

The Oregonian

Family of Man Fatally Shot by Police in Portland Homeless Shelter Files Federal Lawsuit

By Maxine Bernstein

May 23, 2018

The family of John A. Elifritz, who was shot and killed by police inside a Southeast Portland homeless shelter last month, late Tuesday filed a wrongful death lawsuit against the city of Portland, the Portland officers and a Multnomah County sheriff's deputy who were involved.

The suit alleges police stormed into the shelter with AR-15 rifles and a police dog and used excessive force against Elifritz, who his family says was experiencing a mental health crisis and posed no threat to the officers.

Elifritz, a suspect in a carjacking, had burst into the CityTeam Ministries shelter on Southeast Grand Avenue, armed with a knife on April 7.

Chicago-based civil rights lawyer Andrew Stroth is one of the lawyers representing the family, and is scheduled to hold a news conference outside City Hall Wednesday at 9:30 a.m. Elifritz's wife, Barbara Elifritz, representative of his estate, and their daughter, are listed as the plaintiffs.

Witnesses said officers shouted commands at Elifritz to drop a knife. Two Portland police officers first fired 40mm rubber rounds at him. Police said Elifritz lunged at officers before five other Portland officers and one sheriff's deputy fired lethal shots, killing Elifritz.

Elifritz, 48, died from multiple gunshot wounds.

The suit alleges each of the officers engaged in assault and battery against Elifritz.

It also contends the police fatal shooting of Elifritz marked another example of the police bureau's pattern of using excessive force against people suffering from mental illness as highlighted by a U.S. Department of Justice investigation in 2012. The investigation led to a settlement agreement, adopted by a judge two years later, which called for a myriad of reforms to police policies, training and oversight.

"The failure to properly hire, train, supervise, discipline, monitor, control, and/or counsel the Defendant officers was also done with deliberate indifference and likewise acted as a direct and proximate cause of the injuries to John Elifritz and his Estate," the suit says.

A Multnomah County grand jury last month found no criminal wrongdoing by the officers. The grand jury transcript has not been made public yet, nor have the Portland police investigative reports.

"The district attorney has failed the citizens of Portland," Stroth told *The Oregonian/OregonLive* earlier this month. "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."

The suit seeks unspecified compensatory and punitive damages from the city, as well as a request to order the city to halt its alleged policies and practices that encourage the use of unreasonable force, particularly against people suffering from mental health challenges.

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.

Earlier this month, the Police Bureau invited outside trainers from the Police Executive Research Forum to instruct bureau trainers on how to teach patrol officers to de-escalate encounters with people who don't have guns but are armed with knives, bats or other objects.

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 police administrative investigation is continuing into the Elifritz shooting.

Rebuilding Faith in Police Oversight Board: Editorial Peak

*By The Oregonian Editorial Board
May 23, 2018*

Derek Ashton, an attorney representing former Portland Police Chief Larry O'Dea, didn't mince words in criticizing a committee's recommendation that O'Dea lose his police certification for 10 years due to dishonesty. Ashton complained that there was no new evidence to justify the recommendation - a reversal from a month ago when the panel, made up mostly of law enforcement officers, looked more kindly on the chief's misconduct.

"Going forward," he told The Oregonian/OregonLive's Maxine Bernstein, "persons should be hesitant to place much faith in this system."

He's wrong in so many ways. Because the recommendation by the police policy committee to the state's police oversight board actually helps restore faith - the public's faith, that is - in a system that seems to protect its own rather than hold police officers accountable.

Initially, it seemed the committee was inclined to simply let O'Dea off the hook when it evaluated O'Dea's handling of the 2016 accidental shooting of a friend during a camping trip. Although two city inquiries found that the police chief had been dishonest and misled investigators about the shooting and a separate human-resources matter, the policy committee recommended to the police oversight board that the chief be allowed to keep his certification. As Bernstein reported earlier this year, members of the committee felt O'Dea, who retired amid the

investigations, had suffered enough. It was as if O'Dea was a victim as opposed to a city police chief expected to adhere to basic standards of honesty and trustworthiness.

Fortunately, the policy committee's recommendation didn't wash with several members of the police oversight board at the Department of Public Safety Standards and Training. Led by Marion County Sheriff Jason Myers, the board directed the policy committee to take another look at the case and seek some of the underlying documents that had been redacted. The board will take up the policy committee's new recommendation in July.

This is one case. As The Oregonian/OregonLive showed last year in its "Fired, but fit for duty" series, there are many more cases in which the state allows police officers to keep their certifications despite being fired due to excessive force, incompetence and other problems.

But this recommendation tells the public that the DPSST recognizes its responsibility to protect Oregonians, not police officers, and that certification is a privilege, not a right.

Ousted Portland Parks Director Struggled with Race Initiatives

*By Gordon Friedman
May 22, 2018*

Portland's ousted Parks & Recreation director, Mike Abbaté, struggled to follow through with racial equity initiatives and spent excessive time away from the office, his performance evaluations show.

Commissioner Amanda Fritz, who oversaw Parks & Recreation, forced Abbaté to resign in April. She wrote in a March 2018 evaluation that Abbaté needed to focus on "embedding racial equity" into his bureau and address some employees' feelings that bureau hiring is "inherently inequitable."

"Amongst all of these perceptions is a sentiment that the workplace culture does not support inclusion," Fritz wrote. "Most of these concerns are not new and were listed in Mike's evaluation last year."

She indicated perceptions of racial inequity were "consistent enough" that they "demand Mike's immediate attention for substantive, measurable progress this year."

That write-up differed considerably from her previous reviews of Abbaté, which were mostly positive. In a 2016 evaluation, Fritz called the parks director "a well-respected leader" admired in City Hall and throughout Portland.

Abbaté, who resigned May 15, has declined interview requests through a Parks & Recreation spokesman. Mayor Ted Wheeler on Tuesday declined an interview request through a spokesman, who referred to the mayor's previous statements backing the decision to remove Abbaté.

In an interview Tuesday at City Hall, Fritz declined to divulge why she asked Abbaté to resign. She praised Abbaté's work and later said, "I'm really uncomfortable discussing performance evaluations. That's a personnel issue. All of us have things we can do better and things that we do really well."

Pressed for answers about Abbaté's marks on bureau equity Fritz said, "Every bureau in the city is working on equity and nobody has it all done."

Abbaté's performance evaluations were obtained by The Oregonian/OregonLive through a public records request. The documents contain dozens of redactions, which the city claims it can make because of an exemption in the state open records law that allows personal information to be withheld from public view under limited circumstances. The newsroom notified the city Tuesday of its intent to appeal the redactions.

One heavily redacted section of Abbaté's 2017 performance review -- titled "Enhanced management [redacted]" -- appears to focus on how he worked with particular employees and an "increasing amount of constituent complaints" about a topic that remains unclear. The section discusses an unidentified program, enforcement of which "often seems heavy-handed" and may create "burdens for underserved populations."

"Well-intentioned people who are attempting to follow [redacted] make missteps that are not greeted with compassion or understanding," Fritz wrote, "and are instead hammered with rigid process [redacted]."

Fritz declined to say what information is hidden under the redactions. She criticized inquiries about the redacted sections, saying "delving into parts of performance evaluations and asking questions which are really internal to the bureau" is in her view not of public interest.

Fritz said some of the redacted words and phrases mention bureau employees other than Abbaté.

"People in the public expect me as an elected official to manage my direct reports and to give them specific feedback on how they can improve," she said. "If putting that in writing then means that other staff are having their performance evaluations splattered across The Oregonian that will mean I will not document things as much."

The Oregonian sought only the performance evaluations of the Parks & Recreation director.

Another section of the performance evaluation notes Abbaté made little progress on eight goals laid out for him by Fritz. The review indicates she found his tracking of employee retention and promotion "improved, still needs more attention." On his goal to "close gaps in equity work, [redacted]" she found "minimal progress," another note indicated.

"This list is concerning," Fritz wrote, "as the few items completed may reflect that Mike has not prioritized areas identified as crucial by the commissioner and her staff."

Fritz also noted that Abbaté had spent 58 days away from the office in 2017 for personal time and attendance at professional events.

"That is over 11 weeks," Fritz wrote, saying Parks & Recreation "needs its leader present at the helm -- particularly when times are rough."

By April 24, Fritz had decided to remove Abbaté, according to a memo written by the mayor. Two days later, the city human resources director drew up an agreement awarding Abbaté a \$101,000 severance payment. On May 7, Abbaté announced he would resign to "pursue other opportunities."

Fritz said Tuesday that she had discussed the reasons for removing Abbaté with Wheeler, who recently became parks commissioner when he assigned himself all city bureaus. Asked for information about her conversation with the mayor Fritz replied, "I'm not going to tell you. And I didn't put it in writing."

The Portland Tribune

Audit Faults City Oversight of Arts Spending

By Jim Redden

May 22, 2018

The City Council needs to improve its oversight of city funds spent on the arts, according to an audit released Tuesday morning.

The council will discuss the audit of the Regional Arts and Culture Council at a 9:30 a.m. work session.

"The City should ensure that the work of the Regional Arts and Culture Council is aligned with City priorities and improve oversight of its \$8.3 million contract with the not-for-profit organization," the City Auditor's Office said when it released the audit before the work session.

"Auditors found that risks exist because the City does not have clear goals for arts and culture, the Arts Council needs to articulate its strategy and regional role, and the City's contract and oversight of it needs improvement," the office continued.

According to the office, "The City has contracted with the Arts Council for more than 20 years. The Arts Council is a regional organization, and its responsibilities include strategic planning and policy development for arts and culture. The Arts Council administers grants and arts education programs and is the steward of the City's public art collection. In 2017, the City provided the Arts Council with \$8.3 million, more than 70 percent of the Arts Council's budget. The City's current contract with the Arts Council expires in July 2018, and City staff are considering changes to it."

Although the council receives and distributes the funds generated by the city's Arts Tax, the audit does not go into detail on it.

You can read the audit at www.portlandoregon.gov/auditservices/article/684866.

Willamette Week

Here's Why a Plan to Ease the Housing Crisis Is Making Portland Homeowners Flip Their Lids

By Rachel Monahan

May 23, 2018

The city's residents and planners are engaged in furious debate over the extent to which Portland should change its single-family neighborhoods.

Portland is a city that looks like a suburb.

More than 70 percent of the Rose City's residential land is designated as single-family housing—leafy blocks and low-slung bungalows with big porches and rolling backyards.

But it wasn't always this way. And the city's residents and planners are engaged in furious debate over the extent to which Portland should go back to the future.

"I never expected it not to be controversial," says Robert Liberty, director of Portland State University's Institute for Sustainable Solutions and Urban Sustainability Accelerator. "We are in a new century where we need to rethink single-family zoning. This city, unlike others, is willing to tackle this question."

Portland once allowed development of far denser housing. Look at the garden apartments scattered throughout Portland's residential neighborhoods as dinosaur fossils.

But the city's zoning code currently prohibits much of that construction, thanks to rules that favored single family homes passed by the City Council in 1959.

Those rules created the Portland we know. But they also fence people out—especially the working class.

Now the city's current planning project, called the residential infill project (RIP for short), has become a flashpoint over the future of Portland.

Homeowners are so angered by the years-long process that one of them recently compared it to a war crime.

In fact, the RIP is a series of half measures and compromises that seem unlikely to satisfy anybody—or fix Portland's housing shortage.

The Planning and Sustainability Commission closed testimony on it last week and is scheduled to vote on it in July. Here's why that vote isn't going to shut anybody up.

How would this plan change the look of a central Portland neighborhood?

The new rules could effectively rezone more than half the city's neighborhoods.

But the changes would be incremental: duplexes on single-family lots, triplexes where duplexes are allowed, and both a basement unit and a backyard cottage where only one is currently allowed.

Supporters argue that, if done right, the project will result in a gradual shift over time, but won't change anything soon.

"It probably won't change the look and feel much at all—and at most it'll only change things significantly over the course of like 20 to 25 years," says Michael Andersen, senior fellow at the Sightline Institute.

But ask some opponents and they suggest RIP will have the same effect on central Portland that Kilauea had on Hawaiian neighborhoods. They warn that demolitions will speed up—along with the blight of gentrification.

"It will become much more dense," says Barbara Strunk of United Neighborhoods for Reform, which organized four years ago to block demolitions. "We will lose green space, both garden space and play space and trees. We'll have a lot more cars parked on the street, and much more traffic."

How many more units would the plan produce?

The city's official study projects 1,700 more single-family homes, duplexes and triplexes would be developed citywide over the course of the next 20 years than would be built under current zoning.

That's 85 units a year. Why would anybody get mad about a number that small?

Two words: McMansions and demolitions.

"Many are reacting to current growth and development trends, such as small homes being demolished and replaced with larger houses or very large duplexes," says city planner Morgan Tracy. "Some see this plan as allowing more of this incompatible change to occur."

There's a fundamental disagreement over what new development does in this city. The consensus among city planners and economists is that adding more supply can help stabilize the city's housing prices. They hope adding new kinds of construction will create more affordable options in some pricey, close-in neighborhoods.

But many homeowners see creating any new options as increasing the incentive for their neighbors to sell their properties to developers, who will tear down existing homes and replace them with expensive, gaudy new houses.

Planners have tried to slow the McMansion-izing of Portland neighborhoods under RIP by limiting the size of new houses as well as how close to the front curb they can be built.

Critics aren't placated. They say the city hasn't done enough to limit size.

Meanwhile, housing advocates are worried the size limits will create fewer options for homes with multiple units in them.

If new supply keeps housing costs low, why is the city proposal not being applied to neighborhoods most at risk of gentrification?

Many neighborhoods east of I-205, along with parts of Cully and St. Johns, aren't included in the proposed zoning plan. That's baffling to many observers, because planners argue RIP is supposed to create affordable options—and housing prices are increasing at least as fast at the edges of the city.

"This part of the plan is not carefully designed at all," says Madeline Kovacs, program coordinator of Portland for Everyone, a group pushing for more housing. "We need a strategy that focuses on vulnerable populations wherever they live."

City planners say they've avoided touching neighborhoods that are rapidly changing—and instead are trying to spur stagnant neighborhoods that aren't adding affordable housing options.

So how could the plan go further to encourage affordable housing?

The Portland Housing Bureau is asking to increase the size and density of houses allowed in the middle of blocks—not just the corners—if affordable units are included in a house or duplex. Affordable housing developers are asking for similar changes.

What everybody agrees on is the benefit of allowing backyard cottages and basement units. They're mostly invisible from the street. They don't cause the same panic as demolition, and no one is displaced to build them.

Here's the problem: City officials haven't yet come up with a way to finance construction of these "accessory dwelling units." So unless homeowners are sitting on a pile of cash, their ability to build is limited. (Getting a bank loan to build an ADU can be difficult, because the value of ADUs isn't as well-accepted by banks as a standard home construction project.)

A proposal to fund ADUs from Commissioner Chloe Eudaly's office did not get included in the mayor's budget.

"The 'if you zone for it, they will come' strategy won't work for infill," says Eudaly's chief of staff, Marshall Runkel. "We need to develop a financing mechanism for ADUs that's accessible to people who don't have access to capital now."

Portland Mayor Proposes a \$1.2 Million Tax on Airbnb and Its Competitors to Fund Home Ownership for Displaced Families

*By Rachel Monahan
May 22, 2018*

Under a resolution going before Council in early June, the companies will pay a \$4-a-night charge.

Portland Mayor Ted Wheeler is proposing new taxes on Airbnb, other short-term rental companies and their hosts. His office projects those new taxes could provide between \$1.2 million and \$2.5 million toward the city's housing budget.

The city plans to levy a \$4-a-night charge per room on companies that facilitate short-term-rental bookings.

The mayor's office plans to spend the money on funding home ownership as part of the North-Northeast Neighborhood Strategy to rectify displacement, the mayor's office says.

"Home ownership represents an opportunity to create generational wealth," says Wheeler's spokesman Michael Cox. "So, as the City works to address housing affordability we must also focus on creating home-ownership opportunities, particularly in communities that have historically been denied that chance."

(A separate 2-percent charge on hosts who use Airbnb and other companies for booking will go to the Tourism Improvement District and fund tourism promotion. It's projected to bring in \$720,000 to \$840,000 a year.)

The taxes are expected to go before the City Council in early June.

The deal on new taxes is wrapped up in a longstanding negotiation with the short-term rental companies to allow easier online registration for at least some people renting out their homes through Airbnb and Home Away, city officials said. In exchange, the city is expected to get data from the companies that will make enforcement of the rules and of the taxes possible.

"Short-term rentals take apartments off the market for people who live here—it's only fair that companies like HomeAway and Airbnb offset their impact by helping us replace the affordable homes Portland is losing to this industry," says City Commissioner Nick Fish, who is sponsoring the tax with Wheeler. "We look forward to a conversation about the best use of those funds."

The intended destination for the tax dollars, a program to help former and current residents of North and Northeast Portland neighborhoods displaced by city redevelopment, has stumbled badly, helping only six people find homes in just over three years.

Funding was not identified as the obstacle, but city officials hope new funding will help make the program more flexible.

At a May 10 presentation to the N/NE Community Oversight Committee, Housing Bureau director Shannon Callahan said city officials were exploring the option to allow add 10 program participants, who would be able to look for homes outside North and Northeast if they desired, potentially by year end. Under the current funding mechanism, an urban renewal district, would be an obstacle to that approach. But the Airbnb tax would provide the fix.

Family of Man Killed by Portland Police in Homeless Shelter Sues City and Officers Who Fired Their Guns

*By Katie Shepherd
May 22, 2018*

The family's lawyers argue that a "police code of silence" protects officers who use unlawful force and encourages others to do so in the future.

The family of John Andrew Elifritz, who was shot and killed last month by seven Portland police officers and a Multnomah County Sheriff's deputy, filed a civil rights lawsuit in U.S. District Court May 22 against the City of Portland for unreasonable use of deadly force, battery and wrongful death.

The deadly April 7 shooting took place in a homeless shelter near downtown Portland.

The family's lawyers, Timothy R. Volpert and Andrew M. Stroth, say the police violated Elifritz's civil rights by firing "without lawful justification." They allege that the shooting is part of a pattern of excessive force used by Portland police, dating back to 2006 and documented in a 2012 Settlement Agreement with the U.S. Department of Justice.

"At the time the Defendant Officers shot John Elifritz, he did not present a threat to the safety to either of the Defendant Officers or to any other person," the lawsuit says.

A grand jury earlier this month declined to indict the officers and deputy on criminal charges.

Elifritz, 48, had encountered police earlier in the day while showing signs of mental distress. He later stole a car and crashed it before bursting into an Alcoholics Anonymous meeting taking place inside Cityteam Ministries Portland Shelter. Witnesses said Elifritz cut himself with a knife before police showed up.

The lawsuit alleges that officers "stormed the homeless shelter with their AR-15s and weapons drawn and a police trained K-9 dog."

Bystander video shows more than a dozen officers shouting orders at Elifritz, telling him to drop the knife, and firing bean bags at him. (The responding officers included members of the Central Precinct, the Transit Division and the Gang Enforcement Team. In a 2007 Portland Monthly profile, Elifritz identified himself as a member of the European Kindred, a white supremacist prison gang.)

Eight of the officers fired their weapons from a rooms-length away, video shows, which sparked some advocates to question whether the officer's lives were in imminent danger when they pulled the triggers.

The lawsuit alleges that officers made "false, misleading, and/or incomplete official reports and/or to give false, incomplete, and/or misleading versions of the events to their superiors and to the public."

Volpert and Stroth argue that a "police code of silence" protects officers who use unlawful force and encourages others to do so in the future.

"But for the belief that they would be protected, both by fellow officers and by the City of Portland, from serious consequences," the suit says, "Defendant Officers would not have engaged in the conduct that resulted in the shooting and death of John Elifritz."

The suit names the City of Portland, Portland Police Officers Richard Bailey, Justin Damerville, Kameron Fender, Alexandru Martiniuc, Bradley Nutting, Chad Phifer, Andrew Polas, and Multnomah County Sheriff's Deputy Aaron Sieczkowski as defendants. Elifritz's family is seeking damages and attorneys fees, but does not specify a dollar amount sought.

Representatives of the Portland Police Bureau and the Sheriff's Office could not immediately be reached for comment. This story will be updated with their response.

The Portland Mercury

Audit Uncovers Oversight Problems with Regional Arts and Culture Council

*By Kelly Kenoyer
May 22, 2018*

The Regional Arts and Culture Council (RACC) is badly in need of oversight, a recent city audit shows. The audit, which Commissioner Nick Fish requested last year, found that the nonprofit organization lacks a strategic plan, hasn't assessed the value of city-owned statues and murals, and poorly represents Portlanders on its regional board.

RACC is a nonprofit that receives funding from the City of Portland, Multnomah, Clackamas and Washington counties, and Metro. Portland provides 70 percent of RACC's funding and receives the majority of the benefits from the council. RACC provides grants, maintains public art, and promotes art education for the area. With an annual budget now topping \$11 million, the audit found that about a third of funding went to internal costs, not grants and outside projects.

At a Portland City Council work session on the audit this morning, Mayor Ted Wheeler said this number seemed a little too high.

RACC Interim Executive Director Jeff Hawthorne told the Mercury that this calculation is a little misleading. He says a recent RACC audit shows that management and overhead make up 13 percent of the budget, while fundraising makes up 1.5 percent.

Another concerning discovery: the insurance rates for city-owned art are based on the purchasing price, not a current assessed value. The Portlandia statue, for instance, was purchased in 1985 at the price of \$348,000, but may now be worth \$4 to \$5 million, according to the audit.

The city auditors recommended that the city develop a strategic plan with RACC, something that Hawthorne says is "overdue." The audit also advises the city clarify some confusing language in RACC's original contract with the city.

Auditors also found that the city is underrepresented on the RACC board. A 1999 amended intergovernmental agreement mandated that the city have 11 directors on the 27-person board. The most recent bylaws dropped that number to six.

At the work session, Commissioner Fish asked if it may be worth considering "removing the R" from "RACC" and making it a city-only program. RACC is primarily funded by Multnomah County and Portland, with Washington County, Clackamas County, and Metro providing a combined \$237,750 out of an \$11.9 million budget in 2017.

"It does look stark when the city of Portland is putting in more money... and representation on the board is falling," said City Auditor Mary Hull Caballero. The audit notes, however, that

Portland has not seen any negative outcomes from the decrease in board representation. Hawthorne said he was open to a discussion on RACC's future makeup.

Fish says the audit will be integral to contract negotiations in the next year, which will begin in earnest once the new executive director of RACC is chosen—the previous director, Eloise Damrosch, retired last year after 13 years in the position.

“The timing is right with the transition of leadership at RACC,” Fish says. “This gives us a chance to get it right.”

Family Sues Portland Police for Fatally Shooting John Elifritz

*By Alex Zielinski
May 22, 2018*

The ex-wife and daughter of John Elifritz have filed a federal lawsuit against the Portland Police Bureau (PPB), accusing officers of negligence when they "willfully and maliciously shot John Elifritz to death" the evening of April 7.

Elifritz was fatally shot by officers after he entered the Cityteam Ministries homeless shelter in Southeast Portland and—according to witness testimony—appeared in the midst of a mental health crisis. A staff member called the police. PPB officers, however, had already spent most of the day tracking Elifritz, since he was suspected of stealing a car. When eight officers stormed into the Cityteam shelter, their guns were already raised and pointed at Elifritz.

In the choppy cell phone video that caught the chaotic incident, it's not immediately clear what happened next. Expect for that fact that, within seconds, Elifritz had been shot to death.

The complaint was filed Tuesday evening on behalf of Barbara Elifritz, John's ex-wife, and their 12-year-old daughter, Stormy. The plaintiffs will be represented by Portland attorney Timothy Volpert and Chicago civil rights attorney Andrew M. Stroth.

While the lawsuit places individual blame on the seven Portland police officers and one Multnomah County Sheriff's Deputy involved in the shooting, it also accused the City of Portland for not upholding the settlement agreement it made with the US Department of Justice (DOJ) in 2014.

That's the agreement reached after a 2011 DOJ investigation found that the Portland police consistently engage in a “pattern of... unnecessary or unreasonable force during interactions with people who have or are perceived to have mental illness.” In the settlement agreement, the city promised to overhaul how PPB understands and reacts to people in a mental health crisis.

According to the lawsuit, "Neither this Settlement Agreement nor its implementation has changed the pattern or practice of the improper use-of-force by the Portland Police Bureau against people with mental illness. The death of John Elifritz is a result of [this pattern]."

The complaint also alleges PPB follows a "police code of silence," or a policy that encourages police stay tight-lipped during official investigations, in order to protect themselves or fellow officers.

It's the same argument Attorney Stroth used in a 2016 lawsuit against police who fatally shot a teenage boy in Chicago, another city that's under investigation by the DOJ for how often its police rely on "unnecessary and avoidable uses of force."

This legal action comes less than a month after a Multnomah County grand jury decided not to pursue criminal charges against any of the officers involved in Elifritz's death.

Both Barbara Elifritz and Stormy will appear alongside their attorneys to announce the lawsuit at a 9:30 press conference outside of Portland City Hall—timed to coincide with Portland City Commissioners' weekly council session.

Let's see how they respond.

OPB

Portland Utility Bureaus Will Help Renters At Risk Of Eviction

By Amelia Templeton

May 22, 2018

For the first time, Portland's utility bureaus will help out families in apartments at risk of eviction by providing what amounts to a rebate on their utility bills.

Since 1995, the Water Bureau and Bureau of Environmental Services have offered aid to help low-income customers at risk of having their water shut off, but the programs have excluded most renters, who generally aren't billed separately for water and sewer services because they pay for utilities as part of their rent.

It's been the challenge that we've faced, and utilities across the country have faced, in how do you expand this program to customers who don't have a separate meter?" said Commissioner Nick Fish, who oversees the utility bureaus.

Portlanders renting apartments are twice as likely to have incomes below the poverty level than Portlanders in single family homes. A 2017 audit of the aid programs urged the bureaus to find a way to help renters.

The city's new proposal: partner with Home Forward, Portland's federal housing authority.

The Water Bureau and the Bureau of Environmental Services have proposed funneling \$640,000 into Home Forward's short-term rent assistance program.

The program provides direct payments to landlords and property managers to help tenants avoid eviction if they fall behind on their rent.

Each qualifying family will be eligible once per year for a \$500 payment, equal to roughly 85 percent of the annual cost of water and sewer services for an apartment, according to the Water Bureau.

"We're very excited, after years and years of work on this, that we've finally cracked the code and will be able to provide even more assistance to needy families," Fish said.

Fish believes the program complies with language in the city charter that limits the utility bureaus' spending to projects related to providing water and sewer services.

"We are allowed to set the rates for our customers," he said, "and we have the legal authority to provide discounts."

The city recently settled a years-long lawsuit that alleged that the utility bureaus had inappropriately spent ratepayer funds on priorities that should have been paid using the city's general fund.

In a letter that accompanied the Water Bureau's budget request, the Oregon Citizen's Utility Board — a group that represents customers — expressed support for the new program.

“The legal analysis about the suitability of using ratepayer funds for this purpose seems sound,” wrote Janice Thompson, CUB's advocacy director.

The program was approved in the city's 2018-2019 budget, and the City Council will review an interagency agreement with Home Forward to administer it this week.

It is scheduled to launch in July.

The change comes as part of a broader overhaul and expansion of the utilities' aid programs.

The bureaus are increasing the crisis voucher amount available to families that need immediate help covering their bills, from \$150 per year to \$500 per year, and are providing a new discount for extremely low income families who make less than 30 percent of the area median income.

The budget for low income services will increase from \$6 million to \$9.3 million between the two bureaus.

Audit: Regional Arts And Culture Council Needs Oversight

By April Baer

May 22, 2018

Portland city auditors say the city needs to focus its relationship with the non-profit that handles arts funding and policy.

The Regional Arts and Culture Council or RACC is different than the city bureaus. It gets money from the city budget but functions under its own volunteer governing board. It also performs some advocacy work, in addition to administering arts grants in Multnomah, Washington, and Clackamas Counties.

The Regional Arts and Culture Council provides ongoing operating money for established arts groups, like Oregon Ballet Theatre, as well as project grants and technical support for individual artists and smaller groups.

The Regional Arts and Culture Council provides ongoing operating money for established arts groups, like Oregon Ballet Theatre, as well as project grants and technical support for individual artists and smaller groups.

RACC is in-between directors at the moment. Commissioner Nick Fish and Mayor Ted Wheeler asked the Auditor's office to figure out if the agency is meeting its contract obligations to the city.

Jenny Scott, a senior management auditor for the city, says there's one big impediment to answering that question. The city has no clear goals for arts and culture.

“The last plan,” Scott notes “was a regional one, Act for Art, in 2009. What we were looking for was a statement about what the city wanted to achieve. Many other cities including Denver, San Jose and Chicago have arts and culture plans which state the vision and strategy for that jurisdiction's arts and culture work.”

Beyond that, auditors looked at how well RACC is delivering on its standing city contract. Auditors found RACC is delivering services, Scott said, but leaves much room for improvement.

Regional Arts and Culture Council: Clear City goals aligned with strong Arts Council strategy will improve arts and culture services

What began as an audit of RACC services became an inquiry about Portland's broader goals for the arts in the hands of Portland's auditors.

Some of the vagaries stem from the language of the city contract.

"Many elements of it", Scott said, "are vague and hard to measure." For example, no one's tracking provisions about RACC's equity work and leadership with an eye to performance. There's some disagreement on what metrics RACC should monitor to assess impact of the Arts Education and Access fund (Portland's arts tax) in the city's schools. Even the RACC contract itself has remained unexamined for years, with no city staffers assigned to oversee its implementation — a rarity among non-profits charged with doing the city's business.

In practical terms, Scott said, there's little oversight at the city of how RACC spends its money.

Commissioner Nick Fish notes, in years past, since RACC is a semi-autonomous agency with a fiduciary board, many city leaders thought, "We give them the money, they figure out how to spend it, and then they're audited. They've been getting a clean bill of health every year from their outside auditor."

But now, with RACC in transition, Fish concludes the audit raises a more fundamental question about long-term goals. And, he hints, that question might be answered in part, by Portlanders.

"We're going to go through a process of engaging a whole community."

It's not clear whether that process would happen before or after RACC's search committee hires a new director. A slimmed-down search committee aims to review more job candidates in July.

Council will discuss the report today.