

The Oregonian

Editorial Peak: No Fees for Crime Victims? Nicely Done, Mayor Wheeler. Now Cut Wait Times

*By The Oregonian Editorial Board
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Portland Mayor Ted Wheeler made a commendable move forward last week announcing that as of Jan. 1, [Portland Police will no longer charge crime victims for a copy of their police report](#).

His was a solid step toward better transparency and public service in a bureau that's struggled on both fronts, especially when it comes to releasing police records. The bureau had been charging victims \$30 to request records, as was reported [in an investigation by The Oregonian/OregonLive's Bethany Barnes in late October](#). When police officials would finally release documents, they'd tack on an additional \$2 per page if reports were more than 10 pages long. In contrast, the similarly sized Seattle Police Department charges just \$1 for police reports, and waives the fee for crime victims.

But Wheeler isn't quite done.

Along with charging excessive fees, Portland police have taken at least three months – and as many as six -- to release police reports. That's a ridiculously long time for crime victims, many who can't find justice or relief without the documentation that they have a right to hold.

Wheeler's staff said last week that he's preparing a budget that will include money to add staff to the police records unit and "seek efficiencies," according to a report by Barnes and reporter Gordon Friedman. That's good, but it's not terribly reassuring. As Barnes noted in the original October report, the records unit had three open positions at the time despite recognizing increasing delays in providing public records in 2016.

The Portland Police Bureau isn't alone in its deep-seated culture of treating records requests as a low-priority annoyance rather than a public obligation mandated by law. [A recent study](#) found Oregonians face high fees and long waits from government agencies big and small across the state.

So it's a good start that the mayor issued a clear directive eliminating fees for crime victims seeking police reports. Now Wheeler must follow up with Portland Police leaders to create equally distinct timelines and priorities if -- as he said last week -- he truly hopes to repair the public's faith and trust in government.

Portland Economy Holding Strong, but Recession Would Jolt City Budget

*By Gordon Friedman
December 11, 2018*

Officials delivered a mixed forecast for Portland's government and economy Tuesday, applauding the bullish business conditions that have defined the city for years but warning that a mild recession would spell what they characterized as a disaster for the city budget.

Portland is growing quickly, residents' median incomes are rising and economic conditions are likely to remain strong for the next 12 to 18 months, said city economist Josh Harwood.

Portland's largest single source of revenue, property taxes, is steady and reliable. But the city's heavy reliance on hotel taxes and a local business income tax to fund city services leaves it greatly exposed to even a slight economic downturn, Harwood said.

Those taxes comprise 24 percent of the city's \$681 million general fund, a mostly discretionary fund that pays in large part for police, fire and parks services. The total 2018-19 budget, by contrast, is \$5.15 billion.

FOREBODING ECONOMIC SIGNS

Whenever the next recession inevitably strikes, revenues will fall, forcing government officials to make significant cuts – constraints that would likely cause the city to eliminate some services altogether. A minor recession, for example, could necessitate upwards of \$40 million in cuts to the city budget.

“We’re talking about stopping programs,” Harwood told Mayor Ted Wheeler and the city commissioners. “It’s not going to be picking at edges.”

Though the Portland economy is strong, it is also showing the first signs of slowing down.

The construction boom is expected to subside in the next two years, as indicated by a decrease in building permit applications. Rising interest rates and inflation foretell a cooling housing market, Harwood said. And, he said, landlords are increasingly offering big giveaways to potential renters – such as months of free rent or other subsidies – a signal that Portland's cutthroat rental housing market is easing.

BUREAU PROGRAMS MEASURED

Budget officials on Tuesday also presented to the mayor and commissioners their performance evaluation for city bureaus during the prior year.

The report, which focused on housing, policing and eco-friendly practices, offered mixed results.

Officials increased the scope of their work to tamp down Portland's housing emergency, the report said. More people than ever are being served by the city as a result, and there are hundreds more affordable units available than in previous years.

But officials at the Joint Office of Homeless Services and Portland Housing Bureau have struggled to connect all the data necessary to make informed decisions. And the two agencies lack “specific, measurable goals,” the report said. A spokesman for the Joint Office said it does have specific goals, which have been presented to city and county leaders, and has exceeded them.

The report also found that the rate of property crime in Portland has increased significantly in the last two years, as have the number of calls for police service. Officer response times have slowed during that period and spending on police overtime continues to increase, rising to \$11.6 million in 2017, up from \$6 million four years prior.

Portland has also “stagnated” on its goals to reduce carbon dioxide gas emissions, the report said. Transportation-related emissions this year increased for the first time in a decade, as slightly fewer people opted to walk, bike or take public transit to work.

Willamette Week

Portland's Draft Non-Disclosure Agreement Would Have Barred Reporters From Repeating A Laundry List Of Information

*By Katie Shepherd
December 11, 2018*

No reporters signed the NDA to gain access to the police command center.

A non-disclosure agreement drafted by Portland city officials for select media invited to observe police command staff during a protest would have barred reporters from sharing direct quotes without explicit permission.

The NDA, obtained by WW via a public records request, also restricts writing about any conversations between the city's lawyers and police.

After Mayor Ted Wheeler's communications team asked the Portland Police Bureau to allow reporters into its nerve center, the bureau worked with the City Attorney's Office to draft a non-disclosure agreement that would have significantly restricted reporters invited to observe the Incident Command Post during a Nov. 17 protest.

The mayor's office offered access to the command post to selected reporters to observe police command staff on Nov. 17 during a tiny "Him Too" protest organized by a far-right activist and a larger anti-fascist counter-demonstration.

The invitation came on the heels of Wheeler's failure to pass an ordinance that would have given police more authority to keep protest groups with a history of violence apart.

Reporters were asked to agree to several restrictions.

"Direct quotes of the assigned employee or any other member interviewed or conversed with are Confidential unless the assigned employee otherwise consents to and authorizes publication of their direct quote," the document says.

The contract also defined "confidential information" in broad terms: "any information disclosed by a PPB member to the Applicant, directly or indirectly, inadvertently or intentionally, in writing, orally, or by inspection of tangible objects (including, but not limited to, documents, prototypes, samples, and equipment), which is designated by stamp as "Confidential," "Proprietary," or which a PPB member states is confidential, or which is protected as confidential by Oregon Public Records laws or attorney-client privilege."

The proposed agreement goes on to list other information as off limits, including names and other personal details about crime victims, suspects, informants and undercover officers. There was no formal process to appeal the restrictions of the NDA if a reporter thought it had been applied improperly, though the city says the reporters could have had informal discussions about that.

A staff attorney for the American Civil Liberties Union says the mayor's intentions appear honorable.

"The goal of the mayor's office was providing public access to a system that perhaps has not been very public in the past and that is a very laudable goal," says Vera Eidelman, staff attorney

with ACLU's speech, privacy and technology project. "The problem is when the details of how they try to do it results in no meaningful access at all."

Eidelman says the NDA's language was broad and ambiguous, which could lead to excessive self-censorship that the government didn't intend: "They basically chill much more speech than could actually be prevented post-publication."

Eidelman says for prior restraints to be constitutional, they must use "narrow, objective and definite standards that guide the government in deciding whether or not the speech can be spoken." She also says the government needs to set up a clear procedure to challenge the restraints on speech to "minimize the dangers of a censorship system."

The Police Bureau says it needed to protect federally-regulated data that includes peoples' names, birthdates, addresses and other personal information.

The Police Bureau has used an NDA at least once in the recent past.

A reporter for The Oregonian signed an agreement in October to gain behind-the-scenes access to the records division of the Portland Police Bureau for a story exposing the agency's slow response to public records requests. That NDA narrowly restricted the reporter from publishing confidential information handled by the records division, like personal details about crime victims, which is exempt from public disclosure.

"This was something we agreed to in order to allow a reporter to carry through on a reporting request she made, not as part of the city making an offer to orchestrate coverage for us," says Oregonian editor Betsy Hammond. "We would never agree, and did not, to the sort of NDA the bureau offered with regards to observing in the command center during a protest."

A PPB spokesman had no knowledge of other reporters shadowing a division of the bureau—like the Records Division—that accesses protected, confidential information that would have prompted the city to ask for an NDA. The bureau has, however, considered asking journalists to sign NDAs to enter parts of a police building that might house protected information.

The NDA for the Nov. 17 protest was drafted for a hand-picked set of reporters from KGW, The Oregonian and the Portland Tribune. All of the publications declined the offer, citing scheduling conflicts and concerns about the city's terms for access.

"We hear the concerns and hope media sees from our office it was about increasing access," says Sophia June, a spokeswoman for Wheeler's office. "We'll continue to do that no matter what."

Portland's Mayor and Police Asked Reporters to Agree to Strict Rules in Exchange for Behind-the-Scenes Access

*By Katie Shepherd
December 12, 2018*

Here's why that matters

Last month, Mayor Ted Wheeler and the Portland Police Bureau offered reporters behind-the-scenes access to the city's police incident command center during a far-right protest planned for Nov. 17.

But to gain exclusive access, the hand-selected journalists would have to sign a nondisclosure agreement that controlled what they could and could not report from inside the police nerve

center. WW first reported on those ground rules, and has now obtained that document via a public records request.

What were reporters invited to see?

At the urging of Wheeler's office, the Police Bureau arranged to allow reporters from three local news outlets to sit inside the room where commanding officers made decisions about how to police a protest that had potential to turn violent. The mayor's staff says he wants to create more opportunities for reporters to observe the police at work. But the Police Bureau and City Attorney's Office had concerns about protecting highly confidential and sensitive information the reporters might observe inside the room.

What did the reporters have to agree to?

The city's nondisclosure agreement barred the journalists from reporting information about undercover officers and informants as well as personal information like names, birthdays and addresses that might appear in police records used in the command center. Reporters were also prohibited from repeating anything an officer said was "confidential." It required a reporter to get permission before quoting anyone inside the incident command post. The Police Bureau says its goal was to protect information governed by federal confidentiality rules.

What happened?

All three outlets—The Oregonian, the Portland Tribune and KGW-TV—declined the invitation, for various reasons. The mayor's office says it reconsidered its approach after the newspapers and TV station refused to participate under the city's terms. "We hear the concerns and hope media sees from our office it was about increasing access," says Sophia June, a spokeswoman for Wheeler's office. "We'll continue to do that no matter what."

Why does it matter?

The mayor's office and the Police Bureau were trying to counteract criticism from the right and left about how riot cops decide whether to wade into protests. But they did so by asking reporters to sign an NDA—a new tactic in Portland, and one that raised questions about City Hall's commitment to transparency. "The problem is when the details of how they try to do it results in no meaningful access at all," says Vera Eidelman, staff attorney with the ACLU's speech, privacy and technology project.

Portland Is Poised to Spend Tourist Dollars to House the Homeless

*By Rachel Monahan
December 12, 2018*

That's thanks to an innovative new tax deal championed by Multnomah County Chairwoman Deborah Kafoury.

For years, tourists visiting Portland have gazed at the familiar sights of downtown: Powell's City of Books, Voodoo Doughnut, and people sleeping on the sidewalk.

Soon, when those visitors check into their hotel rooms, they will help pay to put roofs over the heads of the most vulnerable Portlanders.

That's thanks to an innovative new tax deal championed by Multnomah County Chairwoman Deborah Kafoury.

For the past 17 years, a 2.5 percent tax on rental cars and hotel rooms in the county has been used to fund an expansion of the Oregon Convention Center, to finance a Convention Center hotel, and to provide marketing dollars to Travel Portland, the nonprofit whose job it is to attract tourists.

The annual revenues from those taxes have increased rapidly: The total now stands at \$21 million a year. That matches a hotel construction boom across the city as tourists flock to Portland ("Locals' Guide to Luxury Hotels," WW, Aug. 29, 2018).

Last week, WW learned that three local governments—City Hall, Multnomah County and Metro—were nearing a deal to expand the use of those funds.

The agreement would also set aside future tax revenue for new acoustics at Arlene Schnitzer Concert Hall (which would be matched with private dollars), as well as authorize \$40 million in bonds for Veterans Memorial Coliseum and \$40 million in bonds for the five Portland Centers for the Arts downtown, including the Schnitz.

But the most significant piece of the deal is the plan to take \$5.25 million a year from that tax revenue and give it to the Joint Office of Homeless Services. The agreement is the result of more than a year of negotiations between local officials and Travel Portland.

WW has learned the agreement remains uncertain, even as Mayor Ted Wheeler—who has been pushing for the deal—takes it to a Dec. 12 vote of the Portland City Council. That's because of a difference of opinion that pits Kafoury against hotel owners as well as her counterparts at City Hall and Metro. Negotiations were ongoing at press time.

While most of the spending in the agreement is viewed as traditional uses of the lodging tax, Kafoury has been particularly interested in the unconventional use of the funds to increase spending on homelessness, arguing that it should be a concern for people in the tourism industry.

That's something most hoteliers would agree with.

For much of the year, Portland hotel managers have complained to City Hall and Multnomah County about people sleeping on the sidewalks outside their concierge desks.

"Like many other general managers in Portland, I have not seen any improvement in the homelessness problem in the center city," wrote Jean-Marc Jalbert, general manager of the Nines Hotel, in a letter to elected officials Sept. 6. "Quite the contrary, we have noticed a worsening of the situation. The increased homelessness situation is now spiraling out of control in Portland City Center."

Jeff Miller, executive director of Travel Portland, says that frustration is widely felt among hoteliers.

"The tourism community feels the effects of—we don't call it 'homelessness'—people with bad street behavior," says Miller. "We've been at the table with this negotiation and have agreed to what is a really large number out of [the lodging tax]."

While Travel Portland is willing to share taxes with homeless efforts, the negotiations stalled over concerns about what will happen when the tourism boom ends.

Kafoury wanted the \$5.25 million protected from any industry pressure to cut it if lodging tax revenue declines.

"The public recently stepped up and said getting people off the streets and into housing was a top priority when they passed a \$652.8 million housing bond," says Kafoury. "All I'm asking is for the city and Metro to do the same."

One reason the governments want the funding for homelessness to be locked into the deal? They need the money to fulfill a promise they made to voters last fall.

When voters passed the housing bond in November, they did so in part because Metro committed to making 1,600 units affordable to people in the lowest income bracket—a family of four making less than \$24,420 a year or an individual making less than \$17,100.

But the bond didn't actually provide all the funding needed to do that in Multnomah County. And the new deal with hoteliers could fill the gap.

City and Metro officials say they're ready to reach a deal.

"The money for the visitors fund can help us deliver on long-envisioned improvements to Veterans Memorial Coliseum and our other arts facilities," says Wheeler chief of staff Michael Cox. "That's what the fund was created for. We can also secure perhaps more than \$50 million in new funding for supportive housing. That will pave the way for further partnership to meet the need."

Regardless, the sum of money being negotiated this week is a pittance compared with official estimates of how much public investment is needed to address housing and homelessness in Portland. To serve the projected population of chronically homeless people, the city and county have estimated they will need at least \$640 million over the next 10 years to pay for housing and services like mental health and addiction treatment.

Discussions of how to find that money are just getting started. The county will lead an effort to identify sources of funding and build support.

And advocates for more funding of supportive housing—that is, housing that comes with social services—are expected to ask voters directly for more money, with a ballot measure as soon as 2020, a county source says.

That in turn could set off another political fight. Metro passed its housing bond last November. It's planning to take a transportation package to voters in 2020—which would make for a ballot glutted with tax measures.

But for now, the county is fighting over who will have a say in what happens if tourism dollars grow scarce.

"To me this just being opportunistic in the best sense of the word," says City Commissioner Nick Fish. "It's new money, it helps us fill a gap, and it serves the most vulnerable people in our community. I would be extremely disappointed if we couldn't close this out and reach an agreement."