

## **The Oregonian**

### **Judge: Unconstitutional For Trump to Keep Funds From Sanctuary Cities Portland, Seattle**

*By Gordon Friedman  
October 25, 2018*

A federal judge has ruled in favor of Portland and Seattle in a case against President Trump's executive order barring sanctuary cities from receiving federal funds.

The ruling Wednesday by Western District of Washington Judge Richard A. Jones follows an opinion from the Ninth U.S. Circuit Court of Appeals in August that rendered unconstitutional a section of Trump's executive order declaring sanctuary cities ineligible for federal grants.

Trump signed the order in Jan. 2017, five days after taking office; the section invalidated by the appeals court attempted to punish local governments that don't cooperate with federal immigration authorities. That ruling applied only to application of the funding ban in San Francisco. At the time of the appeals court ruling, the U.S. Department of Justice called the decision a "victory for criminal aliens."

In Seattle, Jones, a George W. Bush appointee, wrote in his two-page order that attorneys for Portland, Seattle and the federal government agreed ruling in favor of the two Northwest sanctuary cities is "appropriate" in light of the appeals court findings.

"This is a clear victory for the city of Portland and the rule of law," Portland Mayor Ted Wheeler said in a statement Thursday.

The three-member panel of appeals court judges did not invalidate Trump's executive order nationwide, and found a lower court went too far by doing so.

Those judges ruled federal grants may legally be withheld from sanctuary jurisdictions, but only by Congress, not the executive branch. The Seattle judge applied the same rationale in favor of Seattle and Portland.

Portland is a sanctuary city, but that has little effect on law enforcement policy because Oregon has long been a sanctuary state. Oregon voters will decide a Nov. 6 a ballot measure that would repeal the sanctuary state law.

### **Nonprofit Wanted to Know Why Pedestrians Died. Portland Charged \$570 For The Police Reports**

*By Bethany Barnes  
October 25, 2018*

In 2017, pedestrian deaths increased in Portland. A nonprofit wants to know why.

The only way to understand the causes of a crash is to see the police reports. So Oregon Walks filed a public records request for the reports from all 19 crashes that killed people who were walking or using a mobility device in 2017.

Portland is known for its activism. But the pro-safety nonprofit's experience shows how difficult informed civic engagement can be here. The so-called "City that Works" understaffs its police

records division and views providing the public with information as an extra, for which users must pay the full cost, rather than a core public service.

The result is long waits for high prices.

"When these crashes happen, the surrounding neighbors and businesses and churches and schools want to know how the crash happened and why," said Scott Kocher, an activist and lawyer with Oregon Walks. "Historically that information has not been available."

Not being able to quickly get police reports at low or no cost means advocates in Portland are less informed than they should be, he said. Many people want to help the city end traffic violence. And Portland has publicly committed to that goal with its Vision Zero campaign. Activists bring hopes and ideas, he said, but because the city makes access to basic facts so hard, they lack a key component for change: evidence.

"The police reports are the missing link between the limited information that is available right after a crash and the statistical information that comes out a few years down the road," Kocher said. "If you want to know really what the problem is in a particular area where there are a lot of crashes happening, you have to have the police report."

Oregon Walks asked for the police reports with a specific goal in mind: analyze all 19 fatal pedestrian crashes and write a report that activists and the city can use to make Portland safer.

"We're interested in what is in the police reports that doesn't show up in the statistical data, and what isn't in the police reports that perhaps should be," Kocher said. "It can be dark and raining, and people driving have a permissive green light to turn across the crosswalk. That's a signal timing choice. It's so widespread it's not even in the crash data. But it's information we can learn from the police reports."

Despite the fact that getting to the bottom of rising pedestrian deaths aligns with a stated city goal, the Portland Police Bureau didn't agree with Kocher that releasing the reports to the nonprofit for safety-related evaluation would be fully in the public interest.

The Portland Police Bureau asked Kocher to pay \$570 — and told him that price tag, while high, was in fact a deal. The bureau says that is less than half its actual cost to produce those police reports. The reports span dozens of pages. The bureau's standard cost for a 10-page report is \$30, then \$2 per page after that. Those fees netted the bureau more than \$660,000 last year.

"Mr. Kocher indicated that he would post the information on a website for local bicyclists, but did not provide information on how he intended to widely disseminate the information to the public at large," said Jenn Hollandsworth Reed, the manager of the Portland Police Bureau's records division. "Without a demonstrated strong public interest in the release of these records, (the Portland Police Bureau) had to balance the extent to which the fee impedes that public interest with the burden that this would cause (the Portland Police Bureau) and the general public."

That local website for bicyclists is the advocacy news site Bike Portland. The site has been honored by the Society for Professional Journalists, and Willamette Week readers have voted it "Best Local Blog" multiple times. Willamette Week wrote about Bike Portland in 2017, "Bike Portland has been educating, helping and advocating for Portland's bike culture for over a decade now."

Jonathan Maus, publisher of Bike Portland, said the police bureau's decision shows bias, faulty assumptions about his readership and a fundamental misunderstanding of Portland.

"Someone at the police bureau shouldn't be picking and choosing which media outlet is able to get a fee waiver. That's just ridiculous," Maus said. "We have an extremely broad audience."

Kocher said he was put off by the fact that the Portland Police Bureau wanted to haggle over the cost of records he planned to analyze to help the city with its own stated goals.

"It felt like a used car lot. I thought, 'Look if there is ever a public interest for a request, this is it. So why isn't it \$0?'" Kocher said. "I'm not happy about it. But I wasn't going to wait."

The Police Bureau's records process runs counter to one of Vision Zero's central stated missions: Improving cooperation by all city offices.

At her final City Council appearance this summer, Leah Treat, Portland's former Bureau of Transportation director, espoused the importance of urged city bureaus to find new ways to communicate and cooperate to try and reduce traffic fatalities.

That would require buy-in from bureaus that might think they have little to do with transportation and traffic, she said. "If it stays at PBOT," Treat said at her final city council appearance in July, "it's going to have very little success."

Treat described 2017 as "an incredibly tragic year for us."

At the point that police officials approached Kocher about paying to get the police reports, it had been four months since he filed his request, a response time he understood to be expedited, given how backlogged the records unit is.

Hollandsworth Reed said Kocher's long wait is his own fault. Although Kocher had checked that he wanted a fee waiver and written the information was in the public interest because "the purpose of this request is for safe streets advocacy," he didn't answer the follow-up questions the bureau sends every requester who wants a fee waiver. The bureau checked with him months later.

At that point, Kocher answered the questions, but also questioned them.

"Candidly, I am disappointed that four months have passed and the only response from you is asking for more information. Why has it taken so long? The advocacy impact of this project becomes weaker as time passes," Kocher wrote. "While I respect that the city needs some information to determine whether a public interest fee waiver should be allowed, I don't believe the city is entitled to know all of the details of the advocacy work that is planned."

Hollandsworth Reed said it is a mischaracterization of events to state that it took her office four months to respond to Kocher's request.

"Once (the Portland Police Bureau) received necessary information from Mr. Kocher to evaluate his fee waiver request, his request was fulfilled within 24 business days," she said.

In a recent investigation, The Oregonian/OregonLive examined how people who want Portland police records face long waits and high fees. Based on that analysis, it is unclear that the Portland Police Bureau would in fact have acted on Kocher's request sooner if he'd answered the emailed questions right away. The investigation found requesting a fee waiver often tacks on extra time to what is already a long wait.

At present, the Portland Police Bureau tells people who request police reports they should expect to wait six weeks. Its website says a requester may call to check on their request after they've waited 16 weeks.

Michael Cox, chief of staff to Portland's mayor, has said Mayor Ted Wheeler is committed to improving the public records process. This week, after publication of The Oregonian/OregonLive's investigation, the mayor's Twitter account thanked the reporter for the story. Asked for specifics about how the mayor is addressing this issue, Cox said that he and the communications team had held meetings with the Society of Professional Journalists and city officials. Reporters have not been allowed to report on those meetings.

Kocher got 11 reports in March but is still waiting for eight more. Police records officials told him the district attorney's office wants them withheld because investigations into those deaths are still open.

"I hope our report will be thorough, and with the police reports, it can be evidence-based," Kocher said. "Whatever we learn, I think we'll help spread awareness that we have choices about how we want our streets and neighborhoods to be."

## **The Portland Tribune**

### **Business Group Proposes Car-Free Transit Mall**

*By Jim Redden  
October 25, 2018*

**Portland Business Alliance makes proposal in response to transportation project list the City Council will consider on Nov. 14.**

The Portland Business Alliance has proposed eliminating all motor vehicle lanes on the Transit Mall on downtown Portland. The business organization says this would create a safe north-south route for bicyclist along 5th and 6th avenues, where they now compete for space with cars, trucks, TriMet buses and MAX trains.

PBA President and CEO Andrew Hoan made the proposal in an Oct. 22 letter to Commissioner Chloe Eudaly, who is in charge of the Portland Bureau of Transportation. He was responding to a list of 18 projects that PBOT will present to the City Council for funding as part of its Central City in Motion project. Its goal is to increase safety for pedestrians and bicyclists downtown and in inner East Portland.

Hoan presented the proposal as an alternative to a proposed project on the list that would remove motor vehicles on 4th Avenue and Broadway Boulevard to create a north-south route for bicyclists through downtown. Hoan said that could hurt businesses along those street, while many motorists already avoid driving on the Transit Mall because it can be confusing and has no on-street parking.

In his letter, Hoan said, "a car-free transit mall is a plausible alternative that has the support of Portland's evolving business community."

The PBA also opposed removing a northbound lane of motor vehicle traffic on Southwest Naito, as proposed by PBA to create a year-round protected bike lane past Tom McCall Waterfront Park similar to its seasonal Safer Naito. Hoan said the PBA supports a protected bike lane along Naito, however, and suggested it be constructed in the park past the trees that currently line Naito, saying it would "activate the park." A temporary protected bike lane could be created along Naito during summer events, Hoan said.

The letter supported two other projects outright and two more with modifications. It did not comment on the others.

"The Alliance recognizes the critical transportation needs of our region are an inherent workforce issue, and we are eager to collaborate with our members and the Portland Bureau of Transportation (PBOT) to find solutions. With a projected 41 percent increase in jobs in the Central City by 2035, investments in both traditional and alternative modes of transportation are an absolute necessity," Hoan wrote.

PBOT has set aside \$9 million for the projects, which is far less than they would all cost. The proposal to create a "couplet" for bikes on 4th and Broadway would cost \$6.6 million alone.

You can read Hoan's letter at [tinyurl.com/y9dwlo2m](http://tinyurl.com/y9dwlo2m).

You can learn more about the Central City in Motion project at [tinyurl.com/ycjzu723](http://tinyurl.com/ycjzu723).

## **The Portland Mercury**

### **Trump Loses Fight to Keep Federal Funds From Portland Over Sanctuary Status**

*By Alex Zielinski  
October 25, 2018*

Portland is no longer at risk of losing millions in federal grant dollars for refusing to do the work of federal immigration officers.

A Wednesday federal ruling made by a Washington state judge found that neither Seattle nor Portland can be denied federal funding for identifying as a so-called "sanctuary city"—a threat made many moons ago by Donald Trump.

If you recall, five days after Trump slid into the White House he signed an executive order declaring that jurisdictions that "willfully violate Federal law in an attempt to shield aliens from removal from the United States" aren't eligible for federal grants "except as deemed necessary for law enforcement purposes" by federal officials.

Now, nearly two years after Trump signed the order, it's been ruled unconstitutional. To get into specifics, Judge Richard Jones ruled that the executive branch of the federal government is not allowed to deny federal grants. (The legislative branch, however, is allowed to do this.)

This ruling follows a similar decision made in a San Francisco federal court in August, which also overturned Trump's anti-sanctuary order in the city.

"This is a clear victory for the City of Portland and the rule of law," said Portland Mayor Ted Wheeler in a statement. "We will continue to work with our partner cities to protect our residents and build stronger relationships with the immigrant community."

According to city attorneys, Portland did not lose any grant funding through this temporary executive order.

Portland abides by the same sanctuary rules that the state follows—ones dictated in a state ordinance passed 30 years ago.

The 1987 law reads: "No law enforcement agency of the State of Oregon or of any political subdivision of the state shall use agency moneys, equipment or personnel for the purpose of

detecting or apprehending persons whose only violation of law is that they are persons of foreign citizenship present in the United States in violation of federal immigration laws."

On November 6, Oregon voters will decide whether that state sanctuary ordinance should remain intact through a ballot measure. Learn how our editorial board suggests you vote [here](#).