

**The Oregonian**

## **Portland Mayor Walks Political Tightrope Over ICE Protests**

*By Gordon Friedman  
September 7, 2018*

For months, Portland's mayor has been hounded by residents about an issue over which he has no power: immigration.

Dozens of people protested against U.S. Immigration and Customs Enforcement at the federal agency's local field office, and Mayor Ted Wheeler drew criticism for supporting protesters' rights to assemble yet not backing their calls for ICE to be abolished. Critics have stormed City Hall to demand Wheeler kick ICE out of the city – drawing a police response for their antics – while dozens more wrote letters to the mayor. Wheeler's order that Portland police take a hands-off approach to the protesters encamped at the ICE office even earned a personal rebuke from President Trump.

Asked if he finds it misguided that so many complaints about immigration, a federal responsibility, are brought to City Hall, Wheeler balanced on a political tightrope.

"I think it's important that Americans speak out about what's going on," Wheeler told reporters during a wide-ranging hourlong press conference Thursday.

The mayor said he does not support abolishing the federal immigration enforcement agency – "I'm not sure throwing the baby out with the bathwater is the right solution here" – yet he applauds people who make their voices heard on the matter.

Wheeler said he never begrudges residents who bring to the city council grievances that would be properly addressed by a state representative or U.S. senator. That is true, the mayor said, even when the complainant is "yelling and spitting and insulting and threatening" – referencing a council observer who this week shut down a meeting and was escorted out by security officers amid his shouting about a U.S. Supreme Court nominee.

Wheeler said some residents are naturally confused about where and how to complain to the government, given the many layers of overlapping jurisdictions. People may not know about their congressman, Metro councilor or water district, Wheeler said, but they generally know how to find the mayor.

"You know what, I'm totally OK with that. It's part of the job," Wheeler said.

He went on: "Welcome to democracy in America. It's messy."

As for immigration and the Trump Administration policies that have drawn so much criticism, Wheeler said residents should listen to each other and work toward a "rational" policy.

"This is not a time for people to be indifferent or lethargic," Wheeler said. "No matter where people are on the political spectrum or what they believe it's really important that Americans take control of their government at all levels."

And it's not the case that the city can't take a stand on federal immigration policies or is necessarily powerless to affect them. Portland Commissioner Chloe Eudaly has explored – so far without success – whether the city could void its permit with ICE and have it vacate the

privately-owned building it uses as its local headquarters. And politicians have long used the bully pulpit to sway public opinion.

Yet Wheeler's message encouraging Portlanders to focus on developing a better immigration policy may fall on deaf ears.

Across from City Hall, a small band of protesters have for weeks gathered in Chapman Square to demand that immigration officials be removed from Portland. To the protesters' backs, at the other side of the square, stands the Edith Green-Wendell Wyatt Federal Building, where on the fifth floor judges of the Portland Immigration Court hold deportation hearings.

## **Trash-Strewn Portland Must Become Cleanest City in America, Mayor Vows**

*By Gordon Friedman  
September 7, 2018*

Portland Mayor Ted Wheeler announced Thursday his intention to create a city program that would clean up trash and debris strewn throughout the city center.

Though Wheeler's announcement was short on specifics, he made clear his goal that Portland be "the cleanest and most livable city in the United States" and said an element of the new program will be to install more trash cans in the city core and establish regular pickups at the receptacles.

Complaints about trash on public streets, particularly in downtown and surrounding areas, are the most common grievances residents voice to the mayor, Wheeler said Thursday.

In fact, Wheeler said a resident approached him during his Thursday morning treadmill workout to complain about trash left by homeless people in the resident's neighborhood. Wheeler said that while he and his young daughter were in the Northwest 23rd Avenue area Labor Day weekend, they noticed the few trash bins available to the public were overflowing.

"We need to come together with a new and aggressive strategy around keeping our community clean and keeping our community livable," Wheeler said, adding "I've heard from everybody on this."

"I don't think it's rocket science," the mayor said.

Yet Wheeler hinted that cleaning up trash around the city is more complicated than it may seem. He said initial research has shown some trash bins are managed by a downtown trash collection district, while others are run by transit authorities and still more are controlled by business districts. Collecting litter near area freeways is the responsibility of the Oregon Department of Transportation. And a "patchwork of commercial trash haulers" all have a hand in the current system, Wheeler said.

The mayor vowed his administration will find a way to streamline the process and pick up more trash.

Downtown Portland businesses already pay for the Clean & Safe District, a 213-block segment of downtown monitored by roaming cleaning crews and security teams each day of the week. Crews removed 724 tons of garbage and more than 27,000 needles from downtown last year, according to the district's figures.

Recognizing the thin line between removing garbage from city streets and throwing away the belongings of Portland's many homeless people, the mayor said that whatever plan is developed "will not be about homeless camp movement."

Sonia Schmanski, chief of staff for Commissioner Nick Fish, said Fish and Commissioner Chloe Eudaly have had preliminary conversations with the mayor's office about a renewed trash clean-up effort. As parks commissioner, Fish has some control over trash collection policy within city parks. As transportation commissioner, Eudaly oversees city rights of way.

Speaking at a press conference Thursday, Wheeler let his thoughts drift back to his childhood in Portland and spoke of his pride in a clean city where "you just didn't see litter." Portland can and should return to those halcyon days when seeing trash on city streets was a rarity, he said.

"I expect it. The people I represent expect it," he said. "And there's a sense of urgency to it."

## **The Portland Tribune**

### **It's STEPtember: Mayor Wants City to Start Strolling**

*By Zane Sparling  
September 7, 2018*

Mayor Ted Wheeler kicks off Oregon Walks campaign to get people moving across the city.

It's a nice day for a walk.

That was Ted Wheeler's sentiment, at least, as he led a pack of city workers and others through downtown Portland for a mayoral stroll in support of the advocacy group Oregon Walks.

Billed as a "first-annual" event, the 1.4-mile constitutional started at City Hall before ambling down Columbia Street, forging across the Hawthorne Bridge and then doubling-back toward the starting point via a trek on Main Street — all while dodging sunbeams rather than raindrops.

The jaunt at 1 p.m. on Friday, Sept. 7 marked the formal beginning of STEPtember, which is sponsored by Oregon Walks and the Oregon Public Health Association. Oregon Walks organized about 40 walks last year, and is planning even more for 2018.

"The best thing about walking, in my opinion, is it's something that almost anybody can do and it's free," Wheeler said from the steps of City Hall, 1221 S.W. 4th Ave. "It's also a community building activity."

The chance encounters and social interactions that occur while pounding the pavement have been shown to increase overall well-being, officials say, be it mental or physical health. Walking also opens up the senses to the sights, smells, geography and features of a neighborhood in a way that driving simply can't.

Government reporters occasionally spot Wheeler clad in his cycling suit, ready to bike to his home in the West Hills. His enthusiasm for fitness is also apparent when he takes his annual dip into the Willamette River.

But despite the trim physique, Wheeler said he doesn't wear a digital pedometer and suspects he isn't reaching the oft-repeated goal of 10,000 steps a day, especially while working.

"Unfortunately, it's more of a desk job than not. I spend a lot of time in meetings," he noted mid-mosey. "That's why it's important to be really intentional about getting up and getting out and having any level of physical activity that you can."

The mayor acknowledged that not everyone can walk with two feet and stressed that these events are open to people with all forms of mobility.

City Treasurer Brigid O'Callaghan blamed bad ankles for keeping her indoors too often, but said she couldn't resist the opportunity to sample the fall weather.

"The mayor urged us to participate in September. We just thought this was a great idea," she said. "I think it's one of the most beautiful times of the year."

## **Mayor Gives Deadline for Permit Reform Recommendations**

*By Jim Redden*

*September 6, 2018*

**Ted Wheeler also praises Police Chief Danielle Outlaw and declines to get into a fight with President Donald Trump at Thursday press conference.**

Saying that the city must speed up the production of low-income and working class housing, Mayor Wheeler has given the directors of four construction-related bureaus until early next month to recommend reforms to permitting process.

"Reforming the permitting process is a priority for me and the rest of the council," Wheeler said during a press conference last Thursday where he was flanked by officials from the bureaus.

Wheeler said that he has repeatedly heard from many housing developers that other cities issue construction permits faster than Portland, with some even saying the city could cut the issuing time in half without sacrificing its values.

"I don't know if we could, but we should listen and try. A number developments are coming, and we should ask ourselves, what can we do to speed up the permitting process," said Wheeler, who reassigned the Bureau of Development Services (BDS) from Commissioner Chloe Eudaly to himself as part of the reform effort. It issues building permits in cooperation with other construction-related agencies, such as the Portland Bureau of Transportation.

Seated with Wheeler at the press conference were BDS Director Rebecca Esau, Bureau of Planning and Sustainability Chief Planner Joe Zehnder, Portland Housing Bureau Interim Director Shannon Callahan, and Lisa Abuaf, development manager for Prosper Portland, formerly known as the Portland Development Commission.

Esau said BDS has begun processing its first commercial construction permit through the Portland Online Permitting System, which is intended to eventually replace the paper permits the city now processes.

"We are starting with commercial projects and will move to residential later," Esau said.

Future large project cited by Wheeler included the Broadway Corridor that includes the former US Post Office Distribution Center at the south end of the Broadway Bridge, the property owned by the Oregon Museum of Science and Industry around its visitors center, and the land owned by the the Ziddell family in South Waterfront neighborhood. Although negotiations between the family and the city have broken down, Wheelers says he is continue to talk with them and is hopeful the redevelopment project can be saved.

Wheeler also says he hopes to encourage development in Gateway and other areas in East Portland which have not yet benefitted from the economic recovery. He said significant development in East Portland would reframe the economy of the city for decades to come.

In response to questions from reporters, Wheeler also:

- Praised Police Chief Danielle Outlaw as more than exceeding his high expectations after 11 months on the job.
- Declined to respond to President Donald Trump calling on him to resign over his controversial handling of the protests against the federal Immigration and Custom Enforcement (ICE) agency.
- Called for the federal government to adopt a "rational immigration policy" instead of abolishing ICE.
- Said there was "no reason" why he would not run for reelection in 2020, although the final decision will be made in about a year after discussions with his wife and daughter.

## **Wheeler: Court Ruling Won't Affect Homeless Camping Enforcement**

*By Jim Redden*

*September 6, 2018*

Mayor answers reporters questions during Thursday morning press conference at City Hall.

Portland will not change how it enforces its anti-camping policies because of a recent federal court ruling that says the homeless cannot be prosecuted for camping if there is no available shelter.

Although the City Code broadly prohibits camping on city property, Wheeler says he has directed the police to act in limited circumstances — when a person is blocking a sidewalk, when a rigid structure has been erected on city property, and when a camp is creating health and safety issues.

"Homelessness is not a crime in Portland," Wheeler said in response to questions about the US 9th Circuit Court of Appeals ruling during a Thursday morning press conference.

At the same time, Wheeler also said he and many others are personally offended by the amount of trash in Portland, including that generated by homeless camps. Wheeler said he will propose a strategy for making Portland the cleanest and most livable city in the country next month.

Wheeler also noted there is some speculation the court is moving to create a federal right to housing.

"It will be interesting to see if they create such a right and make it a responsibility of the federal government," Wheeler told the Portland Tribune after the press conference.

During the second of the monthly press conferences Wheeler has begun holding, he said homelessness was easily the number one issue he hears about. Wheeler said his administration has invested more resources in the issue than any previous mayor, including spending tens of millions of dollars on homeless services with Multnomah County through the Joint Office on Homeless Services (JOHS).

Much of that funding goes to nonprofit agencies that operate more than a dozen emergency shelters in the city and county. They include Transition Projects, Human Solutions, Portland Homeless Family Solutions, Do Good Multnomah, Community of Hope and Janus. All are at capacity and some have waiting lists, JOHS says.

Wheeler also said the city is on track to create 1,000 new affordable housing units this year and for the foreseeable future. He also urged voters to approve Metro's affordable housing bond and the proposed amendment to the Oregon Constitution that will let the money go farther at the Nov. 6 general election.

## Portland Hires New Sustainability Leader

*By Steve Law  
September 6, 2018*

### **Michele Crim, promoted from within, helped craft the city/county Climate Action Plan update in 2015.**

Michele Crim started out in college hoping to become an astronaut.

Now she's trying to keep the skies clear — of additional greenhouse gases.

Crim, who has led Portland's climate action initiatives the past decade for the Bureau of Planning and Sustainability, was promoted last week to chief sustainability officer. Overseeing a staff of 40, Crim is now in charge of all the sustainability projects of the bureau, such as green buildings, energy efficiency, business assistance, EVs, and other endeavors. She'll essentially fill the job once handled by Michael Armstrong, who left several months ago to become a consultant.

Portland, under the leadership of bureau director Susan Anderson and Armstrong, has won plaudits for its many sustainability initiatives, especially its innovative Climate Action Plan. With Anderson leaving her post next month, Crim will be the veteran trying to maintain Portland's cutting-edge work on climate and other environmental issues.

Crim, who helped prepare the city/county Climate Action Plan update in 2015, acknowledged these are challenging times, with President Donald Trump dismissing the threat of climate change and actively promoting greater use of coal and oil, two of the biggest contributors to global warming.

"I think we're out of time on a lot of things, in a lot of ways," Crim said, during a break from a conference of the Carbon Neutral Cities Alliance in Boulder, Colorado. But reversals on the national front have caused more cities to step up their efforts, she said.

"It's brought more cities to the table, and there's great strength in that," Crim said.

Portland is an active member of the C40 group of major world cities trying to lead the charge on climate change policies. The cities in the group reason that most of the planet's carbon emissions stem from urban areas, and they have the bulk of the world's population, so they are a fitting vehicle to seek the necessary changes when their national governments fail to act.

In coming months, Crim said her bureau will try to mesh its sustainability policies with the city's growing gentrification, housing affordability and related transit challenges. It's about improving peoples' lives, she said.

The Climate Action Plan that Crim helped author also calls for expanding the city's role to target carbon emissions stemming from consumption, whether it be from food or electronic equipment.

The bureau needs to help figure out "what's the role of a local government in terms of trying to influence what people are buying or eating," Crim said. Though those products may be produced elsewhere, "we can't continue to think of them as somewhere else in the world and not a problem."

That's more challenging than some of the lower-hanging fruit earlier tackled by the city's sustainability efforts, she said.

Crim, 47, attended college at the University of North Dakota, where she initially was drawn to become an astronaut. She later switched and earned her undergraduate degree in environmental geology.

She moved to the Northwest to get a masters at Washington State University in environmental science and regional planning.

She settled in Vancouver, Wash., after grad school to run Panasonic's environmental programs at its Clark County manufacturing plant.

Three years later, she moved to Portland and became the first sustainability coordinator for Portland State University. After three years, she moved to the Portland Bureau of Planning and Sustainability, where she has worked the past 14 years.

A national search will be undertaken soon to replace Susan Anderson, who retires next month. In the meantime, the bureau will be led by Joe Zehnder.

## **Willamette Week**

### **One Cost Estimate to Solve Portland's Homelessness Problem? \$640 Million Over 10 Years**

*By Rachel Monahan  
September 7, 2018*

**New estimate for the cost of housing 2,000 people in supportive housing: \$592 million to \$640 million over 10 years and \$43 million to \$47 million each year after that.**

Portland City Hall and Multnomah County have estimated how much money is needed to create 2,000 units of supportive housing, the kind of housing that comes with services and is designed to address the needs of chronically homeless people.

It's a big number: somewhere between \$592 million and \$640 million for the first 10 years.

Then they say a sizable investment will be required to keep those services going: \$43 million to \$47 million a year.

Those estimates are part of a report put together by the New York-based nonprofit Corporation for Supportive Housing at the request of the county and city.

More bad news: The need has grown since the county and city started analyzing the number. Over the next 10 years, the county and city probably need 2,400 units, not the 2,000 estimate they started with.

But the good news is that the city and county have already opened or started to create 517 units of supportive housing.

The next step will be figuring out how to bring more units online and pay for services.

"We've set a stretch goal," says Commissioner Nick Fish. "We're really saying this is the critical next step in figuring out how we get there and how we pay for it."

They're hoping that setting up a supportive housing system will make it easier to add units as needed.

Not everyone on the streets is chronically homeless or has major health, mental health or addiction issues, but serving that part of the homeless population is the most expensive and most intractable part of the homelessness problem.

"We've made tremendous progress in the past four years helping people get back into housing," says Joint Office of Homeless Services spokesman Denis Theriault. "But we see more and more people who have been [on the streets] for a long time or have a disability, and this kind of radical, major intervention is what they need to get somewhere stable and stay somewhere stable."

## **Portland Police Are Helping Homeless People Get IDs So They Can Access Services And Apply For Housing**

*By Katie Shepherd  
September 9, 2018*

"It's a big hurdle," Sgt. Shaun Sahli says. "They don't have their IDs and they have to go through the process of getting an ID before they can do any HUD paperwork to get into services."

Portland police are working to help people living on the streets to obtain identification so that they can file paperwork to access services and find housing.

The limited pilot project with Cascadia Behavioral Health and the Department of Motor Vehicles started in January. It was partially modeled off of Houston's Homeless Outreach Team, which helps people get IDs and then find mental health services, jobs, and housing.

Sgt. Shaun Sahli, who leads the central precinct's neighborhood response team, says his officers and community partners had noticed that a lack of IDs were delaying people's access to services and housing governed in part by federal regulations from the U.S. Department of Housing and Urban Development.

"It's a big hurdle," Sahli says. "They don't have their IDs and they have to go through the process of getting an ID before they can do any HUD paperwork to get into services [or housing]."

Although the project is limited in scope as officers refine the process, Sahli says Portland police help people get IDs by confirming their identity and helping them fill out the forms they need to get a temporary ID from the DMV. Portland police can help people whether they have previously had an Oregon ID or not.

So far, PPB has helped about a dozen people get new identification.

Sahli says the goal is to eventually expand the program after officers "work out a couple of bugs in the system."



# Portland Arrests for Drunken Driving Have Dropped. That's Because Police Cut Back on Traffic Stops.

*By Katie Shepherd  
September 5, 2018*

Portland police say they are too busy responding to other problems to watch for drunken drivers.

Over the beer-soaked Labor Day weekend, Portland police joined seven other law enforcement agencies in arresting people driving drunk on local highways. The arrests included one intoxicated driver cruising at 114 mph on Highway 26.

It's a time-honored tradition in law enforcement to throw extra resources during the holidays at drunk drivers, among the biggest killers of Oregonians.

But it's increasingly rare in Portland.

New figures obtained by WW show that drunken-driving arrests in Multnomah County have plummeted. And police concede that's because they aren't watching as closely as in the past.

In 2011, according to court records compiled by the Oregon Criminal Justice Commission, 1,022 motorists were charged in Multnomah County Circuit Court with driving under the influence of intoxicants. Five years later, in 2016, only 459 people were charged in Multnomah County, where the Portland police make the majority of DUII arrests.

Police say it is not because the streets are safer, but instead because the Portland Police Bureau has reduced the number of traffic cops they place on the streets to pull people over.

"There are fewer traffic division officers than in the past and a greater expectation for traffic officers to assist with calls for service," says police spokesman Sgt. Christopher Burley. (Calls for service include every 911 call to report crimes or ask for police assistance.) "These factors limit the amount of self-initiated policing as it relates to traffic stops and patrolling roadways to attempt to locate intoxicated drivers."

In other words, police say they are too busy responding to other problems to watch for drunken drivers.

The numbers obtained by WW offer an incomplete picture of DUII charges—only data for 2011 and 2016 were available at press time—but are part of a national drop in drunken-driving arrests. (Some national observers credit the rise of ride-hailing companies like Lyft and Uber.) The sharp drop in such arrests comes even as City Hall has promised to reduce traffic deaths.

In 2011, the Police Bureau's traffic division (the division that does the majority of drunk driving arrests) employed 66 officers. In this year's budget, that number is 34, while overall police staffing funded for the bureau stayed basically flat.

That's puzzling because Portland City Hall has pledged for the past three years to reduce the number of people who die in traffic. They call this promise "Vision Zero," because they say they want to reduce the number of people killed by cars to zero by 2025.

The number of traffic deaths has not decreased, however. In fact, 2017 was the deadliest year for people killed by cars on Portland's streets since 2003. Forty-five died in traffic accidents—far more than the 27 who died in homicides last year. Police could not say by press deadline how many of 2017's fatalities involved alcohol.

The decision to take officers away from enforcing DUII laws raises questions about police priorities, which have shifted to cracking down on homelessness.

"The police are responding to what people think is important," says Kristi Finney-Dunn, who sits on the Vision Zero board and became an advocate against drunken driving when her son was killed in a hit-and-run in 2011. "Homelessness is such a big issue, but people are thinking fender benders or risks on the road are not that important."

Finney-Dunn says enforcing laws against drunken driving can prevent tragedies—and the officers who work in the traffic division are "preventing murder or you killing yourself."

Although the bureau thinks its staffing numbers are driving most of the decrease in DUII arrests, statistics show the shift is occurring in other counties, too. Clackamas, Washington, Lane and Marion counties all saw decreases, although none were as pronounced as Multnomah County's.

The drop does not appear to be linked to a significant reduction in inebriated motorists getting behind the wheel. In 2016, 55 percent of traffic fatalities in Portland involved alcohol.

Mayor Ted Wheeler says the Portland police need more officers overall. He has not taken a position on where those officers should be deployed.

"Mayor Wheeler fully understands the urgent staffing needs in PPB," says Sophia June, Wheeler's spokeswoman. "The mayor is fully committed to achieving Vision Zero. Part of realizing that goal is ensuring PPB is staffed so officers in the traffic division can spend time patrolling in order to keep drivers, pedestrians and cyclists safe."

Calls to 911 have increased in recent years, often to report "disturbances" such as unwanted persons who won't leave a location or other nuisances. Those calls take police officers away from other tasks.

City Hall has been focused on targeting "livability" in Portland. Wheeler is under pressure to intensify that focus: This summer, the president of the Portland police union called the city a "cesspool" and declared Wheeler's attempts to end homelessness a "failure."

"Calls for service have increased since 2011 as well as the complexity of calls and the amount of time officers spend on a call," Burley says. That increase has caused the bureau to divert resources away from traffic enforcement and into other divisions focused on answering calls for help.

Portland police successfully lobbied for 58 new officers when the city created its 2018-19 budget—but the hiring process takes one-and-a-half years.

Advocates for Vision Zero haven't focused on DUII arrests—at least in part because they say they fear the effects of increased traffic policing on minorities. But they concede DUIIs remain a serious problem.

"We're trying to move away from a lot of traffic enforcement because of the disparate impact on communities of color," says Aaron Brown, a longtime advocate for traffic safety. "[But] DUIIs are definitely different because they're much more dangerous."

Finney-Dunn argues that unlike some other violent crimes, drunken driving can be spotted before it kills somebody.

"Most of the time, you can't predict murder," she says, "but DUII and speeding and cellphone risks, those are predictable and you can actually see them."

# A New Report Analyzes Police Use of Force on Aug. 4 And Suggests Portland Police Ban Some Riot Control Agents

*By Katie Shepherd  
August 30, 2018*

**"We hope that the Portland Police Bureau, Portland City Council, and other local governing bodies will take these concerns seriously," the report says.**

A report offers new analysis of police use of riot-control agents during the Aug. 4 Patriot Prayer rally, where several counterprotesters were seriously injured by stun grenades.

The report suggests the police permanently ban "flash-bang" and "stinger" grenades, adopt more stringent training, and require the consent of the Police Commissioner to use pepper spray or gas in crowd control situations. It also suggests PPB notify all of the city's hospitals of the chemicals inside the riot control agents it uses.

The report is authored by Empower Portland, an advocacy group created to champion the rights of protesters. So its recommendations aren't a surprise—in fact, they can be seen as the latest lob in a back-and-forth between police and left-wing protesters, who have been increasingly adversarial this summer.

Empower Portland created the report for the city's Independent Police Review, which is investigating whether Portland police officers violated protocol when they fired "less-lethal munitions" at a crowd of antifascist protesters.

A Portland police spokesman says the bureau cannot comment on the rally.

"Based on legal counsel, it would be inappropriate, at this time, for the Police Bureau to provide further comments on the events of August 4, 2018 while the Office of Independent Police Review investigation into the events of that day continue," Sgt. Christopher Burley says.

The document reviews several injuries reported after the protest and analyzes whether the weapons Portland police reported using could cause the alleged damage.

Portland police temporarily suspended the use of "airial distraction devices" on Aug. 6, pending an internal review to determine if the munitions had detonated improperly. At the time, police officials suggested the stun grenades should not have caused the injuries reported, although there have been many cases across the U.S. of similar devices maiming and even killing people.

Notably, the report's author Nate Cohen concludes that the stun grenades launched by police likely could have penetrated a bike helmet, despite Assistant Chief Ryan Lee's public statements suggesting otherwise.

Lee said at a press conference that the damage shown in several photos of the bike helmet, reportedly worn by a protester identified as Anthony X, should not have been possible if the weapon was operating normally.

The new report differs.

"The slowest version of the device travels more than 7 times faster than the impact speed bicycle helmets are designed to withstand, and it is entirely possible Anthony X was struck by a higher velocity round," the report says. It goes on to question statements made by Portland police officials at a press conference two days after the protest. "It is concerning that as the Assistant Chief of the PPB's Operations Branch, Chief Lee does not have this information available to him, or is unwilling to share it with the public."

The report also asserts that video shows officers firing grenades directly at the crowd, and shows the munitions detonating much lower than the manufacturer's intended height.

"These stills... clearly show a police-fired [aerial distraction device] detonating within the crowd of demonstrators, and well below the 20' height articulated by Defense Technology, the PPB, and Assistant Chief Lee," the report says.

The report details three injuries that occurred at the Aug. 4 protest and two other incidents at past protests where Portland police appeared to improperly deploy the flash-bang grenades.

It includes a harsh indictment of the continued use of some extreme crowd control devices: "As our previous recommendations around these weapons seem to have gone ignored, we hope that the Portland Police Bureau, Portland City Council, and other local governing bodies will take these concerns seriously following the gross negligence in their use by the PPB and significant injury caused to multiple members of the Portland community as a result on August 4, 2018."

Several advocacy groups, including American Civil Liberties Union of Oregon, Don't Shoot Portland, PDX Never Again, Portland Democratic Socialists of America, and Portland Interfaith Clergy Resistance, endorsed the report's findings and recommendations.

## **Is Portland's E-Scooter Fad Waning? New Data Show Ridership Is Dwindling.**

*By Rachel Monahan  
August 31, 2018*

Numbers show a declining number of rides over the last week.

Maybe Portland is losing its enthusiasm for scooters.

In the last week, there were fewer rides on a scooter than the week before, according to data released today by the Portland Bureau of Transportation.

In the first two weeks, there were 47,836 rides. In the third week, there was 48,419. In the fourth week, there were 43,786. And last week, for the fifth week, Portland was down to 38,192, according to data released by PBOT on Twitter.

The average length of a trip also declined.

City officials say it's unclear why, after a smashing start, enthusiasm for scooters went flat, then dwindled.

"Any number of factors could account for weekly or daily variations," says PBOT spokesman Dylan Rivera. "Since we have among the most complete data of any city in the United States, we're hoping to provide the public with a full understanding of the opportunities and challenges this new technology presents us with—after we have the data from the full 120-day pilot program."

## **The Portland Mercury**

### **Goodbye Better Naito, We Hardly Knew Ye**

*By Alex Zielinski  
September 4, 2018*

We've reached the tragic time of year when the Portland Bureau of Transportation (PBOT) pulls the plug on that little piece of summertime magic we call Better Naito.

Yup, that one glorious lane of Naito Parkway that's been blocked off to car traffic and turned into a bicycle cycle track (and low-key sidewalk?) since April will turn back into a car lane on September 23. Womp womp.

According to PBOT, Better Naito will return in April 2019. But instead of waiting around for Naito to be best, or for the Portland Business Alliance to DESTROY IT FOREVER, help the city make it permanent. PBOT's considering turning Better Naito into a year-round delight—but it needs your input to make it a reality.

Swing by these upcoming open houses or blast off an email this month to get PBOT's attention.

Thursday, Sept 13, 4 pm at PSU's Karl Miller Center, 615 SW Harrison

Tuesday, Sept 18, 4 pm at OMSI Auditorium, 1945 SE Water

Now go pedal the hell out of Better Naito while you still have the chance.

## **OPB**

### **Ruling Could Have A Big Impact On Anti-Camping Laws In The West**

*By Dirk VanderHart  
September 5, 2018*

The city of Portland will not change how it enforces its anti-camping law, following a sweeping opinion by a federal appeals court on Tuesday that similar rules might violate the constitutional rights of homeless citizens.

Tracy Reeve, attorney for Oregon's largest city, said Wednesday morning her office had reviewed the opinion by the 9th Circuit Court of Appeals, and believes Portland's rule outlawing camping on public property is still legal.

"When the ruling came down yesterday morning we immediately convened a team of lawyers in order to evaluate whether the City's current practices were in conformity with the decision," Reeve wrote in an email to OPB. "We determined that they were."

Meanwhile, advocates for the homeless cheered the ruling, predicting widespread changes in how cities in western states enforce anti-camping rules.

The 9th Circuit opinion puts into force a legal theory that has been argued for more than a decade by attorneys in Oregon and elsewhere. The circuit is comprised of nine states in the western U.S., including the entire West Coast, as well as two territories.

A panel of three appeals judges for the circuit found that a camping ban in the city of Boise could violate Eighth Amendment protections against cruel and unusual punishment if homeless people have no choice but to camp.

“As long as there is no option of sleeping indoors, the government cannot criminalize indigent, homeless people for sleeping outdoors, on public property, on the false premise they had a choice in the matter,” Judge Marsha Berzon wrote in the opinion. Later, she added: “An ordinance violates the Eighth Amendment insofar as it imposes criminal sanctions against homeless individuals for sleeping outdoors, on public property, when no alternative shelter is available to them.”

The ruling was similar to one the appeals court made in a case out of Los Angeles in 2006, but that opinion was vacated under a settlement between the parties. Now the legal precedent is back in force — with potentially large consequences for cities.

“It puts cities on notice that they cannot enforce laws that have this punishing effect on our most vulnerable neighbors when they are simultaneously not providing safe and legal places for people to go,” said Sara Rankin, an associate professor at the Seattle University School of Law. “This decision will force cities to provide sufficient safe and legal places ... for people to be.”

According to a 2017 report from the ACLU of Oregon, more than 25 cities in the state have rules outlawing sleeping or camping in public.

Portland’s law, in particular, has been challenged over the years. In 2000, a Multnomah County judge ruled the ordinance was unconstitutional for the same reason the 9th Circuit ruled against Boise’s law, but the ruling ultimately had little effect.

Then in 2015, a homeless woman named Alexandra Barrett challenged her arrests in Portland in connection with the camping law. Among her arguments was that the law violates her Eighth Amendment rights.

A circuit court judge disagreed, but Barrett’s case is currently before the Oregon Court of Appeals. Attorneys challenging the Portland law in that case planned to file a memo with the court Wednesday highlighting the ruling in the 9th Circuit.

“The 9th Circuit case isn’t binding on the Oregon Court of Appeals, but it is very persuasive, since Boise’s ordinance is so similar to Portland’s,” said Lindsey Burrows, who’s representing Barrett.

But Reeve, the Portland city attorney, contends the recent opinion has no bearing on Portland’s law — largely because of how the city has chosen to interpret the law. She quoted her office’s arguments in the ongoing Barrett case.

“What [the law] prohibits, then, is for a person to set up or remain at a ‘campsite’ on ‘public property or public right of way’ for the purpose of ‘making their home’ or ‘residing’ in that particular place,” Reeve wrote. “It does not prohibit persons from sleeping on public property or public rights-of-way so long as they do not intend to ‘dwell,’ ‘reside,’ or ‘make their home’ in those places.”

Asked to elaborate on the line between sleeping on a sidewalk for several nights and residing there, Reeve declined.

Rankin, the Seattle University law professor, expressed skepticism about Reeve’s reasoning.

“I would challenge anybody to go around in any meaningful way and try to determine person by person, how long that person intends to stay there,” she said.

The wording of the city's ordinance is more simple than the distinction Reeve drew. It outlaws campsites in public, and defines a campsite as "any place where any bedding, sleeping bag, or other sleeping matter, or any stove or fire is placed, established, or maintained, whether or not such place incorporates the use of any tent, lean-to, shack, or any other structure, or any vehicle or part thereof."

Not everyone has reached conclusions as quickly as Reeve's office.

Rod Underhill, the Multnomah County district attorney, said Wednesday his office has seen the new opinion and is "going to begin reviewing it and its potential implications." Underhill's office could not immediately provide stats on how many cases related to illegal camping it has filed in recent years.

The Portland Police Bureau is also aware of the ruling, according to spokesman Sgt. Chris Burley. Burley said a " cursory" search of bureau records turned up just four instances of officers using the law since 2016, but he cautioned that number was potentially unreliable.

"Officers will continue to respond to calls for service regarding illegal activity and livability issues and attempt to work with community partners and identify solutions that place the least amount of focus on enforcement as practical," Burley wrote in an email.

Officials who administer homeless shelters in the city say Portland's sizable unsheltered homeless population — more than 1,600 people according to a recent count — frequently have limited options. The city has around 1,000 year-round shelter beds for homeless adults, with more reserved for families, domestic violence victims and minors.

"By and large, we are full every night," said Denis Theriault, spokesman for the Multnomah County Joint Office of Homeless Services, which funds homeless shelters in the county.

Some cities haven't waited until a court ruling to change their policies.

Vancouver, Washington, has operated under a modified camping ordinance since 2015, not long after the U.S. Department of Justice took the position that homeless people shouldn't be penalized for sleeping outdoors if they had no other choice. According to the city's website, "it is now legal to camp overnight on most publicly-owned property in Vancouver between the hours of 9:30 p.m. and 6:30 a.m."