

## **The Oregonian**

### **Activist Teresa Raiford sues Portland for \$500,000**

*By Samantha Matsumoto*

*August 9, 2017*

Activist Teresa Raiford filed a \$500,000 lawsuit Wednesday against the city of Portland for her 2015 arrest during a political demonstration, saying police targeted her for arrest without probable cause.

Raiford was arrested on charges of interference with a police officer and disorderly conduct on Aug. 9, 2015. The interference charge was later dropped. A Portland jury unanimously acquitted her of disorderly conduct in April 2016.

In the lawsuit, first reported by Willamette Week, Raiford says police targeted her for arrest because she is a well-known activist against police brutality. Officers forced her into a police car. One told her that, in her experience, "90 percent of black people are killed by other black people," Raiford says in the lawsuit.

Raiford was arrested after an event honoring Michael Brown, an unarmed black teen who was fatally shot by police in Ferguson, Missouri. A crowd marched in the intersection of Southeast 82nd Avenue and Division Street after the event before moving to the sidewalk. Raiford and several of the event's organizers addressed the crowd from a few feet off the sidewalk, the lawsuit says.

Portland police Sgt. Jacob Clark then instructed officers to arrest Raiford.

The officers approached Raiford from behind. She turned around with her hands up when other protesters warned her of the officers, the lawsuit says. The officers handcuffed her as she told them, "I am not resisting," the lawsuit says.

The Portland Police Bureau does not comment on pending litigation, spokesman Sgt. Chris Burley told The Oregonian/OregonLive on Wednesday night.

The city of Portland was negligent in its failure to train, discipline, transfer or fire the officers who arrested Raiford, the lawsuit says.

The lawsuit says Raiford suffered pain, suffering, anxiety and fear of police among other damages because of her arrest. She seeks a trial by jury.

### **Portland City Council seeks prompt police interviews of cops who use deadly force**

*By Maxine Bernstein*

*August 9, 2017*

Portland police should compel officers who use deadly force to speak to internal affairs investigators within 48 hours and not wait for approval from the district attorney, the City Council decided in an unanimous vote Wednesday.

But the council will spend another week working on the precise language for a revised police directive to reflect the decision. The proposed policy will come back before the mayor and city commissioners for a separate vote later this month or in early September.

Mayor Ted Wheeler, crediting community input and legal advice from many attorneys, backed away from his initial plan.

It would have granted authority to the Multnomah County district attorney to dictate when police internal affairs investigators could interview officers involved in fatal shootings. But at the same time, the city would have sought a court ruling on the legality of internal affairs forcing statements from officers as quickly as possible.

District Attorney Rod Underhill had advised police in March to hold off on internal affairs interviews until completion of criminal investigations in deadly force cases. He was concerned that compelled statements could violate an officer's due process rights and make an officer immune from prosecution. That led the Police Bureau to wait six weeks after one shooting this year to have an officer give an interview to internal affairs investigators for a standard administrative review.

Underhill's memo followed the hard-fought and successful elimination last year of the controversial "48-hour rule" in the police contract that allowed the officers to wait at least two days before making a statement to internal affairs.

"I believe the principle of eliminating the 48-hour rule ... is worth the risk, and that we stand on strong legal ground," Wheeler said Wednesday.

Wheeler and Commissioner Nick Fish worked on the substitute proposal in the last week.

"Our goal is to go back and affirm a national best practice and assure these interviews occur in a timely manner," Fish said. "We are not picking a fight with the DA. Reasonable people can disagree."

In reversing course, Wheeler said he now doesn't want to wait until a court ruling. But he said he's still interested in somehow obtaining judicial review on the policy.

"I believe absolutely we would seek that judicial clarity," he said.

In the meantime, the council directed the city attorney to work with lawyers from the U.S. Department of Justice to draft a new police directive on "post deadly-force procedures."

It should direct the Police Bureau to maintain a strict wall between simultaneous police criminal investigations of deadly force and the internal affairs investigations and require that officers promptly give statements to internal affairs within 48 hours absent extenuating circumstances. It also should give authority to the police commissioner and police chief to defer the internal affairs interview if warranted.

Representatives from the National Lawyers Guild, Portland Copwatch and the Albina Ministerial Alliance's Coalition for Justice and Police Reform commended the mayor and council for listening to community concerns aired at a hearing last week.

They then urged the council to continue to seek a court ruling validating a timely internal affairs interview after a deadly shooting or death in custody. They also urged the council to require officers to give statements to internal affairs even sooner -- by the end of their shift or within 24 hours of an encounter.

Lindsey Burrows, an attorney with the National Lawyers Guild, requested the council remove the proposed clause permitting the police commissioner and chief to make exceptions, saying it's "overbroad and vague."

The mayor said he "won't fall on his sword" over the clause. Wheeler said it was included because of the immunity concern.

"I would obviously use that exception extremely judiciously," said Wheeler, who also acts as the city's police commissioner. Yet Wheeler said he understood the community's fear that the power could be abused.

City Attorney Tracy Reeve said other police agencies that take immediate statements from officers who use deadly force, including Seattle police, have that "escape hatch" in their policies should authorities get an "initial gut check" that a particular shooting is likely a "bad shooting."

Since 2010, Portland has had 32 officer-involved shootings. Twenty were fatal. One officer, Dane Reister, was indicted on criminal charges during that time after firing a bean-bag shotgun mistakenly loaded with live rounds and seriously wounding a man. Reister had pleaded not guilty to assault charges in the case and was challenging a negligent wounding charge when he killed himself in 2015.

A rewritten police directive is expected to return to council by Aug. 24 for review. Until then, police internal affairs will be directed to interview officers who use deadly force as soon as practical within 48 hours of the encounter.

In the next week, the council and city attorney's office will consider adding back language that would give the city attorney the right to seek a court review of the policy, consider placing restrictions on when a chief and police commissioner could grant an exception and discuss if compelled statements should occur more quickly than 48 hours, Fish said.

"It needed a little more polishing," Fish said. " We want to get it right."

The mayor's proposal to create a new Portland Commission on Community-Engaged Policing has been tabled for two more weeks so it can be reworked to consider changes urged by the public.

Community members also complained last week that the new group would meet behind closed doors twice a month and wouldn't have any oversight of federally mandated police reforms stemming from a settlement agreement the city reached with the U.S. Department of Justice over using force against people with mental illness.

"I believe it can be significantly improved," Wheeler. "I want you to know that I heard you."

## **Portland to tear down SE Portland strip club to build affordable housing**

*By Jessica Floum  
August 9, 2017*

Those seeking adult entertainment in Portland will soon have one less destination in the city known nationally for its many strip clubs.

The city of Portland will buy the property occupied by the Safari Showclub, tear down the club and build 200 to 300 affordable apartments.

The City Council on Wednesday unanimously approved spending \$3.7 million on the 50,000-square foot property on Southeast Powell Boulevard at Southeast 30<sup>th</sup> Avenue. Commissioner Nick Fish was absent.

The city will close the deal September 30, when the strip club will have to cease operations.

"Ultimately to address our affordability crisis, we have to use all the tools available," Mayor Ted Wheeler said. "This is one example of how we can move forward."

The mayor has faced a growing chorus of critics concerned with his slow approach to spending the largest pool of money available to address affordable housing.

"There is a narrative out there in the community that we're blowing off affordable housing," Wheeler said. "I want this to be out in the public."

Down the street from Cleveland High School, the property is the first big site the city has bought in the area, Housing Bureau Director Kurt Creager said.

The purchase allows the city to get ahead of a property value increase expected as the city develops the Powell-Division transit corridor, he said. The land is owned by Bob Rice, a prominent Portland restaurant operator who has served as president of the Oregon Restaurant Association and serves on the Oregon Liquor Control Commission, public records show.

Creager said he promised the council two years ago that he would build 300 affordable housing units as the city carries out the transit project.

At the time, Creager pledged to make up to 30 units affordable to very low-income individuals and families who make percent or less of median family income. Now, he says it's more likely that only 20 units will be affordable to that group. That's because the city might develop only part of the space into 200 apartments to create an opportunity for others to build affordable condos that families could buy on the remainder of the land.

"We have multiple missions here," Creager said. "Home ownership is part of it."

The city currently plans to use money from transient lodging taxes to buy and develop the property. But using money from the voter-approved \$258 million housing bond is not out of the question, Wheeler said.

"We're using all the tools available to help us move on addressing housing affordability," Wheeler said.

Wheeler asked a group of more than 20 developers, advocates and minority representatives to create a framework for housing bond spending. The group has met six times since April and is on track to propose a spending strategy for the city council to vote on in October.

Wheeler said the city could use housing bond proceeds to develop the property if it meets the criteria the council approves.

Redeveloping the site will take years, Creager said. It will take two years just to get permits to develop it, he said.

In the meantime, the city hopes to renovate the former strip club to use as a shelter for women and children. The location near the high school makes the location good for families, Creager said.

Once permits are approved, the city will also have to remove methane gas from the underlying soil that officials discovered during a months-long inspection process.

The mayor demonstrated evident pride the project is moving forward, given the urgency of the city's housing crisis. "I will make sure everyone is invited to the groundbreaking," Wheeler said.

## **The Portland Tribune**

### **Sources Say: Fish, Saltzman water votes put city's needs first**

*By Jim Redden  
August 10, 2017*

Last Wednesday's unanimous City Council vote to build a filtration plant to treat Bull Run water was surprising for many reasons, including the fact that the two members up for re-election next year chose the most expensive option when they didn't need to.

Commissioners Nick Fish and Dan Saltzman both voted with the rest of the council to build a filtration plant to remove cryptosporidium from Bull Run water. It is estimated to cost up to \$500 million and could raise water rates as much as \$18 a month by 2030. They could have voted for a much cheaper ultraviolet plant that would not raise rates nearly as much.

But, unlike politicians who are only concerned with getting re-elected, Fish and Saltzman both said the filtration plant was best for Portland's long-term future because it can remove other contaminants from the water, including silt from landslides and ash from wildfires. Fish was especially clear that this decision was based in part on the growing awareness of the potential effects of climate change on the watershed.

#### **The week from you-know-where**

It seemed like everything that could go wrong did when temperatures spiked last week.

As the first of the triple-digit days rolled around, newscasters advised those without air conditioning to cool their homes in the mornings by opening doors and windows. But then smoke from numerous wildfires blew into the region and everyone was told to keep their doors and windows closed. And then Portland Parks & Recreation closed all outdoor pools on the hottest day of the week because of the smoke.

People also were urged to take transit to keep the air from getting any worse. But MAX and WES trains always slow down when temperatures climb over 90 degrees, causing service delays. Even worse, TriMet was hit by computer problems that caused MAX trains to run slowly in the mornings, too, for much of last week. But walking and biking also were discouraged because of the smoke.

#### **How soon they forget**

During last Friday's groundbreaking for the Oregon Convention Center Hyatt Regency, so many past and present elected officials were credited with helping move the hotel project forward, it's hard to believe anyone was forgotten.

But no one mentioned former Mayor Bud Clark, who unexpectedly announced that building the convention center was his top priority after his surprise victory over Frank Ivancie in the 1984 primary election.

Although business leaders had been pushing the idea of a such a center for years, Clark had not mentioned it during his upstart campaign for mayor. But he prioritized it during his first major speech, delighting the business community and baffling many of his grassroots supporters.

Although former Mayor Sam Adams was not present, Metro President Tom Hughes credited him for keeping the project alive when just about everyone else gave up on it during the Great Recession, drawing applause from the large crowd at the event.

# Overlook Neighborhood Association looks to exclude homeless from membership

*By Lyndsey Hewitt  
August 9, 2017*

**City says neighborhood associations aren't designed for just those who own homes. The future of Hazelnut Grove village remains in question.**

In something of a trend of Portland neighborhood associations taking a position on homelessness, North Portland's Overlook Neighborhood Association is looking to amend its bylaws to exclude homeless people from participating in some of the organization's activities.

Proposed amendments were posted on its website on Tuesday, Aug. 8, which will be voted on at its next board meeting at 6:30 p.m. Aug. 15 at the Lucky Labrador Tap Room.

The revision would require residents to "provide a legal home address" to qualify for membership. It also states that a "city-sanctioned and permitted houseless village" could qualify.

"You should have a legal address," says Chris Trejbal, chairman of the Overlook Neighborhood Association. "If you're an undocumented immigrant and you rent here you're welcome on the board, but if you happen to plop down on a city park bench for the night, that's not sufficient to say you have a commitment to Overlook. So, in some sense, yes, we're going to exclude some people, and it's those without an address."

However, the city says that neighborhood association membership is open to anyone, including homeless people.

"Neighborhood associations are not designed for just those of us who own homes. We need to be much more inclusive about how we approach all the problems in this city," says Dave Austin, interim ONI director and Commissioner Chloe Eudaly's chief of staff.

## **Ongoing battle with Hazelnut Grove**

The neighborhood association has had ongoing issues since the establishment of the Hazelnut Grove encampment along North Greeley Avenue in 2015, and the fire was stoked further for Overlook when the city and county worked with the Kenton neighborhood for months, including pledging only going forth with community buy in before establishing a tiny-home village for homeless women there. Some Overlook neighbors saw that as unfair, since they didn't have that process for Hazelnut Grove.

"In the meantime, we've seen two new locations open up around North Portland and Overlook," Trejbal says, referring to the new Right 2 Dream Too site in the Rose Quarter, and the Kenton village. "We're looking for something akin to the Kenton model. We think that's a good model ... Hazelnut Grove used to be a priority."

Evolving from tents initially, the Grove now has tiny homes where 19 people live and functions as a nonprofit organization. Without a formal agreement from the city, it sits on land owned by the city of Portland.

There's no service provider on site, and some residents there have said they don't plan on leaving anytime in the near future.

However, it does operate on a self-governing model and they follow a code of conduct. The structures on the land have also steadily improved from haggard wooden shacks to more well-designed tiny homes.

## **A setback**

The move is a setback for ongoing mediation efforts between the two groups that were facilitated by the Office of Neighborhood Involvement through Resolutions Northwest.

Hazelnut Grove and Overlook have been working to hammer out a Good Neighborhood agreement, having had four mediation meetings in recent months and another being held Thursday, Aug. 10.

The arrangement came following a visit by Mayor Ted Wheeler to a neighborhood association meeting in the spring.

At that time, Wheeler told the neighborhood that they were a neighborhood divided.

Brian Hoop, a program manager at the Office of Neighborhood Involvement, says a similar issue to Overlook's bylaw proposal came up last year, when there were hundreds of campers on the Springwater Corridor Trail in Southeast Portland. In that instance, they worked with the Lents Neighborhood Association.

"Our standards are pretty clear that anyone who lives or owns a property within a neighborhood has a right to be a member, and that would include homeless people," Hoop says. "If meeting participants are asked for address verification, and they have none, we can work with Overlook's leadership to provide a simple form for individuals to indicate where in the neighborhood they are currently living."

Neighborhood associations function as independent nonprofit organizations, but are guided by the city's Office of Neighborhood Involvement. ONI standards for neighborhood associations say that they can't discriminate against individuals on the basis of income, and that membership is open to any person who lives within the bounds of a neighborhood association.

"There's too much division in this country right now and as Portlanders, we all need to work together to solve the issues around homelessness and exclusion doesn't help things," Austin says.

Vahid Brown, co-founder of the Village Coalition and who helped establish Hazelnut Grove, called the neighborhood move "utterly disappointing."

A long-time homeless advocate, he's also the housing policy coordinator for Clackamas County.

"It's discriminatory. It's outrageous. This is an act to explicitly exclude people who are very low income and can't afford housing in their neighborhood from participating in the neighborhood," he said.

Village Coalition was formed following on the heels of Hazelnut Grove and worked with city officials to establish the Kenton tiny home village, which has been looked at as a success.

## **Future still unclear**

It's still uncertain what the long-term vision for Hazelnut Grove is. The Tribune has reached out to the mayor's office for comment and will update this story.

Wheeler admitted at the springtime Overlook meeting that the city had not treated them fairly in the past.

"As far as I can tell, the city just walked away," Wheeler said at that time. He also warned that moving the camp could be long and difficult, at that time pointing at the years-long battle of moving the Right 2 Dream Too tent encampment from Old Town Chinatown.

"I feel that the city has, as Mayor Wheeler said, treated Overlook shabbily throughout this process," Trejbal says. "This Good Neighborhood Agreement process, while I welcome the opportunity to develop the agreement because it will improve relationships with neighbors and Hazelnut Grove, it's just a proxy for dealing with the situation, and the city is still uncommitted to dealing with a fundamentally dangerous situation of a village springing up where there's no code enforcements and it's in a wildfire zone."

As for the proposed bylaw amendment, Trejbal interprets it as a legal issue.

"I wouldn't portray it as excluding homeless people. It's excluding people who aren't legal residents of the neighborhood," he said.

But Brown, who has spoken at Overlook neighborhood meetings about Hazelnut Grove a number of times in an attempt to achieve understanding, still sees the move differently.

He volunteered to conduct the federally mandated Point-in-Time Count for that area, which documents homeless people. Brown says that many people who lose their housing tend to stay in the neighborhood they're familiar with.

"The people who Overlook is trying to exclude ... they are Overlook residents. They are Overlook neighbors. It's just unvarnished economic discrimination. These folks should have a voice," Brown says.

## **Portland to buy strip club for affordable housing**

*By Amelia Templeton/OPB*

*August 9, 2017*

**The Portland Housing Bureau hasn't settled on a design for the units it wants to build on the site. In the interim, the bureau's director says he's working with Multnomah County to re-purpose the strip club building as a homeless shelter for women or families.**

The Portland Housing Bureau will buy a strip club and a large empty lot across Southeast Powell Boulevard from Cleveland High School with plans to build affordable housing on the site.

The City Council on Wednesday approved a plan to buy the lot with the goal of building 100 to 300 units of affordable housing.

"The property has a relatively close-in location, it has good access to transit, and it neighbors Cleveland High School, making it ideal for families with students," said Mayor Ted Wheeler.

The city will pay \$3.7 million for the lot on Powell Boulevard, which includes the Safari Club.

To read the rest of the story, go to [www.opb.org/news/article/portland-oregon-strip-club-lot-affordable-housing/](http://www.opb.org/news/article/portland-oregon-strip-club-lot-affordable-housing/)

## **Don't Shoot Portland activist seeks \$500,000 from city for 2015 arrest**

*By Pamplin Media Group  
August 9, 2017*

**Teressa Raiford says police singled her out for arrest during the rally even though she only stepped into the street to avoid a crowded sidewalk. One other person was arrested during the rally.**

Don't Shoot Portland activist Teressa Raiford is suing the city of Portland for \$500,000 for taking her into custody two years ago during a Southeast 82nd Avenue rally on the anniversary of Michael Brown's shooting death in Ferguson, Missouri.

Raiford's lawsuit filed Wednesday afternoon in Multnomah County Circuit Court seeks damages for assault, battery, false arrest and negligence.

The city of Portland does not comment on pending litigation. No court date has been set for the case.

Raiford was arrested during the Aug. 9, 2015, Black Lives Matter rally and charged with disorderly conduct and interference with a police officer. She was handcuffed, taken to the Multnomah County Detention Center and released that evening.

The city dropped the charge of interference with a police officer. Raiford pled not guilty to the disorderly conduct charge and was acquitted April 21, 2016, after a jury trial.

Raiford says police singled her out for arrest during the rally even though she only stepped into the street to avoid a crowded sidewalk. One other person was arrested during the rally.

According to the lawsuit, Raiford "suffered, and continues to suffer, pain, humiliation, indignity, fear, heightened vigilance, anxiety, fear of police and pain and suffering."

## **Willamette Week**

### **Don't Shoot Portland Activist Teressa Raiford Sues City for \$500,000 Over Her Arrest at Protest**

The lawsuit says police made disparaging comments about the the Black Lives Matter movement as they arrested her.

*By Karina Brown  
August 9, 2017*

Don't Shoot Portland organizer Teressa Raiford today sued the city over her 2015 arrest and subsequent acquittal on charges of disorderly conduct.

Raiford says Portland police targeted her for arrest at an event she organized to honor the life of Michael Brown, the unarmed black man killed by a police officer in Ferguson, Mo.

She says she was doing nothing wrong, and claims police singled her out because they knew her reputation as an outspoken activist against police brutality.

Her lawsuit, filed this afternoon in Multnomah County Circuit Court, asks for \$500,000 in damages. And it says police made disparaging comments about the the racial-justice movement as they arrested her.

"In my experience, 90 percent of black people killed are killed by other black people," Raiford claims Officer Susan Billard said as she locked Raiford into a patrol car.

A Portland Police Bureau spokesman says the bureau does not typically comment on pending litigation. Raiford tells WW that she's eager for her day in court.

"I think everybody knows what happened and everybody knows it wasn't okay," Raiford says. "I'm hopeful that that jury's going to see who we are and that we're going to break this system of injustice. I'm just looking forward to the fight. I'm like, bring it on. I can't wait to fight for those privileges of public safety and constitutional freedom that we all deserve."

Her attorney, Matthew McHenry, says he took the case because he wants to curb police suppression of dissent.

"The jury acquittal on the criminal charge," he says, "did little to address or discourage the PPB's suppressive and intimidating conduct toward the voices in our community with which it does not agree."

Raiford was standing just a few feet off the curb near the intersection of Southeast 82<sup>nd</sup> and Division, addressing a crowd of attendees who were mostly on the sidewalk when the officer in charge, Portland Police Bureau Sergeant Jacob Clark, told four cops to arrest her, according to the complaint. The four cops approached Raiford from behind, the lawsuit states. She says she spun around and put her hands up when other protesters yelled her name to alert her.

"I am not resisting," Raiford said when two officers handcuffed her.

Still, she says police walked her across the street and shoved her into the back of a cop car.

One of Raiford's charges, interference with a police officer, was later dismissed. She was acquitted by a jury of disorderly conduct in April 2016. Multnomah County Circuit Court Judge Michael Greenlick ruled during that trial that police had no probable cause to arrest Raiford.

Raiford demands \$500,000 for false arrest in a lawsuit filed two years to the day after the incident.

## **Under Latest Proposal, Portland Could Compel Immediate Statements From Police Who Shoot And Kill—But It Doesn't Have To**

Current rules and coming changes to Portland Police Bureau's post-shooting policy allow the police chief and mayor to delay interviews that could hamstring a criminal investigation.

*By Katie Shepherd  
August 9, 2017*

The 48-hour rule may technically be dead, but it is still haunting the Portland Police Bureau's post-shooting policies.

Today, Mayor Ted Wheeler delayed a vote on a new policy that would allow the city to quickly interview a police officer who shoots and kills someone.

But that proposed policy might not do what police-reform advocates hope.

The new policy in the works will not require the city to compel a statement from an officer who shoots and kills someone, Wheeler's office said today. It would allow the city to make that officer talk, but would also give the police chief and the mayor the discretion to delay any interview they think could stymie a criminal investigation.

"Today's proposal gives the Police Commissioner, in consultation with the Chief of Police and City Attorney, the discretion to delay an interview until a criminal process is completed if they believe there's a real risk of jeopardizing the criminal investigation," said Sonia Schmanski, chief of staff for Commissioner Nick Fish. "We believe the risk of that is very low but want to allow for the possibility."

Fish has been working closely with the mayor to rework the new post-shooting policy to incorporate changes that would allow it to go into effect as soon as it is approved.

Michael Cox, a spokesman for the mayor's office, confirmed that the new policy would give the police chief and the mayor the freedom to decide to delay interviewing an officer after a shooting.

This is the latest wrinkle in a long and convoluted effort to reform Portland's practices around shootings by officers.

Many hailed it as a major success when former Mayor Charlie Hales negotiated a new contract with the Portland Police Association that nixed the longtime rule that gave cops who shot and killed people two full days to consult with lawyers and union representatives before making a statement to internal investigators.

The policy rose from the grave this spring when Multnomah County District Attorney's Office wrote a memo arguing that it could not prosecute an officer who had been forced to make a statement because he would have transactional immunity. Wheeler issued a statement saying that although he still opposed the "48-hour rule," the city had no choice but to put off collecting an officer's statement until the criminal investigation wrapped up.

Intense backlash from criminal justice reform advocates spurred Wheeler to propose a code change that would allow the city to compel statements immediately by creating a dual track process to keep the administrative and criminal investigations separated. But he wanted to wait for a court to decide whether or not the policy would put criminal investigations at risk.

After more pushback, the mayor agreed to reinstate the practice of compelling testimony immediately. City council approved the return to the city's previous policy on Wednesday afternoon, which allows investigators to interview an officer within hours of a shooting. The new proposal that had been presented to council last week will be getting more tweaks over the next two weeks before council votes to formally adopt new language.

# Mayor Ted Wheeler Yanks Police Reform Items Off the Portland City Council Agenda

At the last minute, Wheeler delayed votes that would establish a new community oversight board and clarify the city's post-shooting policies.

*By Katie Shepherd  
August 9, 2017*

Although Mayor Ted Wheeler brought two police reform proposals to Portland City Council last week, he yanked both from this week's agenda just before today's council meeting.

One of the changes would have established the Portland Commission on Community-Engaged Policing, a board made up of volunteer members of the public who would review police policies. That panel is meant to replace the failed Community Oversight Advisory Board and fulfill a requirement of the 2012 settlement agreement with the U.S. Department of Justice that found a pattern of excessive use of force against people suffering from mental illness.

The proposal will now be brought to council at a later date.

The other proposal would have clarified the city's position on the controversial "48-Hour Rule" and put into place a code change allowing the city to compel testimony officers involved in fatal shootings without delay.

Wheeler's office said it is postponing the vote on the new policy in order to incorporate changes and draft a better version of the new rules.

For now, the city will return to its previous practice of interviewing officers in the immediate aftermath of shootings. That policy was in place until the Multnomah County District Attorney's Office expressed the view that the interviews would derail any criminal investigations into an officer-involved shooting. The vote to return to the "status quo" will also offer a framework of what the new policy will look like.

"The decision is based upon the immediate need to retain the ability to compel interviews, and the timeline necessary to write the new policy," says Michael Cox, a spokesman for the mayor's office.

Commissioner Nick Fish is working with the mayor's office to craft the new policy. His office said that the new language will be reviewed by the Oregon Department of Justice and the Portland Police Association before it comes before council in two weeks.

"Today's action will ensure that the City retains the ability to quickly interview officers," said Sonia Schmanski, Fish's chief of staff. "Today's proposal gives the Police Commissioner, in consultation with the Chief of Police and City Attorney, the discretion to delay an interview until a criminal process is completed if they believe there's a real risk of jeopardizing the criminal investigation. We believe the risk of that is very low but want to allow for the possibility."

Council will still consider a code change that will give the Independent Police Review the power to make recommendations in its investigations.

# The Portland Mercury

## The Punch Policy

### Portland Police Disavow Trump's Pro-Brutality Speech—Then Argue It's Okay to Punch Suspects in the Face

*By Doug Brown  
August 9, 2017*

“Please don't be too nice” to criminal suspects, President Donald Trump said at a rally full of laughing and cheering police officers late last month, essentially endorsing excessive use of force by law enforcement.

The president's comments, and his audience's gleeful response, led to **something of a public relations nightmare** for police departments trying to shed the bad reputations and perceptions of brutality that have led to community distrust.

“To suggest that police officers apply any standard in the use of force other than what is reasonable and necessary is irresponsible, unprofessional, and sends the wrong message to law enforcement as well as the public,” said New York Police Commissioner James O'Neill.

The Gainesville Police Department chimed in, saying: “The President of the United States has no business endorsing or condoning cops being rough with arrestees and suggesting that we should slam their heads onto the car while putting them in.”

A July 29 tweet from the Portland Police Bureau (PPB) following Trump's comments **even made CNN**. “Portland Police Bureau officers are expected to treat everyone with dignity & respect, even when they are a suspect,” it read.

Four days later, at a sparsely attended meeting of the city's **Citizen Review Committee (CRC)**, a PPB lieutenant said that it's within bureau policy for officers to punch suspects in the face if police think they're being noncompliant during an arrest.

Lt. Craig Morgan was at the meeting to explain why he cleared a subordinate officer of wrongdoing, after that officer admitted to punching a restrained bank robbery suspect multiple times in the face during an arrest in November 2015.

Phillip Nelson, then 46, had **just robbed a US Bank branch on Southeast Division**. After a brief foot chase—cops tracked him via a GPS transmitter attached to the nearly \$3,000 he left with—Nelson fell, and an officer jumped on top of him. Two more cops swarmed in, pinning Nelson to the ground, face down, with their knees. They grabbed his right hand to cuff him, but couldn't reach his left arm, which was underneath his body. Officers said the area was too wet to safely use a Taser (Nelson apparently knocked over a bucket of water). The blows commenced.

“There was so much weight on me that they were trying to pull my left arm out and they kept punching me in the face and they were kneeling me in the side repeatedly,” Nelson told investigators from the PPB Internal Affairs Division (IAD). “I couldn't pull my arm out and they couldn't pull my arm out.”

The officer, who was not identified publicly per police discipline rules, admitted to investigators that he punched Nelson in the face multiple times. He said he thought the man was intentionally resisting.

Nelson filed a tort claim notice with the city a few months later, alleging a host of injuries he says were caused by police. That triggered an investigation by the city auditor's **Independent Police Review** (IPR), which handed off the case to internal affairs. Morgan, the officer's superior, ruled the use-of-force allegation as "not sustained," meaning the officer's actions were allowed.

It's not that Nelson lied about being punched in the face, Morgan said in his justification of the determination. It's that face-punching is within policy when cops think a suspect is resisting. A punch, Morgan said, "can cause them to focus their mental energies on that area," so that the suspect will, essentially, give up.

"Punching a suspect is allowed under certain circumstances," Morgan told the CRC. "Punching a suspect who is resisting and displaying other behaviors is on the range of acceptable behaviors."

The CRC, which is overseen by the IPR, rules on whether discipline decisions (or the lack thereof) by the PPB could have been made by a "reasonable" person. The civilian board last Wednesday ruled 5-3 to challenge Morgan's finding. The majority felt the allegation should be "not sustained" as Morgan ruled, but with an added debriefing—essentially, no punishment or record of wrongdoing, but with a formal talking-to about how the situation could have been handled better.

Under normal circumstances, the police chief can either accept or challenge the CRC's decision to add a debriefing. If challenged, the CRC can either back down or take it to Portland City Council for final say. Chief Mike Marshman, who will be formally replaced as police chief by Oakland Deputy Chief Danielle Outlaw in the coming months [*see pg. 8*], is on vacation and has yet to announce an official retirement date. Assistant Chief Chris Uehara is serving as interim chief until Outlaw starts this fall.

Nelson, for his part, wasn't able to make it to the CRC hearing last Wednesday. In January, he was sentenced to 46 months in federal prison for the bank robbery.

## **Portlanders Just Forced Changes to Contentious Police Oversight Proposals**

### **But the Outcome Is Still Up in the Air**

*By Dirk VanderHart*

*August 9, 2017*

**SOMETIMES** outrage works.

Last week, Portland City Council took up three proposed changes to police oversight in the city. As tends to happen with these things, most of those changes were met with derision from the public.

During a marathon hearing lasting more than five hours, the council listened to person after person tearing the proposals to shreds—particularly a contentious item that would modify the city's 2012 police reform settlement with the US Department of Justice (DOJ) and create a watered-down citizen oversight group.

Now, it looks like change is on the way. Two of the three proposed policies will have been substantively altered when they come before council again on Wednesday afternoon. Here's a rundown of where things stand.

### *Citizen Oversight: **Tabled***

The city's settlement with the DOJ—a response to a pattern of police abuses—created a “community oversight advisory board” (COAB), made up of advocates, experts, and police officers. It had authority to “independently assess” the city's progress at police reform, but it was plagued with issues from the start. Late last year, the decision was made to let it die off.

Now, Wheeler's office, the DOJ, and a number of others have **drafted a replacement**: the Portland Commission on Community-Engaged Policing (PCCEP). And, man, people hate it.

Last week, commissioners heard concerns that the group would be too small, too beholden to the mayor, too limited in terms of its say in the settlement agreement, and too secretive (many meetings wouldn't be held publicly). Commissioners Amanda Fritz and Chloe Eudaly secured changes designed to increase the PCCEP's size, allow for more council input into the group's makeup, and make the group more transparent, but it wasn't enough to silence critics.

So Wheeler's going to delay the vote.

“We feel that the PCCEP as currently constructed addressed many of the criticisms that were raised, but we do believe there are some other things that we can look at,” says Wheeler spokesperson Michael Cox. “We're working on specifics to address some of the concerns we heard.”

The delay likely won't last long. Cox says tweaks will involve how much influence the PCCEP has and increasing the number of public meetings.

### *48-Hour Rule: **Replaced***

One huge reason former Mayor Charlie Hales won enough votes to approve a controversial police union contract last October was the repeal of the “48-hour rule,” which gave cops at least two days after a shooting to collect their thoughts before speaking with internal investigators.

In March, a memo from Multnomah County District Attorney Rod Underhill unraveled that progress. Underhill believes Oregon case law grants immunity to cops from criminal prosecution if they're forced to give a statement to internal affairs. As a result, the Portland Police Bureau has been holding off on taking those statements—a big concern for police accountability advocates.

To address this, Wheeler first proposed challenging Underhill's opinion in court. Under that plan, the city would pass a policy that officers be interviewed within two days of a shooting, but wait for a judge's blessing before enforcing those rules (which could take a year or more).

In the face of last week's testimony, that changed. Commissioner Nick Fish tells the *Mercury* he became convinced there's not actually much risk in forcing a cop to speak with internal affairs right away. So he and Wheeler are planning to introduce **a new ordinance** ensuring that cops give statements promptly, even as the city seeks a judge's blessing.

“Based on the case law, we think our approach is constitutional, and we also think we have very little risk,” Fish said Monday.

### *Independent Police Review Authority: **Unchanged***

The least controversial change seems primed to sail through.

This ordinance would allow investigators with the city's Independent Police Review (IPR) **to issue conclusions** as to whether an officer has broken city rules. Currently, those staffers conduct

investigations, but aren't able to opine as to whether wrongdoing actually occurred—that falls to the supervisor of the officer under investigation.

This would give IPR a say. And, for once, no one's upset.

## Hall Monitor: The End of Saltzman's Easy Streak?

### One of Next Year's Council Races Is Shaping Up to Be a Doozy

*By Dirk VanderHart*

*August 9, 2017*

**IT'S BEEN** nearly 20 years since Dan Saltzman faced a truly tough political contest.

In 1998, Saltzman battled with Tanya Collier for an open Portland City Council seat. Both candidates were former Multnomah County commissioners, and both knew their way around a campaign. In the end, Collier's candidacy was enough to force a run-off, but she fell just short in that year's general election.

It's been **easy street** for the dean of the City Council ever since.

In the four races he's run since 1998, Saltzman's **never had to campaign past the May primary**. He faced his most formidable challenger in 2006, when now-Commissioner Amanda Fritz tried to unseat him, but she couldn't muster enough steam to hold Saltzman below 50 percent plus one vote, which would've forced a run off.

Even with the diluting power of eight challengers in his 2010 race, Saltzman came out of the primary with more than 55 percent of the vote. He's been untouchable.

But maybe that **easy streak comes to a close** next year. On Friday, August 4, Saltzman **got word** that he'd once again be facing a challenger who knows how to campaign.

That afternoon, Jo Ann Hardesty—president of the local chapter of the NAACP and a former state representative—had requested a meeting with Saltzman, citing personal business.

The meeting was brief. Hardesty says she explained to Saltzman that she'd be running for his seat, and suggested he **voluntarily end his council tenure** at an even two decades. Saltzman declined.

But as Hardesty walked away from the meeting, a feeling began to emerge in parts of the Saltzman camp—a notion that next year's race **could be a rare uphill climb**.

A lot of it's the appeal of Hardesty. She's sharp-elbowed, an aggressive and constant advocate for police reforms, and an East Portland resident in a city where four of five councilmembers live west of the Willamette. She's also an African American in a city that might finally be ready to elect a woman of color.

But it's Saltzman, too, and what his stream of steady successes represent in **this political moment**. He's the establishment candidate at a time of growing unrest over Portland governance, and the longest-serving current Portland elected official when people are agitating for change.

True: Saltzman has been an unquestioned champion of domestic violence victims and underfed children. He has been seen as a competent bureau manager in a city that demands that of its councilmembers.

He's also long had a reputation as the councilmember most likely to miss meetings.

It hasn't always been clear how these factors played into Saltzman's recent races, where the **power of his incumbency**—and its ability to bring in heaps of political contributions—loomed large.

Assuming Saltzman follows through with his assurances he'll run next year, he'll once again have the money to do it. He's already raised \$62,500 this year (including in-kind donations).

But there seems to be a real question whether the other pieces that have made Saltzman untouchable for the last 20 years will slide into place this time around.

It will be fascinating to find out.

## Portland's New Police Chief

### She's Respected by Civil Rights Advocates

*By Doug Brown*

*August 9, 2017*

Portland Police Chief Mike Marshman is getting the boot.

Portland Mayor Ted Wheeler **announced Monday afternoon** that he's handing the reins of the Portland Police Bureau (PPB) over to Oakland Deputy Chief Danielle Outlaw, who will become the first woman of color and the third woman to serve as Portland's police chief on a full-time basis.

Outlaw is only 41, but has nearly 20 years of law enforcement experience. She'll start no later than October 2, the city says.

The announcement of Outlaw's hiring was met with tempered optimism from local activists, many of whom had railed against Marshman's candidacy. It received relative silence from the Portland Police Association, the city's rank-and-file police union, which favored the existing chief.

The pick came after a more-secretive-than-promised search that lasted nearly three months. Wheeler had pledged a national hunt for a police chief before he became mayor in January, despite the fact Marshman was tapped for the position last summer by then-Mayor Charlie Hales.

Marshman was invited to apply for the job and was one of four finalists. He's now using vacation time and will soon officially retire. Assistant Chief Chris Uehara is acting as chief until Outlaw takes over.

“During the selection process, Mayor Wheeler emphasized the qualities he wants in a police chief, based upon the principles of President Obama's Task Force on 21st Century Policing,” **the mayor's office said in a statement on Monday**. “The Mayor selected Outlaw based on her ability to provide leadership and supervision to over 950 sworn and 270 non-sworn employees to work effectively with diverse communities, and to lead an organization committed to community policing, transparency, and accountability.”

Outlaw's got fans in Oakland. **John Burris**, a prominent civil rights attorney in the Bay Area who says he has sued the Oakland PD “more times than I can count,” tells the *Mercury* she's genuinely interested in community-based police reform. Outlaw's ethical and interested in civil rights, he says.

“She’s fair, a fair-minded person, and she appreciates the community’s concerns about quality policing,” Burris says. “I think she’ll effectively communicate with the community, the politicians, and, hopefully, the officers themselves.”

Burris notes that Outlaw emerged unscathed in an underage sex abuse scandal that recently plagued Oakland’s police.

So far, the pick is playing well locally, too.

“We are cautiously optimistic that this hiring will mark a new direction for policing in Portland,” activist group Portland’s Resistance said in a statement. “We are also proud to have a woman of color as our police chief.” The group had promised a recall effort for Wheeler if the mayor re-hired Marshman.

Outlaw became a deputy chief in Oakland in 2013 after rising through the ranks. The city says she first joined the department as a high school student in 1997, then got a degree in sociology from the University of San Francisco and a master’s degree in business from Pepperdine University.

“My life’s passion is policing,” she said in a statement. “I want to make a positive difference in the lives of my fellow officers and the residents of the community. Portland is an amazing city. I am humbled by the tremendous opportunity in front of me, and am ready to get to work.”

## **The Daily Journal of Commerce**

### **Portland considers affordable housing tax breaks**

*By Chuck Slothower  
August 9, 2017*

The city of Portland is considering offering developers up to \$50 million in tax breaks to include affordable housing in their multifamily properties.

The tax breaks are targeted at the flood of projects that were submitted to the city’s Bureau of Development Services ahead of the Feb. 1 effective date for inclusionary housing rules. Projects submitted before that date do not have to include affordably priced apartments.

This accumulation of projects submitted under the city’s old rules means it could be two to three years before Portland sees any meaningful affordable housing supply.

City officials estimate there are 19,000 housing units vested according to the old rules. If those projects had been submitted after the inclusionary housing deadline, they could theoretically yield 3,000 to 4,000 affordable units.

Details of the voluntary inclusionary housing incentives are still in flux. Housing Bureau Director Kurt Creager is considering a tax break capped at \$5 million annually for the program, totaling \$50 million during a 10-year period.

“This proposal would essentially grant a 10-year property tax exemption to any developer who will opt into inclusionary housing,” said Matthew Tschabold, policy and equity manager for the Portland Housing Bureau, at an Aug. 1 Housing Advisory Committee meeting.

Projects with 20 or more units submitted between Jan. 1, 2016, and Jan. 31, 2017, would be eligible for the tax breaks.

Some advisors said the property tax exemptions are at best premature, as the inclusionary housing policy is only six months old.

”I just hate to see you give up \$50 million,” said Dike Dame, a Portland developer who serves on the Housing Advisory Committee.

The backlog of permits will eventually work itself out, Dame said. “These people are not going to sit on these permits forever,” he said. “We’re barely in the beginning of the game here.”

Tschabold cautioned against jumping to conclusions. I do think it’s too soon to tell,” he said at the committee meeting.

Affordable housing incentives will depend on a six-month review of inclusionary housing’s implementation being conducted by the Bureau of Planning and Sustainability, Tschabold said.

City staffers are also wrestling with how many of the 19,000 housing units vested before Feb. 1 will actually get built, and how many were placeholders filed by developers seeking to vest under the old rules.

“Some of these are just shell applications – let’s be honest,” Tschabold said.

As they formulate the tax incentives, city staffers have been in touch with developers to gauge what might work. Developers say the incentives will only prove valuable if they’re more lucrative than a market-rate project built according to the city’s old rules.

“We think that the effort is certainly interesting, and we continue to work with the city on that basis and provide feedback,” said Mike Kingsella, executive director of Oregon Locus, a developers’ association. “We think that our focus needs to be on the opt-in framework being better than the alternative, and that might mean taking a look at the duration of the affordable (requirement).”

Kingsella said the city should reconsider the 99-year duration of affordable units, which makes lenders and investors uncomfortable. Kingsella has advocated for the inclusionary housing program to look more like the city’s Multiple-Unit Limited Tax Exemption (MULTE) program, in which the duration of the affordability requirement and tax exemption matched.

“Ultimately, for a market participant, the decision is going to be based on does the project look better by opting in,” he said.

The tax breaks would require City Council approval.

## **City council overturns denial of Ankeny Apartments project design**

*By Kent Hohlfeld  
August 9, 2017*

The Portland City Council tentatively overturned the **Portland Design Commission**’s denial of developer **Landon Crowell**’s **Ankeny Apartments** project at 1122 S.E. Ankeny St. by a 4-0 vote.

A major change from earlier designs was the adoption of setbacks from the property line on south, north and east sides of the building. There were also changes to the siding.

As a condition of approval, city commissioners said a construction mitigation plan drawn up by the developer must be added to the project proposal.

Wednesday's vote was a tentative approval. A city staff report will be needed to finalize the updated design and construction plan. The City Council's final vote on the appeal will be held Aug. 31.

*(Editor's note: A full version of this story will be posted online on Thursday and will run in the Friday, Aug. 11 edition of the DJC newspaper.)*

## **The Portland Business Journal**

### **10 strategies to keep employees engaged**

*By Billy Arcement*

*August 10, 2017*

Every business needs a profit. Without one, your business will fall into the abyss of financial ruin.

I haven't yet met a business leader who feels this is an acceptable result.

Writers have suggested a litany of possible solutions for business success, but one fact will always be present: You must engage employees. A "divorce" in this situation is a downhill trip to a has-been status.

I've served as one and have worked with business leaders. Everyone wants to succeed. Here are 10 important strategies you can use to keep employees engaged and to maintain business profitability and longevity.

#### *1. Culture*

Let's start with the most important component of your organizational structure. Culture will either support your growth or be the Achilles' heel of your business.

There are leaders who don't have a firm grasp on their culture. They fail to realize culture is the stimulus maximizing performance. It's the oxygen a fire needs to support combustion. And the "culture oxygen" is a critical component driving success.

Culture contains many elements: values, beliefs, informal employee conversations, the actions of leaders, organizational strategies, blind spots, change, employee attitudes, and a myriad of other factors can also come into play. The complexity of culture demands you study and understand its makeup. It's always there either helping or hindering progress.

The nemesis of culture is inconsistency — saying one thing then demonstrating another. A company's website says its culture places a top priority on integrity and compliance. Their leaders must always support or act in a way that is consistent with these priorities.

Failing to do so will not cause anything good to happen. To keep employees engaged, know what you stand for and always be willing to take that stand.

#### *2. Feedback*

This is the breakfast of champions. No personal progress occurs without feedback. We need information to confirm our actions as the right move. We need information to make necessary changes.

Employees want to know where they stand. They want to know what their manager thinks about their contribution. Athletes have a coach who molds their performance into a winning strategy. Managers are employee coaches responsible for molding their performance.

Honest feedback is the only path managers can take. It's important managers have facts. Hearsay doesn't work. An honest assessment of performance is the desired conclusion. When managers fail in this responsibility, employees can become disillusioned and disengaged. Then, their contributions are less than sterling and everyone loses.

### *3. Communication*

This is not the same as providing feedback on performance. It's about how a manager converses on a day-to-day basis.

Is the tone condescending? Is it threatening? Neither of these approaches will work for long. Leaders need to be civil yet straight-forward. They must make it a two-way conversation. It's not "my way or the highway."

A courteous but caring approach works. At times, a stern approach might be the action to take. But if you dialog in a civil manner, employees will respond. Then a sterner approach may not be necessary.

Taking this approach helps to maintain engagement. Share your wisdom and help employees become more proficient. This type of frequent conversation is a sure-fire method to keep employees engaged.

### *4. Influencer*

Authority comes with position. Only depending on authority to get things going is a losing strategy. The actions of a leader can trigger personal inspiration and grow followers. The leader who is able to trigger influence gets things done.

Pull works better than push. Influencing leaders are like a magnet attracting metal particles to its surface. Influence with a caring approach is a long-term winning tactic. It's an influence that keeps employees engaged and productive.

### *5. Change*

Life is not static. It's an ever-changing process. So is the workplace.

Managers need skills that will help them deal with change. One of the best ways to combat change is to share information on organizational reality. It's the unknown information that causes rumors to flourish. Then rumors become the rudder propelling discontent and erroneous information.

To make change work, inform and involve employees. Engage them in the process and make them part of the solution. An engaged employee will make change smoother. A disengaged employee can become an obstacle, preventing progress.

### *6. Anticipate*

Daniel Burrus is regarded as one of the world's leading futurists on global trends and innovation. He is a long-time member of the National Speakers Association. As a member myself, I've attended several of his outstanding NSA convention sessions.

I would call Dan the King of Anticipation. He lives ahead of the curve of change. He maintains accurate predictions can create the habits and mindset that yield success. Imagine the mindset

and habits employees develop in such an exciting environment. They are always working towards what can be. It's stimulating. Who could disengage in such a creative atmosphere?

### *7. Skills / talents*

Matching job needs with employee skills is engagement glue. We all like to do what we have the ability to do. I will not enjoy playing baseball if I have no skills in this sport. It's the same in the work environment. It's true, matching skills and talents to a job doesn't guarantee success — but it does offer a stronger possibility of producing great performance.

Maximize your hiring practices to explore applicant skills for a job opening. Other attributes, like attitude, are more difficult to match to a position. Use your “awareness antenna” for clues. The odds do favor a close match working in your favor. The result? A more engaged employee.

### *8. Morality*

I'm not getting religious and starting to preach to you. What I am suggesting is that character is a critical component. Managers willing to take the “low road” can demoralize employees. Fair treatment, honesty and integrity are still important. There may be occasional ebbs of unacceptable societal behaviors, but it's strong character that still wins the day.

We want straight talk, not leanings towards being a liar. A shady approach creates a dark cloud of deceit where trust disintegrates. A moral character in leadership produces consistency of behaviors. And it is the latter that enables employees to be comfortable. It's discomfort that produces disengagement.

### *9. Opportunity*

Few employees are disinterested in earning more responsibility and pay. However, there are some only wanting a good payday and minimum responsibility. But I challenge the thought that this type of employee is *fully* engaged.

Ambition, talent and a desire to rise through the ranks are motivators. Employees with this mindset, if given the opportunity, will become valuable contributors. Organizational leaders should keep an eye out for employees displaying these characteristics. They are engaged.

### *10. The Peter Principle*

Perhaps you've never heard of this term. Lawrence Peter introduced it in his 1969 book by the same name. The principle says that employees can rise in the hierarchy through promotion. The Peter Principle kicks in when they reach the levels of their respective incompetence.

I've shortened it to say, “People will rise to their highest level of incompetency.” We all know such individuals. Perhaps they were your boss. Hopefully, it's not *you*.

Think of the implication of this principle. When we have obvious incompetence in a position, reality can escape from view. In such a situation, disengagement is an obvious outcome. The harm such individuals create is a disillusioned employee. The aftermath is employees leaving or becoming disengaged.

### *The right leadership*

Here are a few desired results produced from superior employee engagement. Are these part of your organizational structure?

- Productivity increases
- Profits go up

- Customer satisfaction increases
- The credibility of the organization grows
- Employees feel less pressure
- Employees show up for work and perform
- Employees take vacation, not sick days, to be off work.
- Hiring results enhance the organization
- Turnover is low
- Employees are more engaged and grow old with the company

## **The Skanner**

### **Jo Ann Hardesty to Run for Council in 2018**

*By Christen McCurdy  
August 9, 2017*

Jo Ann Hardesty is running for Portland City Council.

Hardesty, a former state legislator and the current president of the NAACP Portland Branch, launched a campaign site last week and announced her candidacy to local media Friday afternoon. She's running for position 3, currently occupied by Dan Saltzman.

The announcement wasn't a surprise – she has hinted at a council run since October 2016 -- but the way she announced it was.

According to stories published in Willamette Week and the Portland Tribune Friday, Hardesty visited Saltzman's office and asked him to retire and endorse her candidacy.

"I think he was a bit shocked by the question. His first question was, why him?" Hardesty told *The Skanner* Monday. There are two seats open in 2018 – positions 2 and 3 – and positions aren't geographically restricted, so candidates can run for any position on the commission. "My response was, [it's] because he's been there for a very, very, very long time and it seemed appropriate to have new leadership there."

Saltzman announced his intent to seek re-election in December. He has served on the city commission since 1999, making him the most senior of its five members.

"As I announced a couple of months ago, I am running for re-election, and I've been incredibly gratified by the support I am receiving from the community. I look forward to the campaign," he said in a written statement to *The Skanner*.

If Hardesty is elected, she would be the first woman of color ever to serve on the council. Portland has had just two commissioners of color – both Black men – in its history. Journalist Richard Bogle served from 1984 to 1992. Charles Jordan, the city's first Black commissioner, served from 1974 to 1984. Commissioner Chloe Eudaly, who was elected last fall, is the eighth woman ever to serve on the council.

Hardesty stepped into her current role with the NAACP in early 2015. In that role, she's created a Just Energy Campaign for policy to ensure low-income people and people of color benefit from changes to environmental regulations and submitted a bid to have Portland host the national

NAACP conference in 2020. She also made waves in January announcing the NAACP Portland Branch had withdrawn its support from the anti-Trump Women's March.

Hardesty served in the Oregon legislature between 1997 and 2001 and ran for Multnomah County Chair in 2001.

Since Friday, Hardesty said she has received an "overwhelming" outpouring of support.

"I've had people from all walks of life say, 'How can I help? I haven't been interested in city council, haven't been interested in electoral politics but I want to help you get elected,'" Hardesty told *The Skanner*. "And so I think I've just been pretty overwhelmed by just the generosity of Portlanders. They're just ready to do the work."

Hardesty has said she will need to raise \$250,000 for the campaign. That number comes from "knowing there's an incumbent in office who has the ability to raise significant resources," she said.

There's also the fact that 2018 is an "off" election year.

"It's not a presidential election year, which means that the turnout will be significantly less than it would be if it was a presidential year. And so it is my job to make the case to voters as to why they should participate in this election, and then why they should vote for me," she said. "And unfortunately, you can't do that without money."

Her campaign website includes a platform that emphasizes four areas of policy: access, jobs, housing and policing. Here's what she told *The Skanner* about each plank.

### ***Policing***

"I want only one police force. I don't want a different police force to show up when people of color are protesting, as compared to the police force that shows up when White women are protesting. I want the same police force. I want them to show up as Officer Friendly. I want them to show up being helpful. I do not want them to show up in riot gear because people of color are exercising their right to assembly and [to] seek redress from their elected officials," Hardesty said.

She also said she was "very troubled" by the police response to the Aug. 6 demonstrations downtown – and that she hopes Mayor Ted Wheeler will continue to challenge Multnomah District Attorney Rod Underhill on the 48-hour rule.

### ***Access to decisionmakers and public engagement***

There is no legal mandate that city council meetings must happen downtown on Wednesday mornings at 9 a.m., Hardesty told *The Skanner*. She'd like to see the city council hold evening meetings in other parts of the city – once a month in East Portland and once a month in North Portland.

"I don't think it's the people's job to come to the elected leaders. I think it's the elected leaders' job to be accessible to the people they serve. If I'm on the city council, we can have that conversation publicly and we can get other city councilors on the record as to whether or not they share that same value system – and if they do, then let's make some changes."

### ***Housing***

The city needs to "think differently" in order to survive the housing crisis, and should consider more housing that includes support for people who can't live independently – as well as multigenerational housing. Hardesty was also critical of the housing measure passed last fall.

“We will be building the most expensive affordable housing units on the planet under the current housing commissioner, because they squandered two years of meetings and couldn’t come up with a plan that didn’t call for, under a state of emergency, housing at \$240 to \$255 per unit,” Hardesty said.

“We still have 70 percent of the housing that’s under construction are luxury units – for who? And in a city under a housing emergency, how could we allow that to happen? But unfortunately, I don’t hear or see those critical conversations taking place at city hall,” Hardesty said. I know that Commissioner Eudaly has been, you know, a voice in the wind because she doesn’t seem to be getting a lot of support to think differently than we’ve always thought. I don’t say that I come in with all the answers, but I’m saying I’m willing to be innovative. I’m willing to think differently than we’ve thought in the past. I’m willing to try differently models because I know everybody doesn’t need the same type of housing.”

### ***Jobs***

“The best anti-crime program is living-wage jobs, but the city has failed communities of color and low-income people over and over and over again -- when it comes to public contracting, when it comes to apprenticeship training programs, when it comes to really investing resources in the people in the community that have been most impacted by gentrification and climate change. The Portland Just Energy Measure, I am so thrilled that we have voted to put that on the May ballot. I will be a chief petitioner, and so that will be a key part of my platform – developing a new, emerging industry, a green industry prioritizing the people that have been left out of the economic engine of our state.”

## **OPB**

### **Portland Ignores DA's Advice On Police Use-Of-Force Investigations**

*By Conrad Wilson  
August 9, 2017*

The Portland City Council unanimously passed an ordinance Wednesday that makes clear they won’t follow the legal advice of the Multnomah County district attorney and the Oregon Department of Justice when it comes to investigating police officers’ use of force.

Commissioners unanimously voted to require Portland officers who use deadly force to give a statement to internal affairs investigators within 48 hours of the event.

“We are not picking a fight with the district attorney,” Commissioner Nick Fish said. “Reasonable people can disagree on this question.”

What the city passed Wednesday is a work in progress. It was city leaders’ initial attempt to respond to concerns from the public after an intense hearing last week.

The City Council will further refine what happens after police officers use force with amendments as early as next week.

Following two officer-involved shootings in February, Mayor Ted Wheeler compelled officer testimony within 48 hours.

In March, Multnomah County District Attorney Rod Underhill issued a memo that warned against forcing officers to make statements. Citing a 1984 Oregon Supreme Court ruling, Underhill's office said compelled statements by internal affairs could result in a judge overturning a criminal conviction. The legal position was affirmed by the Oregon Department of Justice.

Underhill didn't return requests for comment Wednesday. Neither did Portland Police Association President Daryl Turner.

"We believe we're standing on very strong legal grounds here," Wheeler said to reporters after the vote. "We're adopting a policy that's in place all over the country and in fact in place in other jurisdictions in this state."

The council also passed a less controversial ordinance that allows the city's Independent Police Review to make recommendations after internal affairs investigations into alleged officer misconduct. Previously, an officer's supervisor made recommendations after an investigation.

Commissioners also agreed to take up another ordinance later this month that reestablishes the public's role in the city's 2012 settlement with the U.S. Department of Justice over how police officers used force against people experiencing mental health crises.

As part of that settlement, the city set up a citizen review board — the Community Oversight Advisory Board (COAB) — but the board stopped meeting amid controversy and disruptions. Now the mayor wants to create a new civilian oversight board, the Portland Commission on Community-Engaged Policing (PCCEP).

In an unusual move, police reform advocates who frequently criticize city leaders thanked the mayor and other commissioners Wednesday for listening to their concerns.

Jo Ann Hardesty, president of the Portland NAACP, said she and other members of the Albina Ministerial Alliance Coalition for Justice and Police Reform "commend" the city for requiring prompt testimony after officers use deadly force.

"I guess I should have paused when I said we commend you, just so you could have that sink in," she said.

"I don't even know what that means," Wheeler joked in response.

Some members of the public said they wanted to see officers provide compelled testimony with 24 hours or even by the end of their shift after using deadly force.

Others were concerned about a segment of the ordinance that gives discretion to the police commissioner and the chief of police to "defer an administrative investigation until after the criminal investigation is completed where circumstances suggest such deferral is warranted in a particular case."

Lindsey Burrows, who spoke on behalf of the National Lawyers Guild, said the exception is vague and gives the city too much leeway.

"It creates an exception so wide it will swallow the rule," she told the City Council. "It's insufficient for the city to tell the community, 'Just trust us.'"

Burrows said the vagueness threatens to undo the compelled testimony when it is most needed.

"Instances where the chief of police or police commissioner would feel the need to use the exception are likely the same instances where the administrative investigation is most important," Burrows said.

City attorney Tracy Reeve said that in modern police policies around the country its common to have a clause that allows for discretion by a department's leadership. She pointed to Seattle as one example.

"They do an initial, gut-check evaluation of whether a shooting looks like it's likely to be, put colloquially, a bad shooting because that's the shooting that has a chance of meriting a criminal prosecution," she said.

Wheeler asked Burrows, with the National Lawyers Guild, whether her organization would "be standing with with us" should the city ever find itself in a situation in which a judge agrees with the Multnomah County prosecutor and the Oregon Attorney General and throws out the criminal case of an officer who used deadly force because the city compelled an interview.

In recent history, only one Portland officer has been charged criminally for using deadly force on the job.