

## **The Oregonian**

# **Portland sergeant said it's common for police to mislead public to prevent videotaping**

*By Maxine Bernstein  
February 6, 2018*

A Portland police sergeant admitted to investigators that he deliberately misrepresented the law to get a protester to stop videotaping officers during a November 2016 protest and acknowledged that he's far from alone in the deception.

Sgt. Erin Smith said other officers also mislead the public about the much-misunderstood law.

Smith's revelations were included in an investigation of a complaint filed by a man who was filming police during a demonstration in front of oil refineries in Northwest Portland over the Dakota Access Pipeline.

The city's Independent Police Review office investigated the complaint and shared the outcome with the Citizen Review Committee, which advises the office and hears citizen appeals of bureau findings on alleged police misconduct.

Leaders of both groups were none too pleased to see the statements from a 23-year Police Bureau veteran and street supervisor.

Smith "shockingly described this misrepresentation as a common practice among police," Anika Bent-Albert, assistant director of the review office, wrote to the Police Bureau in a recently released memo.

The citizen committee has urged police administrators to halt any attempts by officers to trick people about their rights.

Bent-Albert, on behalf of the citizen group, told police that "neither the community nor the bureau is well served by officers deliberately misrepresenting the law or threatening improper arrests – especially when the intent or result is that citizens forfeit their rights."

"We encourage you to see that any pervasive misunderstandings about the acceptability of this conduct are addressed immediately and decisively in officer training," Bent-Albert added.

Benjamin Kerensa, who complained about Smith's actions, obtained Bent-Albert's memo through a public records request. The city initially challenged its release, saying it dealt with officer discipline.

But the Multnomah County District Attorney's Office last week ordered that the memo's last two paragraphs be made public because they addressed broad policy and training issues "of serious concern to the citizens overseeing the police discipline process."

The paragraphs note that Smith in the investigation not only admitted to falsely telling Kerensa that he didn't have the right to film officers, but described his misrepresentations as "a common practice among police."

The disclosure "wasn't too much of a surprise," Kerensa said Tuesday.

The two paragraphs that were released from a memo written in December by Anika Bent-Albert, assistant director of the Independent Police Review office, to the captain of the Police Bureau's professional standards division.

Kerensa noted that Smith's supervisor, Traffic Capt. Mike Crebs, argued there wasn't evidence that Smith had threatened him with arrest for filming during Kerensa's hearing before the Citizen Review Committee last year.

Crebs didn't think that Smith's remarks to Kerensa that he "could be arrested" for filming officers violated bureau policy or rose to the level of a threat. The bureau initially found the allegation "not sustained" but recommended a debriefing with the officer.

The citizen committee disagreed and recommended the bureau "sustain" the allegation.

Police Chief Danielle Outlaw responded to the citizen group's concerns in December, saying she agreed with the committee's findings that Smith violated bureau policy by misrepresenting the law to Kerensa and had improperly threatened to arrest Kerensa who was lawfully filming officers. Smith is expected to face discipline on those grounds.

All bureau members are expected to read the bureau's directive on truthfulness, complete a test affirming their knowledge of it and follow the policy, Sgt. Chris Burley, bureau spokesman, said Tuesday.

Officers in unrelated cases have faced termination for breaking the truthfulness policy. Burley said he couldn't comment about any discipline in Smith's case, calling it a "pending personnel matter."

The ACLU has worked to ensure that police officers know that the public has the right to record them. Agency lawyers helped represent a woman who was detained by transit police in 2013 for video-recording them arresting a stranger on a public sidewalk just outside downtown Portland. The woman, Carrie Medina, took police to court in 2015, and as part of a settlement reached last year, the city of Gresham agreed to pay \$85,000 to Medina, and police in Gresham and Portland enacted new policies about the rights of bystanders to record their actions in public. The Portland police adopted a new policy in October 2016.

"The ACLU of Oregon reviewed the proposed training as part of the settlement agreement. It is very concerning that after Portland Police Bureau trained its officers on this issue," that a sergeant and his supervisor believes "it is appropriate to lie to a member of the public about the law as a 'tactic' to try and get the member of the public to stop filming," said Mat dos Santos, legal director for the ACLU of Oregon.

The Oregon Legislature also passed a bill in June 2015 that clarifies that state law allows video-recording police from a public vantage point.

## **Portland metro Tuesday traffic: Portland begins rollout of signs for lower neighborhood speed limit**

*By The Oregonian  
February 6, 2018*

Portland will begin rolling out signs for a lower, 20 mph neighborhood speed limit Tuesday by installing a new sign in Southeast Portland.

A 20 mph speed limit sign will replace a 25 mph speed sign on 168th Avenue south of Stark Street, according to the Portland Bureau of Transportation. The Portland City Council last month approved a plan to lower speed limits to 20 mph on thousands of miles of city streets.

The new signs will first be put up in east Portland, then in North Portland. Those areas have the city's highest rates of traffic deaths, according to the transportation bureau.

The city expects to replace the signs citywide by April, an effort that's expected to cost \$300,000.

Read more about the change by [clicking here](#).

## **The Portland Tribune**

### **Emmons Jumps into Crowded City Council Race**

*By Jim Redden*

*February 6, 2018*

**Portland architect says homelessness and the affordable housing crisis are his top priorities in Tuesday announcement.**

Portland architect Stuart Emmons announced for the City Council seat being vacated by Commissioner Dan Saltzman on Tuesday.

In a press release and video posted on his campaign website, Emmons said homelessness and the affordable housing crisis are his top priorities.

"More and more of Portlanders are homeless or in a housing crisis. Though our city has had record growth, homelessness and housing instability have increased, making it difficult or impossible for too many people to find a well-paying job, or keep a job, or to further their education or skills training, or take care of chronic health conditions," said Emmons.

The announcement brings the number of candidates running for the Position 3 seat to five. The others are Multnomah County Commissioner Loretta Smith, NACCP Portland Chapter President Jo Ann Hardesty, mayoral staffer and David Douglas School Board member Andrea Valderrama, and Northwest Portland neighborhood activist Felicia Williams.

Another candidate, former Oregon Public Broadcasting newscaster Spencer Raymond, dropped out of the race after being criticized for being a white male running against three minority women.

Asked how he would respond to such criticism, Emmons said, "I'm not running against anyone. I'm running because we have an affordable housing crisis, and I have experience building affordable housing. I'm running for the people living on the streets and at risk of becoming homeless."

Emmons ran against former City Commissioner Steve Novick in 2016, finishing third behind bookstore owner Chloe Eudaly in the May primary election. She went on to defeat Novick in the November runoff election.

Emmons, who started the Emmons Design architecture and planning firm, is also known as co-founder of Friends of the Memorial Coliseum, which is seeking to preserve the iconic Portland spectator facility.

## **Willamette Week**

### **Portland City Commissioner Chloe Eudaly Seeks to Spark Increase in Backyard Cottages and Other ADUs**

*By Rachel Monahan  
February 7, 2018*

Eudaly's office asking for \$2.1 million in city budget to spur development of granny flats.

Portland City Commissioner Chloe Eudaly's office is seeking \$2.1 million in the upcoming budget to spur development of granny flats on existing lots. Eudaly hopes to roughly triple the private market's production to 1,500 units a year.

More than \$1 million would help create loans for building what Portland calls "accessory dwelling units." The remainder would go toward a project of looking at ways to reduce the cost of designing and permitting ADUs. The city has already waived development fees.

Eudaly's proposal would dwarf the county's \$410,000 pilot project to build four publicly financed ADUs for homeless residents. More than 1,000 people expressed interest in participating in that program.

"In general, when people ask what they can do for help, the government has really lousy answers like, 'Pay your taxes,' and 'Follow directions,'" says Marshall Runkel, Eudaly's chief of staff. "This is an entrepreneurial approach for solving the most urgent problem in this city."

### **Murmurs: Saving Car-Theft Victims Money May Cost City**

*By Aaron Mesh  
February 7, 2018*

**In other news: Portland rolls forward with testing autonomous vehicles.**

The Portland Police Bureau plans to change its current policy that passes on to victims the cost of towing recovered stolen vehicles. That change follows a WW investigation ("Held for Ransom," WW, Dec. 20, 2017). But a deputy ombudsman in the City Auditor's Office advised the bureau that changing the policy could cost the city up to \$600,000 annually in lost surcharges that are used to fund city programs. "The unfairness of forcing crime victims to pay for the return of their own stolen property is apparent," deputy ombudsman Tony Green said in a letter sent to PPB and the Portland Bureau of Transportation on Jan. 23. "One way to mitigate the fiscal impact would be to increase the existing \$9 surcharge that funds the city's 'zombie RV' disposal program." PBOT negotiates the contracts with local tow companies and sets the city's fees, and the agency may need to alter its contracts to compensate for the lost revenue.

#### **Zombie Bridge Rises Again**

On Feb. 2, the Oregon Department of Transportation submitted its new list of priority projects to Metro—a list the regional government updates only every four years. On the list: \$3.2 billion to "replace I-5/Columbia River bridges and improve interchanges on I-5." That sounds a lot like the Columbia River Crossing project, which died in 2014 after about \$200 million in planning and design work. ODOT spokesman Don Hamilton notes the timeframe is 2028-2040 and cautions against reading too much into the list. "At this point, it's just a placeholder," he says. Metro will take comment on the list of transportation priorities through Feb. 17.

## **Portland Rolls Forward With Autonomous Vehicles**

Last June, the City Council adopted a policy supporting pilot programs for autonomous vehicles in Portland. On Feb. 1, Mayor Ted Wheeler and Transportation Commissioner Dan Saltzman suggested next steps. So far, 19 companies have proposed various ideas, including one for testing autonomous vehicles. The city now plans to establish a permitting system for such testing. Officials have proposed putting the cars through their paces at Portland International Raceway. "We know that emerging technologies have the potential to disrupt markets and challenge policymakers," Wheeler tells WW. "By getting out ahead of autonomous vehicle technology, we can make our streets safer and attract innovators and investors to our local economy."

## **TechfestNW Returns**

TechfestNW will be back in Portland April 5-6. The event, sponsored by WW, will gather startups, established companies and leaders at the forefront of tech trends in food, health, smart cities and inclusivity. Speakers will include Patagonia CEO Rose Marcario, Impossible Foods COO and CFO David Lee, and Moovel CEO Nat Parker. The event will expand again this year to fill the new Viking Pavilion at Portland State University—with a demo floor filled with gadgets, breakout workshops and PitchfestNW, which connects entrepreneurs with potential investors. Tickets for TechfestNW 2018 are available at [techfestnw.com](http://techfestnw.com).

## **Portland Mayor Ted Wheeler Will Support Strengthening Requirement for Landlords to Pay Moving Costs**

*By Rachel Monahan  
February 6, 2018*

**In a reversal, the mayor wants to replace the single unit exemption with one for owner-occupied duplexes and for accessory-dwelling units.**

In a reversal, Portland Mayor Ted Wheeler will support strengthening the ordinance that requires landlords to pay moving expenses for tenants evicted without cause or forced out after a rent increase of 10 percent or more.

When the City Council takes up the issue of making the so-called "relocation ordinance" permanent next month, Wheeler plans to support repealing the exemption for landlords who own a single rental unit.

In its place, he'll support a more narrow exemption for granny flats and owner-occupied duplexes, his spokesman Michael Cox says.

"It represents a pragmatic approach that addresses most of the issues he has heard expressed," says Cox.

A year ago, City Commissioner Chloe Eudaly and Wheeler sponsored the legislation to require landlords to pay moving costs ranging from \$2,900 to \$4,500 in most cases of no-cause evictions and 10 percent rent hikes.

It was the most dramatic tenant protection passed in the city of Portland in decades after both Eudaly and Wheeler campaigned on protecting renters.

## **The Portland Mercury**

# **In Turnaround, Mayor Ted Wheeler Now Supports Ending a Loophole in Portland's Strongest Tenant Protections**

*By Dirk VanderHart*

*February 6, 2018*

Mayor Ted Wheeler has had a change of heart.

Mere weeks after Wheeler announced he wouldn't support doing away with a controversial exemption in Portland's renter relocation ordinance, the Mayor's office now says that's no longer the case. When the relocation ordinance comes before council later this month, Wheeler will now support a provision requiring landlords who own one rental unit to pay relocation fees.

"The mayor's going to announce to that group that his preference is to remove the one-unit exemption and replace it with an exemption for ADUs and owner-occupied duplexes," says Michael Cox, Wheeler's deputy chief of staff.

Barring a sudden change, that virtually ensures that the single-unit exemption—long a target of tenants' advocates—will be done away with when City Council takes up potential changes to the renter relocation law on February 28. Commissioners Chloe Eudaly and Nick Fish both support doing away with the exemption.

Under the city's relocation payment law, landlords who issue no-cause evictions or cause their tenants to move with rent hikes of at least 10 percent are required to pay between \$2,900 and \$4,500 to help them relocate. But when passing the law a year ago, council provided a carve out for "mom and pop" landlords, who testified in droves that the requirement would hurt them.

Eudaly, the relocation payment policy's central champion on the city council, has repeatedly tried to do away with the exemption unsuccessfully. Now it's on the way out.

There will likely be new exemptions to take its place, however. Wheeler, Eudaly, and Fish all support new carve outs for property owners who rent out accessory dwelling units on their property, or live in one half of a duplex they own and rent the other half. Eudaly tells the Mercury her office is also working up a hardship process to help out landlords who are disproportionately impacted by the relocation fees. It's unclear what that will look like.

Wheeler's change of heart on the single-unit exemption is abrupt. On January 19, after the release of an analysis that suggested there might be more than 24,000 units of rental housing affected by the exemption, the mayor released a letter indicating he wanted to collect more data before undoing the loophole.

Since that letter, rumors have swirled through City Hall. First, Wheeler was said to have changed his mind about keeping the exemption. Then he allegedly pulled back. Now, it appears his mind has changed for good. He'll announce his position officially at a meeting on Friday of an advisory group that's been studying the relocation law.

"A couple weeks ago he did say he was going to refrain from amending the one-unit exemption at this time," Cox says. "He also said he had no philosophical objection and that he was going to continue listening to feedback."