

## **The Portland Tribune**

# **Portland police chief unaware of bureau's ID strategy at protest**

*By Lyndsey Hewitt*

*June 6, 2017*

ACLU condemns police practice, says it likely violates state law.

Portland Police Chief Mike Marshman was oblivious to a controversial practice of his agency when interviewed on OPB's Think Out Loud program on Tuesday afternoon, June 6.

But he's hearing about it now.

The bureau's spokesperson says Marshman wasn't briefed on a particularly contentious part of the bureau's response Sunday, when at the near end of the day's protests and rallies, members of Portland Police took photographs of hundreds of protesters' — and some journalists' — IDs and information after barricading them in a "kettle," a police tactic to control crowds. The kettling occurred at Southwest Fourth and Morrison Street, where people were detained pending investigation into disorderly conduct.

Marshman told the show's interviewer, Dave Miller, and those listening, that it wasn't the bureau's policy and that it might have been another agency that took the photos.

"That's not our practice, we don't do that. I don't know if any of our partner agencies did that, maybe our federal partners, being in a federal park, maybe, but I'd have to look into that," Marshman said in the interview.

But first-hand accounts at the scene were confirmed by the bureau's spokesperson on Monday.

Then, on Tuesday, Sgt. Pete Simpson, spokesperson for the Portland Police Bureau, said he sent a note to Miller to "correct the record" and "feverishly wrote a note for (Marshman) but it was too late to get on air." Meanwhile, listeners, including some journalists, on social media picked up the flub, calling for Marshman to respond.

"What??? I was in that kettle and they asked for my photo ID and took a pic of me holding my ID up" wrote Twitter user Patrick Garrison, in response to Portland Mercury news editor Dirk VanderHart's tweets about the episode.

Miller and Marshman were unable to correct the record on air for listeners, but Think Out Loud posted the "correction" on their Twitter page as well as on Facebook.

Simpson said in an email that "Officers can take pictures as part of an ongoing investigation. The chief was not aware of this particular part of the event."

That the strategy was used at all concerns Dan Handelman, member of Portland Copwatch, a group that monitors the bureau.

"Because although the police are claiming that everybody involved was engaged in some kind of criminal activity, having a broad detention of hundreds of people, turning (it into) a criminal aspect and taking their IDs is very troubling," he said.

"It seems to be aimed at chilling free speech and freedom of association and freedom to assemble."

Police lined both ends of the street, closing in on protesters who started marching down Southwest Fourth Street.

In essence, a crowd of an estimated 200 people were cordoned off and detained until they provided ID to get out, a process that took roughly an hour.

While some of the protesters in the unpermitted march had been throwing bottles and other objects, others detained appeared peaceful. Among the journalists caught in the kettle were this reporter and Pamplin Media Group photographer Josh Kulla.

All involved were told they were being detained pending investigation into disorderly conduct. To leave the scene, they had to show their identification to Portland Police to be photographed. Police sought to compare the IDs to video that some officers took throughout the day. Photos of IDs were taken of everyone, even if journalists had press credentials.

Simpson told the Tribune in a Monday phone interview that this strategy had been used "once or twice before" and that "it's not a tactic or strategy that we always are able to use or is appropriate."

He said that after the May Day protests on May 1 — which turned into a riot, including damages to downtown businesses and other property — the Police Bureau wanted to get ahead of the "anarchist crowd kind of hit-and-run" strategy.

"We could never get ahead of them and sort of stop that," he said.

Handelman said people in their group observed police at May Day taking photos of people's IDs who threw Pepsi cans at officers. However, they weren't sure if it was Portland Police doing it.

Photographs taken Sunday clearly show Portland Police as the agency taking photographs of IDs.

Simpson said that taking the photos of IDs were "just a documentation" so they could look for specific people that may have committed crimes earlier in the day on Sunday.

"All those photos or documentation will be given to detectives and then as we look at any images that show the people throwing bricks or bringing weapons to the parks, they'll take a look and see if any of the people doing the crime were part of the group there at Fourth and Morrison," he said.

Simpson said some protesters were dropping items at the scene in order to avoid identification.

Handelman remains concerned because "part of what guides police action is governmental interest.

"So having 300 people or less detained for an hour because they walked a few blocks in the street in a protest that didn't get a permit, which isn't necessarily required by the first amendment, it seems like there was no legitimate governmental interest in that," he says. "It seems like they're trying to gather information on people."

He said detaining such a large group of people, including press, violates community members' rights of free speech and freedom of press.

"Not just the press," Handelman said. "The constitution doesn't say you have to be credentialed to be a person of the media."

Simpson said the photos won't be used beyond the investigation, adding the strategy was intended to curb violence.

Sunday's protests, while there were 14 arrests, flash bang grenades deployed, pepper spray used and other projectiles thrown, were relatively nonviolent compared to May Day, when property was damaged, including a police vehicle, and fires started in the street.

Listen to Marshman's interview

here: [www.opb.org/radio/programs/thinkoutloud/segment/portland-police-cheif-mike-marshman-deborah-james-fallows/](http://www.opb.org/radio/programs/thinkoutloud/segment/portland-police-cheif-mike-marshman-deborah-james-fallows/)

### **ACLU makes statement**

Update: The American Civil Liberties Union made a statement on Tuesday about the protests, condemning police response, including about the identification documentation.

"Disorderly conduct is a minor offense and hardly something the police should prioritize at the expense of the constitutional rights of those who were detained," the statement reads. The ACLU had two legal observers in the kettle.

They say that police taking photos of each person detained is a likely violation of state law, which prohibits law enforcement from collecting certain personal information unless it directly relates to an investigation of criminal activities — and that there's reasonable grounds to suspect the person is involved in criminal conduct.

Read the full statement here: [www.aclu-or.org/blog/sunday%E2%80%99s-protests-portland-were-trial-first-amendment-and-policing](http://www.aclu-or.org/blog/sunday%E2%80%99s-protests-portland-were-trial-first-amendment-and-policing)

## **Report: 911 response times longer than reported for years**

*By Jim Redden*

*June 7, 2017*

City Ombudsman says Bureau of Emergency Communication knew about problem, perhaps since 2004

Emergency 911 calls in the region have taken longer to answer than reported for many years, according to a report released by the city ombudsman last Wednesday.

Although the Bureau of Emergency Communications (BOEC), which operates the center, says the problem was fixed late last year, the report says the underreporting allowed BOEC to wrongly claim it was exceeding performance standards, despite chronic staffing shortages.

"Contrary to the bureau's assertions, it is performing well below accepted standards," reads the ombudsman report, titled, "911 Hold Times Longer Than Reported.

Ombudsman Margie Sollinger also notes BOEC is planning to upgrade the 911 system in November, and she is not sure the reporting times will remain accurate afterward.

"The upgraded phone system is going to replace three of BOEC's current systems, and I have no idea if the upgraded system will work as intended," says Sollinger, who works in the City Auditor's Office.

The problem was caused by a procedure enacted by BOEC in 2004 to reduce the high number of unintentional 911 calls from cell phones.

The Reno Solution

Called the Reno Solution and used by similar centers around the country, the procedure requires people calling 911 on their cell phones to respond to recorded prompts before being connected to an operator. If no operator is available, the caller is placed on hold in the emergency queue until an operator is available.

BOEC has a performance goal of answering 90 percent of 911 calls within 20 seconds. It has consistently reported exceeding that goal, despite chronic staffing shortages. For example, last year BOEC reported answering 99.6 percent of all calls within 20 seconds. The bureau also reported averaging one second to answer 911 calls.

But, according to the report, the wait time for such calls was only recorded as the time it takes the operator to answer the call. It did not include the time 911 callers spent responding to the prompts or waiting in the queue.

Because 75 percent of 911 calls now come from cell phones, that significantly underestimated the real average time it took operators to answer them.

"The length of time it takes to answer a 911 call is supposed to be counted from the moment a call is received by the 911 Center to the point in time when an individual operator gets on the line. Since 2004, however, the bureau has used an incomplete measure of the answer time for cell phone calls to 911, resulting in an inaccurate depiction of its performance," the report says.

When the city Bureau of Technology Services recalculated the actual hold times for the audit, it found only 67.8 percent of all 911 calls were answered within 20 seconds between December 2017 and April 2017 — not the 99.6 percent BOEC has reported. And it found the average time to answer a call was 23 seconds — not the 1 second that had been claimed.

#### Bureau knew of problem

BOEC was aware of the problem well before last year's fix. According to a November 2015 email cited in the report, a former BOEC director had been informed of the problem when the Reno Solution was implemented.

"What this means is that all call-hold times reported at any time in the past as they related to cell phone calls has been incorrect," reads the Nov. 19, 2015, email. It was written by BOEC Operations Manager Lisa St. Helen to the staff of former Commissioner Steve Novick, who was in charge of the bureau at the time. St. Helen is now the BOEC interim director.

Despite that, the problem was not fixed for another year.

Although a city agency, BOEC provides 911 services to first responders throughout the region. One of its key performance measurements is how quickly operators answer emergency calls.

"The length of time on hold directly influences how rapidly paramedics, firefighters and police officers respond to individual emergencies and large-scale disasters. Minutes can be the difference between a life saved or a life lost," the report says.

#### Oversight at issue

According to the report, since its creation by intergovernmental agreements decades ago, BOEC has existed outside the normal confines of city governance. It has made important policy and operational decisions without City Council review or public input, "begging the question whether its unparalleled level of autonomy has come at the expense of public safety."

Wednesday's report follows a December 2016 report in which the ombudsman found that BOEC was losing track of tens of thousands of cell phone calls to 911 every year because of the Reno Solution. Whenever a 911 caller is disconnected before reaching an operator, BOEC policies

require they be called back. But the earlier report found that was not happening with all disconnected cell phone calls. In fact, operators were not even being notified of cell phone calls that were disconnected before the caller completed the prompts to reach an operator or be placed in the queue.

"Taken together, the two reports demonstrate that the Bureau of Emergency Communications needs greater scrutiny from City Council and the public," the report says.

The report recommends the council ensure BOEC's data-collection procedures are accurate by either holding a public hearing or government accountability transparency results session, tasking the Technology Oversight Committee with the responsibility of overseeing significant technological changes to 911 service, and reassessing staffing needs. The council also should revisit the intergovernmental agreement that created BOEC and consider making it a more conventional city agency, the report says.

"The Reno Solution was supposed to be a fix of sorts, but it ended up having all kinds of unintended consequences," Sollinger says.

In a June 2 letter of response, St. Helen said she was confident last November's fix had solved the problem and the upgrade scheduled for November would continue recording call times accurately.

"The bureau is aware of and has been working to rectify the technological issues that have led to incorrect statistics and performance reporting," the interim director wrote.

In a June 1 letter of response, Mayor Ted Wheeler said he takes the report seriously and will present it to the council. Wheeler took oversight of BOEC from Commissioner Amanda Fritz earlier this year when he assumed control of all city agencies as next year's budget was coming to the council.

"Since taking all of the bureaus back, I have become aware of issues such as the findings of the ombudsman's report. I will engage the bureau leadership, employees, and other jurisdictional partners to ensure that Portland is providing the best service to the community. I am also committed to addressing these issues fully, holistically, and seeing that necessary changes are made," Wheeler said.

[www.portlandoregon.gov/ombudsman/article/642095](http://www.portlandoregon.gov/ombudsman/article/642095).

## **Westside suburban leaders hold housing summit to frame policies**

*By Jim Redden*

*June 7, 2017*

Washington County faces many issues similar to Portland, with the need to build more affordable housing tempered by the demand for single-family homes

Discussions at a Washington County Housing Summit held in Beaverton last Friday sounded a lot like those in Portland on the same issue.

Those in attendance called for more subsidized housing for low-income residents. They talked about the advantages of building apartments along existing transportation corridors. They favored neighborhoods where people live near jobs, shopping and recreation. And they urged the adoption of a new revenue source to help pay for such projects as soon as next year.

When someone asked what such a new revenue source would look like, Glen Montgomery of the Vision Action Network replied, "It looks like a tax." Portland voters increased their property taxes last year to pay for a \$285.4 million affordable housing bond.

But, unlike such discussion in Portland, participants also talked about meeting the demand for single-family homes, including "executive homes" for the wealthy. They said many families still want a traditional suburban lifestyle, and providing more of it would reduce the competition for the existing supply of homes on the market.

"Supply is your best friend. If you're trying to cut the price down, supply is helpful. It doesn't have to be all affordable housing to make the supply more affordable," economist Jerry Johnson of Johnson Economics said at the beginning of the summit.

But several factors are currently making it hard to build all kinds of new housing, said Brenner Daniels, development director of Holland Development, which has built a number of projects at Orenco Station in Hillsboro and other parts of the region.

Speaking on a panel on housing costs, Daniels said they include a limited supply of development-ready building lots, increasing labor costs because of a shortage of skilled workers, increasing government development fees, and lengthy government permitting policies that drag out the time it takes to build such projects.

"We need to expedite the process as much as possible," said Daniels, echoing Portland Mayor Ted Wheeler's repeated lament.

Don Hanson of the Otak Inc. development company went even further, detailing some recent development costs in Washington County. He said land in the South Cooper Mountain area where many new homes are slated to be built cost between \$450,000 and \$500,000 an acre. And that was without improvements. When government road and utility costs are included, the cost comes to \$275,000 per buildable lot.

With costs like that, even multifamily projects are difficult to finance, Hanson said. For example, his company is working on a 28-unit apartment building that costs \$6 million — or more than \$214,000 per unit. Hanson said the only way to make such apartments affordable to low-income residents is for government, nonprofit and charitable organizations to subsidize the construction, a complicated financing arrangement that can take years to finalize.

"All new construction is expensive, and sometimes affordable housing projects are more complex," Hanson said.

The summit was organized by the Westside Economic Alliance, a public-private partnership to encourage economic development in Washington and western Clackamas counties. It is the first of a series of events focusing on housing this month by the organization. Executive Director Pam Treece said the goal is to develop a series of specific policy recommendations WEA can endorse and pursue.

The summit was held in the Beaverton Building that houses city offices and the Council Chambers in The Round. It was attended by well over 100 people, including elected officials, business owners, affordable housing advocates and social service providers. They included Beaverton Mayor Denny Doyle, Tualatin Mayor Lou Ogden, Tigard Mayor John Cook, and Wilsonville Mayor Tim Knapp. Sponsors included Metro, the elected regional government, which was represented by councilors Sam Chase and Kathryn Harrington.

Oregon U.S. Sen. Jeff Merkley kicked off the summit in the Council Chambers with a call to protect existing federal affordable housing programs from cuts proposed in President Donald

Trump's budget. Merkley said creating more affordable housing has always been one of his top priorities. He recalled working for two nonprofit affordable housing organizations before winning election to the Oregon House of Representatives, the start of his successful political career.

"Housing has always been near and dear to my heart. It is essential to the success of families," Merkley said.

As Merkley and others noted, since the end of the Great Recession, housing costs in the Portland metropolitan region have increased at record rates, pricing many people out of rentals and owner-occupied homes.

"It's an enormous challenge. You see people living on the streets, camping under freeway overpasses," Merkley said.

The other panels addressed the social aspects of housing and the relationship between housing and employment. Participants met in separate rooms but everyone reconvened in the Council Chambers to present final recommendations.

Among other things, those at the summit urged support for the transportation funding package under discussion at the 2017 Oregon Legislature. Participant Joe Esmonde, the business representative for the International Brotherhood of Electrical Workers Local 48 and a member of the TriMet Board of Directors, said it includes funds to increase transit service and reduce traffic congestion, a significant problem in Washington County.

Participants also urged that federal affordable housing programs be preserved, that new housing be built in "complete communities" where people with all incomes can live, and that the complexity of public-private construction financing be reduced.

## **Willamette Week**

### **Mayor Ted Wheeler Changed His Mind About the First Amendment, More Than Once**

Hate speech is not protected," he mayor said. But it is.

*By Rachel Monahan  
June 7, 2017*

Portland Mayor Ted Wheeler took several positions on the First Amendment during the past two weeks.

None of them worked.

On May 29, Wheeler asked the federal government to block a downtown Portland rally organized by right-wing protesters, saying visiting extremists had no legal right to hate speech. That request was denied by the feds, decried by civil liberties watchdogs, and sneered at by "alt-right" leaders.

Worse, he was wrong: The protections of the U.S. Constitution are designed to forbid the government, including Portland mayors, from deciding what citizens can and cannot say, even when it is deeply offensive.

By this week, Wheeler's office reversed itself again, saying the mayor had misspoken.

Here's what he said.

### **Wednesday, May 24**

In a WW story on the street brawls that had already occurred between alt-right and antifascist groups, Wheeler's spokesman Michael Cox said:

"Portland is going to continue with our strategy: honoring First Amendment rights while not tolerating acts of violence, vandalism or blocking transit."

### **Monday, May 29**

Three days after a double murder on a MAX train, Wheeler called for revoking federal permits for the alt-right rally:

"My main concern is that they are coming to peddle a message of hatred and of bigotry. And I am reminded constantly that they have a First Amendment right to speak, but my pushback on that is that hate speech is not protected."

### **Wednesday, May 31**

Wheeler wrote an op-ed in USA Today, backing away from his interpretation of the Constitution from a day earlier:

"I am a firm supporter of the First Amendment. While this planned demonstration is constitutional, it is highly irresponsible."

### **Monday, June 5**

Cox said Wheeler didn't really mean hate speech was unconstitutional:

"He was being a being a bit imprecise. He was really talking about words meant to incite violence."

## **Portland Breathes a Sigh of Relief after Weekend Protester Showdown. But Several Questions Persist About Police Tactics.**

Police cracked down on only one side—the protesters who threw red-stained tampons at officers while chanting, “All cops are bastards!”

*By Karina Brown & Rachel Monahan  
June 6, 2017*

For the past week, Portlanders anticipated the impending clash between traveling right-wing agitators and masked lefty activists with concern.

The timing of an "alt-right" rally in downtown, nine days after the racially charged murder of two men on a MAX train, had many locals wondering if Portland would become the latest U.S. city to host bloody political street brawls.

But June 4, the confrontation ended with a whimper—and a few bangs.

A crowd of more than 1,000 left-leaning demonstrators arrived downtown first, and gradually surrounded the roughly 250 alt-right protesters who gathered wearing helmets and other DIY riot gear in Terry Schunk Plaza

For hours, left-wing protesters harangued the visitors, calling them Nazis. The right-wing protesters taunted back. But neither side made much effort to breach the ring of police and Homeland Security officers who formed a human wall around the plaza.

The most lasting grievance from the afternoon was a familiar complaint: that Portland police cracked down too aggressively on local antifascists and anarchists.

Police used stun grenades and rubber bullets to drive masked antifa protesters from Chapman Square, and made 14 arrests.

"This was an entire crowd of peaceful protesters that had literally done nothing wrong," wrote protest organizer Gregory McKelvey in a widely shared June 5 web post. "Their only crime was standing up to white supremacy in a peaceful way."

The Portland Police Bureau said officers acted in response to people in the crowd throwing bricks and large firecrackers at riot police. Those allegations could not be independently confirmed, but reporters did see protesters throw red-stained, apparently bloody tampons at officers while chanting, "All cops are bastards!"

In a Trump-despising town, the police tactics felt heavy-handed to some civil rights activists and raised questions about law enforcement punishing many people for the bad behavior of a few.

But those tactics may also have averted a street war—by moving the two most extreme political factions away from each other long enough for alt-right leaders to quietly leave town.

As police chased left-wing activists, detaining some in the middle of downtown streets, alt-right celebrities like California's Kyle Chapman gave speeches praising nationalism and religion. ("Countries like Russia, which have continued to embrace God, have stayed strong," Chapman said. "Secular nations that have abandoned God are facing terroristic threats.") They then wandered the streets, looking for the garage where they had parked their cars.

Police spokesman Sgt. Pete Simpson says the bureau's goal was keeping the antifa and alt-right apart

"I've seen the narrative: 'Police are protecting Nazis,'" says Simpson. "That's baloney. The Constitution allows people to say really nasty things about each other, and to each other. Our job is to keep everybody separate and everybody safe. Everybody gets to go home."

But two days after the smoke from the stun grenades cleared, several questions linger.

### **Why did police officers force antifascist protesters out of Chapman Square?**

For much of the day, Portland police and other law-enforcement agencies created a perimeter around Terry Schunk Plaza and held it. Then they decided, at roughly 3:30 pm, to change that policy and force antifascist and anarchist protesters out of the park directly north of the federal plaza.

Simpson says police decided to press into Chapman in part because people were throwing bricks and large fireworks.

He also tells *WW* that police believed antifa protesters were planning to charge the police lines and brawl with the alt-right crowd. "There were unconfirmed reports that people were plotting to charge across to Schunk Plaza around the time of the [alt-right] speakers," Simpson says. "The decision was made to widen that gap between Schunk Plaza and the crowd in Chapman."

In the minutes that followed, reporters observed riot-squad officers repeatedly deploy rubber bullets at unarmed protesters—including a group of five antifa activists huddling behind a "Mourn the Dead" banner.

The use of force against the crowd in Chapman has sparked claims that police were picking ideological sides. That argument is undermined by observations and evidence of thrown objects.

On June 6, the American Civil Liberties Union of Oregon offered a more sober criticism—saying that the police response was out of proportion with the alleged crimes.

"While we understand that policing is no easy task, the pattern in Portland is clear," ACLU legal director Mat dos Santos writes. "After a rock, stick, or liquid is thrown, Portland protests regularly devolve into the indiscriminate use of force and crowd control weapons.

"Our democracy is not so fragile that a rock thrown turns off the First Amendment for everyone in our city," dos Santos writes. "This kind of disproportionate response is dangerous to our democracy and our lives."

### **Why did police detain people in the street and photograph their IDs? And why doesn't the police chief know about it?**

In an interview with OPB's *Think Out Loud* on June 6, Police Chief Mike Marshman misrepresented a high-profile moment of Sunday's law-enforcement response to the protest.

At the 11-minute mark of the interview, Marshman incorrectly stated that police officers had not corralled people and taken photos of their ID's before releasing them.

"You know I actually have not heard that at all frankly. We did have other partner agencies there...", Marshman told OPB. "I have not heard of anyone being detained and their IDs' pictures being taken.

Marshman appeared completely unfamiliar with this incident. Yet there's no debate the incident happened. It occurred around 4:30 pm, when police surrounded a traveling group of protesters on four sides and detained about 200 of them in the street.

Police confiscated a pile of potential weapons—mostly blunt objects and some fireworks—arrested a handful of people and let the rest leave the corral one by one, while scanning their IDs on the way out.

The event was widely documented, in part because several of the people detained were working journalists. In a tally kept by independent video journalist Mike Bivins on Twitter, nine journalists, including Bivins, who was covering the protest for *WW*, were among those corralled.

When *Think Out Loud* host Dave Miller pressed Marshman on whether he's sure that Portland Police Bureau officers weren't involved, the chief went further, and implied photographing IDs was a violation of bureau policy. "Not to my knowledge," he said, "because that's not our practice. We don't do that."

It's something of a mystery why Marshman would be unfamiliar with the incident or the bureau's past practices.

PPB spokesman Pete Simpson tells *WW* he immediately tried to correct the factual inaccuracy and to correct the impression that police would not be allowed to take photographs of IDs.

"Chief Marshman had not been briefed on that aspect of the event," Simpson tells *WW*. "I feverishly wrote a note for him but it was too late to get on air. Sent a note to Dave Miller to correct the record.

"The photos were used to compare against other media showing the criminal conduct of some people in Chapman Square. Most photos will probably not yield any results and will be disposed of. Several people were spotted discarding their clothing and weapons before being checked by police."

Simpson added that officers are allowed to take photos as part of investigation, as they were on Sunday, and that the photos would not be used to create any kind of database. "There was no watch list created. There was no database created. That's not the intended purpose," he says.

The ACLU tonight decried the detaining of protesters and reporters—and says it was illegal.

"Photographing the face and ID of every person detained is a likely violation of the Oregon state law prohibiting the collection and retention of personal information based on political beliefs."

On June 5, social media filled with images taken by an OPB photographer of a member of the right-wing militia called the Oath Keepers kneeling in the Portland sidewalk, helping Homeland Security officers arrest a left-wing counterprotester who had tried to rush the federal plaza.

The arrival of the Oath Keepers in Portland was in itself controversial.

*The Guardian* broke several stories last week about the Oath Keepers, revealing that the Multnomah County Republican Party was considering using the militia as security, and that Oath Keepers would attend the alt-right rally as a private security force.

The Center on Extremism at the Anti-Defamation League warned the Republicans that the Oath Keepers have performed such security work for insurrectionist and white supremacist fringe groups.

"We think it is important for you to know that the Oath Keepers and Three Percenters are not a benign 'security force,'" The ADL wrote. "They are, in our judgment, militia-style, anti-government extremist groups."

So the images of an Oath Keeper acting as an assistant to federal agents in Portland during a right-wing rally were especially unsettling.

In his radio interview today, Marshman—whose police force did not make the arrest—acknowledged it was a bad look. "Especially at protest scenes when there are a lot of officers there anyway and emotions are running high," he said, "we definitely encourage people not to get involved, to just watch at best."

This afternoon, *The Portland Mercury* first reported that the U.S. Attorney's Office is reviewing the arrest to see if federal policies were violated.

It wasn't the only time that Oath Keeper—whose name has not been reported—was spotted working among Homeland Security officers. He also shows up at the end of this video clip, assisting with crowd control.

## **The Portland Mercury**

### **For the Record, Yes Portland Police DID Demand Photos of Demonstrator IDs on Sunday**

*By Dirk VanderHart*

*June 6, 2017*

Portland Police Chief Mike Marshman appeared on OPB's *Think Out Loud* this afternoon to discuss police response to Sunday's **largely peaceful convergence of rallies** in downtown Portland.

Marshman didn't appear totally in command of the specifics of the police response, and he uttered one blatant falsehood.

The chief told OPB's audience the Portland Police had not required antifa demonstrators (or those marching with them) to have their IDs photographed in order to get out of a police kettle, in which officers surround a group on all sides.

I don't have the precise verbiage of Marshman's response, but the chief stated it was not PPB policy to demand such photographic evidence and that perhaps it was federal police officers who'd demanded photos. According to tons of people who were caught up in the kettle, including reporters working during the event, that's wrong.

PPB spokesperson Sgt. Pete Simpson confirms that Marshman was in error in claiming the ID photos didn't happen, saying: "He had not been briefed on that aspect of the event. I feverishly wrote a note for him but it was too late to get on air."

Simpson says he sent Think Out Loud host Dave Miller a note to correct the record. We've asked whether Marshman was also in error in saying such a practice is outside of police bureau policy.

**Update, 1:50 pm:** Simpson's recollection of Marshman's comment is that it's not "normal" police policy to demand photos.

Marshman's **exact words:** "I actually have not heard that at all frankly... That's not our practice, we do not do that."

Simpson suggests the photos were in line with the bureau's authority. "There is no particular policy specific to this action and officers can take photos as part of any investigation," he says.

**Update, 3:18 pm:** Weren't part of the kettle and interested what it was like on the ground? Here's first-person video of the process, and how PPB officers were explaining things.

**Update, 6:12 pm:** The ACLU of Oregon now says it believes police violated state law and federal rules in forcing demonstrators to submit to photos, and calling the practice "another low for our city."

In a **statement** this afternoon, ACLU Oregon Legal Director Mat dos Santos wrote the following:

We have received many questions about the kettle, so let me take a minute to answer them:

1. Oregon law does not require people to show identification to the police, unless they are driving.
2. While police may detain someone suspected of committing a crime, they must actually be suspected of committing a crime. It is virtually impossible that Portland Police had reasonable suspicion to stop nearly 200 people including media and legal observers.
3. Photographing the face and ID of every person detained is a likely violation of the Oregon state law prohibiting the collection and retention of personal information based on political beliefs.
4. If the information was subsequently entered into a federal database, Portland Police also likely violated federal privacy rules.

We are troubled by the continued crackdown on protest by Portland Police and cooperating agencies, but the kettling of individuals and refusal to let clearly innocent people free until they had been documented was another low for our city.

## **The Daily Journal of Commerce**

### **OP-ED: Solving the housing shortage or hastening gentrification?**

*By Edward Sullivan and Carrie Richter  
June 6, 2017*

Median home prices in the Portland-metro area are increasing at an incredible clip – nearly 10 percent higher than 20 similar cities in 2016, according to the S&P CoreLogic Case-Shiller Index. This is principally the case with modestly priced older houses, which are being snapped up in cash purchases by developers and investors, demolished and replaced with larger single-family or duplex-type homes; sales prices of the new individual units are two or three times the cost of what was demolished.

There is no question that these duplex replacements increase the housing supply, but it is happening at significantly higher prices. As a result, these properties are no longer affordable to first-time homebuyers or long-standing Portland residents who cannot compete with highly-capitalized developers. Further, with little in the way of site or design controls, neighborhood groups often reject this infill as oversized and incompatible with existing housing stock.

It was the housing supply shortage, compatibility concerns and the demolition crisis that led the city of Portland to initiate the Residential Infill Project (RIP). The aim of this code amendment package is to allow greater numbers of multifamily housing, impose more restrictive standards for siting these new houses and curb demolitions by prioritizing internal conversions and adaptive reuse. City officials are still working on the actual code language to implement these changes, but a draft is expected to be rolled out in the fall.

Nevertheless, House Speaker Tina Kotek, D-Portland, proposed HB 2007, legislation that may derail much of Portland's effort. Among other things, the bill mandates that accessory dwelling units (ADUs) and duplexes be allowed in every single-family zone across the state. Local governments may regulate these uses, but such regulations may “not have the effect, either in themselves or cumulatively, of discouraging the development of duplexes or ADUs.”

Currently, in Portland, a single ADU is allowed per house, and duplexes are permitted on corner lots. The replacement of existing homes with duplexes is problematic because most local governments do not have clear and objective standards in place to regulate their siting or design. Even when such regulations are drafted, determining whether they “discourage” duplex development will be semantics that only a lawyer could love. It is likely that this new construction would go on the market with each individual housing unit selling or renting for double or triple the cost of the original housing unit. Thus, authorizing duplexes (especially if they are essentially unregulated) could gentrify neighborhoods more quickly, making housing even less affordable.

In addition to the policy choice about where to allow duplexes and ADUs, there are particular problems posed by the proposed legislation for newly designated historic districts. Under the new Goal 5 amendments, before an owner may demolish or significantly alter a historic resource, a local government must hold a public hearing to evaluate the public policies achieved by either result. Often referred to as “demolition review,” it is already required in Portland and a few other cities.

HB 2007 would prohibit demolition review: 1, where the replacement home is available to households with less than 120 percent median family income; 2, where the replacement home is a duplex or triplex; 3, where the modifications are largely aesthetic; or 4, where the demolition is limited to accessory structures. These exceptions are so broad as to largely swallow the rule; they neither encourage adaptive reuse through internal conversions, nor acknowledge the value of compatible infill. The impact of demolition review under the newly enacted Goal 5 rule should be evaluated so that it does not compromise a city's ability to meet its needed housing projections. For these reasons, further efforts must be taken to retain historic resources, rather than allow resources within a historic district to be undermined by a one-size-fits-all rule.

One of the arguments in favor of HB 2007 is that it counters the "not in my backyard" (NIMBY) refrain from neighbors opposed to additional density. But the protection of historic resources is not merely a matter of personal preference. The adoption of a national historic district is done at the state and federal levels, with an opportunity for comment by a local historic review board, and provides for notice to all affected owners as well as a hearing. Local governments are required to meet housing availability standards and should be able to do so while preserving historic resources as well.

No neighborhood should be immune from accepting its fair share of density. A new historic district's designation must include mechanisms to assure that it is not a cover for exclusion. Historic homes are often well-suited to accommodate greater density, through internal conversion that would allow them to accommodate multiple families, which could be made available at a lower cost since they do not involve a complete rebuild. Further, older homes typically have larger yard areas that could be used to accommodate either attached and/or detached ADUs, in addition to counting the vacant lands within historic districts and elsewhere that should be prioritized for development, over the demolition of historic resources.

Finally, although the rhetoric has been pitched as elitist neighborhoods seeking to avoid their share of density, opening the demolition floodgates will be most obvious in rapidly urbanizing, traditionally underserved areas, as we have seen in the Albina neighborhood and is likely to occur in the outer eastside, near Southeast Foster Road. Renters are most susceptible to displacement, and it will be exactly those rental/investment properties that will be demolished under HB 2007.

HB 2007 appears to take a sledgehammer to solve a problem, where a scalpel would do. Rather, the Legislature might be better off delaying implementation and allowing Portland to see its middle housing efforts through to the end. In the meantime, the Department of Land Conservation and Development analysis of barriers to the provision of affordable housing should be expanded to identify strategies that might increase housing supply, while maximizing its affordability. There are ways to increase density that do not involve destroying the lowest-cost homes, displacing renters, and forever losing the historic fabric of our communities. Portland is well on its way to finding a solution; let's give Portland's more nuanced approach a chance before allowing the Legislature to intervene

**OPB**

## **Portland Police Chief Addresses Citizen-Assisted Arrests**

*By Ryan Haas*

*June 6, 2017*

Portland Police and federal officers have been under scrutiny for some of the tactics they used this past weekend to manage crowds at competing left- and right-wing rallies.

Photographs and video from the scene show members of self-styled militia groups like the Oath Keepers and the III Percent United Patriots helping federal law enforcement officers from the Department of Homeland Security detain at least one counter-demonstrator.

While Portland officers did not appear to be directly involved with the citizen-assisted arrests, Police Chief Mike Marshman addressed those arrests Tuesday on OPB's "Think Out Loud."

"It's not uncommon if an officer is struggling with somebody or trying to arrest somebody, for a member of the public to come up and either render assistance, or just ask. So that's not that uncommon," Marshman said.

"Though, that said, I understand where at times it might look bad or there's going to be competing interests placed on us," he added.

Gregory McKelvey, an organizer for Portland's Resistance, took to Medium on Monday to say Portland police stood by and watched as the self-styled militia groups tackled people.

"They were working with the police," McKelvey said. "As in tackling people, handcuffing people, and clearing entire areas. The cops acted as if the alt-right was Portland's Justice League of vigilantes."

The Portland Mercury also reported Tuesday that the U.S. Attorney's Office is reviewing at least one arrest that a militia member assisted.