

The Portland Tribune

Many Steps Remain Before Homeless Center Can Open

By Jim Redden

April 19, 2018

Navigation facility must hammer out lease with Prosper Portland, Good Neighbor Agreement, other details before opening in Pearl District

The homeless navigation center and shelter in the Pearl District announced last week is backed by an impressive list of Portland-area movers and shakers. But the project must still jump through several hoops before it can open near the west end of the Broadway Bridge — and similar projects have stumbled in the past.

During the April 10 press conference where the project was unveiled, Columbia Sportswear executive Tim Boyle said he would start it by donating \$1.5 million of his own money to Oregon Harbor of Hope, a nonprofit organization founded by developer Homer Williams. Also speaking in support were Mayor Ted Wheeler, Multnomah County Chair Deborah Kafoury, Portland State University President Rahmat Shoureshi, and David Bangsberg, the founding dean of the joint Oregon Health & Science University-Portland State University School of Public Health.

Before the project can be completed, the organization must negotiate a lease for the property, according to Harbor of Hope director Don Mazziotti. The site is owned by Prosper Portland, the city's economic development and urban renewal agency formerly known as the Portland Development Commission. The nearly two-acre parcel was acquired in 1987 as part of the agency's 31-acre purchase of Union Station.

Mazziotti says his organization is hopeful that Prosper Portland's board of directors will approve a low-cost, multi-year lease in the near future. It could be modeled after the current lease for an agency-owned property in Kenton, where a tiny-house village for women is located and overseen by Catholic Charities.

The organization also must acquire the fabric pavilion that will house the shelter from Sprung Structures, a manufacturer that has been providing them to other cities for homeless shelters. They include San Diego, which has already purchased three of the large, insulated temporary facilities.

In addition, the organization will have to retain a qualified operator. Mazziotti says it will use a request for proposals because a number of them have already expressed interest.

And, Mazziotti says, the organization promises it will negotiate a Good Neighbor Agreement with nearby residents and property owners to minimize disruptions. On April 12, organization representatives met with the board of the Pearl District Neighborhood Association, which represents the area where the project will be located. Mazziotti and association chair Stanley Penkin both described the discussion as productive, with many questions asked and answered.

"There had not been any previous communication (about the project), but we had a good dialogue. We asked for an open and transparent public engagement process. At some point we will probably take a position on it," said Penkin, adding that he personally supports what Oregon Harbor of Hope is trying to do.

But before the project opens, the organization must feel confident it can raise \$1.5 million to \$2 million a year for its operations. At the press conference, Williams said he hoped the money would come from the private sector. Wheeler said he would do nothing to discourage that.

"We do not know how long navigation services will be needed at that location," Mazziotti says. "The 10 percent annual growth in Portland's homeless population calculated at the last homeless count suggests the need will last for some time."

The project is intended as a point of entry into the social service system, where homeless people can be evaluated and connected with the support they need to transition into permanent housing. It will also have 100 to 120 beds where they can stay while being evaluated and connected to services.

The idea of a homeless navigation center is not new. They are already being used in other cities. Former Mayor Charlie Hales proposed opening one near the former Washington-Monroe High School in Southeast Portland in an unused maintenance building, but negotiations with the school district fell through.

Williams previously proposed opening a large homeless shelter and service center approximately one mile to the north of the new location. The City Council agreed to lease him an empty warehouse at Terminal 1 in August 2016 for that project. But the council reversed itself two months later, when Williams was unable to finalize a lease with the city Bureau of Environmental Services, which owned the property. Terminal 1 was sold to Lithia Motors for \$11.1 million in August 2017.

During the two months the Terminal 1 project was on the table, it was strongly opposed by many nearby residents and property owners. Such opposition has not yet surfaced to the new project, but could emerge in coming weeks.

The Old Town Community Association, the official neighborhood association that represents Old Town/Chinatown, had opposed plans by Multnomah County to open a 200-bed homeless shelter in a vacant warehouse within eyesight of the new project. The county has reportedly dropped that plan because of the high conversion cost. Association members will discuss the new project during their May 2 meeting.

Willamette Week

Multnomah County Prosecutors Remain Tied to a “48-Hour Rule” that Prevents Cops From Making Compelled Statements

*By Katie Shepherd
April 19, 2018*

The battle over the 48-hour rule may not be over. Prosecutors believe they probably cannot prosecute a cop who has been compelled to make statements to internal investigators.

When Portland City Council voted to eliminate the "48-Hour Rule" and demanded officers provide statements in the immediate aftermath of officer-involved shootings, it seemed a longstanding divide between the city and criminal justice reformers had finally been bridged.

But new records indicate the battle over police testimony is not over.

On April 18, a Multnomah County prosecutor wrote a letter declining to bring a case against a Portland Police Sergeant Erin Smith, who was accused of threatening to improperly arrest a man

for filming police. The letter indicates the District Attorney's Office believes it probably cannot prosecute a cop who has been compelled to make statements to internal investigators.

"This is because at a minimum the effect of compelling an officer to make a statement during an administrative investigation results in use and derivative use immunity," wrote senior deputy district attorney Amity Girt.

The argument reflects MCDA's position as laid out in a memo drafted by DA Rod Underhill in March, 2017, as well as testimony he presented to city council in July.

"In addition, there is also an argument that the results of Sergeant Smith going through the administrative investigation process and providing compelled statements presents the risk of transactional immunity," Girt wrote, "meaning that Sergeant Smith could be entirely immune from prosecution for any crime stemming from this incident."

An amended letter sent on Thursday removed the language about transactional immunity. The original letter was first published in a Medium post analyzing Girt's decision not to move forward with the case.

The problem stems from disagreement over whether the constitution requires internal investigators to wait—sometimes for months or even years—for a criminal case to conclude before starting an administrative review related to potential policy violations.

Delays in interviews stand in direct opposition to best practices for reviewing alleged police misconduct. Some advocates say they don't care that a criminal trial would be sabotaged, because officers are so rarely indicted and even more rarely convicted. Administrative repercussions would often be more swift and more likely.

The question is newly relevant after Portland police shot and killed a man this month in a homeless shelter near downtown. The seven officers who fired their guns two weeks ago have already been interviewed by investigators within the Portland Police Bureau.

When asked by WW tonight if he thought compelled statements could be used by prosecutors during a criminal trial, Underhill answered: "Simply put, no, if the statement is compelled."

If a police officer is suspected of breaking the law, it is Portland Police Bureau policy to pursue the criminal and administrative investigations simultaneously.

Underhill's statements and his senior deputy's letter declining to prosecute an officer strongly suggests that compelling officer testimony could get in the way of a criminal trial, though compelled testimony alone may not sabotage the prosecution entirely.

It's unclear who is right: the city or the district attorney.

A judge could make a final ruling on the matter—but that would likely only come if a police officer was convicted of a crime after giving compelled testimony.

And, so far, MCDA has not brought such a case to court.

The Daily Journal of Commerce

Two Properties Targeted for Possible Ballpark

*By Chuck Slothower
April 19, 2018*

A bid to bring Major League Baseball to Portland has gotten very serious, very quickly.

The Portland Diamond Project, a group led by former Nike executive Craig Cheek, has submitted formal offers on two large properties in Portland.

One is a Portland Public Schools property north of the Rose Quarter that includes the Blanchard Education Service Center, at 501 N. Dixon St. The property is zoned IG-1 for general industrial uses.

The other is an industrial site in Northwest Portland. While not identified by the Portland Diamond Project, the site matches the description of the former ESCO Corp. foundry that closed in 2016.

Earlier attempts to lure a major league team to Portland foundered because of difficulties finding a suitable site. Portland Diamond Project aims to fill that space in the lineup first.

Besides Cheek, the Portland Diamond Project includes former Trail Blazers announcer Mike Barrett and former state Sen. Jason Atkinson, according to a news release from the group.

The group has retained Kansas City's Populous Architects, which has designed more than 20 MLB stadiums. TVA Architects is serving as a local design partner. The Portland firm did not return a message seeking comment. A New York-based attorney, Irwin Rajj of O'Melveny & Myers, is serving as legal adviser.

The baseball boosters said they want to build multifamily units along with a ballpark. Both sites have "ample room for multifamily development, which can help alleviate Portland's housing crisis," Cheek stated in the news release. "We're planning to pave the way for 8,000 new workforce and market-rate apartments to create a vibrant, walkable community around the facility, wherever it ultimately lands."

The group is not seeking "new programs" to fund the ballpark, according to the release. Public funding for ballparks has become controversial after several deals across the nation left local taxpayers holding long-term debt.

Portland Mayor Ted Wheeler, in a prepared statement, said he is focused on housing and homelessness.

"It's my belief that city resources should be directed to these priorities," he stated. "We will continue to watch the Portland Diamond Project proposal as it develops."

Portland Public Schools was due to discuss the offer during a closed-door executive session Wednesday.

"The district is not really actively pursuing anything – more in listening mode," PPS spokesman Dave Northfield said.

The PPS property has the advantage of proximity to existing sports venues – the Moda Center and Veterans Memorial Coliseum.

The area is also targeted in the Albina Vision, a loosely drawn plan for a large-scale redevelopment of underutilized properties. The historically African-American neighborhood was

disrupted to make way for redevelopment in the 1960s. Albina Vision proponents did not return messages seeking comment Wednesday.

The ESCO property is close to Interstate 405 and the fast-growing Slabtown area. City leaders have discussed extending Portland Streetcar tracks to that area. The area is likely to become more integrated into surrounding neighborhoods, said Tom DiChiara, principal at Cairn Pacific, a major developer in Slabtown.

“I like the idea of the area north of Highway 30 there becoming more a part of Northwest Portland, more a part of a mixed-use neighborhood long term,” DiChiara said. He noted there are many obstacles to a baseball stadium in Northwest Portland, including zoning, transportation capacity and infrastructure.

Portland hasn’t had professional baseball since the minor-league Portland Beavers were sold in 2010 to make way for the Timbers soccer franchise.

The Hillsboro Hops began playing in 2013. Its 3,500-seat stadium is about 14 miles outside of Portland. Portland also has the Pickles, a summer league team that is mainly for college players.

A 32,000-seat baseball stadium would dwarf any other sports arena in the Portland area.

MLB has two teams that have made noise about moving to new stadiums. The Oakland Athletics just celebrated 50 years in the Bay Area, but their aging stadium has drawn few fans in recent years and generated embarrassing headlines for issues such as sewage problems. The team’s efforts to build elsewhere in Oakland have so far been stymied.

Similarly, the Tampa Bay Rays play in an older stadium and consistently rank among teams with low attendance.

MLB could also opt to expand. The league’s two newest teams, the Rays and the Diamondbacks, began playing in St. Petersburg, Florida, and Phoenix, respectively, in 1998.

OPB

Judge Hears From Angry Public On Portland Police Use Of Force Settlement

By Conrad Wilson

April 19, 2018

UPDATE (April 19, 5:47 p.m. PT) — U.S. District Court Judge Michael Simon heard Thursday morning from frustrated and angry members of the public over how the Portland Police Bureau interacts with city residents.

The hearing, held on the 15th floor of the Mark O. Hatfield Courthouse in downtown Portland, was the third annual status conference on the settlement between the U.S. Department of Justice and the city of Portland over police officers’ use of force.

The hearing came a little more than a week after seven Portland Police officers were involved in the shooting death of 48-year-old John Elifritz in a homeless shelter, which at times overshadowed much of the official agenda.

The purpose of the hearing was to discuss amendments that were not opposed by any of the parties in the settlement, though the Albina Ministerial Alliance for Justice and Police Reform

noted it had some concerns. The hearing was also an opportunity for the Justice Department and the city to update the judge on progress made toward fully implementing the settlement.

“Overall your honor, we found the city made significant progress,” DOJ attorney Jonas Geissler said in court. Geissler added that the DOJ believes the city has turned a corner on policies and training.

“PPB values training,” he said. “We’ve seen this.”

Simon ultimately adopted five of six amendments, but set a hearing for early October to get an update on the community engagement portion of the settlement, called the Portland Commission on Community Engaged Policing, or PCCEP. It’s a replacement for the Community Oversight Advisory Board (COAB). Until it was dissolved in early 2017, the COAB served as the public’s voice in the settlement.

Members of the Albina Ministerial Alliance told Judge Simon the PCCEP isn’t a true replacement for the COAB. Unlike the COAB, which was chosen by community members, the PCCEP would be selected by the mayor. Some meetings would be held behind closed doors, others in public, but all meeting minutes would be made public.

“Coming to these amendments has been a long, arduous process,” said Dr. LeRoy Haynes, president of the alliance. “Given people are still dying on our streets in Portland due to police action, the AMA has decided to move forward.”

“We agree we need a mechanism for community oversight and engagement well after the settlement is achieved,” Wheeler said in court. “The community had a right to demand constitutional and community policing.”

Wheeler said the city is not commenting on last week’s officer-involved shooting to preserve the Multnomah County district attorney’s criminal investigation.

While the hearing was largely about amendments to the settlement agreement, last week’s shooting in Southeast Portland loomed large, especially as a public hearing got underway.

Simon asked members of the public to comment about whether he should adopt, reject or conditionally accept the amendments and hold a hearing in six months to assess them.

Instead, he got references to last week’s shooting and members of the public frustrated by the settlement process.

“I long for accountability in this city,” Portland resident Mimi German testified. “Accountability for cops murdering our most vulnerable. What I see instead is a mayor asking for 93 more cops days after a man is murdered on the streets.”

Wheeler, who is also the police commissioner, has called for hiring between 14 to 93 new police officers to help improve officers’ response times to calls.

Portland City Council candidate Jo Ann Hardesty asked Simon to consider a fourth option to the three he posed: to declare the settlement process a failure.

“We are in crisis,” Hardesty said in court. “I want everyone to go home from an encounter with the police.”

Hardesty described the video uploaded to social media that shows Portland Police officers in the moments before, during and after Elifritz was shot and killed. She said it showed “chaos.”

“What it showed was a man in mental health distress stabbing himself in the neck,” Hardesty said. “Nothing in that video showed any de-escalation tactics at all.”

“If 20 police officers can’t take one man in mental health crisis into custody, then hiring 93 more police officers won’t do a darn thing,” she said.

Other members of the public called the settlement process “corrupt.” Others addressed Simon’s question more directly.

Debbie Aiona, with the League of Women Voters of Portland, said her group opposes aspects of PCCEP that close the meeting to the public.

“The League’s chief concern related to the PCCEP is the provision allowing the committee to hold its meetings behind closed doors if and when it wishes,” Aiona testified. “While this may be technically in compliance with Oregon’s public meeting law, it certainly is not consistent with its spirit.”

Many also expressed their support for Simon and his role in the settlement process.

“Aloha to you,” Kalei Luyben said to Simon. “This room does need to mellow out, your honor.”

Luyben said Simon’s courtroom is the only place the community is welcome to speak the truth. It’s the “only place the community is welcome. It’s a hard thing for me to say and I know it’s a hard thing for you to hear.”

It was the first such hearing for Portland’s new police chief, Danielle Outlaw, who spent the day in court seated next to her new deputy chief Bob Day.

In brief remarks to the court after hearing public testimony, Outlaw pledged to be open and transparent.

“It pains me that there’s so much dissonance in the community,” Outlaw said.

Throughout the day, Simon asked the U.S. Department of Justice, the city and others if they had a position about whether Portland’s Unity Center for Behavioral Health was adequately funded and resourced. The center was set up in January 2017 by several health care providers to provide 24-hour emergency mental health care.

Neither the Department of Justice nor the city said they had a position on whether the center had adequate resources.

Simon also asked whether the city knew how many people go from Unity to jail. Portland City Attorney Tracy Reeve said she didn’t know, but would find out.

In his concluding remarks, Simon said he didn’t know if the PCCEP would address concerns.

“I don’t know whether that will be sufficient to solve this problem, but I’m willing to give deference to the four parties,” he said. “So let’s give it a try.”