

## **The Oregonian**

### **Editorial: Jo Ann Hardesty's Council of One**

*The Oregonian Editorial Board*

*February 2, 2019*

Time will tell whether Portland City Commissioner Jo Ann Hardesty's power grab on Thursday portends a recurring problem or amounts to a rookie mistake for the city's newest council member.

But Hardesty's decision to sabotage a new ordinance requiring owners of unreinforced brick buildings to post signs alerting the public to seismic hazards reflects terrible judgment regardless. Hardesty, who serves as the commissioner in charge of the Portland Fire Bureau, said Thursday that she has directed inspectors to simply not enforce the ordinance, which has generated blowback by owners fearful of the financial impacts of posting such signs. By refusing to enforce the ordinance, Hardesty has decided that her opinion alone – not a decision by the City Council – is the only thing that matters. Hardesty should reverse herself and recognize that such actions diminish her own credibility and undermine the legitimacy of the council as a whole.

Certainly, it's fair for Hardesty to point out concerns with the ordinance that many have expressed – including the Portland chapter of the NAACP, of which she previously served as president. Owners understandably fear how their business will be affected, decry the lack of public funding for retrofit financing and worry that such information will result in some owners just selling their property.

But she should also recognize the research, thought and consideration that city commissioners already devoted to this issue when they passed it 3-0 months before she joined the council. The ordinance smartly delays the effective date for different groups of building owners to give them and the program time to adjust. The information that these buildings are unsafe in an earthquake isn't new – it's already listed in a database that is publicly available, provided people know to find it on the Bureau of Development Services website. Many of the claims about potential consequences of a placard are overblown. But most important, there is a fundamental public interest in informing customers, employees, congregants and tenants that the buildings in which they visit, worship or live would likely collapse in a major earthquake. Hiding such information helps no one and does nothing to change Portland's collective denial that a major earthquake is long overdue.

Hardesty didn't have to unilaterally suspend enforcement. Rather, she could have brought the matter to council for further consideration. But "I was elected to lead," she told *The Oregonian/OregonLive Editorial Board*. Leadership, however, involves lighting the way for others to achieve a common goal. This is acting as a one-person roadblock.

But this problem of commissioners acting beyond the scope of their role isn't limited to just Hardesty. It's endemic to our form of city government, in which the mayor and four commissioners serve dual roles as legislators who set policy and executives who manage their assigned city bureaus.

A single elected official should not be able to hijack the will of the other four by simply ignoring decisions with which they disagree. And that power cuts five ways.

Hardesty wants to pull Portland Police out of the FBI's Joint Terrorism Task Force and is seeking a vote by City Council later this month. But Mayor Ted Wheeler oversees the police

bureau. If a majority vote to withdraw, would he be justified in ignoring a council decision? Hardesty said she would “strongly object” and that Wheeler would have to answer to the community. But she also said that as head of the police bureau, Wheeler would have such authority. For the good of the city, Portland bureaus should not be set up as fiefdoms, but Hardesty seems fully comfortable with such an approach.

It’s unclear what consequences Hardesty’s action will have on the ordinance. The Bureau of Development Services, led by Wheeler, also has authority for enforcement and is looking at how to respond, a spokesman said.

But the decision will likely carry consequences for Hardesty who, in one fell swoop, revealed a lack of respect for the decisions made by her colleagues after a public process, public testimony and public vote. She would do well to recognize that achieving her goals will require the collaboration and trust of her fellow commissioners – trust that comes when you accept the legitimacy of council decisions, even when you disagree.

Portland voters should recognize this incident as one more data point – among many – showing that we must change our city form of government. For example, a non-elected city manager, who answers to the City Council as a whole, would be responsible for carrying out City Council policies. That could be the one good consequence coming out of a bad decision.

## **Portland Expects Up To \$3.5 Million From Unique CEO Tax**

*By Mike Rogoway  
February 2, 2019*

Portland expects the city’s unusual tax on companies with high-paid chief executives will bring in between \$2.5 million and \$3.5 million in its first year, in line with forecasts from when the city approved the law.

Last year was the first Portland’s unique tax was in effect, capitalizing on new federal regulations that require companies to disclose the ratio between what their CEOs make and median employee pay.

Portland won’t disclose how much individual companies have paid under the tax, citing taxpayer privacy protections. And nearly 100 companies have sought extensions while they adjust to the new taxes.

But city revenue director Thomas Lannom offers some general information based on 153 companies that have acknowledged tax liability so far:

- Those companies owe \$2.4 million altogether, of which \$2.2 million has been collected already.
- The 10 largest taxpayers paid more than half that total, \$1.3 million altogether.
- The average payment was \$15,800.
- The median payment was \$3,900. (The median is the taxpayer halfway between the largest and smallest bill.)
- The highest CEO-to-worker pay ratio among reporting companies is 3,431 to 1. Portland did not identify that company, but retail chain Abercrombie & Fitch reported that is the ratio of CEO Fran Horowitz’s pay relative to the company’s median employee.

- Even if the tax hits the top end of Portland’s forecast range, \$3.5 million is a tiny share of the city’s \$621 million general fund -- 0.6 percent, to be precise.

What does that buy in Portland? Well, it’s on par with one category of spending increase this year dedicated to “enhancing livability.” Or it’s equivalent to the salaries (but not the benefits or overhead) of at least 31 police officers. It’s roughly what city bureaus spend on vehicle fuel each year.

“It’s nice to have the money but the ultimate goal was not to raise money but get a precedent other jurisdictions would follow,” said Steve Novick, the former Portland city councilmember who pushed his colleagues to approve the tax in 2016.

By that measure the city hasn’t achieved its goal. Portland was one of several jurisdictions that considered such a tax but the only one to adopt it – and nowhere else has in the intervening years.

The CEO tax levies a surcharge on top of the city’s regular business tax, applicable to any company operating in Portland – whether or not its headquarters are here.

Portland’s tax levies a 10 percent tax surcharge on companies with that pay their CEOs 100 to 250 times more than the median worker. Companies with a CEO pay ratio above 250 times must pay a 25 percent surcharge.

The Portland Business Alliance argued strenuously against the tax back in 2016, arguing it would have no effect on income inequality. Columbia Sportswear was also critical, arguing that the methodology used to calculate the pay ratios is highly subjective, making it unfair for assessing tax liability.

Novick, who lost his 2016 re-election campaign, now works for the Oregon Department of Justice. Speaking for himself, and not his current employer, Novick said he continues to hope the tax will call attention to income inequality.

“The fact that we have these huge CEO pay ratios is both a symptom and a cause of the fact that we have an economic oligarchy in the United States,” Novick said.

Publicly traded companies were first required to report CEO ratios in 2018, covering their 2017 financial results. Among Oregon-based companies, 2017 ratios ranged from 379-1 (Nike) to 28-1 (NW Natural.) Companies will begin reporting last year’s pay ratios in the coming weeks.

Executive pay is creating a new class of super wealthy, Novick argued, distorting executive pay and economic power while diverting corporate resources that could be used to raise the wages of the lowest paid.

There is no evidence Portland’s tax has constrained executive salaries – on Thursday, Intel announced it will pay new CEO Bob Swan more than \$20 million a year, plus a \$13 million signing bonus.

Still, Novick said he holds out hope Portland’s law may yet gain traction elsewhere and that similar proposals could gain currency with the Democratic presidential candidates’ corporate accountability measures.

“This is not just about redistributing wealth and income,” Novick said. “This is about a threat to democracy.”

# Portland's Central Eastside Businesses Want 'Crime and Grime' Cleaned Up

*By Gordon Friedman*

*February 1, 2019*

Redevelopment of Portland's Central Eastside transformed it from gritty industrial district to thriving retail, dining and entertainment hub in recent years.

But entrepreneurs there say increasing "crime and grime" have spurred them to propose a multimillion-dollar effort to patrol Central Eastside streets, remove graffiti, conduct extra garbage pickup and redirect homeless people to social services.

Portland already has two similar programs, called enhanced service districts, in the downtown core and the Lloyd District.

In those areas, unarmed security officers patrol the area on foot or by bike to monitor goings-on, with eyes out for aggressive panhandling, public drinking or suspected drug deals. Security officers have direct radio contact with Portland police officers to enable rapid police response to suspected illegal activity. Also there are roving trash collectors who remove tons of garbage and thousands of hypodermic needles.

The Portland City Council is slated to approve creation of the Central Eastside district Wednesday. If it does, the city would begin assessing a fee on businesses between Interstate 84 and the Ross Island Bridge and the Willamette River to Southeast 12th Avenue to pay for the new services.

In materials provided to the council, proponents of the district said it is needed in part because of what they say was a "64 percent increase in crimes against people and property in the past year."

"To shape Central Eastside's future and ensure its economic prosperity, we must take advantage of new tools to clean, beautify, promote and secure our district," wrote the Central Eastside Industrial Council.

The business group said its steering committee has held dozens of outreach sessions to solicit community input and met with more than 200 property owners for feedback.

To test their ideas, Central Eastside entrepreneurs launched three pilot projects last year: a garbage collection program providing jobs to the homeless, a rush-hour shuttle along Southeast Water Avenue, and a security team that documented more than 800 instances of graffiti. The test-runs were successful, the Industrial Council said.

## **The Portland Tribune**

### **Victim of Car Theft in Oregon? Get Ready to Pay \$\$\$**

*By Dan Tilkin*

*February 3, 2019*

**Portland's mayor Ted Wheeler proposing new rules to give owners a chance to avoid tow fees.**

Trying to recover a stolen car can be a nightmare for an owner, KOIN 6 News reports.

On top of the trauma inflicted by the actual theft, owners of cars that are found are still on the hook to bail their vehicles out of towing company lots — and the fees can be steep.

Lynda Drumm had her car stolen in August of 2018. The 1995 Honda Accord vanished from where it had been parked in front of her apartment in Hillsboro.

Drumm, thinking her Honda was gone for good, ended up buying another used car.

But she got a letter in December, explaining that her stolen car had been found and a tow company had hauled it to its lot.

Drumm went to the lot to retrieve her vehicle. But she was in for another shock.

"By the time we got there, it was like almost \$700 and right now it's clear up to like a thousand-something dollars," Drumm told KOIN 6 News.

She said the tow company told her that she could release the car's title so the company could sell it. Whatever it sold for would be deducted from what she owed in fees.

The problem was, Drumm couldn't find the car's title. She said she went through the process of getting a new title issued, but was still waiting on paperwork.

Meanwhile, the tow lot fees kept stacking up.

Drumm said she doesn't have that kind of money to pay the full fee and, even if she did, she'd put it toward her grandson's education.

After several failed attempts to negotiate a lower bill, the tow company did eventually drop the bill from \$1,150 to \$670.

Her daughter, Cassandra Stutzman, said there doesn't seem to be any laws that protect people like her mom from these kinds of experiences with towing companies.

"There should be something where, if you're a victim of a theft, auto theft, you shouldn't be treated the exact same as somebody who's intentionally going out and breaking the law," Stutzman said.

### **Changes ahead?**

According to Stutzman, a towing company only has to notify police that it's removing a car — regardless of whether it's stolen. This leaves no room for the owner to make any requests.

Portland Mayor Ted Wheeler wants to change that.

He recently proposed new rules that would allow car theft victims to avoid a tow fee by indicating on the police report whether the car should be left where it's found — after police notify them.

But that's only if police are involved. For Drumm, her stolen car was found on private property and the tow company was called in without the involvement of police.

Wheeler's proposal could still have a big effect on future experiences in the Portland metro area, but it wouldn't change things on a statewide level.

There is, however, a bill currently in the legislature that instructs the Oregon attorney general to study consumer protection and towing and issue a report by the end of the year.

For Michael Porter with the Oregon Tow Truck Association, the proposed towing policy in Portland could work across the state of Oregon but with a few tweaks, especially when it comes to the communication between various counties.

"Each county doesn't necessarily talk to each other," said Porter. "As a tower, we're kind of stuck in the middle of that and DMV doesn't have a record that your car has been stolen."

The public can weigh in on Wheeler's proposal until Feb. 14.

For now, it's worth noting that the only way to protect against big tow fees if a car is stolen is by having full-coverage insurance.

## **Vote Set in Racially Charged Speech Case**

*By Jim Redden*

*February 3, 2019*

### **City Council is also scheduled to approve a resolution denouncing white supremacy and alt-right protest groups.**

The City Council is poised to vote on two racially charged matters this week.

One is the proposed settlement with a Portland police sergeant who was fired after making offensive comments during a roll call. The Portland Police Association filed a grievance on behalf of Sgt. Greg Lewis, setting up the issue to be settled in arbitration. The City Attorney's Office recommended settling with Lewis to avoid losing the case and having him reinstated.

The council first heard the matter last week. At that time, Commissioner Jo Ann Hardesty opposed the settlement, preventing the unanimous vote necessary to approve it then. The new vote is set for Wednesday, Feb. 6.

During the hearing, Hardesty quoted Lewis as saying, "If you run into a drunk on the street who's white, in a suit, let him go, because he'll probably sue you. If he's a Latino, call CHIERS (the acronym for a sobering station in downtown Portland). "If he's black, shoot him."

Hardesty later issued a statement saying she was paraphrasing Lewis' remarks. Police records released after the hearing show a number of officers who heard the remarks remembered them differently. In one case, an officer said they were discussing a comment in the media that police only kill black people. "Officers began talking amongst themselves about this statement and then I heard Sgt. Lewis state, "well, let's just go out and kill all the black people," the officer said.

Lewis was fired on Feb. 2, 2018. The city has agreed to rescind Lewis's termination and impose a 15-day suspension without pay instead. Under the deal, Lewis' retirement will be effective as of Dec. 3, 2018, and he will not be eligible to work for the city or the Police Bureau in the future.

Bureau leaders also agreed to pay him \$100,020.53 — essentially his gross back pay from the day he was fired through the date of his effective retirement — minus what he would have earned during a three-week unpaid suspension.

"These two options show that we are working within a broken system. We sit on the cusp of Black History Month, a time meant to celebrate our diverse community, and yet we are buying off individuals who believe that there is a separate justice system for people who look like them and everyone else," Hardesty said in her statement.

### **Alt-right resolution**

The other matter is a resolution condemning white supremacist and alt-right hate groups. It was introduced by Mayor Ted Wheeler and the council in response to far-right groups that have

staged sporadic protests in Portland since Donald Trump was elected president, sparking counter-protests and occasional clashes with police trying to keep them apart.

That vote is scheduled for Thursday.

The resolution acknowledges a history of "racist governing" in Oregon and Portland, including "a history of bias in government services, including policing, all of which have led to gentrification and the decimation of historically black neighborhoods."

The resolution states that "the City of Portland will not tolerate hate in any form and reaffirms its commitment to continue, in collaboration with all Portlanders, pursuing policies and directing bureaus in the next year and beyond to ensure civil and human rights to all individuals."

## **Severe Weather Shelters Open Sunday**

*By Jim Redden*

*February 3, 2019*

Forecast of first cold snap of winter prompts opening of shelters in Portland and Gresham, and requests for donations of cold-weather supplies.

Severe weather shelters in Multnomah County opened for the first time this winter on Sunday, Feb. 3.

The opening were promoted by the forecast arrival of the season's first severe cold snap, which was predicted to bring frigid temperatures, wind chills, and the threat of snow to the lower levels of the region.

According to the Joint Office of Homeless Services, severe weather shelters do not require identification or any other documentation. No one seeking shelter during severe weather will be turned away.

The following shelters are scheduled to be open from Sunday evening to Monday morning:

- Transition Projects at Bud Clark Commons, 655 N.W. Portland.
- Imago Dei, 1302 S.E. Ankeny, Portland.
- Sunrise Center, 18901 E. Burnside, Gresham.

If these shelters fill to capacity, additional shelters will be opened in partnership with Multnomah County Emergency Management.

Anyone needing shelter is encouraged to first call 211 or visit [211info.org](http://211info.org). Transportation can be arranged if needed.

People who see someone unsheltered outside whose life appears to be in danger or is in an apparent medical crisis should call 911. People who are otherwise concerned about anyone else should call police non-emergency (503) 823-3333 and request a welfare check for that person.

Donations also sought

Service providers and JOHS are also calling for community donations of life-saving winter gear. Because this season has been so mild, providers say they haven't been receiving their usual amount of donated supplies, which help outreach workers keep people warm and dry night after night.

More information on what to donate, and where to take it, is at [211info.org/donations](http://211info.org/donations). The following items are especially needed:

- Thick socks
- Waterproof/resistant gloves or mittens (preferably dark colors/black)
- Waterproof/resistant winter coats (men's and women's sizes)
- Sleeping bags and warm blankets
- Waterproof/resistant hats (preferably dark colors/black)
- Knit hats (preferably dark colors/black)
- Tarps (preferably brown, dark colors)
- Hand warmers
- Rain ponchos

Items ordered online can be delivered directly to JOIN, 1435 N.E. 81st Ave., Suite 100, Portland.

## **Willamette Week**

### **Oregon Legislation on Uber and Lyft Might Override Portland Rules**

*By Rachel Monahan  
February 2, 2019*

A draft version of a bill, obtained by WW, shows that city regulations might be preempted.

New statewide legislation regulating the ride-hailing companies Uber and Lyft could render obsolete the city of Portland's rules, a draft bill obtained by WW shows.

Final language of a bill, to be sponsored by Rep. Susan McLain (D-Hillsboro), a member of the transportation committee, is not yet available.

But a copy of a draft bill obtained from city officials by WW would regulate the companies statewide.

It would also provide companies with exemptions "to a local governmental entity's regulation of the rates the transportation network company charges or to any other requirements the local governmental entity may impose as a condition of operation within the local governmental entity's jurisdiction."

City officials are trying to forestall the possibility of statewide stepping in to block Portland's rules, including requirements for insurance and background checks.

Marshall Runkel, chief of staff to Chloe Eudaly, the city commissioner in charge of the Portland Bureau of Transportation, criticized the draft version of the bill calling it "perplexing how anyone could think this would be good policy."

"It's 100 percent private benefit, 0 percent public benefit," Runkel said. "It's a classic example of industry writing self-serving rules."

Ride-hailing companies have made similar efforts in other states. Two years ago, the companies attempted to do the same thing in Oregon, but in that case they offered a tax on the rides as the deal sweetener when the legislature was working through the transportation package. The transportation package passed, but not with the provision for Uber and Lyft.

McLain says there's a need to ensure against a "patchwork" of regulations for both drivers and riders, but that she's working on creating a "floor," not necessarily a limit on requirements.

But she declined to discuss specifics or where the bill would land.

"That's in flux," she tells WW. "That's why I haven't dropped the bill."

Lyft also said no final deal on the legislation is in place.

"At Lyft we are committed to working collaboratively with policymakers and regulators," says Lauren Alexander, a spokeswoman for Lyft. "Discussion about state wide ride-sharing legislation is in its early stages, and we look forward to ongoing dialogue to ensure we can continue to provide reliable, efficient transportation options for passengers and flexible earning opportunities for drivers."

## **Biketown Releases Small Fleet of Portland Bike Designs in Celebration of Black History Month**

*By Elise Herron*

*February 1, 2019*

**“I wanted to create a visual that embodied a point of view about our connection and journey,” designer Marcellus Johnson says.**

Portland's bike share program got a small redesign today.

In celebration of Black History Month, Biketown released its first "culture collection"—a fleet of five bikes designed by company color designer Marcellus Johnson.

The bike share service is owned by Portland Bureau of Transportation and sponsored by Nike.

According to a Biketown press release, the designs are meant to celebrate "multiple dimensions of the African diaspora by bringing together patterns from different African countries into one modernized print through color and geometry."

The handful of bikes are available around Portland starting today, and are the first in a series of bike designs that the company says will be rolled out throughout the year to honor "some of the communities and cultures that make up the fabric of Portland."

The 2019 Black History Month design is a collage of traditional African fabric designs, featuring a West African kente cloth pattern on the basket.

Johnson, who is a Pensole Footwear Design Academy alum, says, "I wanted to create a visual that embodied a point of view about our connection and journey. The tearing and combining of these prints illustrate the boldness and uniqueness of the African diaspora."

The company also plans to release a book that maps out African American-owned businesses that are located near Biketown stations. It will be made available for free at the featured locations.

# Transportation Bureau Issues Weather Advisory For Inch of Snow Portland Could Get This Weekend

*By Elise Herron  
February 2, 2019*

**The transportation bureau just put out a weather and driving advisory for Sunday and Monday.**

Winter isn't over yet. And we might still get snow.

The National Weather Service predicts Portland could get an inch of snow Sunday night, and the Portland Bureau of Transportation has issued a winter weather and driving advisory.

Current predictions call for a dusting of snow and potentially "icy conditions elsewhere during early morning hours Monday morning."

"Temperatures are expected to freeze overnight on Monday and Tuesday night," PBOT warns, "creating the potential for icy road conditions during early morning hours." The bureau advises that people keep close watch of the weather forecast and avoid driving if road conditions deteriorate.

The warning is wise considering Portlander's notorious inability to drive in adverse weather. During the infamous Snowpocalypse of 2017, local drivers averaged five crashes an hour, with some people some just abandoning their cars along highways.

That snowstorm dumped unprecedented amounts of snow on the city, and prompted Gov. Kate Brown to declare a state of emergency and call Seattle to ask for a snow plow loan. The city has since invested in additional plows and a more proactive plan to pour salt on icy roads.

Still, it pays to be prepared.

## **The Portland Mercury**

### **Portland Police Didn't Consider Alternatives to Shooting Black Teen, Outside Report Finds**

*By Alex Zielinski  
February 1, 2019*

According to the Portland Police Bureau (PPB), Quanice Hayes died because he had a gun.

"There was no doubt in my mind he had a gun," PPB Officer Andrew Hearst told a Multnomah County grand jury in March of 2017. A month earlier, Hearst had fired three bullets at Hayes, leaving the 17-year-old African American dead. "I believed that he was going to pull that gun on us. And to defend myself and my coworkers, I knew I needed to fire my weapon."

Now, nearly two years after Hayes' death, a group of independent investigators say this reason alone wasn't enough to justify a police officer's use of lethal force.

According to an investigative report released Friday morning by the Office of Independent Review (OIR) Group, the four PPB officers who intercepted Hayes—after he committed a series of small-scale robberies while using a fake gun—should have better coordinated the orders they

were yelling at Hayes, better protected themselves from anticipated gunfire, and slowed down their entire response to better calculate their actions.

OIR's analysts found that PPB did not calculate these crucial factors—which could have greatly changed the outcome of the early morning encounter—into their follow-up review of the incident.

“Instead,” the report concludes, “[PPB] reached the fatalistic conclusion that Mr. Hayes’ actions drove the outcome.”

The report is clear: PPB’s process of reviewing fatal officer shootings does not adequately take into account potential officer errors in scenarios where it is assumed a civilian has a weapon

On February 9, 2017, Hayes was stopped by police in an alcove between a Northeast Portland house and a detached garage after a number of people called police reporting theft by a man with a gun who matched Hayes’ description.

Hoping to take Hayes into custody, officers directed him to exit the alcove—but, as OIR’s consultants note, there was little order to the process. According to the officers’ grand jury testimony, Hayes was told to “keep his hands up” and “crawl forward,” but cops later recalled Hayes telling them that he couldn’t do both at the same time. Multiple officers appeared to be yelling contradictory orders at Hayes.

“The statements from different witness officers painted a... confusing picture, with varying accounts of who was giving commands and when,” the OIR report reads.

That’s when Hayes reached down the front of his jeans—which officers say had been sagging—and Hearst shot Hayes three times with a semiautomatic rifle.

Only after Hearst shot Hayes did officers see a fake gun next to his body.

The consultants note that the confusion leading up to Hayes’ death underscores a “very significant issue.”

“If officers on scene have differing views of what the subject is supposed to be doing in order to demonstrate compliance, officers may develop different impressions of the subject’s level of cooperation and have correspondingly different reactions,” reads the OIR report. “And if the subject is confused about officers’ expectations, that creates another obvious set of problems.”

The PPB officers could have better coordinated their commands by simply “slowing the situation down,” note the consultants. This could have meant placing a cop car between the officers and Hayes, or instructing officers to retrieve and deploy bulletproof shields from the car—two tactics that would have “removed them from a vulnerable situation where they felt constrained to use deadly force.”

The report acknowledges that, at the time, officers had been chasing Hayes for several hours, and were probably eager to get him into custody. That may have rushed the officers’ decision-making processes.

“Upon discovering Mr. Hayes crouched in the alcove, officers almost immediately began giving him commands to crawl out,” the consultants write. “An alternative would have been to hold Mr. Hayes at gunpoint in the alcove while conferring with each other about a plan for taking him into custody.”

The PPB review process that followed the 2017 shooting “did not sufficiently address these critical issues,” the OIR Group concludes. “It is imperative, consistent with the Bureau’s de-escalation policy, to conduct a more exacting review.”

The OIR report isn't limited to Hayes' death—it includes analysis on nine incidents over the past five years in which a Portland police officer shot a member of the public, and it offers no fewer than 40 recommendations for PPB to consider based on how the bureau handled and responded to each shooting. But the 132-page report pays particular attention to Hayes' case, due to the considerable, long-lasting impact that the police shooting of a Black teen left on the Portland community.

The report acknowledges Portland's history of racial inequality and displacement among its African American population.

“That long history of injustice understandably frames the public analysis of cases like the Hayes shooting,” the report reads. “This deep-seated distrust undermines confidence in... findings that excuse officers while providing neither consolation nor satisfaction to frustrated observers.”

The consultants leave PPB with a piece of advice: Don't brush off valid criticisms of police shootings that leave African American Portlanders dead.

“Perhaps the best response police agencies can provide is to endeavor to build a reservoir of goodwill through honest dialogue, receptivity to feedback, [and] transparency,” the report reads.

The OIR's recommendation couldn't come at a more critical time.

Next week, Portland City Council will reconsider the 2017 firing of PPB officer who made a deeply racist remark after hearing public outcry related to Hayes' death.

According to his termination letter, which was first made public Wednesday, Sergeant Gregg Lewis was fired after making a “joke” during a Central Precinct roll call that ended with the remark, “If you come across a Black person, just shoot them.”

Several of the 16 other officers present at roll call laughed nervously, the letter states. No one attempted to correct him. Lewis made this statement three days after Hayes' was fatally shot by PPB Officer Andrew Hearst.

Now, with the the PPB's union, the Portland Police Association (PPA), using the state's arbitration system to legally challenge Lewis' termination, the city is considering a settlement agreement that would erase Lewis' termination, allowing him to retire with \$100,000 worth of backpay. While Mayor Ted Wheeler acknowledges it's an imperfect solution, he says the cost of losing an arbitration hearing against PPA—which could result in Lewis returning to PPB—is too high.

“If it was up to me, I'd say let's go to arbitration, let's fight the good fight. Because even if we lose it, we send a very strong message that this is not acceptable.”

“If this goes to arbitration, we're still going to pay the same amount... or maybe even more,” Wheeler said during a Wednesday city council hearing. “But what we lose in the arbitration process is that we make certain once and for all that this person will never work at PPB again.”

Commissioner Jo An Hardesty, however, isn't satisfied.

At the Wednesday meeting, Hardesty said the two options presented by the city attorney “show that we are working within a broken system.”

It's a message echoed in the pages of the OIR report.

In analyzing the response to Hayes' death, consultants note that rebuilding trust between Portland's Black community and the police will require “demonstrable willingness to evolve and improve.”

“Such efforts cannot preclude the possibility of future controversial incidents,” it continues. “They can, however, enhance confidence in the legitimacy and appropriateness of the Bureau’s responses—both systemically and in terms of individual accountability.”

## OPB

# Group Highlights Portland Police Missteps In Shooting Death Of Quanice Hayes

*By Ericka Cruz Guevarra and Amelia Templeton  
February 1, 2019*

Portland Police officers could have taken cover before trying to arrest Quanice Hayes, an African-American teen shot and killed by Portland police in 2017. That might have prevented Hayes’ death, according to independent experts who reviewed officer involved shootings and in-custody deaths for the city.

Hayes was shot in the head and killed by Portland Officer Andrew Hearst on Feb. 9, 2017, after Hayes moved his hand toward his waistband while crawling toward police. The officer had been told by dispatchers Hayes was a suspect in an armed robbery, though it turned out the gun was a plastic replica. A grand jury decided not to criminally charge Hearst for the shooting.

The California-based OIR Group that reviewed the incident said some of the officers involved made smart tactical decisions, including not getting drawn into a risky foot pursuit with Hayes.

But the experts found problems with officers’ attempt to take Hayes into custody. Officers didn’t take cover behind a police car or ballistic shields that they had available, according to the report, even though they believed Hayes was armed. That exposed position made it more likely an officer would feel threatened and pull the trigger, the consultants concluded.

The experts made 40 recommendations in the report. They include not placing detailed criminal histories at the beginning of detective files, videotaping interviews in police shooting investigations, and engaging officers involved in more than one deadly force incident to see if patterns between events could be addressed with training.

Hayes’ family sued the city in June 2018, arguing in part that officers shouted contradictory commands at Hayes, making it impossible for him to comply.

“We are pleased to see that the city’s consultants identified the same training issue that we identified in our complaint,” said Jesse Merrithew, the lawyer representing the Hayes family in a lawsuit against the city. “However, we are disappointed in the watered-down nature of the recommendation those consultants make [Recommendation No. 23].”

That recommendation suggests the bureau’s Training Division, Internal Affairs and commanders should analyze police tactics, including police commands.

“No amount of after-incident analysis and consideration would have prevented Quanice’s death,” Merrithew said. “PPB needs to implement policies and training to ensure that whenever they are pointing guns at people, they are giving clear, understandable, direct commands. This should not be complicated or controversial.”

The consultants have said that using the right tactics can reduce an officer’s need to use deadly force, even when they believe a person has reached for a weapon.

## **Warming Shelters Opening Around Multnomah County Due To Winter Weather**

*By OPB Staff  
February 3, 2019*

Severe weather shelters are opening around Multnomah County Sunday evening with the arrival of a serious cold snap. The shelters are intended to provide a warm place to stay for people who don't have a roof over their heads.

The Joint Office of Homeless Services says no identification or documents are required to enter a shelter. And no one wanting to get in during severe weather will be turned away.

Multnomah County says adults, couples, families and their pets are welcome at warming shelters at Bud Clark Commons and Imago Dei from 8:30 p.m. Sunday to 7:30 a.m. Monday. Another warming shelter, located at Sunrise Center, will be open from 9 p.m. Sunday until 7:30 a.m. Monday. Those seeking shelter are encouraged to call 211 or visit [211info.org](http://211info.org) for information on locations and hours.

Service providers say donations of winter gear are needed, too. The season has been relatively mild so far, so people haven't been donating supplies at the rate that they usually do.

## **Portland Water Bureau Finds More Cryptosporidium In Bull Run Watershed**

*By OPB Staff  
February 1, 2019*

The Portland Water Bureau has found the dangerous microorganism cryptosporidium in the region's primary source of water.

Crypto was found in samples taken this week at the Bull Run Watershed, a reservoir complex near Mount Hood. The water bureau has found crypto in samples every month since October.

The microorganism can cause gastrointestinal problems and can be especially dangerous for people with weakened immune systems. It's usually caused by animal feces entering the water system.

Portland does not treat its water supply for crypto right now. But to abide by state and federal regulations, the city is building a filtration plant that will protect against crypto and other potential problems.

The plant will cost at least \$500 million and come online in 2027.