

The Oregonian

Portland Sues Historic Roseway Theatre for Unpaid Taxes

By Gordon Friedman

May 31, 2018

Portland's vintage Roseway Theatre has been screening films to popcorn-munching moviegoers since 1924. But attorneys for the city say in a newly filed lawsuit that the movie house and its owner, Greg Wood, haven't paid local business taxes for seven years and owe more than \$21,000.

The suit, filed in Multnomah County Circuit Court last week, comes as City Hall officials are grappling with increasing numbers of scofflaw businesses, who by the thousand have failed to pay their local business taxes. City tax officials estimate more than \$9 million will go uncollected from local businesses this year -- money that otherwise would have gone into the city fund that pays mostly for police, fire and parks operations. In response, Mayor Ted Wheeler and the City Council budgeted for more tax collectors.

Attorneys for the city file tax lawsuits against businesses only as a last-ditch effort to recoup money from companies that repeatedly fail to pay. In the case of Wood and the Roseway Theatre, the company's local tax bill was only \$1,200 to \$2,000 a year, according to court filings. But penalties and interest stacked up as the bills went unpaid, bringing the total due to the city and Multnomah County to \$21,895, the lawsuit says.

Wood, who oversaw a painstaking restoration of the old theater to its Roaring Twenties condition, could not be reached for comment Thursday. Business registration records show he dissolved Roseway Theatre LLC in in 2017. But in April he founded Roseway Cinemas LLC at the Northeast Sandy Boulevard address where the cinema sits.

Check Out Design for Portland's Next Car-Free Bridge: Over I-84 at 7th Ave.

By Andrew Theen

May 31, 2018

Designs for a new pedestrian and bicycling bridge spanning Interstate 84 in Portland are starting to take shape.

Portland's Design Commission will discuss the latest designs at its June 7 meeting, the second briefing this year on the car-free bridge.

The Sullivan's Crossing, an estimated \$13.5 million bridge connecting the Lloyd and Central Eastside Industrial Districts, will span the freeway and connect to Northeast 7th Avenue on both sides.

Construction could begin July 2019 and last until December 2020, according to city records.

The close-in neighborhoods are separated by the freeway, and pedestrian and bike access are limited. The new span will be capable of handling emergency vehicles if necessary.

According to city documents, the basic structure and form of the Sullivan's Crossing have already been determined. The Design Commission will give feedback and advice on the color of the bridge and lighting as well as "urban design elements at the north landing."

Renderings depict a 470-foot-long span with a slight arch and high railings.

Transportation development fees charged to new construction projects are the primary source of funding. A nonprofit Lloyd District transportation association will also contribute to the tab.

The design commission meeting is at 1:30 p.m. Thursday, June 7, at 1900 S.W. 4th Ave., Room 2500B.

A rendering of what the bridge could look like looking west toward downtown (Courtesy of PBOT)

City transportation leaders are also holding a public open house June 18 from 4 to 6 p.m. at Metro regional government's offices at 600 N.E. Grand Ave.

A second, long-awaited pedestrian and bicycle bridge is also slated to begin construction next year. The Flanders Crossing, which would span Interstate 405 and connect the Pearl District and Northwest neighborhoods, is projected to cost \$6.4 million.

E-scooters Likely Coming to Portland this Summer, With No Guarantee of Future

By Andrew Theen

June 1, 2018

Portland is expected to allow dockless electric scooter companies to operate in the city later this summer for a four-month trial, but transportation officials want to make one thing clear: There are many question marks and no guarantees about what happens beyond that.

"We have not decided if this is going to be permanent," Dylan Rivera, a transportation spokesman said Thursday.

Portland has watched and taken notes as other large cities like San Francisco, Austin, Washington DC, and Seattle have experienced issues with the new dockless e-scooter rental wave that swept the nation in the past few months. Users can rent a scooter via a smartphone for a nominal fee and drop it off anywhere in the city.

Portland is also still stinging from its early relationship with Uber, the ride-hailing company that initially operated illegally in Portland in 2014 and subsequently apologized for past "missteps."

Rivera said Portland has been approached by several companies in the past year, and has decided to take its time instead of welcoming the companies, only to see them "dump dozens, if not hundreds of scooters" on city sidewalks.

"That's what we don't want," he said.

Commissioner Dan Saltzman and transportation commissioners sent a letter Tuesday to five companies hoping to operate in the city to set out some ground rules. Companies will be required to "report on and mitigate" concerns such as pedestrian safety, access for people with disabilities, compliance with state laws and provided anonymized data about users' trip lengths and origin and destination.

The pilot program won't begin in June, Rivera said, but companies could be notified by in the next couple weeks with more information. The question of where they provide service is a big one, he added.

Portland sent the letter to Skip, Spin, LimeBike, Bird and Goat.

LimeBike, a Silicon Valley-based venture capital-backed startup, is probably the most-visible company working Portland City Hall's corridors. In recent months, company officials have met with every member of the City Council.

Gabriel Scheer, LimeBike's director of strategic development, said the company was excited to start its service in Portland. LimeBike also has electric assisted bikes and dockless bike programs it wants to bring to Portland. But it first wants to be "a good partner" with the city on the e-scooter issue.

He said LimeBike wanted to "build on and complement" the city's own Biketown rental service, which has some 1,000 bikes at official and unofficial public bike racks in certain areas of town.

LimeBike said dockless systems didn't have geographic requirements, and could help bring transportation options to underserved parts of east Portland.

"Let's go to Cully," he said. "Let's go to Lents. Let's go to the areas that aren't being served by Biketown."

But many questions remain. Scooters are legally required to ride in the roadway or in bike lanes, not on sidewalks. Oregon law also requires all e-scooter riders to wear helmets. Bicyclists are only required to wear a helmet if under the age of 16.

Scheer said the company has handed out some helmets to users when it launches in other cities. It also "strongly encourages" users to bring their own helmets.

"We're very happy to have helmets be a part of the conversation," he said.

When asked how the company juggles bringing scooters to parts of town that lack bike lanes and other critical infrastructure, Scheer said that was something the company was aware of.

He said LimeBike could provide data on its riders' habits to hopefully drive infrastructure improvements on the ground in those neighborhoods if the data show ridership is there.

"That is a long-term fix," he said.

The company's main goal, he said, is to get people out of their cars and to reduce carbon emissions.

Portland is also wary that companies may try and start service in the city without prior approval. In the letter to companies this week, Saltzman said it would not allow companies to do that.

Failure to follow the rules, he wrote, "will result in confiscation" of scooters and fines.

The Portland Tribune

Portland Police Chief Danielle Outlaw Sets New Tone

By Nick Budnick

May 31, 2018

Outlaw's honeymoon phase as city's top cop has lasted as she takes on a more public role.

At a recent Moda Center luncheon to honor promising young college scholarship recipients, Portland Police Chief Danielle Outlaw, the featured speaker, confided with the audience that when she applied to attend Holy Names High School in Oakland she had to undergo a second, additional interview.

Noting Outlaw's excellent standardized test scores but terrible grades, school officials were blunt: Would she ever do anything to get herself expelled?

"They said 'You seem to have a problem with authority,'" the fully uniformed Outlaw recalled, her delivery of the punch line sparking a round of laughter from the Albina Rotary audience.

It's been more than seven months since she moved to Portland, but Outlaw's honeymoon period is still going strong. She has been getting along well with a city that includes a vocal minority that also has some problems with authority — police authority.

An improved relationship with the community is what Mayor Ted Wheeler had hoped for when, in August, he announced his hire of the then-40-year-old Outlaw despite the mayor already having a chief, Mike Marshman, who was still drawing a paycheck.

Outlaw, in contrast, is being asked to be a different kind of chief, one that will be an ambassador to Portlanders, including communities that historically have been alienated.

Interviews and a good part of a day spent shadowing her at work show that she is also quietly beginning to shake up the police bureau internally, putting her stamp on day-to-day operations with a new command team that has her officers' full attention.

It's too soon to say how her story will play out. But even the critics, as well as the bulk of her officers and many command staff, seem cautiously optimistic.

Greg McKelvey, head of the group Portland's Resistance, said the bureau seems to be "better" under Outlaw, including a slightly restrained attitude toward protests so far.

Dan Handelman, of the group Portland Copwatch, has said that while he still hasn't seen the systemic change the group seeks, in his meeting with Outlaw "she didn't get defensive" — making her the first chief to respond in that way in his decades of activism.

"She's very bright, she's an excellent communicator and she is big on data, which is good," says Sgt. Ken Duilio. He called her focus on crime prevention "a breath of fresh air."

"The word inside the bureau ... is she's probably one of the smarter leaders that we've had at that level," said Capt. Frank Gorgone. "The term I've heard multiple times is, 'She gets it.'"

Cautious optimism is also Nkenge Harmon Johnson's take. "She is leading by example," said the head of the Urban League of Portland, citing Outlaw's response to recent auditing that was critical of the bureau's gang enforcement team. "Is that trickling down to other areas of the agency? I don't know yet."

Portland Police Association President Daryl Turner said Outlaw has been true to her word in pushing for more officers and officer safety.

"I think the troops genuinely do like her," he said.

Weekly plans

At her 8:30 a.m. command staff meeting last Monday, Outlaw is all business as top staff, including her assistant chiefs Chris Davis, Ryan Lee and Jami Resch, report on recent events and plans for the week ahead. Only her second-in-command, Deputy Chief Bob Day is absent on vacation.

Outlaw promptly gives feedback or clear instructions on every issue. On most every change, her feedback concerns how the bureau's actions will be interpreted by others: the community, the bureau's officers, the city council, or affected individuals.

Several shootings took place over the weekend, and Outlaw asks how the bureau's response of deploying two teams of additional officers to suppress further violence will be rolled out.

"I want to be able to message to the community first about why we are there, so we don't look like this occupying army," Outlaw says.

As for a program initiated under former Mayor Chief Hales, letting the bureau hire recent retirees to work patrols, she says officers need to know it's not cancelled, but it will be restricted to make sure only the right officers are brought back.

"There doesn't appear to have been much of a vetting process" in the past, she says.

A need to go to the council for approval of a donation of equipment to a nonprofit? Try to package that with other matters, Outlaw says, so the city council doesn't feel "nickel and dimed."

Work on a strategic plan that a consultant is coordinating needs to be strictly messaged from the very beginning, Outlaw says, so officers and the community know that it's a real document that will guide the bureau's future direction, not something to be stored on a shelf.

The plan for the 49 new patrol cops approved by the council? Officers need to understand the goal is to give officers on patrol more time to do their job, not just use the new bodies to restock specialty units like the gang enforcement team, Outlaw says.

Outlaw asks about the scheduled release of videos of the fatal police shooting of John Andrew Elifritz at a downtown homeless shelter last month, after the former white supremacist gang member had stolen a car and begun cutting himself, then charged the police — apparently in the throes of a mental health crisis.

"We're making sure the family is reviewing the video before release, right?" she says.

Yes, comes the answer.

"OK, perfect," she says.

Smarts over seniority

Outlaw's announcement of her command team last month sent strong messages.

One change is the command structure. Having a deputy chief, a No. 2 to oversee the three assistant chiefs and help run the bureau day to day, is how Oakland and many other major cities structure their departments. It's also how the Portland bureau used to do it under former chief Tom Potter.

Rather than just pick Day, Outlaw used a selection process with a panel of citizens that included several African-American leaders, including one of the bureau's most vocal critics, Jo Ann Hardesty, a candidate for city council.

Her process has drawn praise. "She was definitely more thoughtful" in her selection process for top commanders than her predecessor, Marshman, said City Commissioner Amanda Fritz.

Her choice of assistant chiefs sent a strong message as well. Notably, she chose Ryan Lee, who just days before had been a lieutenant and acting captain, to be assistant chief in charge of operations.

Lee has a singular history within the bureau. In 2003, Lee was the straight-arrow rookie cop who responded to and documented a beating of a bar-goer by two off-duty Portland police officers downtown, which later became a major scandal. His efforts were nearly foiled by what appeared to be an attempted cover-up by a higher-up in the bureau, one that was only derailed by an anonymous letter sent by a Portland sergeant that forced an investigation. The two cops were convicted and are no longer police.

Perhaps more importantly to her staff was that Outlaw boosted Lee two ranks based primarily on his operations aptitude. For many, it showed that she wanted to inject new ideas into the chief's office and reward merit rather than seniority.

"It was a bold move," said Gorgone, the captain. "It goes against our culture. No one in the bureau would have ever done that."

Outlaw also promoted Resch, who is considered highly competent by line cops.

Outlaw, for her part, says that the hiring process went slower than she'd hoped. But now, with her team in place, line cops will have clarity — and no question that directions given are coming from leaders who are here to stay.

Later in the day, after the Rotary luncheon, she is swarmed by well-wishers wanting to say hi, including an elderly woman who becomes emotional while grasping Outlaw's hand.

"That's sweet," Outlaw says to some of them. "It's a pleasure to meet you," she says to others, sounding sincere every time.

This is typical for her. The bureau has received more invitations for her to speak than it has for any other chief, by far, officials say. People turn and gape at her on the street as she passes, and some ask for selfies. At TEDxPortland last month, 3,000 attendees greeted her like a rock star.

Whether it's because she's new, friendly, young, African-American or female, Portlanders like Outlaw and want to see more of her. And engaging with Portland has become a bigger part of her role than for any previous chief. It's one of the reasons she has been given a deputy chief to help oversee day to day operations, she says.

"The mayor made it clear," she said. "He said, 'I want you out in the community.' That's what I do anyway, but it allows me more time to do that."

Gorgone, on the brink of retirement, approves. "I think she has the potential to be the best diplomat for the Portland Police Bureau and for law enforcement that I've seen in my entire career. She projects sincerity. Having herself available to do all that stuff, if that's the plan, then it's a good one."

Later, during her weekly meeting with Wheeler, it's clear her focus is internal as well. They talk about plans to address the recent spate of shootings, street-racing, the new community service

officer positions that will help respond to non-emergency calls, and the roll-out of new bodies just approved by the city

"It actually takes 18 to 24 months to get these folks hired" and trained, Outlaw says.

New accountability

During the chief's meeting with her team, Lee, the assistant chief, addresses Outlaw as "ma'am."

This represents another change. Marshman, her predecessor, often encouraged officers to use his first name when talking one-on-one. It was part of an unpretentious style that helped fuel his popularity with the troops.

Outlaw, in contrast, wants employees to call her "chief" or "ma'am," a sign of professional distance between ranks in the bureau.

One mid-level manager who spoke on condition of anonymity said the change is a healthy one, showing how Outlaw is bringing needed change to a bureau that had become insular, excessively chummy and "loosey-goosey" over time.

Outlaw says that while she's encouraging top-down accountability, she also is asking officers and sergeants to hold the higher-ups accountable — to "manage up," since it's the line officers who know the community situation best. "We need to know if it doesn't work," she says, regarding command initiatives.

She's also trying to foster a way of thinking that policing means more than just taking orders and responding to calls.

"Policing has changed," she says. "I need people to be able to problem-solve and critically think, as well as interact and have people skills, and empathize with people in the community."

She wants officers to build trust and relationship with people in the community so that they call the police without hesitation about problems in their neighborhood. She wants the bureau to use data to reduce crime with focused, surgical efforts rather than flooding a neighborhood with bodies.

Whatever her hopes, Outlaw faces a lot of challenges still — not the least of which is reaching compliance with a federal court settlement to address the bureau's problems with dealing with the mentally ill.

Many inside and outside the bureau note she really hasn't been tested by a major crisis yet — the sort of test that determine how a chief will be judged.

Gorgone, the captain, says there's continued drain of competent people from the bureau that a successful chief can help slow. Assuming she continues to prove herself, he hopes she will remain here long enough to give the bureau some needed stability — something that's difficult given Portland's form of government and recent succession of one-term mayors.

"I personally think having a chief come from the outside was smart," Gorgone said. "She's not beholden to our culture and she can see things differently."

But to make lasting improvements to the bureau and solidify its relationship with the public in Portland will take more than just changing policies, it will take continued effort, consistent leadership and time, in Gorgone's view.

"One of the sayings you hear, and it's not just with police, is culture eats policy for lunch every time," he said. "I would love for her to stay here for four years. It would be interesting."

However long she stays, Outlaw wants the legacy she leaves to be a lasting one. She said a lot of her contemplated changes — more advanced training that recognizes different needs between ranks, a strategic plan and more — are part of that.

"We want to make sure we have systems of accountability that in place that outlive all of us," she said.

Chief Danielle Outlaw Hopes She's Here for Long Haul

By Nick Budnick

May 31, 2018

In her own words: the new top cop on how it's going, and Portland's abandonment fears

Portland Police Chief Danielle Outlaw made herself available for two interviews. Here are some excerpts, edited for clarity and brevity.

Tribune: How's it going?

Outlaw: No complaints, but it's been busy. I think some of the bigger challenges have been just managing people's expectations. And given that I have not had the benefit of coming up through the ranks here, my getting-to-know-you time, both internally and externally, has taken a lot longer than I initially thought.

There's been some very long days and I have to learn how to say 'no' better. I think any chief coming in knows that the first six to nine months, it's going to be nonstop. But here in Portland it's a very relational community and people want to know about you, they want to see you, they want to touch, feel you, they want to hear from you. It's very personal, very personable.

Tribune: You say you expected this, but it must be kind of a shock to be living it.

Outlaw: I have been boosted to a completely different level of celebrity than I ever expected. I knew chiefs are visible fixtures in their communities and I knew that would be the same here for me. It's not a bad thing, but literally it's a rare day if I walk from here (at Central Precinct) across the street to City Hall where I'm not stopped (by strangers).

They had to create a way to send in requests for appearances and speaking engagements, because there got to be so many. I was like 'You know, I'm a chief. I didn't come here thinking I was a speaker.'

Tribune: What are you finding in the bureau?

Outlaw: Folks, they want clear direction. Folks are passionate, folks are very knowledgeable. I'm doing this in kind of small incremental ways, not just big unilateral decisions right off the bat, because I want people to understand why we're doing what we're doing, as opposed to it being like the new person coming in and now we're just throwing stuff at what he or she thinks the problem is.

Tribune: There are people who say that a chief so talented and young won't be here long enough to change the agency's culture, that Portland will be a stepping stone. But even though you have a three-year contract, you don't sound like you want to stay only two or three years, as many Portland chiefs do.

Outlaw: When I got here I asked for a five-year contract. My thing was this: given what I'm being asked to do, it doesn't happen in three years ... I have stuff to do.

What you see is what you get with me. I tell people all the time I leave the politics for the politicians. This generally is about my love of our profession. The PPB family is my new family and I'm going to look out for them in the same way that I look out for my Portland family in the community now. I see myself as a conduit, but also I'm the liaison because I get both worlds.

I tell folks the second we forget that we are here to serve first before we lead, that's when we lose focus of why we're here and what we're trying to do.

It's not just internal. I had just gotten here and I was at Starbucks and I was waiting for my tea. A citizen came up to me and we started having this great conversation about the city and all these things. And he said, "You aren't about to leave, are you?"

I said "No, I'm still waiting for my tea."

And he says, "no — Portland."

I said "What are you talking about? I just got here. I've only been here three months."

When you have a carousel of leadership at the top, it's like a natural human response. ... But at some point I'm like, "look folks, I'm here. Let's move on."

Biketown Shifts Gears on Prices, Rides East

By Pamplin Media Group

May 31, 2018

Biketown is expanding service to the city's neighborhoods to the east, including Grant Park, Creston-Kenilworth, Laurelhurst, Beaumont-Wilshire, Cully and Hollywood.

Portland's Biketown is heading east.

The two-year-old bike rental program that operates in close-in neighborhoods on both sides of the Willamette River announced Thursday, May 31, that it was changing to be more simple and affordable to rent a bicycle and explore the city. Among the changes are new pricing options and expanded service in eastside neighborhoods.

"These changes will make it even easier for people in Portland to enjoy the convenience and fun of bike share this summer," said Biketown General Manager Dorothy Mitchell.

Starting June 1, Biketown memberships will cost \$99 for a year of unlimited rides. A new pay-as-you-go plan will cost a one-time \$5 sign-up fee and only 8 cents for each minute of bike riding (messenger bag not included). A new month-to-month plan will cost \$19 a month for people who want to use Biketown without an annual membership.

Biketown's current pricing includes \$144 for an annual membership, or \$2.50 for a single ride with an additional 10 cents a minute for all rides of more than 90 minutes. All single-ride members will automatically convert to members of the pay-as-you-go plan (with no sign-up fee). Biketown for All members will continue to pay just \$3 each month.

At the same time, Biketown is expanding service to the city's neighborhoods to the east, including Grant Park, Creston-Kenilworth, Laurelhurst, Beaumont-Wilshire, Cully and Hollywood. About two dozen city bike corrals in the new service area will be designated as "community corrals," which function like Biketown stations as free places to lock bikes for pay-as-you-go and monthly riders.

Biketown was launched in July 2016 by Motivate, Portland's Bureau of Transportation and Nike with about 1,000 orange bicycles available to rent around parts of Portland. A study found that during the past two years, Biketown riders have logged more than 617,000 trips and 1.25 million miles around the region.

Sources Say: PBOT Glosses Over Reduced Foster Lanes

By Jim Redden

May 31, 2018

Plus, asking if Trump ruling apply to Eudaly and rhetoric flying in Oregon governor's race.

Changes are coming to Foster Road in Southeast Portland, and the Portland Bureau of Transportation is touting many of the positive ones in a flier sent to residents' homes: Greater safety. Wider sidewalks. A center turn lane. Bike lanes. Street trees.

But two things the agency isn't exactly crowing about: the loss of two of the four travel lanes — known as a road diet — and longer commute times for East Portland residents using Foster to get into town.

While an illustration on the flier does depict the road with two travel lanes, one in each direction, the list of "changes coming to SE Foster Road" conveniently leaves off those two controversial ones.

Led by a local furniture store owner on Foster, some businesses posted signs for months protesting the road diet, arguing a wide boulevard like Foster has ample room for two travel lanes in each direction. But those businesses, which tend to attract customers who need vehicles to transport goods they purchase, were outvoted by newer businesses, such as restaurateurs and bar owners, who prefer shifting Foster to a more pedestrian-friendly scene.

Does Trump ruling apply to Eudaly?

Portland city Commissioner Chloe Eudaly isn't worried about a recent U.S. District Court of New York ruling that says President Donald Trump cannot constitutionally block followers from his Twitter account.

Activist Mimi German sued Eudaly in federal court after being blocked from the commissioner's private Facebook page. But Marshall Runkel, Eudaly's chief of staff, says out-of-state federal court rulings don't automatically apply in Oregon.

"It's an evolving area of law. Social media didn't exist when the rules were written. Our office is fully compliant with the City Attorney's guidance on this issue," Runkel says.

Rhetoric flies in governor's race

How extreme is Knute Buehler, the Republican nominee for Oregon governor? Newspaper editorial boards across the state have concluded he is a moderate Republican, especially by today's standards. But Democratic Gov. Kate Brown and her supporters are desperately trying to portray Buehler, a Bend doctor, as a right-winger posing as a moderate.

"He's far too extreme for Oregon," reads one of many emails sent out by the Brown campaign since the primary election. "He's trying to take his extreme positions to the governor's office, and we need your help to beat him."

Such emails are intended to fire up Brown's base of liberal supporters, of course. Whether less-partisan voters will be swayed by the rhetoric remains to be seen.

Willamette Week

City Commissioner Chloe Eudaly Campaign Supporter Gets No-Bid Contract for a Portland Bureau Rebranding

*By Rachel Monahan
May 31, 2018*

Contracts for the Office of Neighborhood Involvement and the commissioner's offices got to Jen Wick, a campaign supporter of Eudaly's.

A campaign supporter of City Commissioner Chloe Eudaly has received \$30,000 in no-bid city contracts, including to rebrand the Office of Neighborhood Involvement.

Jen Wick's rebranding work was revealed last week when Eudaly announced that ONI was renamed the Office of Community and Civic Life, which came with a new logo designed by Wick.

In February 2016, during the primary, Wick's firm Jen Wick Studio contributed \$1,300 in-kind services for design work to Eudaly's campaign.

It's not a lot of money, but the contribution raises questions about why Eudaly's office selected her without a competitive bid.

"We selected Jen Wick because she is an outstanding designer who has consistently delivered vibrant, high quality work," says Eudaly's policy adviser Winta Yohannes. "We were proud of the work she did for the campaign, and we are again impressed by the work she's delivered on this project."

Eudaly's office noted that Wick could be selected without a bid because she's a women-owned business and the city officially allows for larger contracts to support minority- and women-owned businesses.

"I am a WBE certified business with the state," says Wick. "I've been doing work in the nonprofit sector since I started my studio 8 years ago, and have been working in the design industry for 20 years."

Wick's work for Eudaly's office involves "creating a style guide (templates, business cards, website work, etc. for us)," Yohannes says.

The Portland Mercury

City Investigation Finds Portland Police's Protest Policies Lacking

*By Alex Zielinski
May 31, 2018*

The city's Independent Police Review (IPR) has released a critical review of how Portland police handle protests—just days before another major mashup of protests is expected to come to downtown Portland.

In the internal policy investigation, IPR specifically looks at how police officers managed a protest that took place on June 4, 2017, which pitted alt-right activists against a number of progressive and far-left organizations.

The protest was originally billed by alt-right group Patriot Prayer as a “Free Speech Rally,” but its timing—days after the horrific MAX stabbings—inspired other activist groups to show up and rally in solidarity with the MAX victims and protest Patriot Prayer's pro-Trump agenda.

Those overlapping protests ended chaotically, with Portland police rounding up and detaining at least 300 people, not letting them leave until officers had photographed and taken down the identification of each person corralled. This specific tactic, often called “kettling,” has been the focus of several court cases involving the Portland Police Bureau (PPB), including a class-action lawsuit filed by ACLU Oregon and a complaint filed by Jeremy Ibarra, a protester arrested during the June 4 protest (he's since been found not guilty by a jury). In both cases, lawyers argue the PPB violated protesters' constitutional rights by not relying on individual probable cause by detaining hundreds of people at a time.

The IPR agrees—kind of.

In a 15-page analysis of the June protest, IPR points to certain police tactics conducted without “legal justification” that could put the city at risk. It's safe to assume this “risk” is a lawsuit—similar to the ones already piling up against PPB. The IPR office received at least 27 complaints linked to this specific protest, prompting the year-long investigation—which has ended in a list of policy recommendations.

While the IPR—made up of investigators, lawyers, and other policy experts—has the authority to recommend changes to the police bureau, the city department can't force the PPB to follow those recommendations.

According to IPR Director Constantin Severe, that's when the public can get involved.

“Our goal is to educate the public,” Severe explains. “We have the ability to view documents that members of the community may not have full access to, and provide some clarity on police policy. Members of the community can use our investigation to hold the police accountable.”

To provide some additional clarity, we've broken down the major takeaways from the IPR review below.

On mass detention:

Like the legal cases we've seen pop up after the June 4 protest, the IPR found “little documentation” from the PPB proving officers had enough evidence to detain hundreds of protesters for “disorderly conduct.”

“Police reports indicated that those detained were not questioned about disorderly conduct prior to their release,” the report reads. “Some community members said they were not told why they were detained.”

Without offering any legal justification for arresting a person (or in this case 300 people), these officers put the city at risk.

According to the IRP, the police bureau has no written policy around temporary detentions and other police stops, including mass arrests. IRP’s Severe says this was a particularly concerning discovery.

“Having a ‘stop’ policy... that’s the nuts and bolts of policing,” he told the Mercury.

The IRP recommends PPB create a clear policy around mass detentions, including direction on what warnings officers must give before detaining people, how long people can be held (and if the weather impacts that), and at what point officers have to provide food, water, and a bathroom break to detainees. Fun bonus! IRP says this policy should prohibit officers from sweeping up members of the media in their mass detentions.

On taking photos and asking for identification:

After first denying his officers took any photos of the detained protesters, then-PPB Chief Mike Marshman explained these photos were taken to “speed up the process.” According to IRP, these photos were uploaded to a PPB server, where they still remain.

“The Police Bureau does not have a retention policy for digital image data, allowing for photos to be held permanently until staff are told to delete them,” the report explains. And, because of the lawsuits against PPB, those photos are currently on “legal hold”—unable to be deleted until the cases are closed.

The IRP’s recommendation is straightforward: stop photographing people without their written consent, unless they are explicitly charged with a crime.

On treating protesters equally:

Many members of the left-leaning groups that participated in the June 4 clash (including Rose City Antifa, union groups, and interfaith groups) believed they were unfairly targeted by police. They were specifically irked when PPB officers decided to detain hundreds of protesters from the Antifa contingent, while letting Patriot Prayer members walk free.

IRP says this imbalance was largely based on poor communication.

A PPB lieutenant told IRP that Patriot Prayer was treated differently because Rose City Antifa wasn’t as responsive to text messages officers were sending to the organization’s members. They “lacked a hierarchical structure with a clear leader,” which “made it difficult for [the Police Bureau] to find a single point of contact to convey information.”

Jurisdictional issues could have also led to imbalanced treatment, IRP’s report notes, since PPB officers called in help from Oregon state troopers that afternoon. According to the IRP, the police bureau’s intergovernmental agreements for crowd control tactics haven’t been substantially updated since the early 2000s—and lack orders that guarantee agencies will follow PPB use-of-force policies when assisting PPB officers.

The IRP recommends PPB update those policies and create “a transparent and comprehensive strategy to better communicate with the public prior to and during large crowd control events.”

Now what?

PPB has already issued a response to the policy review, in which it rejects a few of the IRP's suggestions—citing lack of time to create a new crowd control policy.

"Yes, it's a time-consuming process," Severe says. "But, at the same time, it's one of these things that could become a liability issue for the city if not addressed."

Severe also notes that any modern police department should "have an organizational philosophy" written out and easily accessible to the public. It appears, PPB does not have such doctrine.

Which is where this review leaves us—days before Sunday, June 3, when some of the same activists from last year's protest will reconvene in front of Portland City Hall for another dustup. Severe says the timing is purely coincidental.

"We just wanted to make sure policy review came out as soon as possible," he says.

Either way, this weekend's protests offers an obvious opportunity for Portland police to show whether or not they're listening to these new recommendations.

We'll be there. Stay tuned.

The Portland Business Journal

'Retiring' Dan Saltzman on Serving Many Mayors, Support for MLB and his Legacy

By Andy Giegerich

May 31, 2018

A lot has changed in the 20 years that Dan Saltzman has been a Portland City Council member.

When he joined the Council, Portland was viewed as a dreary, heroin-ravaged city. There was no viable downtown shopping district; There were no fancy apartments.

Now, as Saltzman prepares to step down from the City Council, he's leaving a city that has transformed. On the positive side, Portland's economy is booming and the city continues to be a destination for the young and mobile, many who are arriving for high-paying jobs in the tech industry. In addition, Saltzman will be replaced by one of two African-American women (Joann Hardesty and Loretta Smith), adding more diverse voices in City Hall.

Saltzman's Children's Levy, which provides millions of dollars for programs delivered to needier kids, passed overwhelmingly last month, and the city's relationship with business is generally strong, as evidenced by support for a license fee increase that will deliver \$15 million more to Portland's general fund.

However, Portland's many advantages have exacerbated some of its biggest challenges, including homelessness and skyrocketing home prices that have pushed many lower-income residents far out from the urban core.

We caught up with Saltzman some six months before he packs up his familiar Northwest City Hall corner office to talk about the highs and lows of his career as an elected official.

Your length of service — 20 years on the Council, five years with the county before that — is admirable. What's changed the most over that time? Well, the mayors have changed a lot (he laughs). I've served under five mayors, starting with Vera and through Ted. So, one-term mayors is something I've experienced the whole time I've been here, except for Vera. And I think City

Hall's become a more welcoming place. I don't think the public necessarily participated in City Hall when I first got here. I think it's changed, some of it for the worse, with the (2017) disruptions (following the election of Donald Trump), but most of it's for the better.

Why did City Hall become more accessible or welcoming? I think a lot more people are interested in what we're doing, particularly on the global policy issues. Like if you're doing something on free trade: That'll pack the chambers. But I think now, with people feeling more disenfranchised about being heard at the federal level, they're turning more to local government to get involved.

Did the in-chamber disruptions last year surprise you? I think most of it was really the result of people's frustration of what was happening at the national level, and we happen to be the closest local government where they could vent their feelings.

What's changed the most among the business climate in the last 20 years? We've had some divisive moments with the business community in the past, particularly over proposals to increase the business license fee. Here, this time around, we had the business community on board. That represents a real sea change. I think there are better relations, maybe a more mutual appreciation of each other. We don't think they're all robber barons and they don't think we're all fat bureaucrats. The fact that the economy is doing so well has really helped everybody feel better about themselves and their positions.

In the past couple of years, homelessness and rising rent have dominated the council's agenda. Both those issues are on the front burner these days. Prior to my becoming housing commissioner in 2013, those issues didn't occupy a lot of my time, or City Council's time, but the homelessness issue is top of mind, and it's a bigger problem than it's been in the past, and I'm not sure I can give anyone a good answer as to why. And renters' issues were pretty much nonexistent, too, until a couple of years ago, when we adopted the relocation assistance (which requires landlords to pay some moving costs for certain tenants), and we're certainly acutely aware of impacts that rising rents are having on our residents in terms of displacing some while others choose not to live in Portland.

How do you feel about that? It robs us of some of the vitality that you get from having a diverse population: Young people coming here to pursue a path of upward mobility are hitting dead ends instead, becoming disillusioned. And not just young people but people who've lived here all their lives can no longer afford to live in our city. ... Now, you're seeing cities that have a lower cost of living, like Nashville or Sacramento, that are blossoming in terms of people moving there ... They're still coming here, but once they get here, they find they can't afford to live here.

You've had to ride out several protests over the years, particularly during the Occupy and post-Trump election days. It certainly required a lot of readiness on our front to make sure protests didn't go south on us — and realigning control of the City Council meetings, which had gotten to the point of turning into shouting matches. We've done that through enhanced security. I think we've managed our way through those pretty well. There weren't a lot of arrests when protests went south, and police believe more and more in de-escalation techniques. That's something Chief Outlaw is big on for all interactions. The police in the past may have gone in (during protests) and stopped somebody from crossing the bridge, and now, we'll let them cross if they're not going to go walk the freeway or something like that.

With (council candidates) Hardesty and Smith both living in East Portland, there's talk about whether a ward or district system — in which officials represent specific parts of the city — would work in Portland. I think it's a fair question of whether people want to have district representation, but I think it runs into a big problem in our form of government, where you have

commissioners running bureaus. If you're the transportation commissioner and represent Southwest Portland, it seems Southwest Portland would fare a lot better on a lot of issues. So if you go to district representation, you'd need to change the form of government to a more traditional form where the mayor leads the crew and the commissioners are policy setters and budget makers. Otherwise, the temptation to take care of your own district is too great, with your particular bureaus.

Another evergreen issue is the prospect of attracting more major sports teams. You voted for the plan that allowed the Timbers to begin playing here, for instance. Do you see the new council backing Major League Baseball, if applicable? Let's say, if a zoning change is needed? I'm not sure, but a zoning change would fare better than a request for money. But I think even the harshest skeptics of professional sports would have to agree that the impact of a baseball team on a city is just enormous in terms of jobs and how a city sees itself. I was here before we had a pro basketball team, and I think that changed the way Portlanders view themselves. I think on balance, Council might start out in a hard place, but in the end, I don't think we could deny it. As long as they're not asking us to bond a full stadium, as long as it's a reasonable ask related to what we do, which is infrastructure and stuff like that. I think there will ultimately be support for that.

The Children's Levy will likely be your legacy. What's second? That's one of the things people will most know me for. I'm also proud of my work with Bridge Meadows, which is an intergenerational community raising foster kids in North Portland and Beaverton. I helped secure the land for that. The Miracles Club, which is a primarily African American sober social club, I helped find a permanent location for them in Northeast Portland, and a location that now supports affordable housing, sober housing, on top of it. And the Gateway Center for Domestic Violence Services is something I've also started, at 102nd and East Burnside. People who are victims can show up there and get help. Those are the four things I'm most proud of.

So, you're retiring. What will you be doing? No firm plans. I'll stay active on children's issues, I'm serving on a couple of boards, national and local, and I'm looking into becoming a CASA volunteer, but nothing substantive. I'm not looking for full-time employment, I'm looking to lead a less-scheduled life and focus on issues that I care about.

So, nothing traditional, like, "I plan to travel?" I'm not one of these people who's going to travel the world. I don't like to be away for more than a week. After a week, I'm ready to come home.

DAN SALTZMAN

Title: Portland City Commissioner

Age: 64

Why's he being interviewed: Saltzman is leaving the City Council after 20 years, and five terms. He also spent five years on the Multnomah County Commission in the early- to mid-1990s.

What he's reading: "The Nightingale," by Kristin Hanna. "It's about life in occupied France during WWII as seen through three women's eyes."

What's he streaming? "Unfortunately, I just watch movies on Netflix, I don't watch their series. Well, wait, I do watch "House of Cards."

OPB

Review Faults Portland Police For Mass Detention Of Protesters

*By Amelia Templeton
May 31, 2018*

Portland police detained almost four hundred people during a protest last year but didn't properly document the legal reasons for stopping them.

That's the conclusion of investigators with the city's Independent Police Review Division.

Thousands of people converged on downtown Portland Sunday, June 4, 2017, for a Trump Free Speech Rally and a series of counter-protests. The demonstrations came a little more than a week after the fatal stabbing of two men on a light-rail train by a man police say was shouting anti-Muslim slurs.

Police stopped people counter-protesting a rally by the so-called alt-right group Patriot Prayer on June 4, 2017. The mass detention lasted about an hour.

In a report published Thursday, IPR says the Portland Police Bureau has no clear policy regarding mass detention.

"Currently, the Police Bureau has no written policy governing stops or other forms of temporary detention, including mass detentions. The Police Bureau also does not have a mass arrest policy," the report states.

"The absence of a policy that addresses mass detentions and arrests presents risk for the City."

IPR reviewed the incident after 27 community members filed complaints.

The protest, which followed the fatal stabbing of two men on a TriMet MAX train by a man who'd made white supremacist statements, involved four different groups: alt-right protesters led by the group Patriot Prayer, counter-protesters affiliated with labor groups, the group Portland Stands United Against Hate and Antifa.

The mass detention, also known as a "kettle" or "box-in" took place when police surrounded and detained hundreds of protesters at Southwest 4th Avenue and Morrison Street after they had declared the protest unlawful and ordered people to disperse from Chapman Square.

Community concerns about the incident included police allegedly favoring the Patriot Prayer group over the counter-protesters, use of a detention tactic that swept up innocent bystanders and police photographing people without having evidence they had engaged in a crime.

IPR largely substantiated community concerns regarding the mass detention incident.

The review found that the tactic clearly swept up bystanders along with protesters, including journalists representing the Coos Bay World, Getty Images, The Oregonian, Willamette Week, Portland Tribune and Vice Media.

The number of people detained was also higher than the Police Bureau had reported. Police individually photographed 389 people with their IDs during the mass detention.

The police bureau said it had stopped and detained the group to investigate disorderly conduct, but IPR found little evidence that officers had reasonable suspicion disorderly conduct was taking place prior to the mass detention.

“While video taken by police and community members during the early moments of the detention show a large group of marchers in the street and sidewalk on Southwest 4th Avenue, there were no videos or reports showing that marchers obstructed vehicles or pedestrians or any of the other elements required by the disorderly conduct statute,” the IPR said.

In a written response to the report, the Police Bureau said it started revising its crowd control policies after the incident in question.

“The Bureau agrees that mass detentions should only be carried out under extraordinary circumstances and at the direction of the Incident Commander,” the response reads.

The police bureau says it will release draft rules addressing mass detentions in July for public feedback and hopes to start implementing the new rules by October.

IPR also found that the Police Bureau kept the photographs it took of individuals with their IDs during the protest, even though most of those people weren’t arrested or suspected of any crime.

“The Police Bureau does not have a retention policy for digital image data, allowing for photos to be held permanently until staff are told to delete them,” IPR wrote.

The Bureau said it agrees that it needs to develop additional policies regarding photographing people detained by police and said it will consult with the city attorney on the issue.

The ACLU of Oregon is suing the Portland Police Bureau over the tactics used during the mass detention.

IPR did not substantiate concerns that police had favored the Patriot Prayer group.

IPR did find examples of differences in how police interacted with the groups of protesters, but it didn’t find evidence that favoritism was at play.

A police lieutenant told IPR investigators that protesters in Chapman Square “were treated differently because Rose City Antifa lacked a hierarchical structure with a clear leader,” making it difficult to communicate with them.

IPR found evidence that supported that explanation. For example, the special events sergeant for Central Precinct attempted to contact all the groups organizing protests on June 4, IPR found.

The sergeant had less success communicating with representatives of Antifa, according to the report:

“During the event, the sergeant tried to remain in regular contact with all groups present, largely by text message. Patriot Prayer members and some counter-protestors exchanged multiple text messages with the sergeant. Antifa members were less responsive and exchanged fewer text messages. When the sergeant texted counter-protest organizers in Chapman Square to call attention to people throwing bricks and water bottles at police, the organizers denied it.”

The report also notes that community members believed that police were more aggressive at confiscating potential weapons from the protesters in Chapman Square, who were mostly affiliated with Antifa:

“Other community members objected to the Police Bureau confiscating property from protesters in Chapman Square, but not from the other groups downtown. An ACLU staff attorney observed police take “poles from signs” from the protesters in Chapman Square, while the those at the rally in Schrunk Plaza had “giant flag poles.”

The report suggests that those perceived differences might be explained by the fact that Federal Protective Police were largely responsible for monitoring security in Schrunk Plaza, a federal

property where the Patriot Prayer group rallied, while Portland Police focused on Chapman Square, where Antifa gathered.

“This variation could be attributed to differences in federal and local policies regarding the seizure of property,” IPR wrote.