

The Oregonian

City, police gather community input for improved response to protests

By Samantha Matsumoto

March 3, 2017

As the deluge of protests in Portland shows no sign of slowing, police and Mayor Ted Wheeler are working to reduce tensions between the community and police by discussing protest responses, engaging civic leaders and pledging to keep communication flowing.

Since the November election of President Donald Trump, clashes have broken out consistently, with crowds disrupting downtown transit, blocking streets and [shutting down City Council meetings](#).

Some have criticized the Portland Police Bureau's response as overly aggressive. Officers in riot gear have used pepper spray, tear gas and non-lethal shots on protesters and made scores of arrests. The ACLU of Oregon has been a vocal critic of police's enforcement tactics, [most recently](#) calling those used during a [Presidents Day protest](#) "indiscriminate violence" that was "shameful."

Wheeler [last week called](#) for police to "create a more positive space for expression and emphasize tactics that de-escalate tensions," and he and Police Chief Mike Marshman have begun meetings with community leaders.

Last Friday, they discussed police tactics and crowd control policies with the ACLU of Oregon, the Portland chapter of the National Lawyers Guild and Oregon Lawyers for Good Government. Wheeler met this week with Portland NAACP President Jo Ann Hardesty and plans to have more community meetings in the future, said mayoral spokesman Michael Cox.

The effort is a good start, said Mat dos Santos, legal director for the ACLU of Oregon, but more progress still needs to be made.

"The existence of (Friday's) meeting is not necessarily a sign of progress. Neither the Mayor nor the Police Chief committed to anything concrete," dos Santos said in an email to The Oregonian/OregonLive. "We remain hopeful about working with the Mayor and the Chief, but in order to get resolution we will need to see meaningful and sustained change."

Cox agreed, saying the community meetings are just the first step in the process to de-escalate tensions.

"It's an important first step," he said, "but it can't be the only step."

Protest leaders say police also need to have more open communication to hear their concerns and stop escalating situations by sending police in riot gear to protests.

Some tangible progress has already been made, Cox said. There was no police presence when a protest [shut down a City Council meeting](#) Wednesday.

Wheeler raised concerns to Marshman after a Presidents Day protest, questioning some of police's tactics during that protest, including arresting protesters after they were on the sidewalk.

"I didn't think that was the right time to do an arrest," Wheeler told a crowd outside the council meeting Wednesday. "I felt that was something that could have been done later. Things were de-escalating, and from my perspective, it looked like things escalated a bit."

For their part, police are constantly in the process of evaluating and re-evaluating their tactics during protests, said spokesman Sgt. Pete Simpson. After each protest, officers discuss decisions and what could be improved.

Finding the right balance can be difficult, Simpson said. After protests in November resulted in more than \$1 million worth of property damage, police were criticized for not taking more action, Simpson said. Now, they are being criticized for responding too harshly, he said.

"That puts us in a really tough position sometimes of having to balance the need for enforcement and the desire to protect and defend the free speech rights of people," he said.

Police are currently reviewing suggested revisions to the bureau's crowd control policy from the ACLU of Oregon and other community members, Simpson said. The suggestions will be reviewed by experts on crowd control before they can be implemented, he said. As part of a federal settlement agreement, the U.S. Department of Justice will also review the bureau's crowd control policy.

"It's a process, and it's not a fast process," Simpson said. "That doesn't lend itself to, maybe, faith that the bureau is really looking at it. But we do before enacting the policy."

Police have not identified any one solution to better handle protests because each situation is unique, Simpson said. However, officers are working to communicate more with organizers before the demonstration. If they are unable to do that, officers try to identify leaders and have conversations during the demonstration, Simpson said.

By communicating with organizers, the bureau hopes to find a solution so that police won't need a large presence at protests, Simpson said. The department understands that many protesters don't want officers at their events, and responding to protests is taxing for the already understaffed bureau, he said.

"If we don't have to be there because it's self-policed or well-managed, that's a victory for everybody," he said.

Activist leaders, however, say that they already self-police their demonstrations, but are still met with force.

Teressa Raiford, founder of the police accountability activist group Don't Shoot Portland, has seen its demonstrations met with pepper spray and police in riot gear, a reaction she said is unwarranted. Police presence is unnecessary at a protest organized by a well-known group like Don't Shoot Portland, she said.

"There's no need for excessive force at any type of public assembly, especially when they are by relatively well-recognized organizations," Raiford said. "It undermines our constitutional rights. To me, it doesn't make sense."

Gregory McKelvey, a leader for activist group Portland's Resistance, criticized police statements that if activists didn't block the street, officers wouldn't need to be there. Because his group's marches draw such large crowds, it's difficult for them to stay out of the street, he said.

Marches on the sidewalk also do not draw the same attention as those in the street, he said.

McKelvey [applied for a permit](#) to march to Wheeler's house last week, but canceled the march after the city and he could not agree on traffic safety precautions. When the permit was approved, it only allowed the group to march on the sidewalk and not the street.

McKelvey likely will not apply for a permit again, he said.

"Oftentimes we're protesting our city government, and we can't just work with them to determine how we are going to protest them," he said.

Whether a group has a permit should not affect how police respond, lawyers from the group Oregon Lawyers for Good Government said.

"I think the city and police bureau are not adequately supporting and protecting free speech rights when a protest does not have a permit," lawyer Kimberly Mason said. "They are doing so more when it does. That different treatment is not justified."

Mason hopes the conversations with her group and others in the community will lead to improvements and better relationships between the police and the community, she said.

"We would really like to see our city fully supporting the speech and assembly rights of Oregonians to the fullest extent possible," she said. "We would also like to see the city and police make the efforts and have the chance to re-establish trust in the community that has been eroding over time here."

Mayor Ted Wheeler urges state lawmakers to protect renters

By Jessica Floum

March 2, 2017

Portland Mayor Ted Wheeler pushed Oregon lawmakers Thursday to adopt statewide renter protection measures similar to the ones he and the Portland City Council adopted last month.

He is among a long list of Democrats lobbying for a bill that would repeal a statewide ban on rent control and prohibit no-cause evictions. Preventing "displacement" of vulnerable people was a repeated refrain.

Current eviction rules "put thousands of Portlanders and Oregonians at unnecessary risk of displacement," Wheeler said.

Scores of landlords testified too, pushing back against the notion they have too much power. They argued no cause evictions allow them to get rid of bad tenants that make living difficult or uncomfortable for other renters. Just cause cases are hard to win, they said, against tenants accused of sexual harassment and other community nuisances.

House Speaker Tina Kotek, D-Portland, said increasing housing supply doesn't go far enough in protecting renters on the brink of losing their homes or in helping young families seeking stable living.

"The current rental market is failing too many Oregonians when it comes to predictability and sustainability," she said. "Today's conversation is about combating displacement."

The House Human Services and Housing Committee heard hours of testimony Thursday for and against House Bill 2004, which would, with certain exceptions, prohibit landlords from ending month-to-month leases without cause. Most landlords who want to evict tenants without cause would have to give 90 days' written notice and pay relocation fees.

Fifteen democrats sponsored the bill, including four primary sponsors from the Portland area: Rep. Chris Gorsek, D-Troutdale, Rep. Carla Piluso, D-Gresham, Rep. Karin Power, D-Milwaukie and Rep. Diego Hernandez, D-Portland.

Renters told stories about single parents of disabled children getting evicted without cause, veterans' widows getting displaced and landlords evicting them in retaliation for complaints about construction.

Landlords shared stories about tenants who dealt drugs or committed other crimes that weren't prosecuted and therefore could not serve as justification for a just-cause eviction.

They said they would not have chosen to enter the market knowing that this regulation would limit their ability to save for retirement.

"We've all got to come together to work on it together," Wheeler said. "It's got to be a data driven process."

Wheeler said he hopes landlords will come to the table to help craft a "just-cause" eviction process that would be fair to both sides.

"A just-cause eviction standard is about setting a level playing field for everyone, for landlords and tenants alike," he said.

Portland pays \$525,000 to bicyclist hit by a truck in city bike lane

*By Jessica Floum
March 2, 2017*

The Portland City Council unanimously awarded a bicyclist and his wife \$525,000 Wednesday for damages they incurred when he [was severely injured by a pickup truck](#) while biking in a city bike lane.

The truck struck Michael Cooley in June 2013 when he was riding his bike home from work on North Interstate Avenue. [The driver fled the scene](#) and has never been found. The crash paralyzed Cooley, lacerated his liver and spleen, fractured five of his ribs, traumatized his spinal cord and caused a host of other major injuries.

As a result, Cooley underwent at least nine procedures and spent more than \$1.7 million on medical and rehabilitation expenses as of June 2015, according to a lawsuit the Cooleys filed against the city of Portland, TriMet and the Oregon Department of Transportation that month.

The lawsuit claimed the city should pay \$5 million for medical expenses and lost wages and \$15 million in damages for Cooley's "pain and loss of enjoyment of life in the future." Lori Cooley also sought \$1.5 million in damages because caring for her husband burdened her "body, mind and spirit."

The city, their lawsuit claimed, neglected its responsibility to ensure safety for cyclists on the mile-long stretch of North Interstate from the Fremont Bridge at North Russell Street to North Going Street, where the suit says at least eight bicycle accidents and one fatality occurred since 2003.

Cooley was wearing a reflective vest and using multiple lights when the truck hit him at about 11:30 p.m. June 15, 2013. The bike lane was too narrow and the area lacked proper warning signs, visible bike lane paint and sufficient lighting, the suit said. A concrete wall, electrical boxes and an inability to control bike speed on the hill also made the city-maintained road hazardous, it said.

City attorneys advised council members that settling with the Cooleys rather than continuing to fight the lawsuit in court would be the city's cheapest option. The case had been scheduled to go before a jury in January.

The Portland Mercury

Citing a Safety Emergency, Portland Just Slashed Speeds On SE Division

*By Dirk VanderHart
March 2, 2017*

Outer Division Street has officially reached emergency status.

The four-mile stretch of SE Division from 82nd to the city limits has long been one of the most treacherous thoroughways in town. Of the 30 “high crash corridors” PBOT has identified throughout the city, Division causes drivers serious injuries the most often. It’s also the fourth-most dangerous street in town for pedestrians, according to city figures, and the second-most dangerous for cyclists.

So the city, which has [long been hamstrung by preemptions](#) on setting its own speeds, just made an unconventional quick fix. By labeling conditions on the long-feared road an emergency, City Council is slowing speeds from 35 mph to 30 mph for at least four months—and likely longer.

"It's a death corridor for too many of our residents," said Transportation Commissioner Dan Saltzman, shortly before a 4-0 council vote (Commissioner Amanda Fritz is in Arizona) cemented the speed change, which begins tomorrow.

The emergency designation was a bit of a quick-moving surprise, but there are plenty of tragedies to back it up. Most recently, the night in December when two men were run down in separate incidents on the road. The deaths [led activists to demand changes](#) on Division east of 82nd.

In response, the Portland Bureau of Transportation first pointed to improvements that were already in the works—like speed cameras (which will be turned on on Monday) and rapid-flash beacons at some intersections. Then, late last year, [the city announced it would spend](#)

[\\$300,000](#) to help educate residents of the area about the best ways to navigate the road (among other things).

Then, at some point, PBOT came up with the "emergency" idea.

The move was roundly applauded in a short-ish hearing this afternoon. Audience members were heartened by the speed change, and Mayor Ted Wheeler lavished praise on Saltzman, to whom he assigned PBOT earlier this year.

But there are questions, too.

For one, will the city be able to push through a speed change approved by the Oregon Department of Transportation before the 120-day period is up? PBOT Director Leah Treat voiced hope that it would, but also suggested that PBOT could merely declare another emergency at the end of the current one, if need be ([hello, housing emergency!](#)).

Next, will merely changing speed limit signage actually decrease speeds, even without other changes? This is important because of the way ODOT makes decisions about what a proper speed should be: by tacking it to the speed at which 85 percent of users naturally travel. On this stretch of Division, that can range from 37 to 42 mph, according to PBOT spokesperson Dylan Rivera. But the state is loath to set speeds that are more than 10 mph below that 85th percentile measure, so getting speeds lower before doing a traffic study is important.

Most importantly, will the city go further than this? Fully embracing his new role as transportation commissioner, Saltzman today said he was "bound and determined to do whatever I can... to make Division Street safer."

Well, as we reported last year, the city already made Division Street safer—just not THIS stretch of Division.

In 2013, PBOT spent a relatively paltry \$100,000 re-striping the road from SE 60th to 80th. The change reduced the street from two travel lanes in each direction to one. It also reduced speeds naturally—before a formal speed limit change went into effect—created more room for bikes, and didn't meaningfully increase travel time, according to PBOT.

Despite all that, PBOT's not proposed similar changes to the road east of 82nd.

True, this type of road restructuring can create awe-inspiring shit storms from cranky drivers—just check Charlie Hales' [many, many voicemails re: changes to SE Foster last year](#).

Commissioner Chloe Eudaly today called those [planned Foster changes](#) "one of the most contentious elements" of her campaign for office last year.

"When people started complaining to me about the Foster-Powell road diet, I asked, 'How many extra minutes in your day is worth someone's life?'" Eudaly said this afternoon. "That usually ended the conversation."

Controversy aside, Saltzman tells the Mercury he's not ruling out a road diet. "I'm willing to look at any and everything to make Division safer," he said.

And Mayor Ted Wheeler would like to go further. He voiced support today for adopting citywide speed limits akin to Seattle's, which last year [reduced default arterial speeds from 30 mph to 25 mph](#). "Help me understand why we need to even be going 30 mph in an urban area," Wheeler said to PBOT staffers today.

A citywide limit would be cheered by plenty of transportation activists, but it's out of reach until Portland wins the ability to set its own speeds. As it happens, there's [a bill that advocates such a change](#) being proposed in this year's legislative session. It has yet to be scheduled for a hearing.

Police Watchdog Leader says Mayor Ted Wheeler Has Been Hard to Reach

By Doug Brown

March 2, 2017

The head of Portland's volunteer police watchdog board tried for nearly five months to set up a meeting with Mayor Ted Wheeler, the police commissioner.

The mayor's office finally scheduled a meeting this afternoon, a day after the issues were brought up at the board's meeting and shortly after the Mercury sought comment from Wheeler's spokesman about why the requests have gone ignored.

[Citizen Review Committee](#) (CRC) chair Kristin Malone said at Wednesday evening's CRC meeting that her October 2016 request to meet with Wheeler was fruitless and she was told recently she'd have to fill out a out a generic form on the city's website if she wanted to talk with him.

"I don't know that I would doubt that he would talk to me, I'm just running into real roadblocks in getting a meeting," Malone told the Mercury on Wednesday. The CRC, created in 2001, operates through the city auditor's Independent Police Review (IPR) office, responsible for hearing appeals from people unhappy with how the Portland Police Bureau (PPB) handled their complaints against officers, among other duties.

This afternoon, Malone told the Mercury in an email that she "was able to finally get a call back and a meeting scheduled to talk with him about CRC issues. It's not much, but I'm putting it in the 'win' column for the week!"

But the frustration about the lack of communication was evident last night.

"We've always met with the mayor," said CRC Vice Chair Julie Ramos after the meeting. Ramos said her contact on city council, Commissioner Amanda Fritz, has almost always been responsive: "I call her person, they know me, they put me on the calendar." Fritz has appeared at number of CRC meetings.

Malone said she tried to set up a meeting with Wheeler in the fall through his campaign website. She didn't hear back until mid-January, after Wheeler was sworn in, when a Wheeler staffer said, essentially, "hold tight, we haven't forgot about you."

"It's now March," Malone said yesterday.

"We periodically meet with city councilors to let them know what the CRC is doing—these are our concerns, this is where we need more support, these are the issues we're seeing," she explained. "And, especially, the chair usually meets with the mayor, as the police commissioner, to make sure that there's still a line of communication with everything we see here to the person who's ultimately got the final say."

Malone tried to set up another meeting with Wheeler after last week's city council hearing, where Wheeler and the four other city commissioners had the final say in a police discipline case earlier heard by the CRC. [Wheeler and Commissioner Dan Saltzman sided with the PPB and against the CRC](#) with their vote to exonerate the officer who used a Taser six times on a mentally ill and epileptic bicyclist in 2014. They were outnumbered by the three other commissioners, however, who sided with the CRC who ruled the police exonerating the officer for the Taser usage was unreasonable.

"After the hearing with him in city council, I reached back out {to the mayor's office) to say 'is there anything you can do get this train moving?'" Malone said. "And the answer we got from the mayor's office was 'please fill out our web form,' which she did on Monday.

[The generic form](#) on Wheeler's page on the official city website is used by any group who wants some of the mayor's time.

Asked for comment for this story on why Wheeler hasn't had meeting with a CRC member since Malone first tried scheduling one in October, Wheeler spokesman and former campaign manager Michael Cox said "We received her scheduling request Tuesday and are working to schedule the meeting." Shortly later, he said "I just checked back in with Scheduling, and this meeting is now on the Mayor's calendar."

Wheeler, naturally, is still warming up as mayor and figuring things out, especially when it comes to police oversight issues.

At the January 26 meeting of the [Community Oversight Advisory Board](#) (COAB)—the citizen board created to oversee the United States Department of Justice-mandated changes to the PPB that's been largely neglected by City Hall recently—Wheeler appeared not to know what the COAB did and didn't know the members on it before showing up. The city allowed the COAB's term to expire a few days later.

Disrupt a City Meeting? You Might Soon Face A Months-Long Exclusion

*By Dirk VanderHart
March 2, 2017*

Portland protesters—ever more adamant in their efforts to shut down Portland City Council meetings—may soon have to find another venue.

In a proposal he's been working up since before he took office, Mayor Ted Wheeler next week is preparing to introduce new code language that would allow disruptive audience members to be kicked out of Portland City Hall and other public meeting spots for two months at a time.

And since the proposal will be put forward on a fast-track "emergency" status, it could go into effect right away, without a "second reading" and the usual 30-day lead in time for new ordinances.

The policy—which appears to have broad support among city council members—sets forth rules by which the mayor, city commissioners, and other people in charge, must warn people

the consequences for "disruptive" or "dangerous and threatening" behavior during city meetings. Once warned to stop, attendees can be ejected from a meeting.

That's not much different from how things work today, though.

The true effect of Wheeler's proposal would be to allow 30- and 60-day exclusions from meetings for repeat offenders. Under the ordinance [\[PDF\]](#) and accompanying code language [\[PDF\]](#), multiple ejections in the course of a year can lead to exclusions of 30 days. And if a person's already been excluded in the last year, their next exclusion would ratchet up to 60 days.

Anyone excluded would have the opportunity to request an appeal before a city hearings officer, who would look to audio and video recordings of the meeting in question to determine the appropriateness of an exclusion. News of Wheeler's policy proposal was [first reported](#) by the Oregonian.

We're not just talking City Council sessions, which have certainly struggled to navigate their agendas recently amid protest. The rules would apply to "any public meeting of a City board or commission." In the past year, meetings of the now-defunct [Community Oversight Advisory Board](#) helping the city navigate police reform, and the [Citizen Review Commission](#), which assists in police discipline, have devolved into shouting and other mayhem.

"Disruptive, threatening and dangerous behaviors at City Council or meetings of City boards and commissions will no longer be tolerated," the ordinance says.

The proposal is largely a return to how things worked as recently as 2015. It's an attempt by Wheeler and the City Attorney's Office to grapple with a ruling issued late that year by US District Judge Michael Simon.

At the time, Simon was considering the case of Joe Walsh, a retiree and constant, shouting feature at council meetings, who contended that a 60-day exclusion he'd received was unconstitutional. The judge agreed, taking issue with the fact that [Portland's code](#) offered officials the ability to exclude people indefinitely, and saying protesters shouldn't be able to block people "for possible or assumed disruption in the future."

Simon did leave the city an opening to change its own law in order to conform with his ruling, and the City Attorney's office clearly believes this will pass muster.

"The previous measure allowed the director of [Bureau of Internal Business Services] to exclude someone indefinitely," says Michael Cox, a spokesperson for Wheeler. "Now we're putting some strictures in place."

Since the ruling—if not necessarily because of it—Portland City Council hearings have gotten to the point where you can pretty much expect a disruption week to week. Lately, demonstrators have been circulating their intent to "shut down the shit show" and threatening to stop council from doing any business until a list of changing demands are met.

Those have included calls for the city to increase shelters for the homeless (which it had already been doing), demands that Wheeler answer for forceful police responses to recent marches (he's since done that), and, yesterday, pleas for justice for Quanice Hayes, a 17-year-old who was killed by a Portland police officer on February 9 (an investigation into that shooting is underway, which is common to all officer-involved shootings).

The repeated interruptions on Wednesday led council to meet instead in a conference room on City Hall's third floor. Reporters had to show credentials to even be admitted into the locked-down building.

The demonstrations can have a variety of outcomes. While Wheeler has largely been content to recess council hearings and wait demonstrators out, he's also not hesitated to call police to City Hall. Last week, as one group of officers kept a small clutch of demonstrators from entering the building, riot cops swept in and made arrests.

Asked whether recent events have changed Wheeler's timeline for introducing a new policy, Cox this morning said "it's become a priority."

As we [reported this week](#), the frequent outcry has caused some City Hall staffers to feel increasingly unsafe. A recent survey found that most workers want increased police presence during protests, and a more definite plan for exiting the building during such tumult.

At least one City Hall staffer has been more direct. Jamie Dunphy, a policy adviser for Commissioner Nick Fish, recently obtained a restraining order against a demonstrator named David "Kif" Davis, after he says Davis challenged him to a fight.

Once a council attendee who reveled in testifying repeatedly during hearings (often using profanity and getting kicked out) Davis is now prohibited from setting foot in City Hall and other city properties where Dunphy is working. Records show the man was arrested yesterday, after showing up to a City Council hearing at the Portland Building while Dunphy was there.

Wheeler's proposal stands a very good chance of passage. Both Fish and Commissioner Dan Saltzman support it, according to their offices. Commissioner Chloe Eudaly's office couldn't give her take on the exact language of the ordinance but noted she's been "frustrated" at not being able to carry out council business due to demonstrators. (Multiple city officials have also pointed to an incident Wednesday in which a demonstrator shouted "sit down, bitch" to Eudaly during a hearing. I didn't hear that.)

Of particular concern to this reporter, I should note, is some new language setting forth weapons that will be specifically prohibited from City Hall under the ordinance. That list includes mace, which some people keep on their person for protection, but also ropes in ice picks, sling shots, "nunchaku," guns, pellet guns, and various knives.

One other thing SPECIFICALLY banned from city property? "Any dirk."