

**The Oregonian**

## **Grand Jury Finds no Criminal Wrongdoing in Fatal Police Shooting of Man Inside Portland Shelter**

*By Maxine Bernstein  
May 9, 2018*

A Multnomah County grand jury found no criminal wrongdoing by the officers who shot and killed a man with a knife inside a Southeast Portland homeless shelter last month, the District Attorney's Office announced late Wednesday.

John A. Elifritz, 48, died April 7 from gunshot wounds at the Cityteam Ministries shelter on Grand Avenue.

Seven Portland police officers and one county sheriff's deputy were involved in the shooting that night, police said. The officers acted in self-defense, Portland police said.

The grand jury met over four days. The prosecutor's office now will ask a judge to release the transcript of the proceeding. Police expect their investigative records to be available the week of May 25.

Police confronted Elifritz, a suspect in a carjacking, after he burst into the shelter. Witnesses said officers shouted commands at Elifritz to drop a knife. Two Portland police officers first fired 40mm rubber rounds at him. Elifritz lunged at officers before five other Portland officers and one sheriff's deputy fired lethal shots, killing Elifritz, police said.

Chicago-based civil rights lawyer Andrew M. Stroth, who represents the Elifritz family including Elifritz's wife and daughter, said his firm is conducting a comprehensive, independent investigation into the shooting.

"The district attorney has failed the citizens of Portland," Stroth said. "The Elifritz family is not surprised by the decision and will continue their fight for justice. A 12-year-old girl lost her father because of the excessive actions of the Portland police."

Stroth was in the nation's capital preparing for a "Day of Action" on Thursday involving hundreds of mothers who have lost their children in police shootings.

Earlier on April 7, Elifritz had called 911 to report that his wife and children were murdered, but police checked and learned that his family was OK.

Officers later saw Elifritz holding a knife to his throat and he ran from them. Officers chose to let him go. They planned to refer him to officers in the bureau's Behavioral Health Unit for a follow-up.

But soon after, Elifritz was suspected in an attempted carjacking and then a successful carjacking, a road-rage encounter and the crash of a stolen car before he entered the shelter. By the time he entered the shelter, emergency dispatchers and police had identified the man with the knife as Elifritz.

A video taken by a man inside the shelter showed a group of Portland officers standing with guns drawn at an open door of the shelter as others inside scrambled to get away from Elifritz, who had a knife in his hand.

An Alcoholics Anonymous meeting was about to start at the shelter, and several startled men instead tried to corral Elifritz into a corner with chairs, then hustled to get out of the range of the officers' guns.

Elifritz struggled with methamphetamine abuse and had a criminal history that included multiple convictions for stealing cars.

His family members, as well as members of the Albina Ministerial Alliance's Coalition for Justice and Police Reform, have questioned the police tactics, concerned that officers didn't try to de-escalate the encounter.

Two officers fired the rubber bullets at Elifritz: Richard Bailey and Justin Damerville. The others shot lethal rounds: Officers Kameron Fender, Alexandru Martiniuc, Bradley Nutting, Chad Phifer and Andrew Polas, and Deputy Aaron Sieczkowski.

There were four cameras on the main floor of the shelter that caught the shooting and provide a more comprehensive picture of what occurred, said Mike Giering, the shelter's executive director. He turned the videos over to police and has declined comment on what the footage showed.

Since the shooting, an outside agency, the Police Executive Research Forum, has provided bureau instructors with training on de-escalation techniques, particularly for encounters when a suspect may be emotionally disturbed and armed with a knife. The bureau trainers are expected to share the training with patrol officers this month.

Officers who slow down, collect as much information as possible, use distance and cover and spend time patiently communicating are likely to have a better outcome, said Tom Wilson, a retired patrol bureau chief from a Maryland police agency.

An internal administrative investigation is continuing into the shooting.

"What I'm hoping to get from this incident is what can we learn here from it, and everything that led up to it," Police Chief Danielle Outlaw told The Oregonian/OregonLive.

Chief Deputy District Attorney Don Rees and Deputy District Attorney Todd Jackson presented the case to the grand jury.

## **The Portland Tribune**

### **Sources Say: Some Max Wall Backers a Mystery**

*By Jim Redden  
May 10, 2018*

**Plus, baseball supports spent \$30,000 lobbying City Hall and Metro is seeking public feedback on its possible affordable housing bond.**

Max Wall could spend \$500,000 or more in his campaign for Washington County district attorney, and hardly anyone will know where most of the money came from until after the May 15 primary election.

That is because nearly \$390,000 has so far been contributed by two Washington D.C.-based political action committees that do not have to report the details of their fundraising until July 1, two weeks after the election. Contacted by KOIN 6 News last week, a spokesman for the committees declined to reveal the contributors before the deadline. He denied it was from liberal

billionaire George Soros, who has been funding criminal-justice reform candidates across the country.

Wall is running as such a candidate against Washington County Chief Deputy District Attorney Kevin Barton. Barton has so far raised a little under \$168,000 this year. His biggest contributor is ActionPAC, a conservative Oregon-based political action committee. It has given him a little over \$52,000 in cash and in-kind contributions, according to the most recent state filings.

### **Major League Baseball proponents lobby city**

Portland Diamond Project, the group behind bringing a Major League Baseball team to town, spent \$30,000 lobbying the City Council during the first three months of 2018. The group identified its purpose as introducing the project to the council, according to the first-quarter lobbying disclosure reports released by the City Auditor's Office.

Just under 50 entities filed the required reports, ranging from the 1000 Friends of Oregon land-use watchdog organization to the ZRZ Realty Co., which represents the Zidell family developing the South Waterfront area. Only those who spend more than eight hours or \$1,000 on lobbying are required to provide details. By way of comparison, 1000 Friends spent less than \$1,000 lobbying on the Residential Infill Project while ZRZ spent \$65,163 on redevelopment discussions.

Other big spenders include Lyft, the ride-sharing company facing increased regulations, at \$15,000; the Harvey Milk Project, which wants to name a portion of Stark Street after the late gay rights activist, at \$12,925, and Orange Barrel Media, which is lobbying on transportation-related issues, at \$10,500. Public employees are exempt from disclosure.

The complete filings are available on the auditor's website at [portlandoregon.gov/auditor](http://portlandoregon.gov/auditor).

### **Metro evaluates race question for housing bond**

As Metro considers a \$516.5 million affordable housing bond for the November 2018 ballot, it is asking residents to share their opinions by answering an online survey that includes many of the issues being discussed by the advisory committees working on the measure.

Among other things, the Opt-In survey asks questions about the importance of publicly funded affordable housing projects, where they should be located and who should be given preference to live in them.

Perhaps the most controversial questions ask whether respondents believe the Portland area has a history of racism that justifies prioritizing such housing for communities of color.

The Metro Council is scheduled to hold a work session on the potential measure on May 29 and vote whether to refer it to the ballot on June 7.

You can take the survey at [bit.ly/metrohousingsurvey](http://bit.ly/metrohousingsurvey).

# Grand Jury: Police Justified in Shooting at Shelter

*By KOIN 6 News  
May 9, 2018*

**Several groups have rallied since the shooting, arguing that money should be poured into mental health care rather than the police bureau.**

A Multnomah County Grand Jury has ruled that police were justified in the fatal shooting of John Elifritz during a confrontation in a homeless shelter in southeast Portland on April 7.

"The Portland Police Bureau remains committed to transparency and sharing all available information with the community," Chief Danielle Outlaw said after the decision was announced late Wednesday. "We ask that community members be patient as all of the reports and video files are prepared for public release."

Elifritz died after a crime spree that started with a carjacking on that Saturday afternoon. He later crashed the stolen car near the Cityteam Ministries Portland Shelter on Southeast Grand, police say, which he ran into.

According to grand jury testimony, witnesses said Elifritz had a knife and lunged at police before they opened fire on him. The Multnomah County District Attorney's Office says the grand jury heard four days of testimony.

Five officers and a Multnomah County Sheriff's deputy who were involved in the shooting are expected to return to duty. They are:

- Portland officer Kameron Fender, an eight-year-veteran
- Portland officer Alexandru Martiniuc, a six-year-veteran
- Portland officer Bradley Nutting, an 11-year-veteran
- Portland officer Chad Phifer, a 10-year-veteran
- Portland officer Andrew Polas, a 14-year-veteran
- Deputy Aaron Sieczkowski, a six-year-veteran of the Sheriff's Office

Several groups have rallied since the shooting, arguing that money should be poured into mental health care rather than the police bureau.

Portland says the bureau is continuing to conduct an internal review of the entire incident. Once the internal review is complete, the case will be presented to the Police Review Board, which is comprised of community members, bureau members and representatives from the Independent Police Review Division. The bureau expects this review to be complete within the next 90 days.

# Wheeler Requests Fewer Police in Revised Budget

*By Jim Redden  
May 9, 2018*

**Mayor makes changes to proposed budget after discussions with the other members of the City Council.**

Mayor Ted Wheeler has filed a revised version of his proposed budget on Wednesday that calls for hiring few new police officers.

The revised budget calls for hiring 49 new officers instead of the 52 he originally produced. It also restores proposed cuts in several bureaus, including the Office of Neighborhood Involvement, the Regional Arts and Culture Council, and Portland Parks & Recreation. It includes funding for four community centers that were at risk of closing.

Wheeler released his proposed budget on April 28. The changes were made after discussions with other members of the City Council. Wheeler had been criticized by some community members for wanting to hire too many new officers while cutting other programs too deeply, especially in the parks bureau.

Wheeler proposes to pay for the additional officers by increasing the city's business license tax from 2.2 to 2.6 percent. The increase would generate \$15.3 million in the first year, with \$5.5 million originally dedicated to the new officers. Much of the rest would be spent on homeless services.

The Portland Business Alliance supports the tax increase.

"The budget we filed today represents a fruitful collaboration among City Commissioners. The Mayor appreciates this collaboration," the mayor's office said when announcing the changes.

The final budget approved by the council will take effect on July 1.

You can read an earlier Portland Tribune story on the budget at [tinyurl.com/y7l4xtas](http://tinyurl.com/y7l4xtas).

## **Willamette Week**

### **A Grand Jury Declines to Indict Any of the Seven Officers Who Fired on a Man in a Homeless Shelter Last Month**

*By Katie Shepherd*

*May 9, 2018*

#### **Police shot and killed John Andrew Elifritz, 48, on April 7.**

A grand jury today declined to indict any of the seven Portland police officers or the Multnomah County Sheriff's deputy who fired on a man in a Southeast Grand Avenue homeless shelter last month.

Police shot and killed John Andrew Elifritz, 48, on April 7 after he crashed a stolen car and then ran into a shelter wielding a knife. Witnesses said that Elifritz cut himself with the knife before police officers showed up.

Twenty officers entered the shelter to confront him. Bystander video shot inside the shelter shows officers commanding Elifritz to drop the knife in his hand and firing bean bags at him. Elifritz refused to drop the weapon.

The videos sparked renewed alarm over police use of force. The debate was complicated by questions around how much police knew about Elifritz, who had been an avowed member of the European Kindred, a white supremacist gang that started in an Oregon prison.

Officers Richard Bailey, Justin Damerville, Kameron Fender, Alexandru Martiniuc, Bradley Nutting, Chad Phifer, Andrew Polas, and Deputy Aaron Sieczkowski were placed on paid administrative leave following the shooting. Phifer, Polas and Nutting had previously been investigated for use of force.

The Portland Police Bureau said in a statement tonight that all seven of its officers are expected to return to duty.

The Multnomah County District Attorneys office said in a statement that it had requested the grand jury transcripts be transcribed and released to the public.

## **Portland Mayor Ted Wheeler Reaches Budget Compromise With City Council to Fund 49 New Police Officers**

*By Rachel Monahan  
May 9, 2018*

**That's down from the 58 he proposed last week. The council also will authorize 55 officer positions by year 2. Budget is expected to get City Council support.**

Mayor Ted Wheeler and the City Council have agreed to hire 49 new police officers in this coming year's budget.

That's down from the 58 Wheeler proposed initially. But the council is also agreeing to authorize the hiring of 55 officers by the 2019-20 budget year.

The budget, even with the slight reduction from last week, represents a \$6 million substantial increase in general funds for the Portland Police Bureau.

Instead of a roughly \$740,000 spent on nine officers, the new budget proposal calls for provide additional funding to Portland Parks & Recreation and the City Auditor.

The budget will also include an increase on the city's business license tax, which is expected to generate \$15.3 million a year.

"The budget we filed today represents a fruitful collaboration among City Commissioners," says Wheeler spokesman Michael Cox.

Other commissioners agreed.

"The Mayor's filed budget strikes a good balance between the many needs facing our community, and the collaborative process around this package lays a strong foundation for next year," says Commissioner Nick Fish's chief of staff Sonia Schmanski.

## **The Portland Mercury**

### **City Council Begins Planning for Portland's Looming Earthquake**

*By Kelly Kenoyer  
May 9, 2018*

#### **One Building at a Time.**

Nine percent of the buildings in Portland are the most dangerous structures to be close to during an earthquake. They'll likely be the first to crumble during the looming Cascadia Subduction Zone earthquake, dropping rubble onto the heads of passersby and crushing building occupants. These vintage brick buildings encompass much of Old Town and the Pearl District and are

scattered across nearly every Portland neighborhood—to the extent that many historic preservation enthusiasts say their facades define the city’s character. This week, Portland City Council is considering a resolution that would make these unreinforced masonry (URM) buildings safer—but may also threaten them with demolition.

On Wednesday, May 9, city council will vote on whether to move forward with several policies to prepare the city’s 1,650 URMs for an earthquake by mandating major building retrofits, offering financial aid for these expensive repairs, and requiring placards labeling the city’s URMs. Building owners and some residents oppose the resolution, arguing that the city has not created a guaranteed financial path forward for low-income owners who will be tasked with retrofitting their buildings. Earthquake experts, meanwhile, say the proposed policies won’t do nearly enough to save lives.

Most URMs in the United States were constructed between the 1870s and the 1960s. They were built to prevent fire, not withstand a colossal earthquake, according to Amit Kumar, a structural engineer with Portland’s Bureau of Development Services.

“Typically the walls, floors and roof aren’t connected, so in an earthquake, the wall and floor will disconnect and separate from each other, leading to the collapse of the building,” Kumar says.

According to Jonna Papaefthimiou, a resiliency manager with the Portland Bureau of Emergency Management, most people who are killed by URM buildings during an earthquake are running out the door, and are hit by a piece of the falling building. She says that Portland’s 1,650 URMs—including 47 that are city-owned—make up nine percent of all buildings in Portland, and 21 percent of them are apartment buildings. According to a study of over 4,000 URMs in the US, and how they performed during earthquakes, one in five buildings partially or fully collapsed during a strong quake, while five out of six sustained enough damage to send bricks falling.

“Even if 10 percent of the URMs [in Portland] collapse, that’s a lot of people who die,” Papaefthimiou says. “That’s hundreds of people dead. It’s 165 buildings, and each of them has people in it.”

Construction experts and geologists advocate for mandatory retrofits of URMs to meet the federal “life safety” standard—where, even in a serious earthquake, everyone is able to walk out of the building alive. To achieve that in a URM, the floors and roof are tied to the walls, the parapets (walls that extend above the roof) are reinforced, walls and floors are sometimes thickened, and the entire building is sometimes fitted with a giant metal frame for support. Together, Kumar says, these retrofits help those inside survive.

“Even if 10 percent of the URMs [in Portland] collapse, that’s a lot of people who die. That’s hundreds of people dead. It’s 165 buildings, and each of them has people in it.” —Jonna Papaefthimiou, Portland Bureau of Emergency Management

Mayor Ted Wheeler has tacked on an amendment to the May 9 resolution that would limit the required retrofits to just the roof and parapets—something the city has required, but not enforced, for years. If council commits to this plan, URM owners would have 20 years to retrofit their properties.

Yet the policies city council will consider this week still don’t meet the fed’s life safety standard.

According to Oregon State University geophysics professor Christopher Goldfinger, it’s unlikely these relatively minor retrofits will make URMs much safer.

“It winds up being sort of an experiment. It might not do anything at all,” he says. “I’m a little skeptical of very modest retrofits to very, very vulnerable URM buildings. It doesn’t sound very effective at all, to be honest.”

But effective retrofits can be prohibitively expensive, making it hard for the city to mandate or finance them. According to advocacy group Save Portland Buildings, retrofitting all the URM buildings in Portland would cost \$1.4 billion—up to \$105.50 per square foot—and almost all of that cost would fall on building owners.

Angie Even owns a URM building at 44th and Southeast Woodstock—a building she says she’s poured her time and resources into since she bought it in the 1990s. Even says she didn’t find out her building was a URM until 2016, when she received a postcard in the mail about a city meeting. Retrofitting just the roof of her 35-foot-tall commercial building would cost her between \$170,000 and \$200,000, she says.

“How do you get there if you’re an owner or an owner-operator?” asks Even. She says many URM owners only own one building and depend on it for their income. These owners may be forced to sell their building for a reduced price—and could potentially see it demolished—if they can’t afford retrofits. “The small building owners and mom-and-pop owners and condo owners... they’re going to lose to the developer,” Even says.

Wheeler’s amendment attempted to address the extreme cost of retrofits.

According to Elisabeth Perez, a policy advisor in Wheeler’s office, this week’s resolution will help draft policies for the state legislature to provide some financial support for URM owners. At the moment, only historically designated URM buildings are likely to get significant help with retrofit costs.

If approved, this week’s vote won’t immediately determine whether URM owners need to pay for retrofits—it will only tell city staffers to start drafting policies that would update code and provide financial options for building owners. A more concrete ordinance mandating construction should come back before council within a year—hopefully before the earthquake hits.

## **Mayor Wheeler Bends to Fund Community Centers in City Budget**

*By Alex Zielinski  
May 9, 2018*

A number of funding issues tucked into Mayor Ted Wheeler's proposed city budget have rubbed Portlanders the wrong way—whether it's hiring 58 new sworn officers or cutting bus passes for thousands of East Portland students.

Last night, a week before Portland City Council will vote on Wheeler's proposed budget, the mayor caved to the demands of a particularly agitated contingent of critics: Families and senior citizens at risk of losing their local community centers.

In Wheeler's updated budget proposal released last week, he slashed continual funding for two west side community centers, Fulton Park (off Southwest Barbur in the Burlingame neighborhood) and Hillside (just across West Burnside from the Portland Japanese Garden). By 2019, the budget proposed, those community centers would close their doors indefinitely.



Yesterday, community members who rely on those two centers for childcare, social activities, and more protested the planned cuts at Terry Schunk Plaza. Before it was over, however, a representative from Wheeler's office walked across the street from City Hall to deliver good news: Wheeler had returned funding to Hillside and Fulton Park.

It was possibly the most successful—and most immediately successful—protest that Portland's seen in years. Which begs the question: Was this part of the plan all along?

The populations that make up the neighborhoods surrounding these two community centers are among the wealthiest and whitest in the city—making the optics of this protest considerably different than others that have occupied the same downtown blocks. And, it turns out, parents of adorable kids holding handmade signs asking for a community center aren't criticized nearly as harshly as parents of adorable kids holding handmade signs asking for police accountability.

The act of city hall conceding to this group of protesters strikes the perfect political balance. The city gets to make a show of how seriously it listens to protesters, while comfortably knowing few members of the public oppose the city acquiescing to the protesters' requests.

Before this protest, there was already a good chance these community centers would remain open. Placing beloved community centers on the budget chopping block—only to restore funding at the 11th hour—has almost become a yearly tradition at City Hall.

But it's unlikely Wheeler will bend to other community members' demands regarding the budget as easily, if at all.

Tomorrow, a number of organizations—including police watchdog groups, public education advocates, immigrants' rights activists, and those calling for higher taxes on the city's wealthy—will rally before city council's final budget hearing before their final budget vote on May 16. They're calling to restore funding for TriMet's YouthPass for Portland Public Schools students, for fewer sworn police officers (and more manning the understaffed 911 lines), and for more funding of mental health resources.

These asks are just as vital—if not more so—than the ones to restore funding to two relatively well-off community centers. But they come with significant opposition from both inside and outside city hall, and are a lot less photo-op friendly. We'll see how how quickly, if at all, Wheeler bends to these protesters.

## **With Municipal Broadband, Cities Are Taking Back the Internet—and Making It Faster and Cheaper. Can Portland Do the Same?**

*By Erik Henriksen  
May 9, 2018*

### **What If Portlanders—Not Corporations—Owned Our Internet?**

Long ago, in the ancient mists of prehistory, the internet was a luxury.

Today, the internet's part of... well, everything. Yet most Americans get online the same way our stupid caveman ancestors did: Paying corporations for permission to access private telecommunication networks. Since internet service providers (ISPs) own much of the infrastructure that America's internet runs on, they get to make the rules—determining prices, speeds, and, depending on where you live, if you can even get online.

Yet even as the internet weaves itself deeper into every aspect of our lives—functioning less like a luxury and more like a public utility—ISPs have more control than ever. Last December, Ajit Pai, the Trump-appointed chairman of the Federal Communications Commission (FCC), ignored public sentiment and scrapped Obama-era net neutrality regulations, granting ISPs even more power to control their customers’ access to news, entertainment, and online services.

But there’s a different way to get online, and it might be a better one: An internet infrastructure that’s owned not by corporations, but by the public.

Portlanders don’t have to look far to see one in action.

Just southeast of Portland, in Sandy, Oregon, there’s SandyNet: a publicly owned ISP that uses high-capacity fiber-optic cable to provide Sandy residents download speeds of 1 gigabit per second. Not only is that 40 times faster than the standard broadband speed of 25 megabits per second, it’s also cheaper: SandyNet’s gigabit service costs \$60 a month.

They aren’t the only Oregonians with a publicly owned fiber network. In 2005, Monmouth and Independence—two neighboring Oregon towns with a combined population of around 20,000—found themselves underserved by existing ISPs. So they built their own: MINET, which touts itself as “simultaneously a public utility and a competitive service business.” Noting that 85 percent of serviceable locations in the area use MINET, the utility-slash-business brags it’s “powered by the residents of Monmouth and Independence and not by corporate stockholders. You own us.”

MINET’s monthly rate for gigabit-speed internet is \$125, and while that’s higher than some municipal networks, at least residents of Monmouth and Independence reliably get gigabit. Though CenturyLink’s privately owned Portland fiber network advertises gig speeds for about \$80 a month, subscribers need to live in one of their specialized service areas. A locally owned ISP, Stephouse Networks, offers Portlanders gig speeds for \$69 per month—with the catch that, since their connections are wireless, customers’ internet access points need to be in the line of sight of one of Stephouse’s towers.

But while networks like SandyNet and MINET use fiber—which transfers so much data so quickly that it’s essentially future-proofed, or as close to future-proofed as anything can be in tech—Comcast has a different tactic. They offer speeds of up to a gig in Portland by goosing more speed from their existing infrastructure of coaxial cables—the same aging copper cables originally used to transmit cable TV. While Comcast’s often-bundled prices vary, customers who only want gigabit internet pay between \$100 and \$110 a month.

Portland’s been tempted with a better internet before. The Personal Telco Project—a nonprofit that scatters free WiFi access points around the city—has been operating at varying levels since 2000, at one point boasting around 120 networks throughout Portland.

“The foundation of Personal Telco was thinking that we were going to build a mesh network over the whole city of Portland,” says Russell Senior, the president of Personal Telco and a research programmer and data manager. “The issue we ran into was just that there were trees—and we can’t get the signal through the trees! Houses are too short, trees are too tall.”

“That’s why wireless networks don’t work very well here,” adds Noah Fontes, a local software engineer. He’s not kidding: In 2006, a Silicon Valley startup called MetroFi vowed to cover 95 percent of Portland with free WiFi. A year later, faced with terrible performance and underwhelmed Portlanders, the plan was dead.

And then there was Google.

In 2014, Google was on a spree of installing fiber networks across the country—and considered doing so in Portland. While Portland City Council lobbied hard, Google ultimately abandoned their ambitious plans.

That, Senior says, left Portland with no clear path forward.

“When the public thought that Google was going to rescue them,” says Senior, “city council said, ‘This is off our plate. We don’t have to think about this anymore.’”

Fontes and Senior are part of Municipal Broadband PDX, a grassroots group pushing for Portland to build a publicly owned fiber network like those in Sandy, Monmouth, and Independence. But unlike those networks—in which local governments effectively serve as ISPs—Municipal Broadband PDX advocates for an open-access system.

In that case, the City of Portland would build a citywide fiber network and then serve as a sort of digital wholesaler, charging existing ISPs franchise fees to operate on the city’s network. Not only could the city set rules—like requiring ISPs to abide by net neutrality regulations—but, with multiple ISPs using the same fiber, ISPs would need to drop prices and improve service to be competitive. It’d be a system much like one that’s currently in place in Ammon, Idaho.

The City of Portland has considered it before. In 2007, the city undertook what Brendan Finn, chief of staff for City Commissioner Dan Saltzman, calls a “robust” examination of community fiber.

“What we found from the report was that there was not a financially sustainable model for us to be a wholesaler,” says Finn. “And for us to be a retailer, to be the ISP, was also a risky endeavor, because the infrastructure at the time was so expensive to install and maintain.”

How expensive? Um... expensive. When Google considered bringing fiber to Portland, the city estimated the cost to Google would be at least \$300 million.

“We’ve got to make it easy for the private sector, since we can’t build it ourselves. There’s just not going to be the appetite for that,” says Finn. “So we would create this environment in Portland where the doors are open: We will do whatever it takes for you to put this infrastructure in, within certain boundaries. And just roll out the red carpet. We tried to do that with Google. We learned it was an incredibly expensive endeavor.”

But Finn stresses it’s an important endeavor, too, noting that “having the highest broadband speeds at the lowest price would be a benefit to the City of Portland.”

In 2011, Portland City Council adopted Portland’s Broadband Strategic Plan, which stated that “without better internet and telecommunications policies, poverty and disparity will grow,” adding that online services have become “essential to health and aging,” while “modern K-12 education methods and goals depend on students and families having access to the internet.”

Senior says community fiber could help with those issues—and solve other problems with America’s internet.

“Net neutrality is just one piece of the whole thing,” he says. “The problem is that the incumbents—that is, Comcast, and now, more so than previously, CenturyLink—they just have a lock on everything. Federal policy says if you own the infrastructure, it’s yours to do whatever you want with it. And that gives them the power to do whatever the hell they want. They set your prices arbitrarily. They define the service offerings. They have the authority to sell your browsing history, and the whole net neutrality thing... freaks people out, legitimately.”

Surprising no one, incumbent ISPs aren’t huge fans of public networks.

Last year in Fort Collins, Colorado, a group backed by private ISPs, including Comcast, spent almost \$1 million to fight a municipal broadband proposal.

“The big spenders were nonetheless defeated by a citizens’ group that spent only \$15,000 to support the bond measure,” reported Fortune, “which passed with 57 percent of the vote... approving up to \$150 million in financing for a city-run broadband utility.”

There’s a reason ISPs fought so hard: According to an estimate by the nonprofit Institute for Local Self-Reliance, “competition in Fort Collins would cost Comcast between \$5.4 million and \$22.8 million per year.”

ISPs also push for laws that prohibit and restrict municipal networks, often finding allies in conservative lawmakers. Twenty states “already have laws restricting municipal broadband in some way,” wrote Ars Technica last fall, “effectively shielding private broadband providers from competition even as many residents lack robust broadband options.”

These laws are generally sold under the guise of providing a “level playing field” and “fair competition” for ISPs.

The threat to ISPs is real—and has echoes of *United States v. AT&T*, the antitrust case that, in 1982, enabled the Justice Department to force AT&T to dismantle the Bell System, their telephone monopoly that had existed since 1877.

Today, AT&T is an ISP. And even under the Trump administration’s aggressively anti-regulatory policies, they work alongside Comcast and Time Warner to fight regulations intended to prevent future monopolies.

“This is a gigantic cash cow for them, and they’re terrified... that municipalities are going to build a network and freeze them out,” Senior says. “My feeling is, you don’t have to freeze them out. If you build a fiber network that’s open access, they can actually be service providers on that. So they’re not frozen out, they just lose their vertical monopoly control.”

And that, adds a grinning Fontes, would give customers more choices.

“You click a checkbox on a website,” he says, “and you change your ISP.”

None of the ISPs the Mercury spoke with seemed exactly terrified of municipal networks, but they also weren’t thrilled.

“We believe the best approach is for municipalities to explore workable solutions with existing internet service providers,” says Kerry Zimmer, a public relations manager for CenturyLink. “Century-Link will continue to work closely with communities, local leaders, and policymakers on creative public-private partnerships that bring high-speed internet services to more American homes and businesses. However, if local governments choose to compete with private internet service providers, there needs to be a level playing field.”

Comcast took a harder line.

“I’m not aware of any examples of Comcast participating in the operation of an existing publicly owned internet service,” says Amy Keiter, director of external communications for Comcast in Oregon and Southwest Washington. “We focus on meeting the ever-increasing technology demands of our customers for innovation, speed, and service by providing a large, robust, and reliable network.”

Meanwhile, Portland’s Stephouse Networks—a local ISP with about a dozen employees—has also been paying attention. Stephouse president Tyler Booth points out that those wanting gig speeds might be jumping the gun.

“Certainly there’s applications where gigabit is nice to have, but that’s sort of the reality of the situation—it’s cool to have, but most of us don’t need it yet,” Booth says. “Now, that day is quickly approaching where it’s going to become more and more prevalent for applications that do run on gigabit services,” he adds, but “right now, those kind of things are a ways out.”

Booth says a municipal network in Portland “could have some advantages”—but also some drawbacks. While he hopes to eventually build Stephouse’s own fiber network, he’s less enthused about operating on a public one.

“From a service provider standpoint, if we’re supporting something, I’d prefer to own the infrastructure,” he says. “Years ago, we had wholesale agreements with various providers that were giving us access to the whole city—but what we found is that we made very small margins on the overall costs in order for us to compete with other providers, and we had very little control on the service we were able to provide to subscribers. Whereas if I own the infrastructure, I can tell customers with confidence we can solve a problem.”

Then there’s another roadblock: Installing fiber is really, really expensive.

“If I were to go out and build out a neighborhood [with fiber], the general cost is going to be somewhere between \$1,000 to \$5,000 per home,” says Booth. “So if we’re looking at the City of Portland to build out the entire city, that’s a gigantic number in terms of how much it costs. And I think that’s going to be very hard to get Portland voters on board with, just because of the fear of upfront costs and unknown benefits surrounding it.”

That seems to have been the case in Lake Oswego in 2016, when the rich suburb’s city council almost approved a \$32 million plan to create a municipal fiber network—only to be challenged by a now-disbanded political action committee that warned that, should the plan fail, taxpayers would get stuck with the bill. The proposal was soundly defeated in a public advisory vote.

While they admit that determining specific costs will require feasibility and engineering studies, Fontes and Senior peg a ballpark figure of fiber installation at about \$3,000 per house, and suggest funding the endeavor by selling bonds would shield taxpayers from risk. And, they note, the costs pencil out in the long term.

“If you compute a lifetime’s worth of Comcast service... owning the infrastructure’s a smarter long-term investment,” says Senior.

“If you’re paying \$100 a month, that’s \$1,000 a year,” Fontes adds. “It gets up there real fast.”

Fontes and Senior point to another benefit of a public network: Unlike private networks, the city could ensure all neighborhoods—not just the affluent ones targeted by private enterprise—would get service.

“What we’d like to see, in an ideal world, is free access for anyone who’s on the water bureau’s subsidized [list],” says Fontes, referencing the financial assistance the Portland Water Bureau grants to qualifying customers.

The internet isn’t quite as vital as water—but with the digital divide already widening the socioeconomic gap between those who can easily get online and those who can’t, any municipal network would need to be accessible to everyone in order to justify its existence.

There would be massive challenges to Portland building its own fiber network—from the practical (Sandy, Monmouth, Independence are all significantly smaller than Portland) to the financial (\$300 million!). And even in the best case scenario, Fontes says, it’d be years before anyone in Portland could take advantage of municipal broadband.

But the conversation's happening now. Finn thinks he knows why.

"The rollback of the Obama-era net neutrality rules," he explains. "The Trump administration's appointees' rollback of those protections of a free and open internet have set a fire in communities across the country that [fear] our internet is going to basically be taken over by corporate interests that have the most money to spend."

And that, he says, "has created a drumbeat for advocacy to get the talk going again for municipal broadband."

Fontes is optimistic that Portlanders would support such a project.

"It's a real easy sell for people," he says, "because you put something on a ballot that says, 'Hey, this is an alternative to Comcast and CenturyLink!'"

And ultimately, Portlanders will be the ones to decide if a citywide municipal fiber network should be a reality. The most important part of any network isn't its miles of fiber-optic cable. The most important part of a network is the people who benefit from it.

"We need people," says Senior. "We need to motivate the public. And part of that is for people to just be aware that this is a thing that's possible."

## OPB

# No Charges For 8 Officers Involved In Portland Shelter Shooting

*By Conrad Wilson  
May 9, 2018*

UPDATE (May 9, 2018, 6:25 p.m. PT) — Eight law enforcement officers involved in last month's shooting at a Portland homeless shelter will not face criminal charges.

Multnomah County District Attorney Rod Underhill announced late Wednesday that no charges will be filed against the seven Portland Police Bureau officers and one Multnomah County sheriff's deputy involved in the shooting that left 48-year-old John Andrew Elifritz dead on April 7.

In a statement, Underhill said a grand jury heard testimony for four days related to the case.

"A not true bill decision by the grand jury means no criminal prosecution is warranted as a result of the use of deadly force by the involved officers," the DA's office said in a statement.

The officers and deputy are scheduled to return to duty "in accordance with relevant policies."

Underhill has asked a judge to release the proceedings to the public after they're transcribed. He declined to comment further on the case when contacted by OPB.

"The Portland Police Bureau remains committed to transparency and sharing all available information with the community," said Police Chief Danielle Outlaw. "We ask that community members be patient as all of the reports and video files are prepared for public release."

The officers cleared in the shooting include:

- Officer Kameron Fender, an eight-year-veteran of the bureau;
- Officer Alexandru Martiniuc, a six-year-veteran of the bureau;

- Officer Bradley Nutting, an 11-year-veteran of the bureau;
- Officer Chad Phifer, a 10-year-veteran of the bureau;
- Officer Andrew Polas, a 14-year-veteran of the bureau;
- Deputy Aaron Sieczkowski, a six-year-veteran of the sheriff's office.

Portland officers Richard Bailey and Justin Damerville were also involved in the incident, but used “less lethal force” before the shooting, according to police. They too were cleared of any criminal charges.

PPB is conducting an internal review of the incident and plans to present that review to the Police Review Board within the next 90 days.

Elifritz's death led to outcry against local law enforcement after a video of the incident surfaced on social media. The video appears to show people fleeing the shelter, the police officers entering and shooting across the room at Elifritz.

Prior to the shooting, Elifritz had called 911 to report his family was murdered. When police responded to that call, he showed suicidal tendencies — holding a knife to his own throat. He eventually fled from officers.

Police chose not to pursue him, a decision they say they hoped would help not escalate the situation.

Later in the day, police received reports that Elifritz had stolen a vehicle and threatened another person with a knife.

Close to 8 p.m., Elifritz was inside the Cityteam Ministries Portland Shelter, where an Alcoholics Anonymous meeting was ongoing. It was there that the shooting took place.

The grand jury's decision to not charge the officers involved comes at a time when Portland Mayor Ted Wheeler is appealing to the City Council to fund 49 more officers at the bureau.