

## **The Oregonian**

### **City Attorney's Transparent Anti-Transparency: Editorial Valley**

*By The Oregonian Editorial Board  
June 5, 2018*

Last week, the Portland City Council was considering whether to challenge the Clark County Sheriff's Office plan to release a 1992 Portland Police report on child sex abuse, in response to a public records request. At one point in debating the unusual request, City Commissioner Dan Saltzman asked City Attorney Tracy Reeve who was seeking the information.

Tellingly, she hedged. "We believe based on the information available to us" that it's the perpetrator of the sex abuse, Reeve said. Not surprisingly, the response provoked a visceral reaction. City Commissioner Amanda Fritz grimaced, noting, "that's even worse," before the council unanimously voted to challenge the record's release unless Clark County makes redactions allowed by Oregon law in addition to those under Washington state law.

That hedging? Turns out that the person seeking the report is a Multnomah County public defender, representing the perpetrator on a current charge of failing to register as a sex offender.

The distinction is important. Telling commissioners - and the public - that the requester is the perpetrator is an easy way to turn sentiment against disclosure. But hearing that it's a record sought as part of an attorney's efforts to prepare a legal defense would have reminded everyone in the room that police reports are official government documents used in legal forums. Withholding such records should be allowed only for reasons that outweigh the public's interest. As unsympathetic as a convicted sex offender is, the city shouldn't be seeking to block a defendant from accessing a public record that may possibly be relevant to his defense.

Reeve, in an email to The Oregonian/OregonLive Editorial Board, defended the omission. "I do not believe that is a material difference," she wrote, adding that "the attorney is requesting the records on behalf of the perpetrator." It's material if you value transparency. The city attorney, transparently, does not.

### **Springwater Corridor Closure Will Divert Cyclists Onto City Streets, Help Salmon Habitat**

*By Andrew Theen  
June 5, 2018*

Starting July 1, bike commuters need to find an alternate route past the Oaks Bottom Wildlife Refuge in Southeast Portland during the heart of the summer and into the fall.

The Springwater Corridor, the popular running, walking and biking path that carves through the area, will be closed to through-traffic at the refuge from July 1 to Oct. 31.

The trail to the roughly 170-acre refuge itself will be open, but commuters won't be able to continue past the construction closure. The four-month project will potentially put thousands of commuting cyclists onto city streets or on the Willamette Greenway on the west side of the river.

Portland is encouraging cyclists to take the following detours:

- Use the Sellwood Bridge to connect to the Greenway Trail on the westside - a good plan for commuters traveling to and from South Waterfront and Downtown.
- People who want to stay on the eastside should take the nearly-complete SE 19th Avenue Neighborhood Greenway connecting to the Southeast 17th Avenue bike lane.

Bureau of Environmental Services staff greeted bike commuters and walkers Tuesday morning at the base of the Sellwood Bridge and at an entrance to the Springwater Corridor to get the word out.

"Plan your route accordingly," Ronda Fast, a Bureau of Environmental Services staffer said. "Be prepared. It's going to be a long hot summer," she said, "but we'll get through it."

The \$8.8 million project will replace a pipe that runs underneath the earthen berm that separates the refuge's tidal channels from the Willamette River. The Springwater Corridor and railroad tracks sit atop the berm. The Army Corps of Engineers is picking up 65 percent of the project cost.

The number of salmon in the refuge is minimal due to the small pipe, which is about 5 feet wide. The new installation will be more than three times as large and will have a natural river-like flat bottom.

City officials hope the new pipe will bring salmon back to the area in larger numbers like a separate project in 2014 which brought the native fish to historic spawning grounds in nearby Crystal Springs.

## **Portland Police Chief Danielle Outlaw on Protests, Trust and Learning her New City**

*By Maxine Bernstein*

*June 6, 2018*

Portland Police Chief Danielle Outlaw expected to start her first day with a hand-picked deputy chief from outside the bureau.

That was one of the promises the mayor made before she accepted the job, she said.

"I asked the mayor two questions before I said yes," recalled Outlaw, now in her eighth month on the job.

Those were: "Will you support me in what you ask me to do?" and "Can I bring my own person in and can that person be my No. 2?"

He said yes to both.

But the city wasn't able to make arrangements for the new position before Outlaw's Oct. 2 start date as she'd expected. With no salary or job parameters set, Outlaw's choice wasn't about to make the leap.

"The person backed out. It was too sketchy, nothing was really solidified," Outlaw said.

The mix-up proved to be a quick, hard lesson for Outlaw on Portland's unusual commission form of government. Mayor Ted Wheeler, who also serves as police commissioner, doesn't have the

final say on decisions like this. He must wade through established city procedures and gain majority support on the City Council.

It wasn't the introduction Outlaw, 41, hoped for when she became only the third woman to head Portland's police force and the only African American woman. In a wide-ranging interview, Outlaw said she's spent her first months trying to learn and understand the culture of the bureau and the city.

She's stood in the police nerve center monitoring decision-making during big public protests. She's headed to the scenes of police shootings, including the deadly encounter with a man inside a homeless shelter. She overruled police commanders to find that discipline was warranted against a sergeant who threatened to arrest an activist legally filming officers during a 2016 protest.

But she's also a woman of the people, jumping rope with a girl before the Starlight Parade last weekend, dancing the Electric Slide with Sabin Elementary School kids for a school promotion video and signing up to volunteer as a big sister in a police-youth mentoring program called "Bigs in Blue."

She has publicly acknowledged that she took the chief's job at a time of great distrust of police in Portland.

At a TEDx talk in April, she said she wants her officers to be "visible, known, accessible" and the bureau to own up if its officers make mistakes.

"There can be humanity in authority," she told a crowd of 3,000 people at Keller Auditorium. "The sooner we all embrace this, the sooner we can come together as one."

When she first took over, she focused on meeting officers, appointing her command staff, evaluating police training and increasing Portland's profile on the national policing stage.

She expects to make "small incremental changes" – and not "unilateral major changes" -- as she works to identify areas where the bureau can improve.

Outlaw said she's here to make a difference.

"I wasn't going for the title," she said. "It's whether or not I can really add value to the organization."

Outlaw announced her choices for her deputy and assistant chiefs in mid-April.

She wanted top managers who worked well with people on the street and inside the Police Bureau in ways that come naturally to them, not because they're trying to impress her.

"There were those positioning. I saw that a mile away. And then there were those providing feedback for the good of the organization," Outlaw said. "I didn't let anybody in my head to let them know what I was thinking."

Bob Day, a 28-year Police Bureau veteran, became her second-in-command. He was among five finalists recommended by a community panel.

The mayor got the council to approve \$346,000 for the deputy chief and one support position and is pleased with her pick, said his spokesman, Michael Cox.

Outlaw thought the open selection process worked well and believes she got the best candidate.

But some of her choices weren't obvious. Ryan Lee, a lieutenant who supervised the Rapid Response Team and has coordinated responses to large protests, and Jamie Resch, a North Precinct captain, had no idea they were in the running for assistant chief.

"Sometimes you've got to identify those stars who are up and coming, young innovative thinkers who just need a chance in this organization," Outlaw said. "They already get the big picture."

"Stabilization at the top was important," she said.

She wants her team to provide leadership on her three main goals: crime prevention and reduction; organizational excellence; and community engagement and inclusion.

"My focus will be ensuring we have systems in place so anyone can sit in my chair, and these actions will continue," she said.

Outlaw quickly identified the need to improve and expand officer training in several areas, including tempering responses to people in emotional crisis. She also wanted community members to be part of implicit bias training for officers.

The city remains under a federal settlement to reduce force used against people with mental illness. Police traffic stop data shows officers also pull over a disproportionate number of African Americans in the city.

Outlaw recently helped bring in outside experts to teach best practices to bureau trainers on how to de-escalate encounters when a person in crisis doesn't have a gun but is armed with a knife, bat or other weapon. The Portland trainers then passed it along to all officers.

Outlaw said she recognizes the brief training isn't sufficient, that it should be offered at the start of a recruit's training and continue throughout an officer's career.

"It has to be institutionalized," she said.

As a member of the Oregon Department of Public Safety Standards and Training's board, Outlaw said she plans to recommend that all officers in the state get the de-escalation instruction during basic training at the police academy.

She supports the use of body cameras but recognizes they're expensive and wants more research done on when police should activate them and then retain and share the footage. Outlaw expects the bureau to adopt cameras as a pilot project at first. She didn't give a timeline.

She's worked to incorporate community involvement in the bureau's training on implicit bias. Officers are encouraged to admit that everyone has biases and how to recognize them. They learn a tone of voice, an expression or gesture can transmit bias. People on a community panel then talk to officers about discrimination they have faced.

She also supports separate training for different ranks because their responsibilities differ. A course for sergeants is underway.

She's pushing to complete a five-year strategic plan for the bureau, what she calls a "road map" for goals, staffing and public safety responsibilities. An outside contractor has been hired to assist.

And the chief is mulling with the mayor if someone besides police should respond to certain types of calls, noting that the mere presence of officers in dealing with homeless people or people with mental illness "just jacks them up."

"What bothers me is we're called out for everything now," she said. "At what point do we need to relook at that?"

Wheeler said at a recent public forum that he and Outlaw have talked about ways to “embed clinicians” with police when responding to mental health crisis calls, having police take a secondary role if no threat to public safety exists.

Since her arrival, Outlaw has traveled to several police conferences out of state. She sits on the Human and Civil Rights Committee of the International Association of Chiefs of Police, remains active with the National Organization of Black Law Enforcement Executives and the Police Executive Research Forum and is eager to get involved in the Oregon Association of Chiefs of Police.

She’s taken some flak, inside the bureau and beyond, for leaving town for the meetings -- “I heard people complaining -- Where is she? What am I doing?” she said.

But Outlaw plans to continue the trips and will invite different officers to accompany her occasionally.

For example, she took Sgt. Steve Wilbon to Washington, D.C., for a meeting of the Police Executive Research Forum, which addressed the role of first-line supervisors. Outlaw said it was important for chiefs to hear from a sergeant.

Outlaw chose Wilbon after asking each commander to nominate a sergeant and examined their history in the bureau. Wilbon, a 12-year bureau veteran, worked East Precinct patrol at the time.

“We have an imprint at the national level. We get our say. We’re shaping the policing industry,” she said. “I expect the Portland Police Bureau to have a hand in that.”

Wilbon said before this, his direct encounters with Portland chiefs were few and far between.

He told Outlaw that sometimes a leader’s message gets lost in translation when communicated by others to front-line supervisors like sergeants who are on the street guiding rank-and-file officers.

She agreed and when they returned, she held several meetings solely for sergeants, with no lieutenants or captains present.

“They’re the gatekeeper to all things regarding accountability and the culture of an organization,” Outlaw said.

She shared her vision for the bureau and then listened to their input on how she could help them do their jobs.

“She thinks outside the box,” Wilbon said. “She’s capable, approachable, smart, and while professional, can work in a joke, which makes her down to earth.”

Outlaw said her time on the job has so far flown by, “but I don’t feel like I’m settled yet.”

She’s still struck by how different Portland is, with such a small minority population, from her hometown of Oakland.

She’s one of the few police chiefs to actually live within the city limits and said she met someone in the neighborhood where she’s renting a home who assumed Outlaw didn’t live there.

Strangers once greeted her at a local mall and mentioned that they had a cousin from Nigeria in an attempt to establish a connection. “Really?” Outlaw said she thought.

She’s also picked up on the sometimes passive-aggressive nature of Portlanders.

“I’m straightforward. Just put it on the table,” Outlaw said. “Don’t spend two hours beating around the bush.”

After local activist Eli Richey followed Outlaw to her car and filmed her while she was off duty at a local Safeway, she took steps to halt the behavior and sought a civil stalking order against him.

“If I’m going to stir the pot, I’ll do it tactfully and respectfully,” she said.

Jo Ann Hardesty, president of the NAACP chapter in Portland and a candidate for City Council, said she’s found Outlaw smart, strategic and thoughtful in her selection of command staff and responsive to the community.

When Hardesty asked the chief last fall if some plainclothes officers could attend an NAACP training on “Interrupting Hate” after getting reports that a right-wing provocateur might show up, Outlaw made it happen.

As Outlaw examined media reports on the police handling of dueling protests over the weekend in downtown, she said she walked away asking: “What do folks want?”

Brawls broke out between opposing demonstrators and officers arrested four people. Police said some people threw fireworks, bottles, rocks and ball bearings.

On the one hand, Outlaw said, she hears complaints when police take too much action. Yet they also face complaints when they don’t intervene fast enough.

“It’s difficult. It all depends on what you have in front of you,” Outlaw said. “There’s no cookie cutter response to these things.”

“I tell my officers I will do what I can to support them,” she said. “If there are lessons learned after the fact, we’ll own them. But if they do a good job, I’ll tell them. My responsibility is to inform the public of what our role is and how fluid our roles are. We are a learning organization, and we have to be willing to work through it together.”

## **Family of Quanice Hayes, Fatally Shot by Portland Police, Sues City, Officer**

*By Maxine Bernstein  
June 5, 2018*

The family of Quanice Hayes, the 17-year-old shot and killed by Portland police more than a year ago, filed a federal civil rights lawsuit Tuesday against the city and the officer involved, contending Hayes wasn't a threat when he was killed but was on his knees and unarmed.

It contends police acted with excessive force when Officer Andrew Hearst shot Hayes three times with an AR-15 rifle on Feb. 9, 2017, as police confronted Hayes outside a Northeast Portland home.

Officers discovered Hayes, a suspect in an armed robbery earlier that morning, in an alcove in front of the home and ordered him to keep his hands up but crawl toward officers on the driveway and then lie down with his hands to his side, according to grand jury testimony.

When Hayes appeared to reach toward his waistband, Hearst fired, killing Hayes, police said. Hayes died at the scene from one gunshot above his forehead on the right side of his head, one near the bottom of his left rib cage and one to his torso, according to an autopsy.

Document: [Lawsuit](#)

The suit, filed in U.S. District Court in Portland, argues that Hearst and fellow Officer Robert Wullbrandt were shouting contradictory commands at Hayes.

"He obeyed the commands of Officer Robert Wullbrandt, and crawled on his hands and knees as ordered, coming to a stop when ordered to do so," the suit says. "Defendant Hearst, while Officer Wulbrandt was ordering Quanice to crawl on his hands and knees, was ordering Quanice to crawl on his knees with his hands in the air. Quanice bent forward to comply with Officer Wullbrandt's command and Defendant Hearst shot him."

Hearst testified that he never saw Hayes with a gun, but believed Hayes was the suspect in the earlier holdup of a man in his car. The man described his assailant as holding a tan pistol. Officers found a black and tan air soft pistol in a flower bed about 2 feet from Hayes' body, they said.

City Attorney Tracy Reeve declined to comment on the suit Tuesday.

Hayes' death increased tensions between police and members of the African American community after the grand jury found no criminal wrongdoing by officers.

The lawsuit follows a crowdfunding campaign that has raised \$23,000 so far from 277 contributors. The total cost of the lawsuit is estimated at least \$150,000, and the campaign is expected to continue.

"The Hayes family demands answers for Quanice's death," said Jesse Merrithew, an attorney representing Hayes' estate. "The family is determined to ensure that no other family has to endure what they have endured."

The suit also alleges that the city has failed to train officers to develop a plan to take a suspect into custody as safely as possible and has a "history of discriminatory policing" with officers wrongly perceiving that young African American men and boys pose a greater threat of violence.

The suit seeks unspecified economic and non-economic damages for the loss of companionship and suffering by Quanice Hayes' mother Venus Hayes, loss of Hayes' future earning capacity and the cost of memorial and burial services.

Hayes' uncle Steven Hayes was appointed to represent the teenager's estate to pursue the claim.

## **Portland to Buy New Apartment Building Using Housing Bond Funds**

*By Elliot Njus  
June 5, 2018*

The Portland Housing Bureau plans to buy a nearly-finished apartment complex in East Portland to operate as public housing for low-income renters.

The city would pay \$14.3 million for the 51-unit building at 10506 E. Burnside St. using money from the \$258 million affordable housing bond voters approved in 2015.

The Portland City Council is set to approve the sale next week. If approved, leasing would begin in July.

The city said the building has the capacity to house 167 people. Sixteen of the two-bedroom units will be reserved for families making less than 30 percent of the Portland-area median

income. Nine units would be reserved for families transitioning from homelessness and be paired with additional on-site services, the city said.

Most of the remainder would be available to families and individuals making up to 60 percent of the area median income.

The seller is a company controlled by Richard Miller, a founder of Affinity Property Management of Portland.

It's the city's third identified affordable housing project to be funded through the housing bond.

The city has proposed to build 200 to 300 units on the site of a former strip club at Southeast 30th Avenue and Powell Boulevard, for which it paid \$3.7 million.

It also paid \$47 million to buy The Ellington, a 263-unit apartment complex near Northeast 66th Avenue and Halsey. That complex, built in the 1940s, also needed millions of dollars in repairs.

The housing bureau has said it is considering at least two other sites, which haven't been identified for fear of upsetting sale negotiations.

## **The Portland Tribune**

### **Portland to Buy First New Affordable Housing Project**

*By Jim Redden  
June 5, 2018*

#### **Mayor Ted Wheeler unveils East Portland apartment building ahead on of next Wednesday's vote by the City Council.**

Mayor Ted Wheeler unveiled the next project to be purchased with the city's affordable housing bond on Tuesday — a 51-unit apartment building nearing completion at 105th and East Burnside.

"The Portland Housing Bureau had a rare opportunity to purchase the project and convert it to affordable housing before it went up for sale," Wheeler said at a June 5 afternoon press conference at the building, adding that it is expected to house 167 people by this summer, including families currently living in homeless shelters.

The Design Commission approved the project in June 2016. At the time, it was being developed by Affinity Property Management on behalf of owner Urban Green, a California-based investment company. The project was offered last December after the city solicited projects to be purchased or financed with bond funds. The purchase price was \$14.3 million.

The City Council is scheduled to approve the purchase on Wednesday, June 13. It will be the third bond-funded purchase. The first was the existing 263-unit Ellington Apartments in Northeast Portland which was purchased for \$47 million — \$37 million in bond funds and \$10 million in short-term rental taxes. The second is a project that is still being designed to be built on the site of the former Safari Club on Southeast Portland Boulevard that was purchased with other fund.

The building to open in July includes seven studios, 20 one-bedroom and 24 two-bedroom apartments. Sixteen of the larger units will be reserved for extremely low-income households earning less than 30 percent of the area's median family income — currently \$21,900 for a family of three. Nine will include supportive services.



The building will be owned by the city and managed by Home Forward, Multnomah County's housing authority. The \$258.4 million bond was approved by voters at the December 2016 general election.

## **City Hall Update: Report Says 'Kettling,' Arrests Illegal**

*By Jim Redden*

*June 5, 2018*

### **Plus, Residential Infill Project work sessions set and the Office of Neighborhood Association is getting a new name.**

Police were not justified in detaining and identifying hundreds of counterprotesters and bystanders during a downtown Patriot Prayer rally on June 4, 2017, according to a report released Thursday, June 1, by the Independent Police Review division of the City Auditor's Office.

Police officials say such "kettling" only happens in extraordinary circumstances and at the direction of an incident commander. But the IPR found the Portland Police Bureau had no written policies about the practice at the time, although one is now in the works.

The report was written in response to 27 citizen complaints filed with IPR. A federal court judge in Portland granted class-action status for plaintiffs suing the city for being unlawfully detained in U.S. District Court on Thursday.

### **RIP work sessions set**

Three work sessions on the Residential Infill Project have been scheduled by the Planning and Sustainability Commission. Recommendations would limit the size of new homes, rezone 60 percent of single-family neighborhoods for smaller multifamily projects, and encourage the redevelopment of narrow lots.

The schedule is: Scale of Houses, 2 p.m., Thursday, June 7, 2020 S.W. Fourth Ave., Lincoln Room; Housing Choice, 5 p.m., Tuesday, June 26, 1900 S.W. Fourth Ave, Suite 2500; and Narrow Lots, 12:30 p.m., Tuesday, July 10, 1900 S.W. Fourth Ave, Suite 2500.

The PSC, which advises the Bureau of Planning and Sustainability, will recommend its version to the City Council, which is expected to make its decision this fall.

### **New ONI name announced**

The Office of Neighborhood Involvement will be renamed the Office of Community and Civic Life effective July 1, Commissioner Chloe Eudaly has announced.

Eudaly, who oversees ONI, says the change better reflects the city's engagement efforts with Portland residents, which have grown beyond the original neighborhood association system since it was first created.

"We chose the word Community to include all Portlanders, and the word Civic to highlight our role in engaging the public in local government," Eudaly and ONI Director Suk Rhee said.

# CC2035 Plan: City Council approves taller development in New Chinatown/Japantown

*By Jules Rogers*

*June 4, 2018*

## **City Council amendments to CC2035 Plan could put Chinatown's historic designation at risk.**

The New Chinatown-Japantown Historic District (in Old Town) could be poised to lose its nationally-recognized historical designation after City Council amendments make way for new developments in the district — against recommendations from various government bureaus, committees and offices.

The City Council voted 3 to 2 on May 23 to increase the height to 200 feet on four and a half blocks in north New Chinatown-Japantown from a previously approved bonus height of 160. This amendment included Block 33 and four blocks in the northern part of the district near the Lan Su Chinese Garden — for which there will be a shadow impact study, in an additional amendment identified by City staff.

The four newly heightened blocks are located between Northwest Everett and Glisan Streets, and Third and Fifth Avenues. While the new heights are actually lower than what current code allows, it's an increase from the original Central City 2035 Plan that is setting up the skyline's future — a project that's been in the works for three years. The discrepancy has historical preservationists and downtown developers up in arms.

While this is good news for downtown developers trying to bring additional housing to market, historical preservationists disagree with the necessity for extra height — although they do support developing additional housing, retail and restaurants in the district.

The State Historic Preservation Office wrote a letter to the City Council saying increased heights could potentially threaten the listing of the district as historic in a general sense — not specifically mentioning Chinatown. The letter said that materials and detailing aren't enough to mitigate incompatible heights.

"The overwhelming mass of substantially larger structures adversely affects a district's historic integrity, or historic appearance, by replacing historic buildings and spaces with new construction and introducing visual impacts throughout the district that negatively affect a district's setting, feeling, association and design. Such impacts may result in a district losing so much of its historic character that it no longer qualifies for a listing in the National Register, or for the associated state and federal tax benefit and grant programs," stated the office's letter written by Ian Johnson, associate deputy state historic preservation officer dated March 22.

The Historic Landmarks Commission also submitted a letter expressing great concern for increased heights in the fragile district. As Portland's only district officially recognized for its nonwhite ethnic history, the Landmarks Commission fears it could be de-listed from the national register, and the city would have failed at protecting its historic resources.

"The rush to arbitrarily spot-zone a single block to benefit a single developer not only raises many questions about equal treatment of other similarly situated owners throughout Central City, especially those owners who have invested in the neighborhood's historic resources without this handout; but also raises serious questions about transparency and arbitrary decision-making," read the HLC open letter to the City Council, dated May 22.

To be on the list, the district has to have at least 50 percent of its buildings considered contributing historical resources. Nationwide, individual landmarks have been de-listed before due to incompatible nearby developments.

The City spent \$170,000 on the recent process of adopting new guidelines for New Chinatown/Japantown to protect it, as part of the Central City 2035 Plan — guidelines that were overruled by the City Council's recent amendment.

If more developers continue to push the limits against bureau and commission recommendations, and the City Council continues to approve it, New Chinatown/Japantown could be de-listed as a state historic district.

### **Back and forth on CC2035**

"One of the property owners who owns some of the land, a couple of the blocks and the northern blocks, he had been lobbying for higher heights there since the beginning of the Central City 2035 Plan," said Hillary Adam, with the Bureau of Development Services (BDS). "It's still currently a 350-foot maximum height, but because the comprehensive plan says that the City's basically supposed to right-size the development standards in the historic district, the BPS (Bureau of Planning and Sustainability) opposed reducing the heights up there on the northern four blocks."

The drama has been drawn out over the past few years, while the CC2035 Plan has been put together.

"At one point actually, the City Council voted on this whole concept and seemingly had put it to bed," Adam said. "They discussed it at that time and also took a vote on it, and settled on only increasing the west half of Block 33 to 160 (feet of height) at that time."

Then, two weeks ago, commissioner Saltzman proposed an amendment to increase the height on the northern four blocks to match the new height at Block 33.

"So last week was a bit of a surprise, introducing this new amendment and increasing the heights on the northern four blocks as well," Adam said.

The heights in the district are currently allowed to be 350 feet maximum (a 1988 adoption intended for skyscrapers), and the CC2035 Plan initially recommended a 125-foot height limit. New developments need to aim to meet the new CC2035 requirements. There was some going back and forth up to 200 feet before the final vote settled at 160 — or so it had seemed.

"We're just really dismayed," said neighborhood stakeholder Lynn Fuchigami Parks, executive director of the Oregon Nikkei Legacy Center. "The next thing happened very quickly. All of a sudden, there's a new amendment that came up with no public process that included an additional four blocks that would go to 200 feet. Not very many people were aware of it. There was not, in any of the meetings I went to, anybody in favor of raising those kinds of heights in this district — and it happened boom, just like that."

She said the heights are not compatible with the character of the surrounding buildings, and could threaten the viability of the Lan Su Chinese Garden with shade.

"All the recommendations came out of these specific public processes that took place to get community input, expert input, they created a special advisory council. There were many, many people involved in this, many community members and voices involved, and this happened just in the blink of an eye," Parks said.

The difficulties involved in building something new in the historic district leave it up to only the firms that can afford it. As for smaller developers like community leader Hongcheng Zhao, he was not able to move forward with redeveloping the unusable, unreinforced masonry Wong Laundry (219 N.W. Third Ave.) because it would be too expensive to seismically retrofit, and he wasn't able to obtain a demolition permit because of the historical value.

"I do feel yes, housing of course has been a big demand and big topic. The frustrating part was why do you need 200 feet to achieve that on Block 33? That 160 feet was the compromise," Parks said. "You see other historic districts and what they've been able to do with still being respectful of the existing character, but add retail and restaurants and all the things that really make a neighborhood desirable where people want to come and live. Many of us truly believe that this can happen and you don't need to build a 200-foot building to have that happen."

The BPS completed its work sessions on the CC2035, forwarding their recommendations to City Council on May 23, 2017. The City Council began hearings in September 2017, and City Council review and amendments began this May. They're expected to take a final vote by June 6, with the CC2035 expected to take effect on July 9, 2018.

### **Preserve and respect**

Parks commemorates the days when a dozen blocks in Old Town made up Japantown in the late 1890s and early 1900s.

"It all disappeared overnight basically with an executive order, when everyone was forcibly removed," she said.

The Nikkei Legacy Center runs the Oregon Nikkei Legacy Museum along Second Avenue and the Japanese American Historical Plaza also known as the Bill of Rights Memorial along Burnside. The plaza was dedicated in 1990, about the same time the Legacy Center began to have a real presence in the Old Town neighborhood.

"Personally, I've been in the neighborhood for 40-plus years. My mother had an educational toy store here in this same building, the Merchant Hotel, in the late '70s," Parks said. "We're here because there's not much left of what was Japantown."

According to a letter she submitted as testimony to the Oregon State Legislature in 2017, her grandparents were incarcerated in Colorado and lost their 20-acre farm and house in California. They were given five days to sell what they could, and pack up what they could carry. After years of back-breaking work, when the war ended they were given \$25 each to try to restart their lives.

"The character of the neighborhood still exists very much like it did when it was Japantown," Parks said.

The City took three years to put together the Central City 2035 Plan, which included the New Chinatown-Japantown guidelines.

As for development in Chinatown-Japantown, there is a right way to do it, according to Parks.

"We absolutely want revitalization and development here ... All of us in the neighborhood support revitalization and development in the neighborhood, but we really feel that it can be done mindfully and respectfully," Parks said. "You can look at examples all across the country: cities have been able to successfully preserve, revitalize, reinvest in historic districts to restore them to vital neighborhoods to attract tourists, residents, and they do this without destroying its existing integrity."

She brought up the University of Oregon's expansion into the new 38 Davis building, the Society Hotel's renovation, the Oregon College of Oriental Medicine and the new Portland Chinatown History Foundation Museum opening this summer.

"We want the City to be supportive of those kinds of projects, because as we testified for that 2035 Plan, there's verbiage that talks about this Old Town being recognized for culture and history," Parks said. "The latest passage of this amendment is just totally not respectful of that."

## **4 Arrested During Violent Clashes in Downtown Portland**

*By Zane Sparling*

*June 3, 2018*

### **Members of Antifa, Patriot Prayer demonstrate at Terry Schrunk Plaza on Sunday, June 3.**

Violence erupted in downtown Portland after a goodbye party for a prominent conservative activist transformed into a clash between the left and the right.

Fists flew, stones were hurled, fireworks crackled and stinging liquid was sprayed as protesters and counter-protesters taunted each other under the supervision of riot police, who did their best to keep both sides separated.

"I'm standing up for free speech. I'm an American patriot," explained a man calling himself Rufio Panman, who drove to the event from Washington State. "We've tried to debate, we've tried to have the conversation... They don't seem interested."

Police said four people were arrested during the event and that they used pepper spray twice. One man wearing black was detained near the corner of Southwest Jefferson and Second Street after pepper spray was loosed indiscriminately during a scrum. A man with a bloody face was also walked off by police after a dispute over a hat turned into a fistfight.

While sedate speeches earlier in the day only drew a few dozen leftists to Lownsdale Square, the number of black-clad anti-fascists ballooned as word spread that members of the right-wing Proud Boys and Patriot Prayer groups had arrived at around 4:30 p.m. on Sunday, June 3.

Terry Schrunk Plaza served as the center of the hubbub, but attendees spent much of the afternoon marching in circles up and down the blocks of downtown. Law enforcement followed close behind, sometimes hitching a ride by clinging onto a van with a metal bar attached to it.

Department of Homeland Security officers searched the bags of everyone who entered the plaza, so many people in the crowd stayed just outside the perimeter.

For instance, the two groups repeatedly lined up on both sides of Southwest Madison Street near the corner with Fourth Avenue, hurling taunts. At one point, some of the conservatives shouted the Pledge of Allegiance while some of the leftists yelled "Proud Boys drink [urine]." Several flags were burned.

It was certainly a raucous send-off for Tusitala "Tiny" Toese, a rather big man who has helped shape the local right-wing movement but is now returning to Samoa to attend to "family matters."

"We got to think smart. There's always another day to take a stand. But we proved our point," he said in a farewell address to his supporters. "When I leave I want you guys to keep standing."

Members of the anti-fascists, commonly called Antifa, called out criticisms of the police, sometimes referencing a recent police shooting at a homeless shelter that left a man with a knife dead. The Antifa appeared to outnumber the Proud Boys by a margin of at least 3 to 1.

Daniel Adams — a local chemist who said he is friendly with Tiny but not affiliated with his group — said he supported the "Make America Great Again" message espoused by President Donald Trump.

"This city is dying," Adams noted. "Everybody is leaving because people are defecating in the streets."

The rumpus had simmered by about 7 p.m., with both sides declaring victory before scattering. Police say no officers were injured and that no one at the protest was taken to the hospital.

### **Here's who was arrested:**

- Jonathan D. Feit, 36, was arrested near Southwest 2nd Avenue and Southwest Columbia Street on charges of Disorderly Conduct in the Second Degree
- Andrew Arbow, 32, was arrested at Terry Schrunk Plaza on charges of Disorderly Conduct in the Second Degree
- Gregory N. Isaacson, 43, was detained at Terry Schrunk Plaza, cited and released for Failure to Comply with a Lawful Order.
- Bryan A. Neyman, 26, was arrested on four counts of Assault in the Fourth Degree and one count of Robbery in the Third Degree.

Portland's opposition movement gathered for an anti-police protest in downtown Portland — though the somewhat subdued mood was a far cry from the larger demonstrations that took place about one year ago.

About one hundred people gathered by 3:30 p.m. on Sunday, June 3 at Terry Schrunk Plaza for the protest across from City Hall on Southwest Madison Street.

Some of those in attendance appeared to be legal observers or independent media members, though others wore the black masks and bandanas that have become a trademark of the anti-fascist movement known as Antifa.

Anarchist Star Stauffer said she had a simple message for the police officers gathered a few blocks away: "Back off."

"There are ways to circumvent needing conventional policing in our community," the 35-year-old commented. "Our are voices really so threatening that you need to be armed like you're going into war? The only weapons we have our are voices."

A spokesman for Portland Police said they were aware of the planned "peaceful exercise of the First Amendment" and also knew that Patriot Prayer, a far-right group, were planning on gathering by 5 p.m., risking the chance of a heated confrontation between the two sides.

"Law enforcement will be present due to previous incidents of violence between the various groups," the Bureau said in a statement.

At one point, several police officers not dressed in riot gear entered the park, spurring angry chants from the protesters.

"We're here to protect everyone," Sgt. K. Allen said before withdrawing.

Gregory McKelvey, a well-known activist leader with Portland's Resistance, said he wasn't surprised by the relatively low turnout.

"People are numb to it now — the people who have the privilege to be numb to it," he told the Tribune.

Members of the audience clapped and cheered, some following along with a vulgar chant based off the acronym ACAB. Signs draped nearby read "Care Not Cops," "Blue Lives Murder" and "We Live On Stolen Land."

"I came because there's a lot of messed up stuff happening," said audience member Katrina Swope, 24. "The brutality extends to stuff that doesn't make it into the news."

## **Willamette Week**

### **A 51-Unit Building in East Portland Will Be First Housing Bond Purchase of a Newly Constructed Building**

*By Rachel Monahan  
June 5, 2018*

**It's a \$14.3 million purchase, and the first affordable housing bond project to be announced in months.**

For the first time since the \$258 million Portland housing bond was passed in November 2016, the city is purchasing a newly constructed building with the money.

The East Portland building on Southeast 105th Avenue and Burnside Street will include 51 units (with seven studio, 20 one-bedroom and 24 two-bedroom apartments) when it opens in July. The city is paying \$14.3 million for the complex.

"Sixteen of the two-bedroom units will be restricted at 0-30% AMI [area median income] and nine of those will be [permanent supportive housing] for families exiting homelessness," says Portland Housing Bureau spokeswoman Martha Calhoon.

It is the first bond project announced in months.

The city agreed to buy the Ellington in December 2017. That was an existing 263-unit existing apartment complex that the city sought to keep the rents affordable. A total of \$37 million in bond money was used toward buying and renovating 219 of the units (the remainder of the units were already affordable housing).

In July of 2017, the city announced plans to purchase a former strip club on Southeast Powell Boulevard and committed in December to using housing bond dollars to develop the site. No cost estimates have been provided for that project.

That means the city is more than a third of the way toward its goal of 1,300 units. It's not clear how much of the money has been committed.

The developer of 10506 Burnside submitted the project for consideration as part the Housing Bureau's request for information in December, Calhoon says. The city executed a legal agreement to buy the property in March when it was 80 percent complete.

# Here's Where Portland Officials Want to Create Protected Bike Lanes Downtown

*By Rachel Monahan*

*June 6, 2018*

**It may someday be possible to bike through downtown Portland shielded from cars.**

On June 4, City Hall rolled out its most dramatic proposal in years to make Portland more bike-friendly.

That's not saying much.

For years, City Hall has rested on its laurels as a bike-friendly town, especially when it comes to protected bike lanes. Such lanes protect cyclists from traffic by using barriers, including parked cars or a raised curb.

Currently, Portland has just 5.2 miles of protected bike lanes, with another 19.8 across the city that have funding but aren't yet built.

In the densest, busiest part of the city, which sees the most cyclists and drivers, a new proposal called Central City in Motion could more than double existing protected bike lanes. Roughly 15 miles are under consideration.

That's enough to piss off the drivers who will lose parking spaces and lanes of traffic to the dedicated lanes.

But it's still hard to say for sure where they'll be mad. The Portland Bureau of Transportation has only \$30 million in funding for the Central City in Motion package (which also includes crosswalk improvements and bus lanes). It will have to ration that money to a select list of streets that could get protected lanes.

This summer, PBOT will release cost estimates for specific projects.

Here's where city transportation officials imagine protected bike lanes going—if they can find the money and get the City Council's backing. (The map does not include the city's greenways or bike lanes that offer distance from traffic but not the protection of a physical barrier.)

# Portland Police Allow Political Brawlers to Lob Rocks and Aluminum Cans at Each Other, and Tell One Side to Skip Town

*By Elise Herron and Katie Shepherd*

*June 3, 2018*

**A Trump-supporting family from Astoria claims they were attacked by Antifa while cops watched.**

One year after police tactics at a downtown protest drew outrage and a lawsuit, Portland cops took a restrained approach to constraining brawls this evening between two groups of protesters who have become bitter political enemies.



A result of that approach: Patriot Prayer protesters and their antifascist foes were emboldened to not only assault each other, but to menace passersby who tried to intervene. The groups even lobbed rocks and discharged pepper spray at each other.

The hands-off police tactics have already drawn criticism from the right-wing Patriot Prayer movement and Antifa, both of whom complain about the results of fights like basketball teams working the referees.

But the return of two groups whose political speech seems like a pretext for organized assaults raises questions about the safety of those who don't participate.

Video taken at tonight's protest shows Patriot Prayer members harassing and threatening a cyclist who tried to break up a fight. Another video captures a Portland police officer giving the right-wing group a choice: Leave town or get arrested.

At least two antifascist protesters broke off chunks of concrete from a protective covering near the curb in front of the Salmon Street Springs. Patriot Prayer protesters grabbed rocks out of nearby business landscaping.

The two groups threw glass bottles and aluminum cans pulled from recycling bins along the waterfront, within shouting distance of the Rose Festival midway.

Police officers, who have watched similar scenes play out in downtown since shortly after the election of President Donald Trump, seemed bemused. One remarked as the protests faded out, "Well, I got my steps in today."

Shortly after the protests ended, the Portland Police Bureau released a statement saying it had arrested four protesters. "The intent of law enforcement today," the statement said, "was to provide a safe environment for all participants, non-participants, and community members while ensuring the peaceful exercise of the First Amendment."

The day's violence started quickly—read WW's report on the first half of the protest here—and continued in erratic bursts. It ended with the Patriot Prayer protesters, few of whom live in Portland, sprinting to their getaway cars to skip town.

Tusitala "Tiny" Toese, the Samoan right-wing brawler whose departure home was the ostensible reason for today's gathering, gave a speech at the end of the evening, confirming what video captured: Police had given his group the ultimatum to leave or go to jail.

"Cops say if we don't leave, they're going to arrest us for free speech," Toese said. "I don't want to leave. But we have to think smart. If they take you, who's going to protect the rest? Today we proved a point that we're not backing down. We take today as a fucking win. We came and we stood like mad fucking Americans."

Police later chased down and detained a man dressed in black after a family of Trump supporters flagged officers and told them he had assaulted the family's father and youngest daughter.

Daniel Adams, who lives in Astoria but says he grew up in Portland, says his family was attacked within minutes of arriving at the protest around 5 pm. He says his family came not to protest anything, but to say goodbye to their friend, Toese.

"I grew up here," he says. "I have a lot of pride for this town and it's unfortunate what it's turned into."

Some members of the family have been known to attend alt-right protests across the country and have close ties to prominent figures within the alt-right movement.

A purple bruise was still swelling above his right eye as he recounted his daughter being struck repeatedly by counterprotesters. He says he tried to pull her away and the masked protesters hit him several times in the face and body.

The family identified the woman as 20-year-old Ashley Adams.

Daniel Adams, who came to the protest in an American flag tie and a Trump-Pence hat, says police watched the assault but did not intervene until it had ended, a tactic Portland police often use at protests.

The assault recounted by the family appears to be the same beating that WW reported earlier in the evening, in which black-clad protesters screamed "Fuck you Haley, go back to the suburbs" as they beat a brunette woman who lay on the ground.

About two hours later, as Adams walked with his wife and eldest daughter, the family saw the group who they say attacked them. Two boys who were skateboarding near the courthouse say they saw the group of masked protesters change clothes and then run from police.

An officer stopped the man who had been detained by pulling out a taser and ordering him to lay down on the sidewalk near the steps of the Multnomah County Courthouse. An officer at the scene said the man was detained pending an investigation of assault.

The man repeatedly told officers he had not attacked anyone as they zip tied his hands behind his back.

## **The Portland Mercury**

### **Quanice Hayes' Family Files Civil Rights Lawsuit Against City**

*By Alex Zielinski  
June 5, 2018*

The family of Quanice Hayes, the 17-year-old fatally shot by a Portland Police Officer Andrew Hearst in February 2017, has filed a federal civil rights lawsuit against the City of Portland and Officer Hearst.

"The family is determined to insure that no other family has to endure what they have endured," said Jesse Merrithew, an attorney representing the Hayes family, in a press statement.

Hayes was stopped by police in an alcove outside a Northeast Portland home the morning of February 9— after committing a number of small-scale robberies (an EBT card, a jacket, and some CDS) while using a fake gun. He was shot while following police orders: to crawl on the ground towards Hearst and his partner.

When Hayes reached for the front of his jeans—which officers say had been sagging—Hearst shot Hayes three times with a semiautomatic rifle. In grand jury testimony, Hearst said he believed Hayes was reaching for a gun. Hayes was hit twice in the torso and once in the head. Only after Hearst shot Hayes did officers find the toy gun next to his body.

A Multnomah County grand jury declined to indict Hearst for killing Hayes.

Hayes was the first African American to be fatally shot by Portland police in nearly seven years. His death reopened wounds among Portland's small Black community regarding the city's history

with racial injustice. Donna Hayes, Quanice's grandmother, has since become a vocal advocate for police accountability.

The Hayes family's wrongful death lawsuit—brought by Quanice's mother Venus Hayes and uncle Steven Hayes—alleges that the Portland Police Bureau (PPB) has failed to train officers who are interacting with suspects they believe to be armed. Merrithew says PPB repeatedly demonstrated this failure in the April shooting of John Elifritz. The Elifritz family has also filed a civil rights federal lawsuit against the city and PPB for John's death.

The Hayes family is relying on an online crowdsourcing campaign to bankroll the costly federal case. According to Merrithew, they've raised about \$23,000 of the needed \$150,000 to successfully fund the lawsuit.

“The number of people who were willing to reach into their own pockets to help the Hayes family get answers is truly inspiring,” says Merrithew. “It speaks to the depth of support the family has in the community, and the community’s desire for change within the Portland Police Bureau.”

## **The Daily Journal of Commerce**

### **Huge Affordable Housing Bond May be Presented to Voters**

*By Chuck Slothower*

*June 1, 2018*

Metro is weighing whether to refer a proposed \$652.8 million affordable housing bond to voters as the Portland region grapples with rising homelessness and sharply increasing home prices.

The Metro Council will vote Thursday whether to place the measure on November ballots. The bond would cost property owners an average of \$60 per year.

The affordable housing bond would be a first for Metro, an agency better known for promoting recycling and analyzing urban growth boundaries. The regional government kicked off an equitable housing initiative in 2015, and has since continued to work on affordable housing.

Metro estimates it would be able to build 3,900 affordable units if Oregon voters approve a constitutional amendment that will also be on November ballots to give local governments more flexibility in spending affordable housing dollars. If the constitutional amendment fails, Metro estimates it would be able to build 2,400 units with the bond dollars.

Metro’s measure would come after Portland’s own \$258.4 million housing bond passed overwhelmingly in November 2016. Metro’s much larger bond would be spread regionally, with Portland, Beaverton, Hillsboro and Gresham getting 90 percent of the money. The remainder would be used by Metro to purchase land for affordable housing.

The bond effort comes as rents in some Portland neighborhoods have increased by 70 percent in the past year, said Martha Bennett, Metro’s chief operating officer.

However, according to some surveys from rental listing firms, rents in Portland have plateaued and even declined in recent months. But sale prices have continued to escalate, hitting a record \$405,000 median price in the Portland-metro area in April, according to the listing service RMLS.

Metro and its partner jurisdictions would be able to use the bond money to build new affordable housing, purchase existing affordable housing at risk of displacement or buy vacant land. Some of the dollars would be devoted to deeply affordable housing available to renters earning 30 percent or less of median family income.

One of the goals for the bond calls for 50 percent of the bond-funded units having two bedrooms or more. That would help address a profound need for family-size affordable housing, particularly in communities of color, Metro officials said.

Metro Council President Tom Hughes, at a work session Tuesday, discussed how the bond package could be presented to voters. He expressed concern that Metro risked backlash if officials “convince the public that they won’t see any homeless people on the streets.”

Metro will be careful not to oversell the bond package, Bennett said.

“In no case would staff ever portray this as solving the problem,” she said.

An oversight committee would likely be formed to keep watch over the bond spending. Councilor Sam Chase sought assurances the committee’s role would be advisory, and Metro Council would retain the final decision on the agency’s bond spending.

“I think this is a good package,” Chase said. “If we go for perfect, we’ll never get a package.”

Councilor Kathryn Harrington asked a series of sharp questions Tuesday, saying the ballot measure language is not adequately specific. She threatened to vote against referral.

“I’m having difficulty (understanding) what I’m going to be approving ... and if this is it, I’m not going to be able to do that,” she said.

The ballot title is too vague to hold future Metro Councils to the bond’s goals as laid out in Bennett’s recommendation, Harrington said.

“We’re leaving a bit too much up to chance in leaving those discussions for next year or we’ll know it when we see it or something like that,” she said.

Metro staff will continue to work with Harrington on her matters of concern, spokesman Craig Beebe said Wednesday.

Metro anticipates Portland’s Home Forward and Clackamas and Washington counties contributing federal Section 8 housing bond money to some projects. Some affordable units would be subsidized by charging market rents for other units.

City of Portland representatives have weighed in on an advisory group’s work that helped shape the bond proposal. Mayor Ted Wheeler supports Metro’s housing bond, spokesman Michael Cox said.

“It gives us more units of affordable housing, and it does so region-wide,” Cox said. “While the housing crisis in Portland gets most of the ink, it’s certainly a regional crisis.”

The city of Portland has begun to allocate dollars from its 2016 bond after a protracted evaluation process. The first new project to use housing bond money will be at the site of the now-closed Safari Club, at 3000 S.E. Powell Blvd.

“We continue to identify properties to either purchase or build using those funds,” Cox said.

## **The Portland Business Journal**

### **Wheeler: MLB Could Have 'Extremely Positive Economic and Social' Upshot for Portland**

*By Andy Giegerich  
June 1, 2018*

In a shift from an at-best neutral statement he issued earlier this spring, Portland Mayor Ted Wheeler said Friday the prospects of Major League Baseball in Portland could yield dramatic, and good, change within the city.

Wheeler issued a statement shortly after the Portland Diamond Project, which is working to bring a Major League team to the Rose City, revealed that Seattle Seahawks quarterback Russell Wilson and his musician wife Ciara will invest in a Portland franchise.

“Watching the Portland Diamond Project steadily gain momentum over the past few months has been exciting, especially in light of today’s announcement that Russell Wilson and Ciara have signed on as investors,” Wheeler said in his statement.

“Bringing a Major League Baseball team to Portland could have many extremely positive economic and social ramifications for the city, and I look forward to looking hearing more about the possibilities of this initiative.”

Wheeler's support could be key if backers decide they want to seek public financing for a new stadium. The PDP has bid on two sites within Portland's city limits. KGW, a news partner of the Portland Business Journal, reported Thursday the group has also expressed interest in potentially siting a stadium at Terminal 2, along the Willamette River.

The statement, though, marks a departure from an April email Wheeler sent to reporters in which he was lukewarm on the MLB notion.

"But any path that leads from today to Opening Day is a long one. My focus continues to be on addressing our city’s immediate challenges — creating more housing, helping those experiencing homelessness, and maintaining a safe livable city. It’s my belief that city resources should be directed to these priorities."

## **The Portland Observer**

### **Unlawfully Held**

*By Danny Peterson  
June 5, 2018*

#### **Mass detainment during protest not justified**

A controversial mass detainment by Portland police of nearly 400 anti-Trump protestors at a demonstration in downtown Portland last year is now being hit on three sides for not being legally justified.

The American Civil Liberties Union, which earlier sued the Portland Police Bureau, the City of Portland and Mayor Ted Wheeler over the June 4, 2017 incident, won a court decision last week

that said their lawsuit case can proceed as a federal class action, meaning anyone who was swept up in the crowd-control can now join the lawsuit.

In addition, a Portland police oversight office determined in a report issued last week that police had neither the legal justification nor a Police Bureau policy to support its decision to use the so-called “Kettle” practice to surround people and hold them as their IDs are seized and their photos taken.

The Police Bureau, in response to the city’s Independent Police Review report, said it recognized the erroneous procedures that it took in regard to the mass detention, or lack thereof, and that additional police training needs to be taken to correct it. Police said they did corral protestors, take their pictures, and ask for ID, but only after people ignored repeated orders to disperse or to investigate disorderly conduct.

The IPR report came the same day as Oregon U.S. Magistrate Judge Paul Papak deemed the ACLU lawsuit could be joined by others in class action.

“We expected and appreciate the court’s decision,” ACLU of Oregon Legal Director Mat dos Santos said in a statement. “We just climbed one step closer to holding the city of Portland accountable for violating the constitutional rights of hundreds of people.”

Four protests occurred the day of the mass detainment, the lawsuit states: a Trump Rally organized by Joey Gibson of Patriot Prayer and three other counter-protests that included labor unions, a coalition called Portland Stand United Against Hate, and a self-described anti-fascism group called Rose City Antifa.

The counter-protestors surrounded the Patriot Prayer group as the antifascists, clad in mostly black masks, clashed against rows of riot police.

The demonstrations were during a sensitive time for the city, following a double murder on a MAX light rail train in which Jeremy Christian, a 35-year-old Portland resident, was accused of stabbing three men, killing two of them, who came to the defense of two Muslim women from his alleged racist and Islamophobic taunts. Christian had been filmed at a Patriot Prayer demonstration in east Portland the month before the attack where other demonstrators tried to kick him out for spewing white nationalist rhetoric.

In the protests countering a pro-Trump rally that followed, the ACLU lawsuit claims the police actions against innocent people expressing their rights were heavy-handed, frightening and dangerous. They said bystanders were detained without individualized probable cause or reasonable suspicion, making the actions unconstitutional.

The ACLU says the detainments trampled on the First and Fourth Amendments—freedom of speech and unreasonable search and seizure -- as well as Oregon’s Constitution, for not having probable cause or reasonable suspicion when they detained individuals.

Besides Mayor Ted Wheeler, who oversees the Portland Police Bureau and was said to be at a police command center when the kettle occurred, the lawsuit names a number of police officers as defendants, including Dan DiMatto, Chris Lindsey, Jason Christensen, Michael Pool, Justin Rapheal, and Kerri Ottoman, but more may join them.

When police used the “kettle” technique to hold people, they were not given access to food or bathrooms for nearly an hour and only allowed to leave after police photographed each individual, demanded IDs, and recorded their identifying information.

Although then-police Chief Mike Marshman first denied use of the photos and then insisted that “any photographs not used in a criminal investigation will be purged pursuant to PPB policy,”

the Independent Police Review report found that they have still not been deleted, nor were there policies in place about the retention of digital images. Now, the photos cannot be destroyed due to a court protective order.

The IPR report also revealed an admission from an unidentified police lieutenant that police treated anti-Trump protestors differently than Trump Rally demonstrators. Many community members expressed a concern that police were being preferential to the Trump Rally, the report stated. Rose City Antifa's lack of leadership and hierarchical structure made it difficult for police to communicate lawful orders to them, the lieutenant said.

The independent review stated that the bureau "should recognize that leaderless or less hierarchical groups are not inherently more dangerous and should not be treated differently."

In response to the IPR report, police said media or legal observers at protests in the future will not be arrested or detained "solely for their role in observing, capturing and/or reporting on demonstrations or events" so long as they "obey all laws and follow all lawful orders."

The bureau also agreed that mass detentions should only be carried out under "extraordinary circumstances."

The IPR report also recommended that police use cameras during crowd events and keep a recording of encrypted radio channels for criminal proceedings and transparency. The bureau agreed to add cameras and plan to release a feasibility plan to Chief Danielle Outlaw by July 1, but disagreed about recording encrypted radio channels, citing officer and public safety.

The bureau said it plans to add guidance in regard to photographing detained individuals to their policies effective this October.

The ACLU of Oregon is asking people who were detained by police and prevented from leaving the June 4, 2017 protest to contact them via their website at [action.aclu.org/legal-intake/june-4-2017-kettle-lawsuit](http://action.aclu.org/legal-intake/june-4-2017-kettle-lawsuit).

## **OPB**

### **Family Of Quanice Hayes Sues City Of Portland Over Police Shooting**

*By Conrad Wilson and Ericka Cruz Guevarra*

*June 5, 2018*

The family of Quanice Hayes filed a lawsuit against the city of Portland on Tuesday.

The lawsuit alleges Portland Police officer Andrew Hearst, who was involved with two other officers in a separate on-duty fatal shooting of a suspect in 2013, used excessive force intentionally and used "unreasonable and unjustifiable" deadly force.

The suit also alleges the city of Portland failed to properly train all the officers present when Hayes was shot, including Hearst and his commanding officer. Attorney Jesse Merrithew, who's representing the family, said that claim is based entirely on grand jury testimony Hearst and another officer gave following the shooting. Merrithew says both officers' versions of events revealed contradictory understandings of who was giving commands and what the commands were.

“As a result, two officers of the apprehension team were shouting contradictory commands at Quanice Hayes, making it impossible for him to comply with both,” the lawsuit states. “It was a proximate cause of his death.”

Hayes, an African-American, was shot in the head and killed by Hearst on Feb. 9, 2017. He and other officers were responding to a report of an armed robbery. Hayes was 17. Portland Police confirmed Venus Hayes, Quanice Hayes’ mother, found out about her son’s death on social media.

Hearst fired his AR-15 three times, believing Hayes — who was on his knees when he was shot — was armed with a gun. At the time Hearst fired officers had not seen a gun.

Police later found a fake gun nearby that Hayes had been carrying. Police say he pointed it at someone near Northeast 82nd Avenue in Portland.

Last March, a grand jury did not indict Hearst.

“The conduct of the defendants, shooting an unarmed 17-year-old boy in the head with an assault rifle while he was on his knees complying with commands, shocks the conscience of the community,” the lawsuit reads.

Hayes’ family announced their intentions in February to sue the city and the officers involved. Hayes’ mother hand-delivered the notice to Portland Mayor Ted Wheeler’s chief of staff.

“Since no criminal charges were brought against Officer Hearst [so] that there can be some kind of accountability, which is what we [are] lacking all over the country,” Venus Hayes said in February. “My son was just one, one kid.”

The city attorney’s office said it does not comment on pending litigation.

The lawsuit is the second filed against the city in the last two months related to police conduct in officer-involved shootings.

The family of John Elifritz, who was killed at a Southeast Portland homeless shelter on April 7, filed a federal civil rights lawsuit against the city and the eight individual law enforcement officers involved in his death.

Merrithew says breakdowns in communication among officers in the Hayes case, in addition to the noisy and chaotic scene inside the shelter where Elifritz was shot, highlight confusing situations for suspects and guarantee bad outcomes.

“This is a big problem,” Merrithew said. “When it’s people like John Elifritz and Quanice Hayes who are younger, who are maybe in a mental health crises, maybe on drugs, all sorts of different situations, you are guaranteed that this is not going to work out well.”