

The Oregonian

Ted Wheeler: Portland Will Keep Paving the Way for Action on Climate Change

*By Ted Wheeler
October 3, 2018*

I recently returned from the Global Climate Action Summit in San Francisco, where governors, mayors, nonprofits and businesses from around the world committed to policies and action plans for addressing arguably the biggest crisis of our era -- climate change. I am highly optimistic we can make real progress.

I shared ideas with mayors from cities like Honolulu, Los Angeles and Heidelberg, Germany. Like Portland, they are dealing with more intense and frequent wildfires, higher temperatures and storms. The changing climate is pushing already vulnerable communities into crisis situations. Children with asthma are forced to miss school and stay inside due to poor air quality. Day laborers and construction workers must work outside in dangerous temperatures. People without homes are unable to escape the impacts of hotter summers and wetter winters.

While the federal government is actively dismantling important policies to protect people and the environment, cities are taking the lead. I was inspired to see leaders from Paris, New York City, San Francisco and Vancouver, B.C. rolling up their sleeves to create clean and safe transportation systems; make homes and buildings efficient, comfortable and affordable; and ensure more of our energy comes from clean sources like wind and solar. Now, more than ever, cities are best positioned to act on the most pressing issues of our day.

At the summit, I was proud to stand with global leaders and highlight some of the groundbreaking work being done here in Portland. Making the next leap in addressing climate change requires reducing the carbon emissions even more -- with special attention paid to vulnerable and underserved communities. Portland is committed to cutting our food waste in half by 2030. We are also reducing vehicle emissions by adding electric vehicle infrastructure and transit options. And last year, my administration led the way in committing our city to 100-percent renewable energy by 2050.

Portland took the lead on climate action more than 25 years ago when we became the first U.S. city to adopt a climate action plan. Even as our population has grown by 30 percent and our economy by 40 percent, today, each Portlander generates 40 percent fewer carbon emissions on average than they did in 1990. Many of the investments that allowed us to achieve those carbon reductions are the same things that make Portland wonderful: walkable neighborhoods; restored natural areas; and hundreds of miles of bikeways and transit options that make it easy to get around Portland without a car.

We've also seen economic benefits. Portland's government saves more than \$7 million a year on energy costs, and local businesses have saved hundreds of millions with help from Energy Trust of Oregon. Thousands of people are employed in green building and infrastructure, energy efficiency and renewable energy sectors.

I often hear people say that environmental protection and economic growth cannot coexist ... that we can't have both affordability and energy efficiency in housing, transit or other development. Our track record proves we can.

Portland's population boom continues. As we double down on urgent issues of housing affordability, access, inequities and displacement, we must prioritize addressing climate change. The impacts of a changing climate are exacerbating the health and economic challenges we face, most especially for Portland's communities of color and low-income populations.

If anyone can do it, Portland can. Let's show the world how it's done.

Ted Wheeler: Reject Sanctuary State Repeal

By Gordon Friedman

October 3, 2018

Portland Mayor Ted Wheeler on Wednesday endorsed a "no" vote on Measure 105. If adopted, the measure would repeal Oregon's sanctuary state law.

The move by Wheeler is not exactly a surprise, given the mayor's frequent statements in support of immigrants, including those living in Portland illegally.

Wednesday's announcement said Wheeler's "no" endorsement joins those of 15 other Oregon mayors.

Oregon has had a sanctuary state law for decades that prevents local and state law enforcement from arresting people whose only crime is being in the country illegally.

Quake Warning Signs Proposed for Portland's Vulnerable Buildings

By Elliot Njus

October 3, 2018

Portland is poised to require posted warnings on brick buildings vulnerable to collapse in a major earthquake.

The signs would read, in at least 30-point type and on a placard no smaller than 8-by-10 inches: "This is an unreinforced masonry building. Unreinforced masonry buildings may be unsafe in the event of a major earthquake."

Landlords would have to send similar notices to building tenants.

City officials say the signs would help visitors and residents make informed decisions about their risk.

Some owners of the buildings -- among them apartment buildings, music venues, restaurants and storefronts -- say the notices would drive away business, making it harder to afford costly seismic retrofits that could address the risk.

Portland has a stock of 1,600 unreinforced masonry buildings that have stood, on average, almost 90 years.

But the West Coast is overdue for a major quake originating from the Cascadia subduction zone, an offshore fault. The odds of a quake with a magnitude of 8 or greater that affects Portland is about 22 to 26 percent in the next 50 years, said Chris Goldfinger, an Oregon State University professor of geology and geophysics.

When the earthquake hits, Portland potentially faces \$80 billion in building damage, tens of thousands of people wounded or killed and more than 250,000 residents facing long-term displacement, according to a state report released earlier this year.

California has required such signs for 23 years, though a state commission found in 2004 that only 276 unreinforced brick buildings out of 22,000 statewide complied with the law.

The Portland ordinance comes up for a vote next week. Four city commissioners present Wednesday signaled they would approve it. Commissioner Nick Fish was absent.

The city likely won't require building owners to make fixes to help prevent collapse in a major earthquake for at least 20 years, and the council proposed the placards as an interim measure.

But the building owners said the placards would create a stigma that outweighs the actual risk, and that the signs would drive away customers and renters. The cost could force them to sell to developers who could demolish the buildings, they said.

"It's a false narrative designed to deter business, patrons, tenants and buyers while creating insurance and finance roadblocks," said Angie Even, the owner of an unreinforced masonry building in Southeast Portland.

Other owners argued the city's list of vulnerable buildings is inaccurate and that proving a building should be removed would require a costly and invasive inspection.

The city hasn't retrofitted many of its own vulnerable buildings, and if the ordinance is approved, signs would go up in those buildings Jan. 1.

Other properties would have to post the signs by March 1 with the exception of churches and nonprofit organizations, which would have two years to comply.

The city delayed implementation for churches in part because several pastors from predominantly African American churches that meet in unreinforced brick buildings told the council that they hadn't been invited to discussions about the policy. Several asked the city to back off the placarding mandate altogether.

"There's no way in the world my congregation could go out and buy a million-dollar building right now, because we couldn't afford to pay the loan back," said Bishop Marcus Irving of the Albina Christian Life Center. "We're facing an impossible situation."

Homeless Advocates Ask Portland Police to Reduce Homeless Arrests in Divided Debate

*By Molly Harbarger
October 4, 2018*

A group of advocates asked the Portland City Council on Wednesday to take steps to help keep homeless people from the criminal justice system.

The group also presented a petition with nearly 4,000 signatures that called for what advocates said would be a more compassionate, humane way to treat people living on the streets of Portland.

They asked for five things: first responders who aren't police who could offer services; a moratorium on moving homeless people from one place to another all the time; hygiene

infrastructure, such as showers, restrooms and garbage disposal; legal temporary camps on public property; and transparent data collection on police interactions with homeless people.

They also asked officials to apply similar standards to homeless people as to those involved in an occupation outside a federal building earlier this year, when Portland Mayor Ted Wheeler instructed police to not crack down on low-level crimes.

"We are asking the mayor to use discretion again to stop arresting people living on the streets," said petition organizer and Lewis & Clark College professor Elliott Young.

The response was hailed as a kind of victory.

"You may be surprised to hear that I agree with much of that -- in fact, the vast majority -- of what you just said," Wheeler said.

This group was the second in two weeks to flood the public comment section of a city council meeting on the topic of homelessness. Business owners from the Parkrose area called for more stringent policing of homeless people.

Residents have frequently complained about illegal activity by homeless people. Mayor Ted Wheeler responded Wednesday.

Neighbors in Montavilla planned to present their own nearly 5,000-signature petition Wednesday as well, but they didn't sign up for public comment in time, so they decided to wait. Yet, after the meeting, advocates held a protest outside City Hall to push back against it.

Wheeler has stated that he wants to address the concerns from Montavilla and Parkrose -- complaints about trash, needles and human excrement that have been called "livability concerns." But the competing calls to action show that the city is divided over how it wants city and county leaders to address the growing homeless population.

"This isn't really about livability," said Kimberly McCullough, legislative director of American Civil Liberties Union of Oregon, at Wednesday's council meeting. "This is about excluding people experiencing homelessness from the public eye, from neighborhoods, from community."

A MORE COMPASSIONATE RESPONSE

The petition and five requests presented Wednesday grew from an Oregonian/OregonLive report that found that 52 percent of all Portland arrests in 2017 were of homeless people. The vast majority of those arrests were for low-level infractions.

Most often, Portland officers arrested homeless people on property, drug or low-level crimes. The vast majority of the arrests, 84 percent, were for non-violent offenses, the analysis found.

Young and others seized on the data to try to reform how Portland uses its resources to address homelessness.

While Young said he was heartened by Wheeler's response, he said he thought the mayor sidestepped the main issue -- that homeless people are disproportionately arrested.

"What we're saying is we want a real way to solve that problem," Young said after the meeting. "Arresting people is not a real solution to that problem."

Wheeler has said in interviews that he thinks that the data shows there is a problem and that the numbers indicate there is a failure in the way the system operates, but he hasn't identified a solution to reducing the number of homeless people arrested.

An analysis by The Oregonian/OregonLive showed that homeless people accounted for 52 percent of arrests, while making up less than 3 percent of the population.

Street Roots vendor Leo Rhodes said Wednesday that he often faces hassling from police and that there need to be more ways to alleviate the burden of homelessness while he and others wait on long lists for affordable housing.

"The housing issue is great, but that's a long-term goal," Rhodes said. "I am traumatized by all of this stuff. I might not show it, but yeah, I've been victimized."

While Wheeler was sympathetic, he stopped short of saying that homeless people would stop being arrested for low-level crimes.

"I want to tell you that it's current police policy not to arrest people for being homeless," Wheeler said.

A COMPETING PETITION

But he also said that he has tried to parse the difference between being homeless and being a criminal.

It's a motto neighborhood advocacy groups have seized on when they call for more cleanups and police presence in their areas.

Although the city and Multnomah County are devoting unprecedented levels of money and staffing to lessening the effects on homeless and housed people alike, the two groups' coexistence remains uneasy in most neighborhoods where it occurs. Currently, it ranges from a reluctant truce in North Portland's Overlook to a crackdown-induced retreat of homeless from Laurelhurst to a caldron of complaints and mistrust in Lents.

Angela Todd sees herself as an example of many Portland residents. She has appeared in the Living section of The Oregonian/OregonLive for years for her interior design business, but increasingly has moved into the news as the head of a newly minted campaign called Enough is Enough.

The group garnered attention weeks ago for hanging banners off the Interstate 205 overpass on Northeast Glisan Street and has become a symbol to many in the homeless advocacy community of the competing Portlander narrative.

Demonstrators outside City Hall on Wednesday said they were there to protest the Montavilla Initiative, as Todd's organization is called, because they see it as a competing vision for addressing homelessness.

Todd, though, is not sure that's true. She was almost relieved to not have been able to present her petition Wednesday, but said she also wants to reach out to talk to the people protesting her ideas.

She has brought upset Portland residents together with the Portland police union to discuss how the city might better handle calls about homeless people. Police union President Darryl Turner called the city a "cesspool" after news of the high rate of arrests of homeless people.

The union's statement comes in response to remarks the mayor made last week, acknowledging it's a problem that half of the arrests police made last year were of homeless people.

His comments painted a dire picture of a blighted, dangerous city that resonated with many residents who dislike the growing presence of homeless people in their communities.

More than 4,000 people are homeless on a given night in Multnomah County, according to 2017 data. Even as calls for more shelter increase, many neighborhoods push back on plans for new shelters near them.

Todd said her campaign is not to increase arrests of homeless people necessarily, but to make it clear that the city and county have not effectively addressed homelessness yet.

"We're not really helping people. We're just spending a lot of money and upsetting people," Todd said. "I don't know that our initiative with the Enough is Enough campaign is really in contradiction to the concerns of some in the houseless community."

But while she wants more services for homeless people and doesn't think police are the people to deliver those services, her campaign also leaves city leaders to navigate seeming compassionate and responsive to data while appeasing residents who seem more vocal and angry all the time.

"We do believe that people who are committing crimes should be held accountable," Todd said.

ICE Union Seeks Criminal Investigation of Ted Wheeler

By Gordon Friedman

October 3, 2018

The union representing Immigrations and Customs Enforcement employees has asked state and federal officials to open a criminal investigation of Portland Mayor Ted Wheeler over his direction of the police response to ICE protests this summer.

The politically pointed gesture, designed to call attention to Wheeler's stance against immigration enforcement actions, goes as far as to suggest he should temporarily give up his duties as police commissioner.

In letters sent Wednesday to U.S. Attorney General Jeff Sessions and Oregon Attorney General Ellen Rosenblum, the National ICE Council asks officials to probe whether Wheeler committed official misconduct or violated the Constitution by directing Portland police officers not to respond to some calls for service during a lengthy protest the ICE field office in Portland.

Wheeler responded with outrage and faulted the lawyer who wrote the letters, Sean Riddell, for making what Wheeler said was serial misrepresentations of what occurred.

"Make no mistake. They are coming after me because I am a vocal opponent of the administration's policy of separating kids from their parents," Wheeler said in a statement. "Previous claims made by Sean Riddell have fallen apart upon further inspection and these claims, if investigated, will too."

Kristina Edmunson, a spokeswoman for Rosenblum, said her office has received the union's letter and is reviewing it. A spokesman for the U.S. Attorney's Office for the District of Oregon referred questions to the Department of Justice headquarters in Washington, D.C.

In the letters on behalf of the union, Riddell cites Wheeler's public statements and messages sent by a mayoral aide and a Portland Police Bureau captain directing police to respond to the protest only if there were an immediate threat to lives or safety. Riddell served as a deputy Oregon attorney general during Democrat John Kroger's time as attorney general.

Wheeler has said he detests the actions of ICE agents to separate some children and parents facing deportation; his statements drew a personal rebuke from President Trump.

In his statement Wednesday, he added to those criticisms. "Now we know many of these kids will be permanently orphaned as a result," Wheeler said. "That is wrong. I'm outraged by it."

The mayor had also previously responded to Riddell's critiques by saying the city did nothing wrong, arguing Portland's hands-off approach was necessary to protect protesters' free speech rights.

Riddell wrote that Wheeler, as mayor and police commissioner, has a duty to enforce all laws of Portland and the state of Oregon. Riddell said Wheeler did not enforce laws that bar rioting, harassment, disorderly conduct and unlawful camping, according to the letters, first reported by the Portland Tribune and independently obtained by The Oregonian/OregonLive.

During the long protest, demonstrators blocked areas around the ICE field office, located off Southwest Macadam Boulevard. They set up makeshift camps and at times clashed with federal police officers, resulting in arrests. In all, federal police arrested 19 people, mostly for trying to block the entrance to the immigration agency's office or for tearing police tape demarcating the federal property line. Three of them were arrested for allegedly assaulting a federal officer.

Wheeler said at the time that he wanted to allow federal police to enforce laws on the property of the federal immigration office rather than have city police do so.

Riddell said the mayor directed city police not to respond to some calls for service "to advance his own personal political agenda, advance his political career and punish citizens he perceived to hold alternative political beliefs."

According to a state law cited by Riddell, a public servant commits official misconduct if he or she knowingly fails to perform a duty of their office or commits an unauthorized excess of authority with the intent to benefit or harm another person. Prosecutions under the statute are exceedingly rare.

Riddell said that should an investigation be launched, Wheeler ought to temporarily give up his duties as police commissioner.

The Portland Tribune

Host or Hoax? Meet Nadia . . .

By Steve Law

October 2, 2018

She's listing dozens of short-term rentals in Portland via Airbnb, though the city requires hosts to live on-site most of the year. Nadia claims on Airbnb to live in Portland. And in Seattle. And in San Diego.

Nadia's face and name come up a lot for travelers perusing nightly rentals on the Airbnb website.

"Nadia's home is located in Portland, Oregon," she states on the site, where she recently had at least 50 different short-term rentals listed in the city.

One wonders how Nadia fulfills a city requirement that short-term rental hosts live on-site at least nine months a year, especially as Airbnb is crowing that its One Host, One Home initiative booted Portland hosts off its site who were illegally renting multiple properties.

But Nadia can be in a lot of places at once.

Elsewhere on Airbnb's website, Nadia says that she lives in Seattle, and in San Diego.

When some travelers posted reviews of her properties, she invited them to rent some of her 575 other Airbnb sites when they visit Portland, Seattle, San Diego, Los Angeles, Chicago or New York. More than 4,200 travelers have posted such reviews, giving her an average Airbnb host rating of four-and-a-half stars out of five.

Nadia says she speaks English, French and Spanish, and includes an official Airbnb seal of approval noting her ID was verified.

That's curious, because Nadia appears to be a fake.

Nadia's photo posted with her Airbnb listings makes her look like a model, perhaps because she is. The same photo — with her wearing the same outfit — can be found on an unrelated entry on the Pinterest website titled "Becoming a Pretty Girl in High School," and on the Aww Outfits website in a piece titled "100 Pretty Back to School Outfits Ideas," among others.

A Portland Airbnb host discovered Nadia's big footprint on Airbnb when he tried to list a second Airbnb property for a family member, to help pay for steep medical bills. The next day, he said, Airbnb called and said he couldn't do that, because of the One Host, One Home initiative, which the company claims is weeding out commercial, hotel-style uses of the short-term rental platform in Portland.

The host, fearing retribution from Airbnb if he gave his name, wondered how Nadia could get away with listing several hundred properties.

But what he didn't know about is a loophole in the city's short-term rental ordinance. Until recently, neither did city Commissioner Chloe Eudaly, who regulated Airbnb when she oversaw the Portland Bureau of Development Services for 20 months. It turns out that the city's short-term rental ordinance doesn't apply to landlords in commercial-zoned areas, if they file for a relatively routine change in occupancy to allow hotel-style uses in their buildings.

In the past couple years, owners of unfilled downtown apartments and condos are increasingly renting out their vacant units on a nightly basis via Airbnb.

That Airbnb host who analyzed Nadia's listings also tracked the rents she was fetching, and estimated she was grossing \$5,000 to \$7,000 a month for each of her Portland units from June through September.

Airbnb won't talk

Airbnb declined to be interviewed or to respond to questions about Nadia's listings. Instead, it issued a two-sentence statement: "Airbnb is the only short-term rental platform to implement a One Host, One Home policy and as a result, 92 percent of hosts in Portland are sharing just one listing," wrote Airbnb spokeswoman Molly Weedn. "The remainder are sharing listings which are exempt (from) the policy because they are boutique hotels, hosts sharing listings that are rented on a long-term basis or people who are helping a friend or family member share their space as a co-host."

But Nadia's listings in Portland appear to be concentrated in four large condo or apartment buildings, not boutique hotels. And an examination of dozens of Nadia's customer reviews in August revealed they were almost entirely from tourists and other short-term visitors.

Mike Liefeld, a supervising planner for enforcement at the Bureau of Development Services, said some downtown-area condo and apartment complex owners have obtained the necessary building permits to change their terms of occupancy. That frees them from having to meet

requirements of the city's short-term rental ordinance, by legally converting an entire apartment or condo building into a hotel.

They can do that for select floors in a building, or even for a single unit, Liefeld said. The main requirement is installing proper lighting and exit standards required for hotels, but modern apartment and condos often meet those anyway, he said.

So it's possible Nadia isn't violating the city ordinance, if landlords at the buildings she's marketing have obtained the necessary permits.

Not all landlords are doing so. The owner of the Ladd Tower, for one, didn't get the proper permit until neighbors complained and the media reported it.

It's hard to tell if Nadia's Portland listings are legally hotels, because she doesn't use the proper building names to advertise them. They are simply listed as units in the Pearl District Condos, Market Street Condos, Downtown Lux Apartments, and Modern Luxury Apartments. It's impossible to find out the addresses — even for city regulators — until someone plunks down money to rent one of the units.

City backing off

Nadia's story takes on greater significance in the context of the city's long-running negotiations with Airbnb, in which the city is offering to abandon mandatory inspections of hosts' properties. Instead, hosts would get city permits merely by signing up on Airbnb's website and attesting that they meet the city's safety requirements. In exchange, Airbnb would divulge hosts' names and addresses to city regulators.

If Airbnb has truly vetted Nadia's ID, as stated on its website, that raises a question of whether the city can trust Airbnb to register its own hosts.

Commissioner Eudaly is skeptical about the looming deal with Airbnb.

"I have not felt that Airbnb is bargaining with us in good faith," Eudaly said at the Sept. 12 City Council meeting, when she first learned of the loophole in the city's short-term rental ordinance. "They have refused every suggestion that we have put forth to exclude hosts that are not following our rules."

Airbnb may have eliminated some of the illegal commercial listings, she said in a recent interview, but now they appear to be adding more commercial sites that aren't even covered by the city ordinance.

Eudaly refers to apartments and condos being converted to Airbnb rentals as "unattended hotels."

Fake photos

Nadia's name and claim to live in three cities aren't the only seemingly bogus claims on her Airbnb listings. She also posted the wrong photos to identify many of her properties.

A quick scan through hundreds of units she had listed on Sept. 19 showed the same photos being used repeatedly to depict different buildings. One kitchen photo was used to advertise five different units, including one in the Pearl District Condos, one in Los Angeles, and another in San Diego.

Several of Nadia's customer reviews posted in August cited inaccuracies in her listings. The reviews raised questions about whether there really is a person named Nadia or one single individual claiming to be her.

"First, it's not Nadia but a guy named Mo," wrote one reviewer after staying at a Nadia property in Boston.

But another wrote of their stay at a Portland property: "Nadia was great and made sure that we were okay throughout the whole time."

One reviewer criticized the amenities of the Boston unit and called Nadia a "poor host, completely unresponsive. ... There were a few problems with basic amenities, e.g. The kitchen lights did not work, but we were unable to get hold of Nadia to get these sorted out."

Most of her reviews in August were positive, such as this one: "Nadia is such a great host as well, super quick response."

Another wrote, after staying in Portland's Market Street Condos: "Unresponsive hosts: I contacted Eugene about a broken window in the apartment I did not hear back from him. I also contacted Nadia the day I left about leaving my gold framed glasses in the apartment— no response."

City frustrations

Liefeld, the city's chief enforcer of the short-term rental ordinance, said the city's stiffer fines imposed since February 2017 have borne fruit. The bureau has issued 186 citations to hosts violating the short-term rental ordinance, and assessed some \$440,000 in total fines, Liefeld said.

Many of the cited hosts now are complying with the rules, he said, but by no means all of them.

Some merely ignored the fines, which are accumulating as liens against their properties, he told the City Council on Sept. 12.

Some who were operating multiple properties merely switched the listed hosts to other names, he said in a follow-up interview.

"It's just a name change," he said. "They're trying to make it appear that there's not more than one property per host."

Liefeld said it's extremely difficult for the city to enforce the requirement that short-term rental hosts live on-site at least nine months of the year. City inspectors can't keep an eye on who is entering and exiting several thousand short-term rental units each day and night.

Liefeld supports the negotiations with Airbnb, because having the names and addresses of hosts will make city regulation easier.

"What we're forgoing is essentially a safety inspection," Liefeld said. But his bureau can still do random spot checks for safety violations, he said, and continue to investigate sites where there are complaints.

Skewing rental rates

There's another growing controversy over apartment and condo owners using Airbnb to rent out their vacant units.

Mary Sipe, who lives in an affordable unit in the Pearl District, complains that the Block 17 apartment building across the street at 1161 N.W. Overton St. has caused a hubbub of activity. "Everyone in the neighborhood knows they're using it for Airbnb," she told the City Council. "They have people coming night and day with suitcases."

That could be a security issue for apartment tenants in a locked building, Sipe says.

But Sipe and Eudaly are more concerned about the impact on the rental housing market.

A recent wave of development resulted in a glut of higher-end apartments downtown and in the Pearl District. Some landlords are offering two or three months' free rent to sign up new tenants.

But other landlords are turning to Airbnb to fill their empty units. And some fear that's taking hundreds of units off the long-term rental market, reducing the housing supply.

"It's keeping the rents high," Sipe said. Ordinarily, "if your vacancy rates are high, you start lowering your rents." But if landlords turn instead to Airbnb, "that's not going to apply."

Debi Hertert, leader of the Portland-based Host2Host trade group of Airbnb hosts, said Airbnb now is expanding its listings by seeking out boutique hotels and apartment complexes. In Miami and elsewhere, Hertert said, Airbnb is partnering with an apartment developer to build an entire building that will be rented out as short-term rentals.

"We have to figure out what really is Airbnb in our city," says Felisa Hagins, the political director for SEIU Local 49, a union that has lobbied in Salem for renter protections.

Landlord interests at the Capitol have fended off such bills, Hagins said, by arguing that a larger housing supply will let market forces take over and ease rental rates.

"They say the way we deal with the housing crisis in Portland is we build our way out of it," Hagins says. "I don't think it's as simple as that."

ICE Union Wants Oregon, Feds to Investigate Wheeler's Actions During Protests

*By Nick Budnick
October 3, 2018*

Union thinks the Portland mayor committed official misconduct with guidance to Portland police during the 38-day occupation.

The union representing federal Immigration, Customs and Enforcement employees in Portland has asked Oregon Attorney General Ellen Rosenblum and U.S. Attorney General Jeff Sessions to launch an investigation into Portland Mayor Ted Wheeler because of his handling of the summer's OccupyICE protests at the ICE office in Southwest Portland.

Union officials repeatedly accused Wheeler of political bias in allegedly issuing a hands-off directive to police that the union asserts led to unrestrained harassment and abuse of ICE employees. Wheeler could not immediately be reached for comment, but in the past has defended his stance as appropriate discretion to protect protesters' First Amendment rights.

In the Oct. 3 letter to Rosenblum, Sean Riddell, a lawyer for the National ICE Council, called for an investigation into possible official misconduct, a criminal statute reserved for when officials misuse their position. It cited several records indicating Wheeler's philosophical agreement with the protesters led to specific commands to police to not engage with the protesters even when complaints or reports were made.

"If a rank-and-file police officer was presented with an ongoing crime for 30 days and did not take appropriate action that officer would be placed on administrative leave and subject to an internal investigation," the letter said.

[Click here to read ICE letter](#)

A similar letter went to Sessions, calling for a civil rights investigation.

[Click for Sessions letter.](#)

The ICE union also asked that Wheeler give up oversight of the Portland Police Bureau during the investigation.

'Safety of ALL people in the city'

In all, nearly 60 police calls were associated with the protest, which lasted 38 days starting June 17. Of those, 16 led to police reports being written, according to the city.

During the protest, employees of a food cart reported being threatened. Reporters said they were being assaulted or threatened, neighbors complained of feeling unsafe, and ICE employees reported racist insults, according to assorted media coverage.

[Click here for an earlier article.](#)

The union sent Wheeler a July 30 "cease and desist" letter that threatened a lawsuit and complained that its employees were exposed to threats, harassment and "terror and lawlessness." It then followed up with a demand for a change in policy and compensation for each affected ICE employee of \$15,000.

In an Aug. 15 letter to the union, City Attorney Tracy Reeve indicated the city had no formal policy on responding only to immediate threats and that the city is committed to ICE employees' safety. "The city and the mayor are committed to the safety of ALL people in the city, including ICE Council members (as well as documented and undocumented immigrants). The city and the mayor are also committed to protecting property rights and the right of the public to peaceably assemble and exercise their First Amendment rights," Reeve wrote.

"The city (through its police chief and command staff and under the policy direction of the mayor) necessarily needs to exercise discretion in determining how to allocate law enforcement resources in the face of non-violent demonstrations, including non-violent civil disobedience."

Willamette Week

ICE Union Calls For Criminal Investigation of Mayor Ted Wheeler

By Katie Shepherd

October 3, 2018

"As the Mayor and Police Commissioner for the City of Portland, Mr. Wheeler has an inherent obligation to enforce the laws of the State of Oregon and the City of Portland," the union's lawyer writes.

The National ICE Council, the union that represents U.S. Immigration and Customs Enforcement officers, called on state and federal prosecutors to investigate Portland Mayor Ted Wheeler for his approach to policing the 39-day Occupy ICE protest this summer.

In two letters first reported by the Portland Tribune, the union asks the Oregon and U.S. Departments of Justice to investigate Wheeler for official misconduct and alleged civil rights violations related to his directions advising Portland police to only respond to the protest blockade if people's lives were at risk.

"The Mayor's strategic direction is for PPB to not get involved unless lives are in danger," mayoral staffer Berk Nelson texted Assistant Chief Robert

Day on June 21. Several additional conversations between Portland officials indicate Wheeler did not change this instruction until Portland police helped clear the last remnants of the camp on July 25.

"Make no mistake," Wheeler said in a statement responding to the ICE union's call for a criminal investigation. "They are coming after me because I am a vocal opponent of the administration's policy of separating kids from their parents. Now we know many of these kids will be permanently orphaned as a result. That is wrong. I'm outraged by it. Previous claims made by Sean Riddell have fallen apart upon further inspection and these claims, if investigated, will too."

The union claims Wheeler did not enforce several state laws, including ordinances banning riots, disorderly conduct, harassment and a city regulation barring camping on public property.

"As the Mayor and Police Commissioner for the City of Portland, Mr. Wheeler has an inherent obligation to enforce the laws of the State of Oregon and the City of Portland," the letter sent to the Oregon DOJ says. "Mr. Wheeler also has an inherent obligation to not use the Portland Police Bureau to advance his own political agenda, or use his police powers to harm those he believes possess alternative political beliefs."

The union first sent Wheeler a letter in July demanding he retract a policy of keeping Portland police from intervening in protests against ICE.

Wheeler has emphatically denied that his tactical direction constituted a city-wide policy of not responding to ICE officials' calls for service. In response to the first letter sent to his office by Sean Riddell, an attorney for the ICE union, Wheeler rejected the allegation that he had told police not to respond to serious calls.

"I am compelled to respond to your inaccurate and inflammatory letter dated July 30, in which you claim that we have a 'policy of not responding to calls for police services from ICE employees,'" the mayor wrote. "No such policy exists."

A spokeswoman for the Oregon DOJ says the agency received the letter and is reviewing it

The Portland Mercury

ICE Union Calls for a Criminal Investigation into Mayor Wheeler

*By Alex Zielinski
October 3, 2018*

The union representing US Immigration and Customs Enforcement (ICE) employees is asking for a criminal investigation into how Mayor Ted Wheeler addressed Portland's Occupy ICE protests. In letters first published by the Portland Tribune, union lawyer Sean Riddell asks both the Oregon Department of Justice and the US Department of Justice to investigate Wheeler for using his "police powers to harm those he believes possess alternative political beliefs."

Riddell's referring to when Wheeler said he wouldn't be directing Portland police officers to respond to calls at Portland's ICE headquarters—where ICE protesters were holding a rally—"unless lives are in danger."

Riddell alleges that the ICE protest grew after that declaration, and cites protesters blocking employees from leaving their work or accessing their cars.

"The negative impact of Mr. Wheeler's actions on the employees of ICE, local merchants, owners of the surrounding buildings and residents is well documented and undisputed," writes Riddell.

At the time, Wheeler said would differ to any decisions made by Portland Police Bureau (PPB) Chief Danielle Outlaw about the protest—that he was only giving "strategic direction" at the city's police commissioner.

Outlaw later confirmed she had indeed directed PPB officers to "respond to all 911 calls around the Occupy ICE protest" and that she "informed the Federal Protective Service that we would respond to their emergency calls for service if their safety was at risk."

The Federal Protective Service (FPS) called in a number of additional officers from out-of-state to help block off the road in front of the ICE building and stand guard (armed and in riot gear) during the protest's duration.

Riddell says Wheeler should be held accountable for initially directing local police to "not enforce several state and city laws."

"If a rank-and-file police officer was presented with an on-going crime for 30 days and did not take appropriate action that officer would be placed on administrative leave and subject to an internal investigation," Riddell writes.

These letters follow a cease and desist letter sent to Wheeler by Riddell in late July, accusing the mayor of the same offenses. In these newer letters, Riddell says he "hopes" Wheeler will step down as the police commissioner during the requested investigation. Neither the US DOJ nor Oregon Attorney General Ellen Rosenblum's office has responded to these demands.

But Wheeler has. In a media statement issued this afternoon, Wheeler says: "Make no mistake. They are coming after me because I am a vocal opponent of the administration's policy of separating kids from their parents... Previous claims made by Sean Riddell have fallen apart upon further inspection and these claims, if investigated, will too."