

## The Oregonian

# Portland Mayor Ted Wheeler Eyes 'Jail Alternative' for Mentally Ill, Drug Addicted

*By Gordon Friedman  
December 10, 2018*

Portland officials are in the early stages of exploring whether the city may create a “jail alternative” for people arrested for non-violent misdeeds related to mental health or addiction, newly released public records show.

“The short answer is that I believe the city could create such a space,” Andrea Barraclough, a deputy city attorney, wrote in September to Berk Nelson, a senior adviser to Wheeler.

But there are many restrictions on that kind of facility, Barraclough said. It would need state regulators’ go-ahead and likely would need to follow the same laws as correctional facilities. A person could be held against their will there for only two to five days, she wrote.

Those inmates may be entitled to bail because they are charged with crimes, which could create extra work for the district attorney’s office, Barraclough said. And there are strict laws over the reasons a person may be detained to sober up or recover from a mental health problem and when they must be brought before a judge.

“There are many complexities to creating a facility that involve criminal law, and we would likely want to discuss this idea and get buy-in from the DA’s office,” Barraclough wrote, according to emails provided to The Oregonian in response to a public records request.

The Multnomah County Detention Center is a decidedly unpleasant place for the mentally ill. For example, outside watchdog Disability Rights Oregon last year documented “woefully inadequate” health care at the jail and correctional officers’ pervasive use of solitary confinement and restraints. One jail doctor even told the disability advocates that the jail system was “torturing” mentally ill inmates.

Nelson, the senior aide to Wheeler, said Monday that the mayor’s office, in coordination with Multnomah County, asked for the legal research on a jail alternative because officials want to find mentally ill or drug addicted people a better place to go other than the county lock-up if arrested.

Nelson said he envisions an alternative that could “function as a triage center” so health care professionals could assess people in crisis and connect them to services. That could bring an added bonus of helping police officers focus on responding to service calls, he said.

Nathan Vasquez, a senior deputy district attorney who has coordinated with the mayor’s office, said prosecutors are “very interested” in finding good alternatives to jail for people in crisis. But the proposal from Wheeler’s office is “a rough idea” at this point, Vasquez said.

Portland Mayor Ted Wheeler announced Friday that Portland will no longer charge crime victims for copies of their own police reports after an investigation by The Oregonian/OregonLive found people face high fees and long waits to get them.

Multnomah County officials are “always supportive” of jail alternatives, said Neal Rotman, the county’s deputy director for mental health and addiction services. The problem, Rotman said, is paying for the service.

“The issue you get into is where do you get the \$3 million to \$4 million a year to operate it?” Rotman said.

The idea of a city-run jail-not-jail also gives legal observers pause.

Bobbin Singh, executive director of the Oregon Justice Resource Center, a nonprofit law center that promotes civil rights, said he’s encouraged that city officials are thinking about substitutes to the county jail.

“But when we think about alternatives we need to think about true alternatives and not replicating the criminal justice system,” Singh said.

A better course, he said, would be to promote intervention-like programs that help people in the throes of a drug addiction or mental health breakdown before they end up in trouble with the police.

Sarah Radcliffe, managing attorney at Disability Rights Oregon, said pre-arrest services that give “offramps” from the criminal justice system are best for people in crisis. She cited long-term health care and supportive housing as good examples.

Rotman, the Multnomah County official, said he would welcome Portland’s input – or money – to help expand the county’s mental health programs, which he said are performing well but struggling with limited budgets and high demand.

“I would love to be talking to the city about partnering up,” Rotman said.

It’s unclear if the city proposal for a jail alternative has developed beyond the initial legal advice outlined by the email records. Nelson, the mayoral aide, forwarded the advice to city and county officials, but their response, if any, isn’t indicated in the more than 200 pages of emails released to The Oregonian.

“These are the legal barriers we are facing,” Nelson wrote to the officials when he forwarded the legal memo. “Stay tuned.”

## **African American motorist alleges racial profiling, harassment by Portland police, settles for \$50,000**

*By Maxine Bernstein  
December 10, 2018*

The city of Portland will pay \$50,001 to settle a discrimination lawsuit filed by an African American man who said a Portland officer showed up at his job to talk to his boss after he accused the officer of racially profiling him.

The officer had stopped the man twice within a month in the same vicinity in Southeast Portland.

“For me, it’s not about the monetary value,” said Jamaal Winchester, 39, who filed the suit. “It’s about holding people with authority accountable.”

The first time, on May 31, 2016, Winchester was on his way to work at the U.S. Postal Service and in uniform when Officer Gregory Burn pulled him over near Southeast 50th Avenue and Foster Boulevard. The officer alleged Winchester had invalid registration tags and wasn’t wearing his seat belt in his 2004 GMC Envoy.

Burn wrote out a ticket and told Winchester if he fixed his tags and took a class, the ticket would be dismissed, the suit alleges.

A month later, Burn again pulled Winchester over as Winchester was headed to court to have his ticket dismissed after completing a seat belt safety class. Winchester was leaving work and driving a different car, a Cadillac Escalade, when he was stopped near Southeast 52nd Street and Bush Street on June 28, 2016.

According to the discrimination suit, as the officer approached the driver's window, Burn started laughing and said sarcastically, "What are the chances? One in a million!" Again, Burn cited Winchester for not wearing a seat belt and improper display of registration tags.

Frustrated, Winchester, remarked at the scene, "Might as well just hand me that and say, 'Have a good day (n-word),'" the suit says.

The encounter grew more tense. The officer, who is white, yelled at Winchester for making such a comment, then said he was going to call the judge immediately and advise him not to dismiss Winchester's ticket from the month before.

At one point, Winchester, who was not in his postal service uniform, stepped from his car to try to talk with the officer further, but Burn ordered him back into the car, with his hand on his holster, the suit says.

After both drove away, Burn showed up at Winchester's job and asked to speak to Winchester's boss. The officer told the boss that Winchester was making the Postal Service look bad and claimed Winchester had been "combative and aggressive," the suit says.

Winchester said he had driven back to his office to calm down after the second stop. When he learned the officer had been seen circling the postal office a couple of times before coming in to talk to his boss, Winchester said he felt "surprised, shocked and embarrassed."

"By making false and defamatory statements to Winchester's employer, yelling at him and threatening to improperly influence the legal process to effectuate a stiffer penalty than Winchester would otherwise have had, defendant Burn violated Winchester's right to speak about matters of public concern," Winchester's lawyers Beth Creighton and Michael Rose wrote in the suit.

Winchester ended up paying a \$60 fine for improper display of registration stickers from the first stop and was issued a \$150 fine after the second stop for both improper display of registration stickers and failure to wear a seat belt.

The city admitted the officer made initial remarks about "one in a million," but the officer denied laughing or saying anything in a sarcastic manner. The city also admitted the officer said he was going to contact the judge about Winchester's behavior and that Burn went to Winchester's work.

But the city and Burn, a 14-year bureau veteran, acknowledged no wrongdoing in offering a settlement. Winchester, through his lawyers, accepted the offer on Monday.

"The judgment shall not be construed as an admission of liability nor an admission that plaintiff suffered any damages," Deputy City Attorney Robert Yamachika wrote in the city's offer.

Winchester said he wished the city would acknowledge its officer made a mistake by harassing him at his workplace and speaking to his boss, since Winchester was stopped in his personal vehicle, and wasn't even on the job at the time of his two traffic stops.

In 2017, the city's Independent Police Review Division conducted an investigation, which was forwarded to Burn's boss at the time. Then-Traffic Capt. Mike Crebs exonerated the officer on allegations that he had inappropriately stopped and cited Winchester, noting that Burn was specifically looking for seatbelt violations under a special seatbelt safety grant.

Crebs also did not sustain allegations that Burn acted unprofessionally during the stop or after the stop when he spoke to the motorist's boss, but Crebs suggested a debriefing with the officer.

Burn was among four officers named in another lawsuit settled by the city in 2014 for \$110,000 after a man complained the officers struck him repeatedly and Tased him until he lost consciousness as he was leaving a nightclub in Old Town in 2010.

Winchester earlier this year filed a separate lawsuit in Multnomah County Circuit Court, alleging Walmart had racially profiled him, accusing him of stealing a fishing pole that he had just bought.

## **The Portland Tribune**

### **Report: Rezoning Portland Will Increase Housing, Lower Rents**

*By Jim Redden  
December 11, 2018*

**An economic report released Thursday moves the Residential Infill Project closer to City Council consideration.**

A rezoning plan working its way towards the City Council would result in almost twice as many new homes being built in Portland over the next 20 years, according to an economic report released Thursday.

The new homes would also be far less expensive to rent because they would be much smaller, says the report prepared by Portland-based Johnson Economics.

The Residential Infill Project recommendations are currently being considered by the Planning and Sustainability Commission. In recent months, the commission moved to substantially increase the recommended portion of existing single-family neighborhoods to be rezoned for smaller multifamily projects, like duplexes, triplexes and four-plexes.

The commission originally considered recommending that 60 percent of single-family neighborhoods be rezoned. It has now raised that 96 percent, or almost all of them.

The increase would result in 38,115 new homes being built over the next two decades. That compares to 13,665 new homes under the city's current zoning, the report says.

"You would expect high rates of redevelopment" with the changes, says economist Jerry Johnson, the author of the report.

According to the report, under the city's existing zoning, the majority of new homes built over the next 20 years would be single-family houses that would rent for an average of \$4,159 a month. If the council approves the recommendations, the majority would be duplexes, triplexes and four-plexes, with the average rent being \$1,823 per unit.

"The impact on rental residential pricing was highly significant, with average rents dropping by 56% as compared to the default scenario (current zoning), which reflects a change in unit size as opposed to reduced rents per square foot," the report says.

The numbers do not include the larger multifamily projects expected to be built along major transportation corridors and in designated urban centers including downtown.

The commission is scheduled to be briefed on the report by the Bureau of Planning and Sustainability, which is staffing the project, on Tuesday, Dec. 11. The commission will then hold a work session on the current versions of the recommendations of the project — commonly referred to as RIP — on Feb. 12 of next year. It is expected to vote to approve and send the recommendations to the council on March 12, setting up a series of council sessions and final vote on them over the summer.

The recommendations are controversial because they would rezone 96 percent of Portland's existing single-family neighborhoods to allow up to four multifamily units on most lots. Supporters say the change will encourage the construction of a greater and more affordable range of housing throughout the city. Opponents say the rezoning will change the character of the city's neighborhoods and encourage more existing homes to be demolished and replaced.

The Johnson Economics report predicts a relatively small increase in demolitions if the rezoning happens — from 1,384 to 1,501 over the next 20 years. But the net increase of 24,333 units is much greater because so many multifamily projects will replace them.

Almost all of the new units will be rentals, not owner-occupied homes, however. According to the report, few developer are building condominiums anymore because of liability and insurance issues, which are national concerns.

You can learn more about the project at [www.portlandoregon.gov/bps/67728](http://www.portlandoregon.gov/bps/67728).

## City Hall Update: City to Hire Unarmed Public Safety Officers

*By Jim Redden  
December 11, 2018*

**Plus, a major Southeast paving project is finished and a public civic engagement survey is underway.**

The City Council unanimously approved the hiring of 12 unarmed police public safety officers on Wednesday.

The Public Safety Support Specialists — also known as PS3s — assist police officers on nonemergency calls, like traffic accidents with no injuries, follow up on property crimes where there is no suspect information, help in searches for missing people, and write reports. They will carry mace but not firearms.

Mayor Ted Wheeler originally persuaded the council to pay for the positions with money saved from eliminating the Mounted Patrol Unit, otherwise known as the horse patrol, last year. Their duties were negotiated with the police union.

**Major Southeast paving project finished**

Transportation Commissioner Chloe Eudaly and interim Portland Bureau of Transportation Director Chris Warner celebrated the completion of the Southeast 50th Paving Project with a ribbon-cutting ceremony last Thursday morning.

The project repaved and upgraded Southeast 50th Avenue from Division Street to Hawthorne Boulevard. Work included bringing all street corners up to current American with Disabilities Act standards and removing 109-year-old trolley tracks that were beneath the southbound lane.

The project was part of the Fixing Our Streets program funded by the city's temporary 10-cent-a-gallon gas tax. It will invest over \$50 million in street maintenance and repair projects next year.

To learn more and see a complete list of program projects, go to: [fixingourstreets.com](http://fixingourstreets.com)

### **Civic engagement survey underway**

The Office of Community & Civic Life is conducting an online survey on how civic engagement in Portland can better reflect the many ways communities interact with city government.

The survey includes open-ended questions on interests and needs and multiple choice questions on such things as activities over the past year, like voting. Optional demographic questions also are included.

The office formerly was known as the Office of Neighborhood Involvement. To learn more and take the survey, visit: [surveymonkey.com/r/bureaupartners](http://surveymonkey.com/r/bureaupartners)

## **Willamette Week**

### **ICE Union Files Notice of Intent to Sue City Of Portland Over This Summer's Occupy ICE Protests**

*By Katie Shepherd  
December 10, 2018*

**"Mr. Wheeler 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 notice says.**

The National ICE Council, the labor union that represents federal officials who work for U.S. Immigration and Customs Enforcement, filed a notice Monday of its intent to sue the City of Portland.

The tort claim notice says the union reserves its right to sue the city for "violations of their State and Federal Constitutional Rights."

The letter, written by lawyer Sean Riddell, alleges that Mayor Ted Wheeler wrongly ordered Portland police to stand down as a protest camp blockaded a federal building in Southwest Portland.

Protesters blocked employees' access to the building for several days, managing to temporarily shut it down in late June. Wheeler initially said Portland police would not get involved in the protest unless there were risks to peoples' lives or safety. On June 28, federal officers moved protesters back and secured a police line around the building. A spokesman for the Federal Protective Services described the protest as "very, very peaceful" at that point.

A few short skirmishes unfolded between protesters and FPS officers over the next month.

The protest camp lasted from June 17 to July 25, when Portland Police finally swept the remains of a near-empty tent city.

The ICE union has argued that police declined to respond to some calls for service and that refusing to do so violated the federal officials' civil rights. Wheeler has rejected that assertion.

Today's notice repeats that claim.

"Mr. Wheeler 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," today's notice says.

A spokeswoman for Wheeler's office says the city cannot comment on pending litigation.