

The police response was unnecessary, said Romeo Sosa, executive director for [Voz Workers' Rights Education Project](#), which obtained permits for the Shemanski Park speeches and march through downtown.

Though only a small group of protesters were violent, police unfairly intimidated the entire crowd, Sosa said. "Why did they intimidate all of us? It was not all of us."

Organizers were frustrated that the violence overshadowed what Sosa said was months of planning for a peaceful event.

"Overall, our message is to be in solidarity with International Workers' Day," Sosa said. "I feel frustration that the message is mixed up with the violence. That is not the message we wanted to tell the community."

Portland Police Chief Mike Marshman on Tuesday praised his officers for quickly containing unruly agitators who disrupted the peaceful march.

"(Officers) were vigilant. They were aware of what was going on around them and kept people safe. They protected property as best as they could," the chief said. "They took control of a pretty contentious situation. They did their jobs, and they did it well."

A member of Black Rose, a local anarchist group and one of the march's organizers, said on the organization's Facebook page that police use of force instigated violence that hadn't been happening. But the group was not surprised by police tactics, the anonymous member said.

"It seems like the Mayor's office and PPD have wanted to send a message that community organizing will be responded to with violent force, and the violence of May Day was almost entirely on the side of the police," the member said.

The May Day protest was yet another that has taken place in Portland since the election of President Donald J. Trump that has featured officers in riot gear who resorted to using less-than-lethal tactics to break up a demonstration.

Karen Hixson, an organizer with Mental Health Providers Unite!, saw a peaceful group when she got to the rally at noon. Families, people with disabilities and the elderly were among the crowd.

The only negative experience she had before the march was with police officers who confiscated her signs because they were on large poles, she said. The officers told her the poles could be used as weapons.

That immediately raised red flags for Hixson, she said. It suggested that police were preparing for violence even when there was no sign of it, she said.

Hixson was near the front of the crowd when she heard police giving commands from the back of the group. She could not hear what they were saying, but protesters passed the message through the crowd: The march's permit had been revoked.

Hixson was shocked. She had not seen any violence among the crowd.

Shawn Fleek, the community engagement coordinator for OPAL Environmental Justice Oregon, also saw no hint of violence when the group – estimated by police to be 600 to 700 people -- began to march.

But things changed suddenly when police arrived in riot gear and told demonstrators the march's permit had been revoked, he said.

"I've never seen the energy of a march change so quickly," he said.

Other organizers criticized what they called poor communication by police during the march. The organizers had appointed a police liaison before the march, but police did not contact the liaison when they revoked the permit, organizers said.

Several organizers told The Oregonian/OregonLive on Tuesday they did not observe violence from protesters from their positions near the front of the march. Reporters with The Oregonian/OregonLive saw some protesters near the back of the crowd throw glass bottles, road flares and other objects at officers but observed no violence at the front.

Regardless, the Portland chapter of Industrial Workers of the World also was highly critical of the police response.

"The Portland Police Bureau's use of violence against workers and their families -- as well as the children who were in the crowd celebrating the holiday with their parents," said the written statement sent by Ryan Scott, "is a travesty and a violation of both human rights, as well as the right to peaceful assembly."

Organized labor officials contacted by The Oregonian/OregonLive, however, were less critical of police in their post-event analysis.

"The rally at the park and for about half the march went fantastic," said Ben Basom, director of organizing and communications for the Pacific Northwest Regional Council of Carpenters, who marched with about 25 others from the union. "What happened after that, I can't comment."

Basom said he saw nothing that would have characterized the event as a riot, but he and about 25 others from the union left immediately after hearing police had made that declaration.

The two locals representing about 65,000 members of Service Employees International Union in Oregon can't endorse anarchists' general condemnation of government, said Felisa Hagins, political director for SEIU Local 49, the smaller of the two locals along with Local 503.

"We are a union who have a lot of public-sector workers," she said. "Fundamentally we believe in government ... free speech and the right to assemble."

While the Oregon AFL-CIO was not among the 50 organization listed on a Facebook page as sponsors of the May Day event, several people affiliated with the organization likely were at the event, a spokesman said.

Oregon AFL-CIO President Tom Chamberlain issued a statement saying, "It was inspiring to see thousands of Oregonians gather peacefully yesterday but it is unacceptable to have a small group of individuals disrupt what would have been a peaceful march in Portland. My hope is for future demonstrations to be peaceful, respectful, and a way for all workers to speak up without fear of events devolving into senseless violence and vandalism."

Portland Mayor Ted Wheeler hopes to maintain help for homeless, increase spending on roads

*By Jessica Floum
May 2, 2017*

The city of Portland is in the enviable position of having \$12 million more to spend in the coming year than it needs to continue all current programs and services. And Mayor Ted Wheeler announced Monday that he wants to spend two-thirds of it, or \$8 million, to address homelessness.

The mayor wants to earmark those millions for shelters, temporary housing, and permanent housing with support services.

That would be on top of the \$17 million of funding the city has already committed to spending each year on Portland and Multnomah County's joint homeless office. The mayor also recommended that the city's housing bureau contribute \$1.7 million of its regular funding stream to help the joint office fund efforts to temporarily and permanently shelter Portland's homeless.

Because the current city budget also provided significant one-time funding to help house the city's homeless, total city contributions to the joint office homelessness would rise just \$600,000 under the mayor's proposal. Current city contributions total \$24.4 million. Wheeler is recommending \$25 million in the next budget.

Overall, Wheeler recommended the city spend \$516 million of general funds next year. That is a 3 percent increase from the city's current budget of \$501 million, according to City Budget Office Director Andrew Scott.

In January, the mayor asked the city bureaus to propose \$15 million worth of cuts in order to balance the budget while allowing him to add spending on new or expanded initiatives, including combating homelessness.

He recommends the City Council make some of those cuts, including eliminating the Portland Police Bureau's Mounted Patrol and cutting funding from the Bureau of Environmental Services' tree program.

Wheeler hopes to place four park rangers on the Springwater Corridor and parks in East Portland to make sure the areas are usable, he said. The mayor also said he plans to coordinate with other jurisdictions to keep the city's corridors and parks clean.

"It's unacceptable when kids go on an Easter egg hunt and they find more needles than eggs in a public park," Wheeler said. "There are some real public safety concerns."

While the mayor plans to invest heavily in homelessness, when it comes to growing the supply of affordable housing, he's looking toward the private sector.

"There is no way the public sector has the resources to close that gap," Wheeler said.

Wheeler's proposed budget calls for spending \$1.4 million less on rental rehabilitation than the city devoted to such upgrades this year.

Rather than invest significant dollars in building housing, the mayor plans to focus on making it easier for the private sector to do so by working through kinks in the building permitting process, especially in design review, he said.

"The private sector must be able to do its thing," Wheeler said. "That means keeping costs low. That means reducing the hassle factor in permitting."

In January, the mayor directed the Housing Bureau to halt spending from a voter-approved \$258 million housing bond so that the council could convene a bond oversight committee and a set a framework for future spending. The City Council has since selected a committee, and the housing bureau is working with a stakeholder advisory group to develop a framework, Housing Director Kurt Creager told The Oregonian/OregonLive last Wednesday.

If Wheeler has his way, the City Council will make [a \\$50 million investment in fixing Portland's roads](#) and other infrastructure by bonding against expected revenues from Portland's urban renewal areas. The mayor proposed dedicating \$2 million in the coming year and in subsequent city budgets to pay the interest on the bond debt.

He plans to further invest in earthquake and other disaster preparation by adding \$350,000 to the Bureau of Emergency Management's budget to expand the neighborhood emergency training program.

However, Wheeler's proposed investments in the Portland Bureau of Transportation's storm planning fall significantly short of what the bureau requested. The mayor proposed spending \$330,000 on storm and ice weather response even though the bureau requested \$2.8 million. The bureau spent \$2.2 million [to remove snow, ice and debris](#) and repair roads after January's snowstorm.

The mayor likely intends to rely on contracts with local companies to help expand the city's storm response as needed, bureau spokesman Dylan Rivera said.

"The mayor's got tough decisions to make, and we're going to make the best use of limited resources we have," Rivera said.

As for the Portland police, the mayor's budget proposes cutting funding for body cameras from \$1.7 million this year to just \$500,000 next year. The city has yet to purchase any body cameras despite public pressure to do so. The City Council decided last year to hold off on purchasing the technology until they worked through policy addressing privacy and other concerns.

The mayor also recommended eliminating the Portland Police Bureau's five-officer mounted patrol, cutting its \$1 million budget, spent mostly on officer pay and benefits.

"The bottom line is it's not a good use of our public and safety resources," Wheeler said.

Instead, the mayor's proposal calls for [spending \\$1.2 million on a pilot program in the police bureau](#) that would enlist 12 "community service officers" to communicate with the public and work on "proactive community police work."

The mayor also proposed cutting almost \$1 million from the Bureau of Environmental Services' tree program.

Following pressure from vocal parents and community members at the city's budget forums, Wheeler proposed continuing funding for [Parks & Recreation's educational preschool program](#) that serves 600 families at a cost of about \$690,000 per year.

"This is an important program," mayoral spokesman Michael Cox said. "It's a popular program." Although Wheeler proposed funding the program for the next year and a half, he believes it's more appropriate that the state fund early childhood education, Cox said.

Each year, the city is required to spend at least 50 percent of any surplus funding on infrastructure. For the coming year's budget, that will mean spending \$9.2 million on roads, buildings, parks and other capital projects. Wheeler proposed spending \$5 million of that on making Portland sidewalks accessible to non-abled bodied people and \$1 million to preserve several reservoirs on Mount Tabor as non-working historic adornments. He also proposed spending \$950,000 on traffic signal reconstruction and \$778,000 to renovate City Hall's exterior, which Scott says is in danger of falling on people on the sidewalk.

"This is the best opportunity we have as a city to focus our limited resources on things that will make a real difference on the lives of people in Portland," Wheeler said. "My proposed budget represents the culmination of many difficult choices."

The City Council will debate the mayor's budget proposed cuts and funding in public budget hearings over the next month. The City Council won't adopt the budget until June 8, after a tax hearing and utility rate reviews.

"We'll hear from the public and undoubtedly make changes," Wheeler said.

Vote 'yes' for Portland auditor independence; lodging tax amendment: Editorial endorsement

*By The Oregonian Editorial Board
May 3, 2017*

Measure 26-189: YES

There's a good reason that no one has come out to oppose a measure on the May ballot to grant the city auditor greater independence: It's because [Measure 26-189](#) is the easiest yes that voters have been asked to make in a long time.

The measure, spearheaded by City Auditor Mary Hull Caballero and forwarded to the ballot unanimously by the Portland City Council earlier this year, would amend the city charter to give the auditor greater control over internal functions and the budgeting process to help protect its role as an independent watchdog of the rest of city government.

Among other things, a yes vote would authorize the auditor to seek independent legal advice instead of relying on the City Attorney's office; handle its own human resources and contracting decisions; and submit a budget directly to the Council as opposed to leaving that to the city's budget office. The proposal would also formally establish in city charter the office of the ombudsman, which investigates citizens' complaints about city government.

These are not big asks, but they are important ones, particularly considering the many ways the auditor's office is tasked with keeping city government honest. Among its many duties, the office conducts performance audits of city programs; manages the lobbyist registration program; conducts administrative hearings into citizens' challenges to towing, land-use and other city actions; investigates citizens' complaints about police through its Independent Police Review division; and considers Portlanders' complaints about other city bureaus through the ombudsman's office.

Those tasks provide many ways for the auditor, who does not have a vote on the City Council, to rub commissioners the wrong way. In Portland's form of government, commissioners fill both a legislative role in setting policy and adopting budgets, as well as an executive role by serving as the head of assigned city bureaus. It's not too hard to imagine a commissioner, wounded by a critical audit of his or her bureau, happily backing a proposal to cut the auditor's budget, especially if it means more money for his or her bureaus.

But you don't even have to imagine it. Former Mayor Charlie Hales in 2016 demanded that only one of the city's six elected officials - Hull Caballero - show how [her office would absorb a 5 percent cut](#). This wasn't due to declining revenues - a burden that Hull Caballero agrees her office should share - but rather because Hales wanted more money to spend on his priorities.

Ultimately, Hull Caballero's office took a much smaller cut than 5 percent, but the point was obvious: Her office is vulnerable in a way no other elected office is.

These kinds of critical reviews of city bureaus, conducted without fear of retribution and with the public's welfare in mind, can help build confidence in city government - provided bureaus address the problems. The public recognizes that government can make mistakes. It's the response that matters.

Portland's mayor and City Council deserve credit for [their unanimous vote](#) to send the auditor's independence proposal to the May ballot. Such a show of support reflects well on their commitment to accountability.

Hull Caballero, former city auditor LaVonne Griffin-Valade and those before them have stood up for the public by pushing city government to be more open, more transparent and more accountable. Voters can show their appreciation by building into the charter the protections needed for the office to continue doing its work fearlessly. More accountability for Portland city government? Check 'yes.'

Measure 26-194: YES

This measure, which would amend the city charter to allow the city to collect lodging taxes from online booking agents, is also an easy call. Portlanders should vote yes on [Measure 26-194](#) to ensure that guests booking rooms or houses on HomeAway Inc. and similar sites pay the tax just as they have at traditional hotels and motels for decades.

The need for this measure stems from a federal court decision in a lawsuit between the city and online booking agent HomeAway, in which the judge agreed with HomeAway's assertion that it wasn't an "operator" under the 1970s-era city charter provision that obligates collection of the city's lodging tax.

It should be noted that HomeAway's competitors, including AirBnB, have been collecting and remitting the lodging tax on behalf of homeowners who rent rooms or houses to guests on their platforms. Voters should support the measure and tell HomeAway that it's past time to join the rest of the crowd.

The Portland Tribune

Wheeler's proposed budget draws praise, criticism

By Jim Redden

May 2, 2017

Although Mayor Ted Wheeler's first proposed budget was well received within City Hall, not everyone is thrilled with all of it.

Commissioner Nick Fish said Wheeler had many conversations with the other City Council members before releasing the proposed budget and it reflects their shared values.

"The mayor wants to make his mark on reducing homelessness and improving infrastructure, and those our priorities we all share," says Fish.

But supporters of the Portland Police Bureau's Mounted Horse Patrol are disappointed Wheeler wants to eliminate it to save \$1 million. He is also proposing to hire and train 14 unarmed community service officers to respond to low-level calls, freeing up time for officers to engage more with the community. The CSO program would cost \$1.2 million.

"He wants to eliminate a unit proven to enhance community relations and prevent crime in order to fund a more expensive experiment," says Mounted Horse Patrol supporter Adrian March of the two proposals.

And Maurice Rahming, a member of the Commission on Equitable Contracting and Purchasing, is concerned with a recommendation to merge it with the Fair Contracting Forum in the Office of Management and Finance. The merger is intended to save \$25,000 a year.

Although both the commission and forum are intended to ensure that minority- and women-owned businesses receive their fair share of city contracts, O'Neill says the commission is in the best position to do that because it was created in 2015 to advise the council on the issue. The commission chided the council last September after reporting that the share of such contracts had dropped from 31 to 30 percent over the previous three years.

"If the forum is going to become a subcommittee of the commission, I can support that. But if the commission is going to be under the forum or be abolished, I will oppose that," says O'Neill.

The commission is scheduled to receive a briefing on Wheeler's exact proposal at its next meeting. Both are currently under Office of Equity and Human Rights. In May 1 email to the commission members, Director Dante James asked them not to make any assumptions until they have heard it. James is also chair of the commission.

To read a previous Portland Tribune story on the proposed budget, go to preview.tinyurl.com/ld8yz2w.

New report says police bureau must disclose cop problems

By Nick Budnick

May 2, 2017

A new report on the Portland Police Bureau highlights a little-known question that has come up in the criminal justice system regularly over the years: When are officers' track records so questionable that they can't be placed on the stand in court to testify?

And when should information about their records be shared with defense attorneys?

The Portland Police Bureau has no policy on those questions, despite more than a decade of tensions with prosecutors around the issue. But it's going to develop such a policy now, after the release of a report by the city's civilian watchdog on police, the Independent Police Review Division.

The report found that unlike many other police agencies, the bureau has no policy or training in place to comply with the landmark U.S. Supreme Court case *Brady v. Maryland* issued more than 50 years ago. The *Brady* case found that evidence supporting the innocence of a defendant must be shared by the prosecution — a finding that has been expanded to include information undermining the credibility of the government's witnesses, such as police officers.

"Given the Police Bureau's obligation to engage in constitutional policing, the lack of a *Brady* policy undermines public trust in the Police Bureau and the City," said the report issued by IPR Director Constantin Severe.

Now, the Portland police bureau will within 90 days develop a policy to comply with *Brady* and related court rulings, Portland Police Chief Mike Marshman said in a letter responding to the report.

The union representing officers, the Portland Police Association, is not happy about it. Daryl Turner, president of the PPA, said that any *Brady* policy should be a matter of collective bargaining between the union and management. He said the IPR report "misses the mark."

The report on *Brady* highlights an inherent tension between prosecutors' ethical obligation to disclose information creating doubts about a particular officer, and the officer's own right to due process before being publicly branded unethical.

The issue has long sparked friction between two offices that are supposed to be close allies.

"You're always going to have tension between police and the DA," says John Bradley, a former top prosecutor in the Multnomah County District Attorney's office.

For years, the district attorney's office has circulated information internally about local police officers whose ethics or truthfulness prosecutors have developed questions about, so that prosecutors were aware that using them at trial could create problems.

Prosecutors even created what amounted to an informal list of such cops, based in part on questions raised by investigations that prosecutors had assisted with.

"We had a situation where we had people who we had been involved with in the criminal investigation of them so ... we just didn't have any confidence in their reliability. So we just had to do something about this independent of the police bureau," said Norm Frink, another top prosecutor under former District Attorney Michael Schruck. "Obviously we had different considerations than they did, and were subject to different rules than they were."

Currently, the list includes only two active Portland officers, both convicted of reckless driving and driving while intoxicated.

But in the past, it's included officers whose many transgressions fueled criticism about how hard it's been for the bureau to remove problem police officers, like Joe Hanousek — who spent a least six years on the list while an active cop.

In 1996 a ham radio operator overheard a conversation in which Hanousek appeared to be giving a prostitute a heads up on sweeps planned by the bureau in exchange for a promise of sexual favors. Hanousek denied the allegation.

Then, in 1997, Hanousek's partner, Steven Regalado, was arrested for pressuring criminals to help him sell drugs he had stolen while working. Two cops came forward to say Hanousek told

them he'd been aware of Regalado's activities and had warned him he was not smart enough to pull it off.

Then another cop said in a sworn deposition that Hanousek probably "stole the most" in an police overtime fraud case dubbed Centralgate.

Despite several other mishaps, Hanousek lasted as a cop until 2012, when he resigned over an incident in which witnesses said he dropped his gun at a bus stop, causing it to be discharged. Hanousek denied that the gun went off.

The prosecutors' list puts police management in a tough spot, as it essentially keeps that officer from being used to make arrests.

Bradley, the former prosecutor, recalls many years ago getting an angry call from the chief's office about one officer who prosecutors weren't using, essentially asking what the bureau was supposed to do with the officer.

But significantly, the list kept by local prosecutors was limited to cases of questionable behavior that they knew about.

Subsequently, improvements in record-keeping and government transparency have made it more difficult to hide cases of alleged police misconduct, which in turn has fueled the national debate around Brady compliance.

The new report from IPR says one of the obstacles to sharing information from officers' disciplinary files has been the city's contract with police, which requires that the city discipline officers in the manner "least likely to embarrass" them.

City Hall Update: Portland may subpoena Uber over 'Greyball'

*By Jim Redden
May 2, 2017*

Portland may subpoena Uber over its use of a software tool to evade city regulators before a pilot program allowing it to operate in town was approved by the City Council.

The issue came to light through a New York Times article about "Greyball," a technology which Uber utilized to skirt local regulators around the world. After it was published, the City Council authorized the Portland Bureau of Transportation to conduct an audit of Uber and the other so-called Transportation Network Companies (TNC).

In an April 27 memo, Commissioner Dan Saltzman says Uber has since refused to provide information about the technology to the city. No other TNC used such technology to evade regulation, Saltzman said.

Council OKs affordable housing but wants to do more

On Wednesday, the City Council granted 10-year property tax exemptions to seven new apartment buildings where developers agreed to make 20 percent of the units affordable.

Commissioner Nick Fish said they will not do much to ease the affordable housing crisis because in five of the buildings, the units must only be affordable to those earning 80 percent or less of the median family income. In the other two, the limit is 60 percent or less.

The program the developers qualified for was passed well before the current crisis, however. Since then the council has focused much of its efforts on creating housing that those earning 30 percent or less of the median income can afford.

Willamette Week

Mayor Ted Wheeler Proposes Spending Less This Year on Homeless Services

By Rachel Monahan

May 2, 2017

During his 2016 campaign, Portland Mayor Ted Wheeler made a high-profile pledge to ensure a shelter bed for everyone living on Portland streets by the end of 2018.

In announcing his first proposed budget more than a year later, Wheeler insists he's living up to that campaign promise.

"My budget makes the largest ever investments to address homelessness, by investing more than \$25 million to the Joint Office of Homeless Services, matching the county's generous commitment," said Wheeler on May 1.

But budget documents show that the investment he's proposing is not a record—it's roughly \$300,000 less than the city contributed last year—and none of it is dedicated to adding shelter beds.

Budget documents and memos from the county and city show Wheeler's budget may cause a reduction in shelter beds.

Instead, he's dedicating more funds to sweeping homeless camps and cleanup.

Before the mayor's budget is approved by City Council, Multnomah County officials are asking the mayor and commissioners to reconsider.

"I'm hopeful that the other commissioners and members of our community will push for more funding to address this emergency," says County Chair Deborah Kafoury. "The amount that the county funded, and the amount the joint office asked for, was necessary for keeping all the shelter beds we have available open."

The mayor is also proposing to give the Joint Office of Homeless Services \$2.6 million less than the joint office requested. About \$1.7 million of that request was needed to maintain the current number of beds, according to a memo that Marc Jolin, executive director of the joint office, sent to the mayor's chief of staff among others on April 12.

"Without the city's contribution, we will not lose all the available capacity, but we will have to close some existing year-round shelters for women, DV, or families, and/or not open temporary low-barrier shelter for vulnerable adults," the memo says.

The mayor's office offered a competing picture of the budget.

"Last year's appropriation included one-time mid-year funding for projects that were one-time in nature (capital expenses, reimbursement for one-time Springwater clean-up costs), which bolstered the year's budget but are not expected to be needed again," says Cox.

Instead, the mayor announced other priorities. He's spending nearly \$1 million more than in previous years cleaning up and sweeping homeless camps.

At his budget announcement, the mayor denied knowing how many shelter beds would be created with his proposed budget, but said he expected to see an increase.

"I don't have a firm number, and it sort of depends," Wheeler said. "Keep in my mind, I'm only one partner in the joint office. There is no question in mind that we need alternatives to people living under overpasses, in parks, in doorways, so my strong vote would be for a significant expansion of emergency shelter capacity in this community."

But according to a April 12 memo, the \$2.6 million for the joint office that the city opted against providing was meant to cover the cost of helping 160 people living in shelters find more permanent housing along with continuing the funding for either 198 beds in year-found shelters or 420 beds in winter shelters, according to the memo from joint office director Marc Jolin and obtained via a public records request.

It's unlikely the need for shelter beds has gone down.

The city and county are short by more than 1,000 shelter beds, assuming that the number of homeless people in Multnomah County has not changed in more than two years since the last initial official count. But it's likely the number of homeless people has spiked, according to early indications. The next official count is due out as soon as late May.

As Jolin himself has explained, there's an argument against spending money on shelter beds. Every dollars spent on a shelter is money that can't be spent on creating or helping people stay in actual homes.

But as OPB noted on Monday, the mayor proposed no new funding for creating affordable housing—a somewhat surprising choice given that Wheeler made housing a central issue of his campaign and has chosen to oversee the Portland Housing Bureau himself.

The mayor says he's creating affordable housing by convening an oversight committee for a bond voters approved in November and working to reduce the permitting costs for developers.

The dispute over whether Wheeler should dedicate more money to shelter comes as the city and county jockey over a partnership created by Kafoury and former Mayor Charlie Hales.

Last year, the city contributed \$25.3 million to the joint office, the first year the city and county combined resources to address homelessness, including investments throughout the year.

Both the county and the city pledged to provide at least \$15 million the first year of the joint office's existence, with a 2 percent increase each year. But last year the county and city invested far more.

This year, Kafoury has proposed a substantial increase in the county's budget, roughly \$25 million. City budget officials said the county's contribution means there won't be a loss of services, a matter of dispute.

In a meeting last month of the executive committee for a Home for Everyone, which is the board overseeing homelessness and housing across the county, the mayor laid out his desire to shift some of the city's funds in responding to Portlanders' complaints about homelessness, such as needles and garbage.

"My budget as mayor not only has to reflect the the good work that's being done through this effort but if we're not going to address those other public health and public safety issues, I've got to reserve some of my budget to address those issues, because that's frankly what I'm getting the calls about," said Wheeler. "I don't think we can ignore community standards. [But] I don't think they're telling us to stop making those investments."

If his budget passes, Wheeler will expand on the system Hales created for addressing homeless camps. Complaints go to Office of Management and Finance, who in turn coordinate efforts to sweep and clean up campsites.

The logic of that organizational choice is that OMF, with no specific connection to homelessness, is charged with overseeing the city's properties, even if the issue obviously isn't limited to city properties.

The mayor plans to add \$952,000 to do more cleanup work out of OMF as well as \$364,000 to the parks budget for four parks rangers to help maintain the Springwater Corridor and another \$152,000 toward more rangers operating in downtown.

Commissioner Nick Fish praised the mayor's proposed budget but said he expected to see a robust discussion on whether to expand the funding to "end homelessness," including using \$4 million in city reserves.

"Where we're going to have to take a closer look is how we align with the county and a Home for Everyone," Fish says, without taking a position. "Are there enough resources in the budget to move people from homelessness into housing?"

The Portland Mercury

The Pepsi Generation

By Doug Brown

May 3, 2017

More than smoke, or fire, or shattered glass, the streets of Portland on Monday were bathed in Pepsi.

The corporate soda giant, whose universally panned advertisement recently attempted to bridge the gap between police and protesters via a pretty model and a cold can of brown sugary liquid, was again the topic du jour that afternoon—and not for its peace-bringing abilities.

A handful of anarchists and other anti-capitalists hurled cans of the drink, along with a few glass bottles (which police may be calling Molotov cocktails) and smoke canisters toward cops

In Portland we respect peaceful protest, but we do not and cannot support acts of violence and vandalism. That's not political speech. That's crime.

Last night was another chapter in a story that has become all too familiar in Portland: Protests that begin peacefully but devolve quickly due to the actions of those whose only desire is to damage people and property.

I want to thank the Portland Police Bureau for doing a tremendous job under very dangerous circumstances. They reacted swiftly and effectively to minimize incidents of violence and vandalism when they occurred.

Today I'm going to reach out to downtown businesses that were damaged yesterday. They play a vital role in the economic life of our community and they have my support.

keeping an eye on them from the rear of a large, permitted May Day march through downtown streets.

It was all the Portland Police Bureau (PPB)—on edge after repeated demonstrations in recent months—needed to see to shut down the rest of the march.

“THE PERMIT FOR THIS MARCH IS CANCELED,” a police loudspeaker blared over the sound of drumbeats. “THIS IS AN UNLAWFUL ASSEMBLY BASED ON THE VIOLENCE OF THE CROWD. WE ARE ADVISING FAMILIES AND PERSONS WITH SMALL CHILDREN TO LEAVE THE AREA EXPEDITIOUSLY.”

Not long afterward, the event got a new label from cops:

riot.

Over the next hour, downtown Portland was a frenzy of flash bangs and damaged property. In the largest show of destruction since the vandalism that followed Donald Trump's election in

November, anarchists smashed windows of stores and government buildings, defaced a police SUV (“ACAB,” for “all cops are bastards”), and set fire to newspaper boxes, traffic cones, and other debris in the street.

Squads of armored officers from the police bureau and sheriff’s office donned gas masks, set off grenades, shot “pepper balls,” and swept the streets of protesters, onlookers, and journalists before eventually arresting 25 people.

“In Portland we respect peaceful protest, but we do not and cannot support acts of violence and vandalism,” Mayor Ted Wheeler said in a statement Tuesday morning. “That’s not political speech. That’s a crime.”

Wheeler, who said the PPB did “a tremendous job under very dangerous circumstances,” wrote that the clash “was another chapter in a story that has become all too [sic] familiar in Portland: protests that begin peacefully but devolve quickly due to the actions of those whose only desire is to damage people and property.”

Monday marked the largest May Day event in Portland in years—no doubt fueled by still-raging anger at Trump’s presidency, but also by recent police responses to demonstrations. The “anarchist” gathering on Monday had been planned for a while, with an online flier circulating since at least March.



PEPSI *An anarchist tries to hand a can to a cop.* DOUG BROWN

“THIS IS OUR TIME,” the flier read. “TO LOVE TO MOURN TO RESIST. THIS MAY DAY WE FIGHT BACK FOR THE EARTH, FOR OUR FRIENDS AND FOR OUR DIGNITY. WEAR BLACK.”



Three of 25 people arrested Monday—two were 17 years old, and one 14—were booked on felony riot charges. The rest aren’t accused of vandalism or violence—at least not yet. Most face charges of second-degree disorderly conduct, a count that rarely sticks for demonstrators, but is often used by police to clear the street. Two people were booked additionally on a charge of interfering with a peace officer, also known as IPO.

That could prove interesting. Monday’s protest was the first major demonstration since the [Oregon Supreme Court neutered the way police have frequently used the IPO charge](#), ruling that “passive resistance” (not physically resisting or running away) isn’t grounds for arrest under that law.

It was clear, though, that not all Portland police officers were aware of the ruling.

In trying to dissuade the Mercury from photographing arrests near City Hall, one officer said, “If I say you have to do something, you have to do it. That’s the way it is. I can arrest you right now for IPO if you don’t leave the block.”

The [Portland May Day Coalition](#), which organized the march and secured the permit from the city, criticized the police response. The group said on Facebook that the PPB lied about Molotov cocktails being thrown, came into the crowd unnecessarily, and “arbitrarily” revoked the march permit.

“There will be a lot of articles about the ‘march turning violent,’ the group wrote on Facebook, “but make no mistake, the PPB attacked a permitted march whose only goal was to keep moving along its planned route because some noisemakers and name-calling were enough of an excuse for them to use their large surplus of explosives and chemical weapons against those who had committed to rise, resist, and unite against fascism and capitalism.” (The Mercury witnessed some projectiles being launched at police prior to the march’s cancellation.)

If recent history is any indication, the district attorney's office likely won't prosecute a good chunk of the disorderly conduct charges against demonstrators who don't have extensive records. Most will probably receive traffic tickets for being in the street after the permit revocation. The police will comb through video footage to try to identify black-masked vandals, they'll post screenshots online and ask you to help identify them; a few will be charged with felonies.

And, later, there will be more protests.

Hall Monitor: The Best Budget Fights, A Preview

By Dirk VanderHart

May 3, 2017

FORGET ABOUT the horsies.

Sure, Mayor Ted Wheeler's inaugural city budget, unveiled Monday, slashed funding for the cops' much-fought-for Mounted Patrol Unit. And sure, that's going to lead to grousing as the budget marches toward final passage. Who knows? The horse cops might even avoid demise (again) before all is said and done.

But for my money, there are more compelling sticking points in the largely uncontroversial \$515.6 million [spending plan](#) Wheeler laid out this week. Let's take a look.

Build Portland

As previously [discussed in this column](#), Wheeler has got a bold vision for dumping unprecedented money into Portland's crumbling infrastructure.

By tapping property tax money that'll soon be released from expiring "urban renewal areas," Wheeler says the city can pour \$600 million into fixing roads, bridges, parks, and more in the next 20 years, without raising taxes. He's calling it "Build Portland."

But Wheeler might find some resistance to his plan.

That's because the urban renewal money that will be coming back to city coffers has been used to fund the bulk of Portland's affordable housing initiatives. Currently 45 percent of urban renewal money goes to housing.

The city won't see all of that when the cash begins flowing back—other governments get some, too—but Wheeler's plan raises an obvious question: Are we simply going to turn the money away from housing?

As former transportation Commissioner Steve Novick told me: "It would never have occurred to me to suggest what Wheeler is suggesting, because I couldn't imagine transportation winning a big fight with housing."

That's why a "budget note" Wheeler's proposing could draw flak. It would direct budget staff to assume that the city will bond for infrastructure every five years or so. Commissioners may want to derail those assumptions.

Money for Homelessness

The budget, Wheeler was keen to point out, invests \$25 million in the county's Joint Office of Homeless Services—the same amount Multnomah County is putting in.

If that seems simple, the complex interplay between the two governments makes it anything but. There is ire in the county building that Wheeler didn't raise the city's investment in homelessness by millions this year, as the county did.

County documents suggest Wheeler's decision will jeopardize shelter beds and other services. Will the mayor stand his ground or concede more cash is needed?

Open and Accountable Elections

Remember the public campaign financing system Commissioner Amanda Fritz [won passage for in 2016?](#)

It doesn't begin until 2019, but was supposed to be funded by \$1.2 million this year. Wheeler is instead pressing to use that money elsewhere. That surprised Commissioner Chloe Eudaly's office, which would likely be tasked with setting the system up. And it raises questions about whether Wheeler—a skeptic of the program—wants to shepherd it going forward.

Fritz's office didn't return our inquiries on this, but Eudaly's folks are showing concern. Don't be surprised if this comes up as council moves toward a final budget.

The Portland Business Journal

25 arrested as Portland police deem May Day incidents a 'riot'

*By Andy Giegerich
May 2, 2017*

Portland Police said yesterday's [May Day](#) rally and march "devolved into a riot" after a small faction of participants began destroying properties and setting fires in the street.

A total of 25 people were arrested and variously charged with disorderly conduct, riot, arson, vandalism, theft and assault, according to a police bureau release.

Among other actions, windows were broken throughout downtown, including at the Target at Southwest 10th Avenue and Morrison Street. Anarchists spray-painted logos at Portland City Hall and other structures.

KGW, a news partner of the Portland Business Journal, aired live footage of small fires that were set in intersections.

The police bureau said rocks and projectiles were launched at officers and paramedics. A full Pepsi can struck a Portland Fire & Rescue paramedic working with the Portland Police Bureau's Rapid Response Team.

"Shortly after that, the situation devolved into a full-scale riot with random acts of vandalism to downtown businesses, cars, and public and private property," according to the bureau.

"Various fires were set in the street and in garbage cans, a police car was spray-painted and vandalized, and there were attempts to set at least one business on fire. Numerous projectiles were thrown at or launched at police and firefighters including rocks, bottles, ball bearings, fireworks, smoke bombs, and road flares."

The permit for the march was eventually revoked and police urged "law-abiding participants" to leave downtown.

Those victimized during the [May Day](#) incidents are encouraged to call the Police Non-Emergency Line at 503-823-3333 or [filing a report online here](#).