

## **The Oregonian**

# **Portland Police Tripped Up By Transparency, Again: Editorial**

*By The Oregonian Editorial Board  
March 31, 2018*

Last September, Portland Police leadership ceremoniously announced that the bureau would abandon its secretive gang member database, containing information for hundreds of suspected gang members, gang affiliates and, it turned out, many who didn't fall into either category. Recognizing the imperfectness of the database and its "unintended consequences," the bureau said it would alert anyone who had been placed on the list, purge the database and move on.

Only, it didn't move on. While the bureau's Gang Enforcement Team dropped the database, investigators continued to amass a gang list in a less formal manner. But instead of following set procedures that provided some protection of citizens' rights, Portland Police decided to just wing it. They circulated information each month amongst officers identifying about 30 people as active gang members and associates. They had no supervision or policy directing how to determine such a designation. And they kept the public in the dark until an audit released last week by the City Auditor's Office revealed its existence, as *The Oregonian/OregonLive's* Maxine Bernstein reported.

This from a bureau that is ostensibly trying to rebuild community trust? It's disturbing how familiar this all is. "The core of the problem," The Rev. LeRoy Haynes said in an email to *The Oregonian/OregonLive* Editorial Board, "is a lack of persistent accountability between policies and practice."

The revelation of a second gang list is only one of the findings that show how deeply baffled the Portland Police Bureau remains by the public's expectations of transparency and accountability. In a separate review, the City Auditor's office found serious flaws in the Gang Enforcement Team's patrol operations, in which the team could not explain why Portland's tiny percentage of African American residents somehow accounted for nearly 60 percent of the drivers targeted by traffic stops. The police bureau also could not provide data showing whether these traffic stops were effective in meeting their stated goals, including arresting those who may commit gang violence. In fact, most reports lacked any information on whether the stop even involved a gang member.

The lack of documentation gets even worse for the category of police interactions characterized as "mere conversations," in which police officers initiate an encounter but are not legally detaining the person. Unlike traffic stops, for which police officers record the race of the driver, police officers don't collect such information in "mere conversations," even though those instances have increased dramatically in recent years for gang enforcement patrols.

These are not harmless errors. As Urban League of Portland Chief Executive Nkenge Harmon Johnson said on OPB's *Think Out Loud*, these traffic stops and "mere conversations" - initiated for petty infractions and disproportionately affecting African Americans - don't promote a sense of trust or desire to collaborate with police. It doesn't even matter that the target of a "mere conversation" is technically free to leave at any time, she said.

"If you are a black person in this country what are the odds that you think it's safe to walk away from a police officer who wishes to engage in a conversation with you?" Harmon Johnson asked

in a pointed and poignant moment. "We see fairly regularly encounters with black people being shot to death by police officers in otherwise benign situations. ... So the idea that you're free to go - you don't have to have this conversation with a police officer - isn't real."

Missing policies and missing data create the conditions for lapses in judgment and abuses of authority. Like any organization made up of people, Portland Police is fallible. That's exactly why it needs deliberate protocols to guide their actions and data collection to assess how they align with their goals.

Portland Police Chief Danielle Outlaw, who took over the bureau after it made the gang database announcement last year, appears to be taking the audits' recommendations to heart. She told The Oregonian/OregonLive Editorial Board that she understands why some people feel the bureau misled them about the gang database. But, she said, the new list arose not out of malice but out of officers' continuing need for an investigatory tool to help them do their job. The problem was that the bureau missed the opportunity to engage the community on what it planned to do once it got rid of the database and to tell the public up front "here's what we're using and how it's being used," she said.

She has committed to developing a directive regarding the gang list, consulting legal counsel to ensure it safeguards citizens' rights and exploring how to collect data on "mere conversations." And Outlaw emphasized that she wants to look at how to gather such information across the bureau's operations - not just the gang enforcement patrols.

Those are all welcome and necessary steps. But there's one more piece she and Mayor Ted Wheeler should focus on: restoring community oversight. A conflict-ridden community oversight board created as part of a police reforms settlement with the U.S. Department of Justice was disbanded more than a year ago. While Wheeler has proposed a new committee to take its place, the city has made little progress in moving forward the idea - which still needs a judge's approval as well.

A community oversight committee can and should play a role in shaping or monitoring the police bureau's rebooted gang list. Similarly, it would be an ideal forum for the police bureau to regularly report on the demographic breakdowns of those stopped for mere conversations. And while community oversight can't solve any reluctance or hostility that Portland Police officers may have toward transparency, it can be a constant reminder that this bureau cannot operate without it.

## **Homeless Man Shot by Portland Police Files \$1.3 Million Lawsuit**

*By Aimee Green  
March 30, 2018*

A suicidal homeless man who was shot in the abdomen by Portland police after officers said he reached for a replica handgun has filed a \$1.3 million lawsuit against the city.

Police said a replica handgun fell out of the van that Don Allan Perkins had been living in next to Southeast Portland's Powell Park and officers shot him when he tried to grab it. But Perkins' Lake Oswego attorney, Thomas Patton, said his client didn't reach for the look-alike gun.

“Don was shot on the inside of his forearm, indicating he had his hands up,” Patton said in an email Friday to The Oregonian/OregonLive. “He was basically in the classic ‘don’t shoot’ posture.”

The suit faults Officers Roger Walsh and Bradley Clark, claiming they were improperly trained in how to deal with someone in a mental health crisis and that they escalated the situation by screaming at Perkins before shooting him in the abdomen and right arm.

The shooting happened on Feb. 9, 2017, along the south side of the park, near Southeast 22nd Avenue and Powell Boulevard.

An employee of the city attorney’s office said the city doesn’t comment on pending litigation.

A grand jury found no criminal wrongdoing by the officers.

According to police, the encounter unfolded after a man later determined to be Perkins called 911 to seek help that day. The man said he had swallowed some pills, had plans to take more and might kill himself. Police responded but didn’t initially find Perkins, who was 56 or 57 at the time.

About 45 minutes later, dispatchers received better information about Perkins’ location, and police found him beside his van, they said. Police said they started talking to Perkins, then saw him drop what officers thought was a gun from the van, prompting the shooting.

Police said Perkins was under the influence of prescription drugs. Police later said Perkins had been committed to a psychiatric facility for mental health treatment, but it's not clear when.

Neighbors said he’d been living in the van next to the park for about six months.

Perkins’ lawsuit, filed last week, seeks more than \$300,000 in past medical bills, \$45,000 in future medical bills and \$950,000 for his pain and suffering that includes numbness, post traumatic stress disorder and a permanent impediment to his breathing, according to the suit.

## **The Portland Tribune**

### **Portland Cuts Speed Limit, Launches Traffic Safety Campaign**

*By KOIN 6 news  
April 1, 2018*

The speed limit on residential streets was reduced from 25 to 20 miles per hour on Sunday, the day before PBOT was set to unveil 'Struck' public awareness campaign.

Portland's new residential speed limit of 20 miles per hour went into effect Sunday.

The city began changing the speed limit signs on neighborhood streets in February after the City Council voted to lower the speed limit on residential streets from 25 mph in January.

"Five miles an hour may not sound like much to you, but when it comes to reducing the severity of crashes it's actually very big," Portland Bureau of Transportation Director Leah Treat says.

Reducing the speed from 25 to 20 makes it twice as likely a person will survive a crash, according to transportation officials, based on safety studies.

Toward the end of February, PBOT began handing out free yard signs to raise awareness about the new speed limit. The signs read, "20 is plenty."

The first 900 signs had been replaced by Friday, but the goal is to have another 1,100 signs installed within the next few months. While not every residential street will have a speed limit sign, the 20 mph speed limit applies on all residential streets.

Residential streets make up about 70 percent of Portland's street network. The reduction is part of the Vision Zero Action Plan the council has approved to eliminate all fatal and serious injury crashes in the city by 2025.

As part of the plan, on Treat and other transportation officials are scheduled to unveil its first major public safety education campaign. It will be the largest public education campaign ever undertaken by PBOT.

According to PBOT, the campaign, called "Struck," will feature a forceful, attention-grabbing video public service announcement to convey the impact deadly crashes have on human life: The life of the crash victim, and the life of the driver behind the wheel. The campaign will launch with a TV spot during the NCAA Championship, on strategically placed billboards, buses, movie theaters and social media channels.

The campaign was developed by Borders Perrin Norrande, a Portland-based ad agency.

## **Willamette Week**

### **A Group of Portland Tenants ask the City to Save Them from a California Landlord**

*By Rachel Monahan  
March 30, 2018*

Tenants at the southeast Portland complex, Holgate Manor, that was the subject of a WW cover story, are also asking them to ease off rent increases in the meantime.

A group of Portland tenants intend to ask city officials to save them from their California landlord's rent hikes.

Tenants at the Southeast Portland complex were recently offered as much as \$5,200 by the new owner—as a voluntary payment to leave before likely rent hikes and some evictions. This week, WW examined how tenant protections passed by City Council—including a mandate to pay moving costs in many evictions—weren't enough to help tenants at Holgate Manor.

Now tenants are planning to ask the Portland Housing Bureau to approach the new owner, La Jolla-based philanthropist Fred Kleinbub, and attempt to buy the building with proceeds from the \$258 million housing bond approved by voters in 2016.

In the meantime, the tenants at Holgate Manor are asking their landlord to halt all further notices of rent increases or possible no-cause evictions, translate their letters to tenants into multiple languages, allow displaced tenants to return and meet with them about their demands.

"We intend to make a request to the City of Portland and the Portland Housing Bureau, to use the Affordable Housing Bond to make an offer to Mr. Kleinbub to purchase Holgate Manor in order to preserve and make permanent this 'naturally affordable' housing community," reads a letter presented to the on-site property manager, Princeton Property Management, on Friday as part of

an action by the renters' rights group Portland Tenants United and their newest affiliate, Holgate Manor Tenants Union.

The Portland Housing Bureau did not respond to a request for comment.

The complex, in the Southeast Portland neighborhood of Creston-Kenilworth, is the largest case of a building-wide push to get low-income residents to move out since the city passed its landmark tenant legislation last year.

Earlier this month, the city made permanent the requirement that most landlords pay moving costs for tenants who are given notices to move out without a cause or face a 10 percent rent increase.

In the case of Holgate Manor, the landlord offered moving costs plus an incentive to move out quickly, before any rent increases or evictions were posted.

Rent increases in Portland's housing market have hit low-income tenants hard.

Over the just past three years, 24,000 apartments that were affordable to low-income residents (including anything less expensive than a roughly \$1,000-a-month two-bedroom apartment) have disappeared. That's enough housing for more than 1 in 10 of the low-income households in the metro area, according to the consulting firm EcoNorthwest.

The tenants' letter suggests they have reason for hope based on WW's reporting on the new property owner.

Fred Kleinbub, who runs the California real estate investment company that owns the property, has a reputation of charitable giving. Kleinbub is a donor to the arts and pledged \$1 million to a center that cares for disabled adults.

They argue that should translate into doing good by these tenants.

"We were pleased to read about the philanthropy and values of the new owner Mr. Kleinbub, and trust that had he known about the existence and purpose of the housing bond, and the extreme vulnerability of the existing tenants, he'd agree that the city should have been the party to purchase Holgate Manor," the letter reads.

"We are hopeful that he'll accept such an offer to help us stay in our homes."

In previous decades, local minister Reuben Newsom had maintained the complex as a sanctuary for refugees who came to Portland from war torn countries or fleeing oppressive regimes.

Also unusual in this case: Princeton and the property owner hired Gallatin Public Affairs to handle written communication with the tenants.

Spokeswoman Felicia Heaton says the landlord received the letter.

"As mentioned in our letters and conversations with residents, we intend to make sure they have the resources they need to make good decisions," Heaton says.

"We're working hard to accommodate their personal needs and timelines."

## **The Portland Mercury**

### **City Pays \$80,000 in Sewage Lawsuit**

*By Kelly Kenoyer*

*March 30, 2018*

In December 2015, just two days before Christmas, a wave of greasy putrid sewage flooded into the basement and first floor of the historic Yeon Building in downtown Portland. Yeon's owner, JBJ Holdings II LLC, sued the city in response, alleging: "Cleanup crews found 95% of the Yeon Building first floor covered in human sewage with some transfer to the second floor." Nasty.

JBH demanded \$231,690 in damages, according to court documents filed in 2016. The case was eventually dismissed on March 20, 2018 because it was settled out of court. This week, Portland City Council finally handed the company a \$80,000 settlement check in response.

The ordinance addressing the payment for damages says that Risk Management Services found that "there is risk the City may be found liable" and advised a compromise to end the lawsuit, resulting in the \$80,000 payment.

A third party was also brought in as a defendant in the case: Oregon Oils, a biodiesel recycling company. According to the complaint, its "excessive, unreasonable and unlawful discharge of grease into the City's sewer system in December 2015" is partially to blame for the failure of the sewage system. Grease causes blockages in the sewer system because fatty substances tend to solidify when they cool and stick to the sides of a pipe. The document, dated April 20, 2017, continues, "Oregon Oils is primarily at fault, while the City's fault, if any, is solely passive. Therefore, City is entitled to indemnity from Oregon Oils."

According to Jen Clodius from the City Office of Management & Finance, Oregon Oils was held accountable for the damages as well. "The City of Portland is contributing \$80,000, and Oregon Oils is contributing \$145,000," she wrote in an email.

This isn't the only lawsuit the city's facing that involves a sewage-damaged building. Also in December 2016, Melcliff Apartments found raw sewage spraying in the air and flooding a bike room. When it called the city for help, it took city crews 11 hours to respond and fix the leak. The Oregonian cited heavy rains as partially to blame for that disaster, and says the lawsuit seeks \$91,000 in damages from the city. But according to the city, sewer system issues and potholes are the most frequently filed tort claim notices.

If Portland's systems can't handle rain and biodiesel, we may have a bigger problem on our hands.