

The Oregonian

Outside Instructors Provide New De-Escalation Training to Portland Police

By Maxine Bernstein

May 4, 2018

The video from a police bodycam showed an agitated woman in her kitchen holding knives to her throat. A police officer, his hands outstretched, addressed the woman by name. He stayed back and asked her what was wrong.

Twenty years ago, a cop may have rushed in, shouting commands to drop the knife, with gun drawn. That didn't happen in this case in Baltimore.

And it's a good example of what more and more police agencies across the country are striving to do.

Trainers from outside agencies spent two days in Portland this week teaching Portland police instructors how they can help patrol officers better defuse encounters with armed suspects who aren't wielding guns, but may have a knife, baseball bat or other object and may be emotionally disturbed. The session was at the invitation of the Portland Police Bureau, which has been criticized for years for their encounters with people suffering from mental illness that escalate into shootings.

About 40 Portland police training instructors and members of the bureau's Tactical Operations Division and Special Emergency Reaction Team attended. Later this month, they'll share what they learned with patrol officers.

"This is a priority," Police Chief Danielle Outlaw told the training division instructors. "It's not a priority just because of the critical incident that we had recently, but it's been a priority for quite some time now."

Three and a half weeks ago, Portland police officers shot and killed a man with a knife inside a homeless shelter. He had run into the shelter after he was suspected of carjacking a woman and threatening others. Police are still investigating, and the case hasn't gone to a grand jury yet.

In the Baltimore encounter, the officer spoke first to the woman's daughter outside the apartment, learning her mother was cutting herself with knives inside. He asked for the mother's name and entered, a cover officer with him.

"Penny, is everything OK? What's the matter, Penny? What happened today?" the officer asked. Neither officer had a gun visible. "Can you put the knife down? I'll stay right here. If you can put it on top of the fridge. No one's going to shoot you. We don't want to do that one bit. I enjoy talking to you."

Eventually, the woman, moaning in despair, reached up and placed the knives on the fridge. Two officers approached and walked her to an ambulance.

Officers who slow down, collect as much information as possible, use distance and cover, and spend time patiently communicating with an emotionally disturbed person are likely to have a better outcome in disarming someone with a knife, a baseball bat or other object, said Tom Wilson, a retired patrol bureau chief from a Maryland police agency.

Wilson and three other instructors from the Police Executive Research Forum, a Washington, D.C.-based independent organization that does research on policing, provided the training in Portland.

Of approximately 1,000 police fatal shootings a year, about 60 percent involve suspects with guns. The forum's training is focused on the remaining 40 percent, when someone is armed with a knife or blunt object and emotionally unstable.

"Can you defuse every incident? Heck no," Wilson said. "Can we try? Yeah, we can try. We can give it our best shot."

Outside set of eyes

About one month after she arrived, Portland Police Chief Danielle Outlaw recommended the bureau's training division contact the Police Executive Research Forum. Outlaw was familiar with the forum's de-escalation training because a police sergeant from Oakland, where she worked previously, was involved in helping create it.

Outlaw pulled out her cellphone and sent a text message directly to the forum's executive director, recalled Capt. Bob Day, then head of the Training Division and now deputy chief. Within three days of that call, Day was talking to Wilson.

"We have an opportunity to get an outside set of eyes," Outlaw said. "What makes this specifically unique is not only that we're talking about de-escalation, and how we incorporate that and institutionalize it into everything we do, but also how we do that in a procedurally just manner."

Officer Daryl Turner, Portland Police Association president, contends the forum's training isn't new to Portland police. "It's just a new title and new language," he said. "It's been the basis of training we've had for years here in Portland."

Yet the week Outlaw took over as chief, the Chicago-based academics hired by the city to evaluate the bureau's compliance with a federal settlement agreement released a report that was frank: "It appears PPB falls short of ensuring de-escalation as an alternative to force."

The consultants found Portland officers received little direction on communicating with empathy and patience to eliminate a potential threat. Instead, they've been taught to use commands and warnings. From officers' reports, police were not clear on what de-escalation meant, noting that often an officer's aggressive commands to a suspect were mislabeled as attempts to avoid and calm a problem, the consultants found.

Chuck Wexler, the forum's executive director and a former assistant to the Boston police commissioner, said he's watched the witness' video of the April shooting of John A. Elifritz inside the Southeast Portland shelter.

"I think officers do what they're trained to do," Wexler said. "If you don't give them the right training, don't expect the right results."

"If someone is in crisis, raising your gun and pointing it and barking orders is sometimes the worst thing you can do," Wexler said. "It makes a bad situation worse."

Other major police departments that have used the training include police in Camden County, N.J.; Fort Worth, Texas; New York City; and Baltimore.

"Crisis intervention training is good. It's necessary but not sufficient to deal with today's use of force situations," Wexler said. "Simply being able to talk to someone in a crisis is not enough. You need to integrate crisis intervention with an assessment of a scene and tactics."

The forum's training departs from traditional training, where officers have been taught to respond to a threat immediately, take charge with commands, hold their ground, and ratchet up the type of force depending on a suspect's behavior. It also debunks the 21-foot rule, used in Portland police training, which says that a person with a knife within that distance can stab you before you can shoot.

"Just simply holding a knife isn't necessarily an imminent threat," said Camden County police Lt. Kevin Lutz, who also taught Portland police this week. "We're not throwing out the concept but believe it should be a guide, not a rule. We don't want officers to think of that distance like a kill zone."

Learning from Scotland

Lutz was among officers from around the country who helped the research forum develop the training, called ICAT for Integrating Communications, Assessment and Tactics. It sprang from a review of basic police training in Scotland, where officers don't carry guns.

"Why is it when you have someone who is a mentally ill person with a knife in Glasgow, you're able to handle it without someone being shot and we can't?" Wexler asked, when visiting the country. Wexler brought officers from around the United States to observe the Scotland training. They studied Scotland's approach and modeled the forum's curriculum after it.

Among the training videos is footage from a police body camera that captured an unusual response by Camden County police to a call involving a man with a knife in a restaurant in November 2015.

When police arrived, the man had walked out of the restaurant and ignored calls to drop the knife. Instead of surrounding him, a handful of officers formed a walking perimeter and followed him as he strode down several city blocks, waving the knife. Some officers stayed ahead, clearing out pedestrians in his path, others to his side and behind. Taser shots were unsuccessful. Few officers had guns visible. Eventually, the man dropped the knife and was arrested.

"Five, six, seven years ago, that would have resulted in a shooting," Lutz said. "The officers here didn't draw a line in the sand."

"We'll do tactical mambo all day long," Wilson told Portland trainers. If a man with a knife steps towards you, "we'll step back. Our shoes are not in concrete."

In Camden County, the training is given to all recruits and rests on a guiding principle: "The sanctity of human life should be at the heart of everything an agency does."

"There's a lot of shootings that are lawful, be we call them 'lawful but awful,' meaning they could be avoided with perhaps a different mindset going in," Lutz said.

The forum instructors urged Portland police not to repeat the message they've likely heard as young officers.

"You probably were told 'you're No. 1 job is to make sure you go home at night,' " Wilson said. "Isn't it our No. 1 job to make sure everybody goes home?"

Portland Mayor Proposes Funding Cut to Program Built on Make-Believe Numbers

By Brad Schmidt

May 4, 2018

Mayor Ted Wheeler is all but ready to eliminate a two-year-old city program that has failed to repair a single unit of ramshackle rental housing in east Portland.

Wheeler wants to redirect nearly \$1.2 million from the rental rehabilitation program to other housing efforts, according to a budget proposal released this week. The move would effectively kill the stalled program.

The mayor's budget slashing comes a year after The Oregonian/OregonLive revealed that the Portland Housing Bureau originally pitched its program using make-believe statistics. Officials in 2016 presented a dire need while claiming that 400 apartment complexes in east Portland had been flagged for urgent repairs. In reality, the actual number at the time was 19.

Bad numbers haven't been the only issue to undercut the program. City officials were slow to roll it out and, once they did, landlords have shown little interest in participating.

As a result, the Housing Bureau has stockpiled money but hasn't spent a dime making repairs at rental properties in east Portland. Wheeler gave the initiative a reprieve last year but said it's now time to start spending on other priorities.

"We can't just leave placeholder funds in there," said Michael Cox, Wheeler's deputy chief of staff.

In his budget, Wheeler proposed taking nearly \$600,000 of unspent rehab money from the past two budget cycles, plus another roughly \$600,000 earmarked in the upcoming fiscal year, and sending it elsewhere.

Wheeler wants to direct \$900,000 to the Housing Bureau's Office of Rental Services. That money would continue providing education, outreach and legal services for tenants, cover employee costs and launch a rental registration system tracking properties and landlords.

Wheeler also proposed nearly \$300,000 to pay for homeownership, rather than rental, repairs citywide. Wheeler's proposal comes after housing officials in January suggested cuts to the rental rehab program, recommending even more money for home repairs.

Officials expect that program will be successful because senior, disabled and low-income homeowners may be more enticed by grants than landlords, who complained about various city stipulations tied to the rental program.

If the City Council signs off this spring, the budget maneuvering would leave the rental rehab initiative with an empty bank account going forward.

Wheeler has asked the Housing Bureau to go back to the drawing board to come up with a better proposal for the 2019-20 budget, focused on preventing displacement in east Portland. If the idea sounds promising, it would be in line to receive the roughly \$600,000 already earmarked in that budget cycle for the rental rehab initiative.

"We feel that there is a much better opportunity to get a newly reimagined program off the ground than there would ever be of getting the former program off the ground," Cox said.

That new program may look "totally different" than the rental rehab effort, Cox said, representing a radical revisioning if not an outright replacement.

"We don't have any preconceived notions about what that is specifically going to look like," he said.

Wheeler's budget isn't facing opposition in east Portland.

Nick Sauvie, who serves on an advocacy group that initially requested the rental rehab program, said reallocating money to other efforts may still aid homeowners and renters.

"This is really the only housing money that was targeted to east Portland, so there's some disappointment with that, sure," Sauvie said.

But he praised the Housing Bureau for subsidizing the development of several new affordable housing projects in east Portland, too.

"I do feel like the bureau is paying attention," he said, "and we're seeing more resources in east Portland."

Portland's rental rehab program was originally pitched as a much-needed tool to incentivize landlords to fix derelict properties in the low-income neighborhoods east of 82nd Avenue.

The city would give for-profit landlords up to \$25,000 per unit to fix code violations or potential code violations. In exchange, landlords would be required to keep rents at an affordable, agreed-upon rate for 10 years.

But the program faltered from the start.

The Housing Bureau dramatically overstated the number of properties with documented problems, The Oregonian/OregonLive reported in 2017. City officials, meanwhile, took more than a year to begin contacting landlords to gauge interest in making repairs.

Officials ultimately identified 92 properties as potential candidates, according to an outside report commissioned for the city. Only 17 owners wanted to learn more about Portland's program. And, of those, only one was interested in moving forward.

The reasons were four-fold, according to the Feb. 1 report.

Landlords didn't think the city's financial incentive was lucrative enough, given the requirement to limit future rent hikes. They didn't want to lock themselves into a 10-year commitment. They also didn't want to deal with the city's red-tape reporting requirements.

And, underscoring The Oregonian/OregonLive's findings, few properties were identified to be in need of significant repair.

"Most property owners believed that they normally addressed these issues and were more interested in cosmetic upgrades," the report reads.

The Portland Tribune

Wheeler Police Increase Being Negotiated

By Jim Redden

May 3, 2018

City Council members says discussions are underway about increasing the city business tax for police and homeless services.

After a little more than a year in office, Mayor Ted Wheeler has done something that his predecessor was not able to accomplish after three years — convince the Portland Business Alliance to support increasing the city's business license tax.

But whether the City Council will support the increase for Wheeler's purposes remains to be seen.

Former Mayor Charlie proposed increasing the business tax in his fourth and final proposed budget. But he had not negotiated with the PBA first and the rest of the City Council did not support it.

Wheeler's proposed increase increase the tax from 2.2 to 2.6 percent. It would raise \$15.3 million in its first year. Wheeler wants to spend much of the increase to hire 58 additional police officers, which is controversial because of ongoing community complaints over police mistreatment of minorities and the mentally ill. But the PBA is likely to withdraw its support if the additional officers are not part of the deal.

Commissioner Nick Fish says negotiations are underway among the council members over the deal. Fish says that he supports the tax increase and some level of additional police funding, but has other concerns, including funding supportive services for homeless people in city-funded affordable housing projects.

"Some things are likely to change before the council approves the final budget," says Fish.

Commissioner Amanda Fritz confirmed such negotiations are underway.

"I support the tax increase. I'm working with my colleagues to determine how to invest the additional revenue wisely" told the Portland Tribune.

To read an earlier Portland Tribune story on the issue, go to portlandtribune.com/pt/9-news/393942-286832-wheeler-proposes-budget-with-boosts-in-taxes-cops.

Portland Council Agrees to Support More Accessory Dwelling Units

By Steve Law

May 3, 2018

City commissioners agree to make a temporary waiver of system development charges permanent.

The Portland City Council moved aggressively Wednesday to boost construction of more "granny flats" or accessory dwelling units (ADUs), by permanently eliminating development fees for new construction.

Since the city began a series of short-term exemptions of systems development charges for new ADUs back in 2012, annual construction has zoomed from roughly 50 a year to 500 a year, said City Commissioner Chloe Eudaly.

With the looming July 1 expiration of the latest fee waiver for ADU development fees, the City Council voted 4 to 1 on Wednesday to extend the waiver permanently, adding a new requirement that the owners don't rent out the units for Airbnb or other short-term rentals.

The development fees can add \$15,000 or more to the construction cost of the new homes.

Eudaly has argued that ADUs can form an important solution to the city's housing crisis, by providing more affordable units in areas close to where people work. Though some complain the units aren't all that affordable, they must, by city code, be no more than 800 square feet, and, since they are on the lots of existing homes or inside homes or garages, homeowners don't have to buy land or spend as much to extend utility lines.

Though there's relatively little opposition to new ADUs by neighbors in Portland, a backlash has been brewing because many Portlanders have turned the accessory units into short-term rentals. Critics argued those owners didn't warrant breaks on their development fees for what amounts to quasi-commercial development.

The resolution adopted by the council, at Eudaly's suggestion, requires ADU builders to attest that they won't rent the units as short-term rentals for 10 years. If homeowners do rent them out via Airbnb or similar platforms during the ensuing decade, the SDC fees must be paid, along with a 50 percent penalty.

System development charges are levied by the Water, Parks, Transportation, and Environmental Services bureaus to pay for the cost of serving new growth.

ADU advocates argue that because they are built on existing residential lots, they don't require the same new road, utility and other infrastructure.

The new city resolution calls on those bureaus to bring forth amendments to their SDC fee schedules so they are consistent with the resolution.

The Portland Mercury

Portland Police's New Deputy Chief Talks Transparency at Youth Forum

*By Alex Zielinski
May 3, 2018*

A group of teen activists gathered at the First Unitarian Church of Portland last night to pitch hardball questions at a panel of local law enforcement leaders. Led by high school students Britton Masback and Taji Chesimet (founding members of Youth Educating Police), the discussion focused on police interactions with youth and the students' general concerns around policing tactics.

The panel included incoming Portland Police Bureau Deputy Chief Bob Day, a 28-year veteran of the force and, most recently, a captain in the PPB's training department. In the brand-new position created by Chief Danielle Outlaw, Day will effectively be PPB's second in command. He'll officially start that new job today.

Day is entering this new position during a moment where public trust in PPB is particularly lacking—less than a month after a police shooting that left a mentally distressed man dead and just over a year since police fatally shot an unarmed 17-year-old boy in the head. Portland's corps of police accountability activists and victims' family members continue to push for answers. Mayor Ted Wheeler's budget ask for 58 new sworn PPB officers appears to only add to the public's wariness.

On the eve of his swearing-in ceremony, Day answered a number of tough, unexpected questions from student leaders regarding police militarization and use-of-force policies. Day's responses offered a peek into how the incoming deputy may tackle his new job.

Here's a few of them:

On the role social media plays in policing: "On one hand, it's allowed us to have a greater relationship with the community," he said, listing the bureau's Facebook and Instagram stats. "But it also highlights some of the challenges we face... like when we can't respond as quickly to issues as we'd like."

On militarizing police: "The police bureau has not accepted military equipment." Day noted the importance of PPB ending the use of military-grade firearms.

On police use of force: "[PPB] has been slow to recognize the need to change in this area," Day admitted. "But we're making strides."

On the recent audit of the PPB's Gang Enforcement Team (GET): Day said the audit exposed the poor data collection practices within the bureau. He also noted that the bureau is going through much-needed implicit bias training—something that could help improve future GET outcomes (a reminder: the audit found police disproportionately targeted people of color).

On the role officers play in the criminal justice system: "Discretion is key... taking everything on a case-by-case basis," Day said. The initial role a police officer plays in a case can change the course of justice, he adds. "I always tell other officers, 'We're the tip of the spear.'"

On interacting with the public: "People want to hear from us. At the end of the day, for all of our struggles, and we have many, we need to honestly address the public's concerns. It's important sometimes to sit with the messiness of it all," Day said. "It keeps us human... it keeps us real."

The Skanner

Wheeler Releases Proposed 2018-19 Budget

May 3, 2018

On Monday Mayor Ted Wheeler released a \$553 million general fund budget Monday that calls for funding for 58 new police officers, an increase in funding for the Joint Office of Homeless Services and increases in the business tax as well as water and sewer rates.

Wheeler and the city council will discuss budget details in the coming week and then approve a final version.

The budget is viewable on the city's website. Here are some of the highlights:

- A proposed increase in the city business tax, with an expanded small-business exemption;
- A 9 percent water rate increase;

- A 2 percent sewer fee increase;
- Funding for 58 new sworn officer positions, including 52 for patrol, four for training and two for the Behavioral Health Unit, increasing the number of BHU teams from three to five;
- A 10 percent increase in spending for the Joint Office of Homeless Services, to \$31 million, much of which would be earmarked for programs that place people in permanent housing;
- \$300,000 to hire tax collectors to collect taxes from Portland businesses, which observers say are more than \$9 million in arrears on city taxes;
- \$100,000 in ongoing funds to perform additional data collection and analysis relating to equity and diversity, including analysis of the Portland Police Bureau's stops data and hiring decisions, and an additional \$50,000 for a one-time partnership to analyze police stops data;
- Authorization for two additional staff in the records division, to decrease the amount of time the city takes to fulfill public records requests;
- The creation of a full-time community health manager within the fire department, dedicated to mitigating "high-utilizer 9-1-1 calls, providing homeless outreach, and providing community health outreach and education";
- The closure of Fulton Park (Southwest Portland) and Hillside (Northwest Portland) community centers.

Wheeler told reporters Monday he will ask city bureaus to find places they can cut their budgets by 1 percent without harming services.