

The Oregonian

Mayor Wheeler, seeming to back oil exporter's view, says it is 'not technically expanding'

*By Gordon Friedman
May 9, 2019*

Mayor Ted Wheeler appeared to back a crude oil exporter's talking points in an email this month, saying the company, Zenith Energy, is "not technically expanding their operations" on the Willamette River in Portland.

In fact, interviews and documents show, Zenith is exporting more crude oil than ever and is constructing facilities that will further boost its capacity. Federal export data show the company singlehandedly established Oregon's crude oil export market in the span of about one year.

Wheeler tweeted Wednesday afternoon that it is "highly misleading" to characterize him as adopting Zenith's reasoning. He said his advisers are "skeptical" of the company's claims and are working to verify them.

Ultimately, it's a case of semantics that could come with significant political ramifications.

A senior official within Wheeler's office said, "The term 'expansion' depends on what you're talking about," and explained that Zenith had not expanded its overall tank capacity but was simply handling more crude oil than in the past.

"Technically they're right," the official said about the company's contention that it is not expanding.

Yet the company is expanding its export operations, which is at the heart of what concerns many Portlanders. And the mayor's comments only further raise their concerns.

In the mayor's email, obtained Wednesday by The Oregonian/OregonLive, Wheeler responded to the Rev. Bill Sinkford, a Unitarian pastor in Portland, who had sent him a message asking the city to stop or delay Zenith Energy's expansion.

The expansion brings a new rail car unloading station that allows 42 cars to be unloaded at once, compared to the current capacity of 12.

Zenith executives have described that work as a modernization project and said it is not an expansion. One executive, Grady Reamer, Zenith's vice president of U.S. operations, said several of Wheeler's aides were told of the company's view to that effect during a meeting at City Hall.

The meeting, held on March 19, included Reamer and another Zenith executive, two directors at the BNSF railroad company, a lobbyist, and Wheeler's chief of staff, external affairs director and environmental policy advisor, records show. The mayor himself stepped in only briefly to make introductions, Reamer said.

Following the meeting, Reamer emailed the mayor's chief of staff, Kristin Dennis, saying he hoped the company was able to "clearly address the misperceptions about Zenith Energy and our Portland Terminal."

Seven weeks later, Wheeler appeared to adopt the company's logic in his message to Sinkford, who did not return a message seeking comment Wednesday.

“This issue is very complex. Zenith is doing work based on permits that were issued in 2014,” Wheeler wrote to the pastor. “They are not technically expanding their operations under the permit.”

The mayor added: “They are, however, moving more trains through. That is my primary concern.” He said he is in “broad philosophical alignment” with Sinkford over the danger of trains carrying crude oil.

But, Wheeler went on, the city is limited in its ability to regulate trains, which are generally overseen by federal agencies.

“We are looking at all options with our regional partners and environmental groups,” Wheeler wrote. “Stay tuned.”

Andre Gladen was holding officer’s knife when shot and killed by police, grand jury testimony confirms

*By Maxine Bernstein
May 9, 2019*

Andre Gladen was holding Officer Consider Vosu’s knife when Vosu shot and killed him in January inside a Southeast Portland home, grand jury testimony confirmed Thursday.

The Multnomah County District Attorney’s Office released the transcript of the grand jury review, which found no criminal wrongdoing by Vosu in the Jan. 6 fatal shooting of Gladen, a 36-year-old legally blind man with schizophrenia who had burst into a stranger’s home.

Until the transcript became public, Portland police declined to acknowledge that Gladen had seized a dagger-type knife belonging to Vosu, though sources told The Oregonian/OregonLive months earlier that the knife resembled one Vosu carried.

The transcript also revealed that police had encountered Gladen earlier that same day after his cousin called 911, worried about his erratic behavior. Police didn’t arrest Gladen then but had him taken to a hospital for evaluation.

Hours later, Vosu responded to a house at Southeast 96th Avenue and Madison Street on a report of an unwanted person. Vosu ended up inside the house when Gladen rushed into the home after the tenant opened the door. Toxicology reports indicated Gladen had recently taken methamphetamine.

After wrestling with Gladen on the floor, Vosu testified that he got up and fired his stun gun at Gladen. Gladen went down, but when he stood up again, Vosu noticed he was holding Vosu’s knife, normally kept in a sheath on his outer vest.

"So he goes down and as he goes down, I can see that he has something in his hand and I don’t register what it is," Vosu told the grand jury. "I admonish him again. I say, ‘Stop or you’re going to get it again.’ And he starts getting up again, but this time, I can register what’s in his hand is my -- is my knife."

Vosu said Gladen must have pulled it off his vest “but I didn’t see it happen.”

"I looked at the knife and I thought, ‘That looks like my knife.’ And I indexed my vest and my sheath and found them -- found it empty," Vosu testified.

Vosu backed further into the rear bedroom as Gladen came toward him with Vosu's knife in his right hand. He said Gladen kept advancing toward him.

Vosu acknowledged he was "effectively trapped" before he fired his handgun three times, killing Gladen.

Gladen collapsed on Vosu's feet and didn't move further, the officer said.

"I stepped over the subject and I see my knife sticking in the floor maybe two feet away. As I step over, I think -- I'm not sure if he's still a threat or not, so I keep my gun trained on him with one hand, and I kneel down and I grab my knife with the other hand and pull it from the floor," Vosu testified.

Vosu said he then stuck his knife back in the floor "to preserve the crime scene."

A grand juror asked Vosu why he touched the knife after the shooting, since officers are trained not to interfere with a scene. Vosu said he was concerned Gladen could still grab it.

"What prompted me was that I wasn't sure if he was -- that -- if -- if the threat was still -- was still there," Vosu said.

The knife Gladen grabbed from Vosu was one of two he carried that day. Vosu still had another knife in a pocket of his cargo pants. The one on the vest, he said, was in a sheath that he had zip-tied to the vest.

"So that the sheath can't come loose, it's tied into place. It's secured on my vest," he said.

Andrew M. Stroth, a Chicago-based lawyer representing Gladen's family, called the officer's account of the shooting "incredulous." The family doesn't believe Gladen could have grabbed the knife, he said.

"You have a legally blind man with a mental health condition executed," Stroth said.

"I don't think Gladen presented a threat," he said. "I think the officer was overzealous and used excessive force. The family will be pursuing all their legal rights and remedies under the law."

For four months, police wouldn't verify that Gladen was shot holding an officer's knife. Yet the bureau changed its policy during the investigation of the case, ordering officers not to carry knives on their outer vests.

Chief Danielle Outlaw said Thursday the bureau "makes every attempt to be as transparent as possible" after a police shooting without jeopardizing an investigation or grand jury review.

"Early on, Detectives suspected it was the officer's knife; however, they were unable to confirm it prior to the Grand Jury," Outlaw said. "These transcripts provide additional information as to what occurred and we will now move forward in our process, which includes a training and internal review."

The fatal encounter began after Desmond Pescaia, the tenant, called 911 to report that a stranger, later identified as Gladen, had come to his door, began pounding on it and refused to leave.

Pescaia made the call at 2:03 p.m. after giving Gladen a glass of water and offering him money for a MAX train ride that Gladen declined.

Gladen became agitated when Vosu responded.

Vosu said he saw Gladen was wrapped in blankets on the front stoop of Pescaia's apartment. When Vosu asked him to move along, Gladen stood up.

The officer noticed Gladen's right eye was discolored and the pupil was askew and recalled that he was alerted by dispatch that the man was blind, according to Vosu's testimony.

"You can be anywhere else, but you have to move along," Vosu said he told Gladen.

Gladen called the officer a "fake cop" with a "fake badge," according to grand jury testimony.

The officer said he pointed to his badge and noticed that Gladen's left eye was able to focus on it. Vosu also noticed that Gladen was wearing a hospital gown and had one shoe on but on the wrong foot.

"Did you just come from the hospital?" Vosu said he asked him.

Gladen suddenly started kicking the apartment's front door.

Pescaia opened the door and grabbed a club-like tree branch that he had and held it over Gladen on the front stoop.

Vosu, standing at the bottom of the stairs leading to the apartment, called for other officers to help him and told Pescaia to put down the branch, saying he'd take care of it.

"I call for cover 'cause this is not going how I want it to go," Vosu told grand jurors.

Gladen had run into the home. Vosu followed "to protect the resident; to try to stop -- to try to stop the situation from getting worse," the officer said.

"There's no telling what would happen if I had taken a different track," he said.

Gladen fell onto his back in the living room, and Vosu and Pescaia struggled to get Gladen onto his stomach so the officer could handcuff him.

"And I'm struggling with him, grappling. He's pushing with his left hand. He's kind of on his hip and halfway sitting up and he's using his left hand to -- he's pushing away at me and touching my -- striking my chest," Vosu testified.

"He's fighting against me. He's actively resisting," Vosu said.

Pescaia said he put his foot on Gladen's neck at one point "to try to hold him down" for the officer.

But Gladen kicked Vosu off. Vosu, standing in front of the rear bedroom, ordered Gladen to stand back. As Gladen was partly on his feet, Vosu said he fired his Taser at Gladen.

"As he goes down, I can see that he has something in his hand and I don't register what it is. I admonish him again. I say, 'Stop or you're going to get it again.' And he starts getting up again, but this time, I can register what's in his hand is my -- is my knife," Vosu testified.

Vosu, who had retreated into the rear bedroom, ordered Gladen to "stand down" before firing three shots at Gladen, who was in the doorway of the bedroom when he was shot, Pescaia said.

The shooting occurred before any other officers arrived.

Vosu, 42, had worked just over two years with the Police Bureau at the time of the shooting. He pursued a police career later in life after obtaining a master's degree in photography arts media and a bachelor's degree in fine arts.

Asked by a prosecutor if it was his intent to kill Gladen, Vosu said, "Absolutely not. That is -- that's the last thing that I would hope to have to -- I -- I never -- would never want to do that ever. I struggle with it every day."

Officers who responded to the house after the shooting quickly noticed the knife on the floor and that it closely resembled one that many officers carry.

Officer Justin Raphael told a police investigator. "I'm super familiar with it. It's a Benchmade fixed blade dagger." East Precinct Officer Josh Letter also told an investigator, "Basically it's the knives we carry."

Grand jury testimony showed that police noticed when Vosu was photographed shortly after the shooting that his knife was missing from the sheath just below his badge on his outer vest.

On the morning of the shooting, Gladen's cousin, Diamond Randolph, had called 911. She reported that Gladen heard his "dead cousin Ernest" talking to him and also referred to having a discussion with the devil. He had grabbed a bat and knife in her apartment and she was afraid of him, according to a police detective.

By the time police arrived at her apartment in the 2400 block of Southeast 142nd Avenue, Gladen had left. Randolph told The Oregonian/OregonLive in an earlier interview that she last saw Gladen about 7 a.m.

A short time later, police got a call about a man sleeping in some bushes at Southeast 145th Avenue and Division Street and it turned out to be Gladen. It's not clear where that call came from.

It was cold -- in the low to mid-30s -- and Gladen had no shirt on. He was largely unresponsive to officers, grand jury testimony indicated.

An officer who had responded to Randolph's apartment alerted the officers who were with Gladen not to arrest him because police had found no threats from Gladen's encounter with his cousin. Gladen's bat was a small souvenir-sized one and the knife was a pocketknife he was jabbing into a box at the apartment.

Instead, police were instructed to have Gladen transported by ambulance to Portland Adventist Medical Center.

There, doctors expressed concern about Gladen's mental state but suspected he was suffering from hypothermia and had suffered a seizure. They gave him anti-epileptic medication, which seemed to help, according to a homicide detective who testified.

Toxicology test results found Gladen had methamphetamine, amphetamine and cannabinoids in his system as well as the anti-seizure drug.

The amount of methamphetamine suggested he had taken it shortly before his death, said Dr. Michele Taylor Stauffenberg, then-chief state medical examiner.

Gladen had two gunshot wounds on the left side of his chest, she said.

Disability rights group slams Portland for outsourcing e-scooter complaints to companies

By Andrew Theen

May 9, 2019

Portland's decision to put electric scooter companies in charge of citizen complaints is troubling and translates to the government punting on its duty to hold those companies accountable for following its own regulations, a disability advocacy group said this week.

Disability Rights Oregon, a nonprofit that offers legal advice and representation for people with disabilities in civil rights cases, said it is "deeply concerned" that Portland's latest attempt to regulate e-scooters was approved without an "open and transparent public process," to the detriment of people who use motorized vehicles to get around, older Oregonians and "others who are entitled to equal access to our public spaces."

The most troubling part of the 12-month e-scooter trial that began last month, the advocates said, is the decision to put the mobility companies in charge of documenting and relaying complaints about their own devices to the city.

"We are concerned that complaints made to private companies will be part of the public record only after they have been anonymized and assuming the companies provide this information," Disability Rights Oregon's executive director Jake Cornett and staff attorney Matthew Denney wrote Thursday. "The effect of this anonymizing, or scrubbing the records for any identifying information, is neutering public records requests — a key tool for public transparency — related to the e-scooter pilot," the disability advocates wrote.

The nonprofit said the city had created a situation where the wolves were effectively in charge of the sheep.

"If the companies are receiving the complaints directly, they have an incentive to downplay the seriousness of any complaints received or, even worse, to withhold the information," they wrote.

The letter comes in response to a May 1 story in Willamette Week outlining how Portland would handle complaints about scooters during their second trial period.

On the city's website, it includes information for how to file a complaint each of the permitted companies. The website does include a city email (e-scooter@portlandoregon.gov) and voicemail 503-823-4663 for leaving feedback about the program, but comments about "an improperly parked scooter or another issue" are supposed to go to the companies. Portland provided links and phone numbers for the companies.

Portland's four-month scooter trial last year led to more than 6,000 complaints, 29% of which were related to riders not wearing helmets.

This go around, Portland is requiring the companies have a 24-hour complaint line for customer service. According to an email exchange between the city and the disability rights group, the companies will be requested to respond within an hour to reports of blocked curb ramps and sidewalks. Portland plans to audit the company's response times to each complaint and the companies are expected to provide monthly reports on "all anonymized complaints."

The city said those complaints will be made available to the public.

John Brady Portland Bureau of Transportation spokesman, said the agency shared the nonprofit's concerns "regarding implementing an effective, transparent and accountable complaint process."

“Their input has been very helpful in shaping the second scooter pilot, and we look forward to continuing the conversation about how we can ensure that scooters meet the needs of all Portlanders,” he said in an email to The Oregonian/OregonLive.

Chief defends work of Gun Violence Reduction Team as Commissioner Hardesty pushes to defund it

*By Maxine Bernstein
May 8, 2019*

Six days after Portland Commissioner Jo Ann Hardesty urged the mayor to scrap the police gun violence team, Chief Danielle Outlaw on Wednesday drew attention to its work and defended what she says is its effectiveness.

Hardesty has recommended funneling money set aside for the team and for police body cameras to the Fire Bureau and Parks & Recreation programs instead. Hardesty oversees the Fire Bureau. She suggested moving the task force’s 28 officers back to patrol.

Her idea, though, doesn’t appear to have much traction among City Council colleagues. Two are opposed and one doesn’t think there’s enough time to consider it.

“Our police force is stretched thin,” Hardesty said in a statement. “I don’t think it’s appropriate to continue funding a team that has been shown to racially profile and produce no evidence their tactics were effective in alleviating gang activity.

“Let’s end this program and put those officers back on patrol to fill vacancies, where they’re severely needed,” she said.

The police chief responded with a list of statistics she said show the Gun Violence Reduction Team, previously called the Gang Violence Reduction Team, is effective. A bureau news release also featured examples of the toll of gun violence, including photos of an elderly couple’s home that has been riddled with bullets multiple times.

The Police Bureau changed the team’s focus last fall to respond to all shootings in the city and not just gang-related violence. Since then, the number of calls to 911 reporting gunshots has dropped 28 percent, according to the bureau.

The number of shootings per month also has slightly dropped, the bureau said, pointing to 34 shootings in November, 35 in December, 34 in January, 31 in February, 32 and March and 29 in April.

And the number of illegal guns seized by officers has increased: Police recovered 1,034 illegal firearms last year, compared to 759 in 2017. So far this year, police have seized 322 guns and expect to finish the year with 1,300 gun seizures if the current pace continues, according to bureau figures.

The specialized police team now scours every shooting scene for spent bullet casings and then analyzes them to see if they match guns seized by police or bullets found at other shootings using a national database.

So far this year, the city has recorded 135 shootings, 13 of them fatal. Gunfire has wounded 34 others. Police have recovered 655 bullet casings, the bureau said.

“The work being done by the Gun Violence Reduction Team is cutting edge because of the collaborative approach and investigative response,” Outlaw said in a statement. “We rely upon them to continue the collaboration with community partners to reduce gun violence city-wide using nationally recognized best practices.”

The current back-and-forth between Hardesty and police follows Hardesty’s recent successful drive to remove Portland police from serving on the FBI-led Joint Terrorism Task Force and her outspoken criticism of a police lieutenant who had an extensive text message exchange with the leader of the right-wing group Patriot Prayer.

Hardesty, elected last year to the City Council, said she promised in her campaign that she wouldn’t only look out for the bureaus that she supervises, but would take a holistic approach to city services. She has shown a particular interest in police policy.

She said she would present her recommendations as amendments to the mayor’s budget when the council takes up the budget for 2019-2020. Any amendments would require three votes on the council to pass.

It’s unclear how much of the bureau’s budget is allotted to the Gun Violence Reduction Team. Hardesty has said the team receives about \$7 million in funding. Lt. Jason Pierce, who has overseen the team since mid-April, said he suspects the amount is slightly higher.

Commissioner Nick Fish isn’t interested in disbanding the team, said Sonia Schmanski, his chief of staff. Commissioner Chloe Eudaly is “open to the question,” said Marshall Runkel, her chief of staff, but added that it’s unlikely enough time exists to debate the idea before the budget must be approved.

Mayor Ted Wheeler, who oversees the Police Bureau, also opposes the proposal, said his spokeswoman, Eileen Park. “One big reason they transitioned to this new model is because it’s reducing gun violence all across the city because of the change in their investigative approach,” she said.

Commissioner Amanda Fritz’s chief of staff didn’t return an email seeking comment.

The mayor has proposed \$237.6 million for the Police Bureau in fiscal 2019-2020. It includes a net increase of \$381,119 in general fund spending. The plan calls for using \$2 million in savings from at least 75 officer vacancies toward anticipated overtime costs and other expenses.

Portland police launch podcast, talk speeding, distracted drivers and pedestrians’ dark clothing

By Andrew Theen

May 8, 2019

Did you cop the podcast yet?

In 2019, it’s every Americans’ duty to possess the following: a borderline debilitating fixation on one’s smartphone; the knowledge that Amazon is probably evil but a total inability to stop ordering stuff from it because it’s so convenient; and your very own original podcast.

On Wednesday, the Portland Police Bureau slowly merged into the congested never-ending audio storytelling highway.

PPB dropped three episodes in, potentially, season one of its “Talking Beat” podcast. One of the podcasts focuses on traffic safety issues and featured discussions with Sgt. Ty Engstrom and Officer Chris Johnson. The other podcasts focus on behavioral health issues and recruitment.

In the 36-minute traffic episode, the law enforcement officers discussed what they view as the most pressing dangers on Portland’s roads (distracted driving and speeding), the risk associated with making a traffic stop, the emotional toll the job takes responding to sometimes gruesome scenes, and the clothing choices of pedestrians.

Engstrom said he and fellow officers tried to give drivers leeway if they break traffic laws like running red lights. It depends on the situation, he said, but “everybody’s driving over the speed limit” so the majority of officers try to work with speeders before writing a ticket.

“My goal personally, my goal is not to punish people and impact their lives and their livelihood with a bunch of fines and things like that,” he said. “That’s not what I really want to do. I want to have licensed, insured, safe drivers on the road, those three things. License, insurance, safe drivers. So if I can help them understand that and change their attitudes and behaviors with regards to those topics in some other way, then I’m all about that.”

Perhaps the most interesting part of the conversation centered on pedestrians, who Engstrom said must “take their safety into their hands as well,” even if they’re legally crossing a busy street. He said some of that comes down to clothing:

Host: We focus a lot on driving behavior, but there’s also the vulnerable road users. There’s bicyclists, there’s scooters, there’s pedestrians. And last year we had a significant number that were either injured or killed. They play a role as well. What can they do to stay safe?

Sgt. Engstrom: So anybody that’s not in a car, they’re not protected by that steel and metal all wrapped around them, and airbags and such. So they’re pretty vulnerable. I’m not going to say that it’s all the car’s fault, all the bicyclist’s fault, all the pedestrian’s fault. It’s everybody together. Everyone needs to take an effort and take a step towards making our roads more safe, and everyone needs to take their safety into their hands as well.

I ride a motorcycle for a living. I’m riding a motorcycle almost every day in rain and bad weather, in fog, and I ride my motorcycle as if everyone is out to get me. It may seem kind of harsh to say that, but I have to ride that way to make sure that I can go home at night to my family. So I just anticipate, oh I’m sure that person’s going to cut me off. I just anticipate it and when it doesn’t happen, great. But when it does happen, I’m not surprised by it.

And so I would say the same thing about everybody else, whether you’re in a car, on a motorcycle, a bike or walking, you need to just assume that nobody sees you and act that way, and not just step out in the road because hey, it’s marked crosswalk. I can be here.

Host: I know. I see that behavior a lot and I think people wear all black, they have the choice to wear all black, but then they dart across the street. And they may have the walk signal and they may have the right to wear all black, but the bottom line is, I can’t see you. So I guess you can be right, but you can also be dead right.

Sgt. Engstrom: Yeah. That happened to me this morning on my way into work. It’s pouring down rain, it’s dark, and I was coming along the road. And Saint John’s just a few blocks from our office, and I happened to notice a person walking on the sidewalk. They weren’t trying to cross or anything, but I saw this person dressed in all black and they’re walking. So their arms and legs are moving, but I did not see them until I was almost right next to them, right alongside of them.

The podcast dropped a little more than a week after a 6-year-old girl was struck and injured while crossing a street with her mother in Southeast Portland on Division Street, one of the most dangerous roads in the city. She was hit while crossing at a rapid flashing beacon-marked crossing at about 6 p.m. The suspect drove away, and police said this week they still have no more information about the driver's whereabouts.

Ten pedestrians have died in 2019 so far. Sixteen died in 2018.

The agency still faces an estimated 120 officer vacancies and the inability to recruit or hire new cadets for those positions. Traffic enforcement, in particular, has been hard hit.

The city's Vision Zero goal of eliminating traffic deaths by 2025 is intended to rely on engineering changes, educating the public about the dangers of speeding and impaired driving and additional traffic enforcement.

The Police Podcast does take requests. According to the city's website, you can call and leave a message on the podcast's dedicated voicemail line at (971) 339-8868 or send an email to talkingbeat@portlandoregon.gov. The agency said it would add monthly podcasts to the website at portlandoregon.gov/police/podcast.

A City water main failed and flooded Portland homes. But City Hall won't pay for damage.

*By Gordon Friedman
May 8, 2019*

Portland officials have denied residents' claims that the city must pay for damage caused by a burst water main that spewed millions of gallons into their homes two months ago, saying the pipe broke spontaneously at no fault to the city.

Denial letters written by a city claims analyst called the Northeast Portland property damage "unfortunate" multiple times but said "the city is not liable" for the destruction.

City letters instruct homeowners to seek reimbursement from their insurers. But many reportedly do not have flood insurance because their homes are not located in a floodplain.

Either way, the city's decision leaves irritated homeowners with hefty bills.

Ryan Humphrey, for example, said he is facing bills of up to \$70,000 to repair his wrecked basement and garage.

When the water main burst near the intersection of Northeast 23rd Avenue and Skidmore Street, Humphrey said, it sent a torrent toward his home that was so forceful it bent his garage door in. Over several hours, his basement filled with more than two feet of dirty water.

"My laundry room is a wreck. Everything down there is contaminated," Humphrey, a financial analyst, said Tuesday.

He's already spent \$20,000 fixing mold damage, replacing a broken furnace and taking care of other repairs.

Like about a dozen of his neighbors, Humphrey filed a claim with the city's Risk Management office, hoping it would help pay for the damage caused by the failure of city infrastructure. He received a denial letter Monday.

“I was just blown away that that’s how they concluded this thing,” he said.

Commissioner Amanda Fritz, who is in charge of the Portland Water Bureau, said Tuesday that “the claims are still in process and I will wait to comment until that process is complete.”

The Water Bureau director, Michael Stuhr, was unavailable for an interview on his views about maintenance of drinking water infrastructure, said his spokeswoman, Jaymee Cuti. Stuhr cannot speak to the liability claims because he was not involved in the decision-making, Cuti said.

A spokeswoman for the Risk Management office, Heather Hafer, emailed that “through extensive research” the city found it had not acted negligently.

Asked to explain the city’s decision-making or make available the claims analyst for an interview, Hafer said, “I’m not sure I can provide any further clarification as this was the messaging that was provided” from risk management officials.

Hafer said the burst 30-inch pipe showed no signs of failing and emergency crews were quick to respond with “timely, reasonable and appropriate” actions.

Firefighters were on-scene at the flooding soon after it began. But Portland Water Bureau crews were unable to shut off the pipe for several hours as a geyser flooded the Sabin neighborhood. Officials later called the burst pipe a “catastrophic failure.”

Humphrey said he and several neighbors are considering a lawsuit.

The water main case has similarities to a 2017 incident, when the city denied a woman’s \$25,000 damage claim after police officers used explosives to enter a rental house she owned, where a man wanted for attempted murder had barricaded himself.

In that case, the city’s code enforcement bureau even fined the homeowner for violations resulting from damage caused by police officers.

The Portland Tribune

Wheeler defends homeless response

*By Jim Redden
May 10, 2019*

Mayor admits problem is more serious than he understood when he ran for the office in 2016.

Ted Wheeler admits he underestimated the magnitude of the homeless crisis when he ran for mayor in 2016 — and that it is likely to get visibly worse in Portland before it gets better.

Wheeler made the admissions when he appeared before the Portland Tribune editorial board on Tuesday, May 7. He also announced that he will file for reelection after Labor Day during the interview.

When Wheeler first ran for mayor, he promised to provide enough shelter space for half the people living on the streets by the end of his second year in office. Although the city and Multnomah County have doubled the number of shelter beds since he won the election, Wheeler conceded that more people appear to be living outdoors now than ever before.

"It's a lot harder. Absolutely. It's a lot harder. I'll cop to that any second of the day," Wheeler said about his campaign promises.

"I don't think any of us had clarity on the depth of this issue. I will certainly say for my own part, I certainly had no idea that the United States would be at a true economic pinnacle and yet all across this country, and it isn't just the West Coast, folks," Wheeler continued.

Despite that, Wheeler believes the region is moving in the right direction to reduce the number of people without homes in years to come. He pointed to the tens of millions of dollars the city and county is spending on the Joint Office of Homeless Services, voter approval of the Portland and Metro affordable housing bonds, and the City Council's commitment to create 2,000 additional units of permanent supportive housing, which includes social services to help prevent residents from becoming homeless again.

But at the same time, Wheeler was quick to say more needs to be done.

"I believe we have some of the right formulas, but not at the right scale," Wheeler said.

Wheeler spoke after he proposed a budget for the fiscal year that begins on July 1 that dedicates nearly 7 percent of the discretionary general fund dollars to direct homeless services, the largest amount ever and a significant increase over just a few years ago.

"We went from basically zero to \$33 million just at the city of Portland over a course of a couple of years in terms of what we're spending specifically on the homeless crisis that doesn't even include the housing," said Wheeler referring to the funds proposed for the city-county Joint Office of Homeless Services. Other existing and new city-only direct homeless service programs bring the proposed general fund total to \$38.5 million, or almost 7 percent of the record \$577.3 million general fund dollars projected to be collected next year.

And that does not even count the estimated \$10 million a year being spent by other general fund agencies that interact with the homeless on a daily basis, including the Portland Police Bureau, Portland Fire & Rescue, and Portland Parks & Recreation.

Wheeler said the increased spending has already allowed Portland to improve its response to the homeless crisis, including taking over the cleanup of camps on Oregon Department of Transportation properties within the city limits.

"The year before I got to Portland City Hall, just three years ago, the city of Portland cleaned up, I believe it was 139 camps total. This year we will have cleaned up over 3,000 camps," Wheeler said.

Despite the increased spending, Wheeler said Portland and other cities are fighting against multiple trends creating homelessness, including increasing housing costs — especially in West Coast cities — a drug addiction epidemic, and a lack of mental health treatment programs.

"When I get together with my colleagues from all across the country, people are amazed by how quickly this crisis is unfolding from Hawaii to Maine. It's happening everywhere and the drivers are the same," Wheeler said.

Wheeler also admitted that Portland's willingness to provide services is attracting homeless people from outside the city, although he said that most are coming from within the region.

"Consider this. Clackamas County and Washington County, I don't think anybody would argue that they don't have a housing crisis, that there aren't homeless people in Washington and Clackamas counties, that they're not subject to mental health or addiction issues. Yet Washington County and Clackamas County have exactly zero adult shelter beds that are full time funded by government. They have zero. And therefore, if somebody is homeless, they are definitely going to find their way to Multnomah County or to the city of Portland. So that's a regional conversation we need to have.

Pressed by the Portland Tribune editorial board, Wheeler declined to commit to any metric for measuring any specific goal next year, saying the problem is too big.

"As an elected official, I know I'm supposed to say nothing, but it's only going to get to better from here, but I personally don't believe that, so I'm not going to tell you that. Okay? We're in this for the long haul. There are no easy answers to this problem. If there were easy answers, they'd already be found," Wheeler said.

No city help after water main break 'blows my mind'

*By Jennifer Dowling/KOIN 6
May 10, 2019*

City says it is not liable for water main break that caused \$70,000 worth of damage in one home alson.

Ryan Humphrey's basement was flooded when a huge water main burst in his Northeast Portland neighborhood on March 17. There was two feet of water in his basement, his TV room was gutted, a furnace, children's toys, family heirlooms and other valuables destroyed.

"My garage door, the bottom panel buckled and water started to rush in," he said. There's also concerns about mold and structural damage estimated at \$70,000.

He and about 10 other homeowners and business like The Hilt filed a claim and said the city of Portland was at fault due to the construction design and maintenance of the water system, as well as the response time to manage and contain the water.

But the city denied his claim and maintains the pipe near Northeast 23rd and Skidmore broke spontaneously at no fault to the city.

"It blows my mind they are sitting there saying it's a catastrophic failure and all hands are on deck, and here we are a month-and-a-half later. You can go look at my basement. It's a train wreck," Humphrey told KOIN 6 News. "It's like the city came, city leadership and then they left and homeowners pick up the pieces."

The city said the pipe segment that broke had no prior documented maintenance issues and the remainder of the main was found to be in good condition, not caused by negligence of employees.

"It took them four to five hours to even get the water to recede and they find it all very reasonable," said Humphrey. "It blows my mind."

He said he plans to appeal the city's decision.

"I'm facing bills, I'm trying to get my family back into a normal situation," he said. "I'm looking for some help."

You can read a Portland Tribune story on the break [here](#).

Sources: Portland Superfund talks in high gear

*By Jim Redden
May 09, 2019*

Plus, talks about moving Hazelnut Grove homeless heat up and the fight over warning signs on unreinforced masonry buildings continues.

The City Council could take a major step toward cleaning up the Portland Harbor Superfund site next week.

Mayor Ted Wheeler requested a \$6 million interagency fund transfer to the Bureau of Environmental Services for continued work cleaning up the harbor. The city is one of more than 100 potentially responsible parties identified by the U.S. Environmental Protection Agency that contributed to the pollution that prompted the superfund designation in 2000. The EPA has said the site must be in planning or progress for cleanup design by the end of 2019.

The superfund site is located in the lower Willamette River, just south of the Columbia Slough and north of the Broadway Bridge. Portland and the other potentially responsible parties have been in confidential settlement negotiations with the EPA for the past few years. Cleanup costs are estimated at around \$1 billion.

Talks about moving Hazelnut Grove homeless heat up

St. Johns residents are split over whether to relocate the controversial Hazelnut Grove homeless camp to a vacant lot owned by the St. Johns Church at 8005 N. Richmond St.

The church has offered to lease the lot to the Do Good Multnomah nonprofit organization for the camp, which is under community pressure to leave the Overlook neighborhood, where it has been located for several years.

The St. Johns Neighborhood Association will host a discussion on the relocation at its Monday, May 13, meeting. Church members and some residents support the relocation as a humane solution to the current dispute. Other residents oppose the move, saying the site is too close to several schools, among other things. The city-county Joint Office of Homeless Services would help pay for its ongoing operation.

The meeting begins at 7 p.m. at the St. John's Community Center, 8427 N. Central St. No association vote is scheduled on the relocation.

Masonry fight continues

Attorneys for the city of Portland and some unreinforced masonry building owners are fighting over how many questions former Commissioner Dan Saltzman should be required to answer in the federal lawsuit over them.

Before he left the council in January, Saltzman, an engineer by training, was the strongest advocate for requiring owners of unreinforced masonry buildings to post signs warning that the buildings could collapse in earthquakes.

He then wrote an opinion piece published in the Feb. 19 issue of *The Oregonian* urging the council to not delay the posting requirements for private buildings owners as proposed by Commissioner Jo Ann Hardesty, who replaced him.

Attorneys for building owners want to question Saltzman about his work and advocacy on the requirement, both before and after he left office. City attorneys want to limit the questions to just some of what he did in office.

A hearing on the issue was scheduled for earlier this week. A hearing on the injunction sought by building owners is set for May 14 and 15 before U.S. District Magistrate Judge John Acosta.

Police chief: Gun Violence Reduction Team needed, effective

By Jim Redden

May 08, 2019

Commissioner Jo Ann Hardesty has said she will try to disband the former Portland Police Bureau Gang Enforcement Team during the process for the next budget.

The Portland Police Bureau has released information about the unit that works to reduce gun violence as Commissioner Jo Ann Hardesty is working to disband it.

The Tactical Operations Division's Gun Violence Reduction Team (GVRT) was formerly called the Gang Enforcement Team. Its name and mission changed to include all gun-related crimes late last year. Hardesty has said she will introduce an amendment to Mayor Ted Wheeler's proposed budget to defund the unit because it had previously focused a disproportionate amount of its efforts on minorities.

Portland Police Chief Danielle Outlaw said the unit is still needed and effective at reducing gun violence in the city.

"Portland has not been immune to gun violence for quite some time. It negatively impacts all of us who live in, work in, or visit the city," Outlaw said in a Wednesday press release. "The work being done by the Gun Violence Reduction Team is cutting edge because of the collaborative approach and investigative response. We rely upon them to continue the collaboration with community partners to reduce gun violence city-wide using nationally recognized best practices."

The release included the following information about the unit:

- The Gun Violence Reduction Team transitioned from a gang-related gun crimes focus to triaging all shooting cases as of October 2018. Calls to 911 reporting shots fired between October 2018 to March 2019 are down 28%, since this change was made.
- So far this year, the unit has triaged 135 shootings. Of these, the team responded to 99 shooting scenes, and assigned 76 felony level shooting cases to the team's detectives.
- In these 135 shootings, 34 individuals were struck and injured by gunfire, 13 community members lives were taken, and 655 casings have been recovered so far.
- Since instituting the new model in October, the number of shootings per month has been trending downward (November-34, December-35, January-34, February-31, March-32, and April-29 shootings).
- Illegal firearm recoveries in the Portland are trending upward (2017-759, 2018-1034, and 2019 YTD-322 on track to an estimated 1,300).

The release also included photographs related to recent shooting cases to demonstrate the gravity and complexity of the cases, including:

- A ride share operator who was fueling the ride share vehicle when gunfire erupted nearby. The driver took cover by leaning over into the passenger seat. The vehicle was struck once by gunfire

and a bullet penetrated the windshield and struck the space where the driver had been sitting seconds prior.

- A "road rage" case involving a victim with two very young children in a car. The car was struck multiple times by gunfire with the rounds penetrating the interior of the vehicle, narrowly missing the two young children.
- A home that was struck by numerous rounds of gunfire which was occupied by two elderly people. The rounds penetrated multiple walls in the house.

The release also said that in addition to the partnerships focusing on gun violence reduction, community members play an important part. The Portland Police Bureau works closely with the Office of Youth Violence Prevention and Enough is Enough PDX, a community-led campaign aimed at encouraging individuals to take a stand against violence in the area.

And the release said that the NIBIN (National Integrated Ballistic Information Network) program continues to provide critical investigative leads on shootings in a quick time frame. The unit has experienced a 27% success rate in linking cases for serial shooters. This program is made possible through a collaborative effort with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) and the Portland Area Crime Gun Initiative. These efforts are all components of the Crime Gun Intelligence Centers (CGICs), an interagency collaboration focused on the immediate collection, management, and analysis of crime gun evidence, such as shell casings, in real time, in an effort to identify shooters, disrupt criminal activity, and to prevent future violence.

For more information about CGICs, visit <https://crimegunintelcenters.org>.

A public hearing on Wheeler's proposed budget is set for 6:30 p.m. on Thursday, May 9, at the World Forestry Center adjacent to the Oregon Zoo. You can read a previous Portland Tribune story on Wheeler's budget [here](#).

Council OK's limited police-JTTF work

*By Jim Redden
May 08, 2019*

UPDATE: Portland officers can work on the task force on a case-by-case basis after Wednesday vote.

The City Council voted to allow the Portland Police Bureau to continue working the FBI Joint Terrorism Task Force on a case-by-case basis on Wednesday, May 8.

The vote was 4 to 0, with Commissioner Chloe Eudaly absent.

The council voted to withdraw from the JTTF on a 3-to-2 vote on Feb. 13. But that resolution called for another resolution to be introduced within 55 days describing parameters of engagement between the PPB and the JTTF on specific cases.

"This resolution sets general guidelines for the PPB to follow as it develops a directive that will specifically outline for PPB members how PPB will coordinate the sharing of information between PPB and the JTTF regarding the threat of terrorism," read the related impact statement.

The new resolution was introduced by Mayor Ted Wheeler, who voted against the previous resolution, and Commissioner Jo Ann Hardesty, who sponsored it. Under the terms of the new

resolution, of the chief of police can assign officers to specific terrorism and hate crime investigations if requested by the special agent in charge of the Portland FBI office.

The chief and deputy chief are also authorized to be liaisons to the JTTF.

The cases must have a Portland "nexus" and a reasonable suspicion of criminal activity. The resolution prohibits the Portland officers from providing information related solely to immigration status, as prohibited by Oregon sanctuary laws.

The officers temporarily assigned to work with the JTTF are also required to attend annual training conducted by the Office of the City Attorney to ensure they comply with compliance with applicable state and federal laws.

Also voting to withdraw from the JTTF in February were commissioners Amanda Fritz and Jo Ann Hardesty. Voting with Wheeler to stay in was Commissioner Nick Fish.

You can read the resolution [here](#).

Wheeler: Homeless spending straining city budget

*By Jim Redden
May 08, 2019*

Portland mayor is proposing to spend nearly 7 percent of the general fund dollars on direct services to homeless and people at risk of homelessness.

Mayor Ted Wheeler is proposing to spend nearly 7% of the city's discretionary general fund revenue on direct services to the homeless and those at risk of homelessness next year — a dramatic increase over just a few years ago.

When Wheeler released his proposed budget on May 1, he said spending on the homeless is straining the budgets of all city general fund bureaus. That includes Portland Parks & Recreation, which is facing a \$6.3 million cut in the budget that takes effect on July 1.

"If we were not experiencing the homeless crisis, we would have \$32 million more dollars for other programs," Wheeler said. "We would have a surplus, not a deficit."

But Wheeler actually understated the amount of general fund dollars he is proposing to spend on homeless services. He was only talking about the amount proposed for the city-county Joint Office of Homeless Services, where it will be matched by a similar amount by Multnomah County.

In response to a request for information by the Portland Tribune, the City Budget Office said Wheeler also is proposing to spend \$5.7 million to support the existing Homeless and Urban Camping Impact Reduction Program. Plus \$877,870 for a new Hygiene Street Response pilot.

The total, at \$38.57 million, is almost 7 percent of the \$577.3 million general fund dollars projected to be collected next year.

And, according to the budget office, it does not include funds spent by other general fund bureaus that routinely interact with the homeless, such as the police, fire and parks bureaus.

"We don't have a current total count of the investments that the city provides related to the homeless crisis as it pertains to other core services, which includes efforts by Portland Fire and Rescue, the Parks Bureau, the Police Bureau and others," Interim Budget Director Jessica Kinard told the Tribune.

Research says the figure could be \$10 million or more. According to a review conducted in June 2018, other city bureaus spent \$29 million serving and interacting with the homeless over the previous five years, with \$10 million budgeted for current fiscal year.

And much of that spending was uncoordinated.

"Despite this rapid ramp-up in city spending and the complexity of the issues, coordination among the bureaus is largely informal. Protocols, training, and support for staff conducting these activities are generally developed independently, as is collection and reporting of program data," reads a memo summarizing the findings.

Most of the direct homeless spending has only taken place since the joint office was created in the last years of former Mayor Charlie Hales' administration. It was created in response to the rapidly increasing homeless crisis being fueled by the shortage of affordable house. Until then, the county was responsible for funding most homeless services. But since the joint office was created, the city has about as much money invested in it as the county.

And, despite the spending, both Wheeler and Portland City Commissioner Nick Fish expect the number of homeless in Portland to increase.

"The number of baby boomers leaving the workforce with no savings is increasing, and many of them are expected to end up in shelters," said Fish, who is the strongest advocate on the council for permanent supportive housing units that include social services to keep their residents from becoming homeless again.

Wheeler and Fish both said the city, region and state are moving in the right direction by increasing shelters and building more publicly subsidized affordable housing units, including those funding by bonds approved by Portland and metro voters. But, until enough of them come on line to make a difference, the share of city general fund dollars going to homeless services is only expected to increase.

Commissioner Jo Ann Hardesty has said she will offer amendments Wheeler's proposed budget to eliminate the Portland Police Bureau's Gun Violence Reduction Team and curtail general fund spending on what she considers non-critical programs, including the restoration of the historic Mt. Tabor reservoirs. No other member of the council indicated they would support her by press time, however.

Learn more

You can learn more about Wheeler's proposed budget at www.portlandoregon.gov/cbo.

The City Council public hearing on Mayor Ted Wheeler's proposed budget is scheduled for 6:30 to 8:30 p.m., Thursday, May 9, at the World Forestry Center, Miller Hall, 4033 S.W. Canyon Road, Portland.

The council is scheduled to vote on the budget at its regular meeting on Wednesday, June 12.

Wheeler: 'Yes, I'm running for reelection'

*By Jim Redden
May 07, 2019*

Portland mayor tells the Portland Tribune he is proud of the job he is doing and wants to be the first to serve a second term this century.

Mayor Ted Wheeler will announce for reelection after Labor Day and will run on his administration's record of efforts and accomplishments.

Wheeler made the announcement during a Tuesday, May 7, interview with the Portland Tribune editorial board, saying, "I am not going to officially announce until after Labor Day. It's a little early for that right now. But you know, I don't want to walk away from this job right now. I have great confidence in what I'm doing. And how I'm doing it and what my administration has prioritized. I've worked really hard. It's, it hasn't always been fun, but it has been very, very meaningful and I want to see this work through, I believe in it."

Wheeler also said he believes the recent turnover in Portland mayors has hurt the city. Vera Katz was the last mayor to serve more than one term. Tom Potter and Sam Adams did not run for reelection. Charlie Hales announced for reelection but dropped out of the race after Wheeler, a former Multnomah County chair and State Treasurer, announced in 2016.

"You know, we need some consistency in leadership," Wheeler said.

Wheeler has famously expressed frustration with the job and said he would not decide whether to run again without discussing it with his wife and daughter. That has fueled speculation that he would not run for reelection. Multnomah County Commissioner Jessica Vega Pederson has said she is considering the race, even though she would have to give up her seat to run.

But responding to questions from Tribune editors and reporters, Wheeler said his wife is now "on board," although he admitted he still needs to have a serious conversation with his daughter, who is 12.

"So I'm telling you, yes, I'm running for reelection and I will make a formal announcement later," said Wheeler, who nevertheless left the door open by saying he hasn't made a "final decision."

The interview covered many of the most pressing issues facing the city, from the homeless crisis, which Wheeler said is his top priority, to changing the arbitration clause in the Portland police union contract to allow the chief and police to commission the final say in disciplining officers.

Willamette Week

Commissioner Jo Ann Hardesty Suggests Disbanding a Portland Police Team

*By Rachel Monahan
May 8, 2019*

“I think it’s past time for it to happen,” Urban League of Portland president Nkenge Harmon Johnson told Oregon Public Broadcasting on May 3.

Prominent African American leaders in Portland are seeking to disband the Portland Police Bureau's Gun Violence Reduction Team, saying it disproportionately targets black people.

City Commissioner Jo Ann Hardesty suggested May 2 that the city could disband the team, formerly the Gang Enforcement Team, in favor of sending 28 officers back to patrol duty.

Her proposal already has some community support.

"I think it's past time for it to happen," Urban League of Portland president Nkenge Harmon Johnson told Oregon Public Broadcasting on May 3. "[The gang enforcement team] was neither making us safer nor was it taking many guns off the street. What it served to do is harass African Americans."

The criticism could make it harder for Mayor Ted Wheeler to pass his budget without debate. The mayor's office did not immediately respond to a request for comment.

Update, 6:42 pm: Hours after WW noted Hardesty's proposal, Police Chief Danielle Outlaw drew attention on Twitter to the achievements of the Gun Violence Reduction Team. It appeared to be a defense of the team's effectiveness in response to criticism.

In New Portland Police Bureau Podcast, Officers Say Pedestrians Need to Make Themselves More Visible to Avoid Getting Hit by Cars

*By Elise Herron
May 8, 2019*

"Pedestrians need to have a role of making themselves more visible because the driver as they're driving, what they're picking up on is going to be movement or some sort of visibility..."

Portland police officers are getting into the podcast business—and drawing mixed reviews.

The Portland Police Bureau today announced the launch of Talking Beat, a podcast where officers discuss topics like traffic, behavioral health and recruitment. So far, three episodes have been recorded.

In the traffic segment, officers Ty Engstrom and Chris Johnson offered an interesting take on walking safety. They say if you want to avoid being hit by a car, you should wear brighter clothing and avoid walking in the dark or rain.

"My feeling is pedestrians need to have a role of making themselves more visible because the driver as they're driving, what they're picking up on is going to be movement or some sort of visibility, being able to identify something out there in the road," Johnson said. "And they're scanning and sometimes the wipers are going, it's raining, it's dark. Sometimes the dash lights are there so they can't see as well as a pedestrian often thinks they're being seen."

Johnson gives some obvious advice: Look both ways before crossing the street and ensure that drivers see you before you enter a crosswalk.

But his suggestion that walkers do more to avoid being hit is more perplexing, given a recent study that shows inadequate lighting and erratic driver behavior are some of the biggest barriers to safe walking for low-income Portlanders and people of color.

The remarks also strike an odd chord considering the the police bureau last September admitted to spending less time focusing on arrests of drunk drivers, and, less than two weeks ago, a six-year-old girl was hit in a marked crosswalk by a driver who sped through the bike lane.

In the podcast, officer Engstrom added that pedestrians—"not protected by that steel and metal all wrapped around them"—are more vulnerable, and that, "everyone needs to take their safety into their own hands."

His remarks quickly drew backlash from Portlanders who felt the officers were blaming victims injured by cars.

He also addressed a question from the show's host about traffic ticket quotas by saying there isn't one, exactly, but in order to receive ODOT grants officers are "encouraged to have a certain number of enforcement contacts per hour."

The full episodes, along with transcripts, [can be found on PPB's website](#).

Disability Rights Oregon Says it Will Consider Legal Action if City Doesn't Fix E-Scooter Complaint Process

By Elise Herron

May 9, 2019

"If they fail to take these concerns seriously then, yes, we will be forced to consider litigation. We hope we don't have go there."

Portland advocacy group Disability Rights Oregon isn't happy with the structure of the new e-scooter pilot program.

The city's second scooter trial program started April 26, and this time around the Portland Bureau of Transportation ditched its complaint process, directing people to air grievances with companies directly instead of on a government website.

DRO says the revision allows scooter companies to downplay complaints and shirk responsibility.

"Clearly, if an e-scooter company is taking the complaints and knows those complaints are shielded from the public record, the company may be incentivized to downplay the seriousness of any complaints when they transmit 'minimal' required data to PBOT as part of the pilot," DRO's executive director, Jake Cornett, and staff attorney, Matthew Denney, wrote in a letter to the agency today.

"This would seem to undermine the purpose of the pilot," they continued, "in so far as one goal is to examine potential impacts from e-scooters on the larger community, the rate of complaints, and how they impact people with disabilities' rights to equal sidewalk access."

Earlier this month, PBOT spokesman John Brady told WW that the change in complaint processes is an attempt to "improve response time and put more responsibility onto the companies," and that companies would be audited.

Emily Cooper, DRO's legal director, says that the change in complaint process took the organization by surprise after the city received over 6,000 complaints in four months on its online portal last year.

"This is a city pilot, it's designed to try out and get feedback to figure out what to fix," Cooper says. "We're very concerned that there's no clear, easy, accessible way to hear from constituents."

Cooper adds that PBOT has agreed to meet with DRO. Depending how that meeting goes, the advocacy organization may consider legal action.

"We hope the city continues to modify pilot," she says. "If they fail to take these concerns seriously then, yes, we will be forced to consider litigation. We hope we don't have go there."

In response to DRO's letter today, Brady tells WW in an email: "PBOT shares Disability Rights Oregon's concerns regarding implementing an effective, transparent and accountable complaint process. Their input has been very helpful in shaping the second scooter pilot, and we look forward to continuing the conversation about how we can ensure that scooters meet the needs of all Portlanders."

One Day With the Squad That Removes Needles and Feces From Downtown Portland Streets

*By Rachel Monahan
May 8, 2019*

New proposals in this year's budget would begin to address practical challenges and employ new methods to move away from arresting the mentally ill on the streets.

7 am, Old Town

Every weekday morning, shortly before dawn, a squadron of men arrives downtown to serve as an alarm clock.

These security officers roust people who are sleeping against buildings or in the middle of the sidewalk. They tell them it's time to wake up—and stand watch until they do.

That's the cue for Cindi Shipley.

Wearing a bright reflective vest, hiking boots and black cargo shorts, Shipley appears moments after the officers, hauling a trash can on wheels.

"People get really upset sometimes, being woke up at 7 o'clock in the morning," she says. "They don't want to go nowhere. Which I get. I understand."

Along with the officers, Shipley, 41, works for the Clean and Safe program at Central City Concern, which in turn has a contract with the downtown businesses that tax themselves to clean the sidewalks every day.

It's not work most people would want. Shipley's grateful for it.

"This is a pretty freaking good job," she says. "It's not a hard job. It's not a complicated job. I get to talk to people."

Shipley's gratitude is understandable. Until two years ago, the former stay-at-home mom who grew up in North Portland lived on the streets.

Now she has a home and a job—on the front lines of cleaning up the mess left by people living on the sidewalk. As a trainer of her fellow cleaners, Shipley makes \$13.75 an hour and receives benefits that include health and dental insurance.

It's not a surprise that Portlanders of different stripes say homelessness is the biggest challenge this city faces.

This is Portland's budget season, and the city continues to fund shelter and services for the homeless at a rate unheard just a few years ago. Mayor Ted Wheeler has dedicated \$32 million of his budget to the Joint Office of Homeless Services. That's up from \$14.5 million in 2015-16.

But the city has yet to turn a corner in the highest-profile symptom of the homelessness crisis: The streets of downtown are full of people talking to themselves, high or mentally ill, and camped out with their few possessions. In lieu of long-term solutions, the city and its largest businesses rely on temporary, cosmetic fixes like sending a broom-and-bucket brigade every morning to scour away the evidence of a broken social contract.

In downtown, according to statistics compiled by the Clean and Safe District, the number of hypodermic needles picked up off the streets grew from 2,817 in 2012 to 38,394 in 2018.

"Sometimes I think it's getting better, sometimes I feel like it's getting worse," says Jay McIntyre, business director for the Clean Start program at the nonprofit Central City Concern.

New proposals in this year's budget would begin to address practical challenges—like the need for more public toilets—and employ new methods to move away from arresting the mentally ill on the streets.

But for now, the Portland group that makes some of the daily contact with the homeless is a crew of cleaners, most of whom were recently homeless themselves.

Business leaders tout their support for creating these jobs. "Addiction has touched everybody's life in one way or another," says Maureen Fisher, executive director of Downtown Portland Clean and Safe District. "To see these people turn their lives around—and having just even a little bit to do with that—is really rewarding."

This security and janitorial service covers 213 square blocks.

It's fraught territory. Few groups are as antagonistic toward each other as business owners and homeless campers. When business owners on the central eastside established a similar program last fall, homeless advocates called it inhumane.

Shipley considers her job a form of peacemaking between these natural adversaries. She scoops up feces, needles and trash that would otherwise threaten the fragile peace that exists between those who own businesses and real estate and those who own nothing.

Shipley and her colleagues see Portland's homelessness with an intimacy few city residents experience. Last week, we joined them on their rounds. We saw what they saw.

This is a day cleaning up Portland's streets.

7:20 am, Southwest 1st Avenue

The day starts with needles.

Strawberry blond and tall, Shipley smiles a lot and greets people with a hug. For much of the past decade, she was homeless, mostly staying in shelters. Three years ago, she and her husband and their two kids were living in an RV outside Boise-Eliot School in North Portland.

In April 2016, TV news stations ran a story about a homeless man living in the same neighborhood who jumped out of an adjacent RV in a clown mask and started talking to kids. It was a frightening spectacle: a man trying to approach kids from a creepy RV.

Shipley was then addicted to meth. Her kids were taken from her and her husband to foster care. Nearly two years ago, she went into treatment in an effort to get them back. In September, she started this job. (She got an apartment in March and is still working to get her kids back full time. One son spends weekends with her.)

Now, she goes to bed at 8 pm, wakes at 4:30 am and leaves at 4:57 am from her two-bedroom apartment in North Portland, where she lives alone until her boys are returned to her. Federal Section 8 housing vouchers help pay the \$988-a-month rent. She takes the No. 35 TriMet bus to report for work by 6 am.

The Blazers won last night, she's told. She cheers.

Shipley gathers her rig, a solid black steel cart with two blue trash barrels on top. The one in front has a blue trash bag inside. On a typical shift, Shipley says she'll fill a dozen bags.

The can in the back contains her supplies: a scraper for stickers and graffiti, a short broom for sweeping, a dust bin with a handle, and a second broom with tough bristles for scrubbing dried feces and vomit off the sidewalk.

In the middle is a battery-operated spray gun attached to a tank filled with 5 gallons of an enzyme solution called Take Down Cherry. "It neutralizes the smell of urine and feces," she explains.

She and a fellow on a bike named Matt who works with her as a "crew member" start their shift, clearing paper and cardboard scraps left on the sidewalk near the nonprofit Mercy Corps headquarters at 45 SW Ankeny St., just south of the Burnside Bridge.

The workers pick up each scrap of paper with metal pincers. This method is more difficult than simply bending down—but there's a good reason for the pincers. As Matt is scooping up a pink-labeled champagne bottle into his cart, he spots needles inside.

He turns it upside down. The first two needles come out with ease. The next ones are stuck.

"If they won't come out, break the glass and I'll sweep it up," Shipley offers. Eventually, he breaks the neck of the bottle by striking it against the ground.

The needles could be hidden anywhere. Shipley says she usually finds only two or three a day.

"One time, I got 36 of them in one day because somebody just left 'em, like a big pile of them, all in one spot," she says. "That's why we don't pick up anything with our hands. It looks like you're being lazy, but even cardboard or paper, you squish it with your feet if you can't get it with the grabber, because there could be needles or feces underneath."

Shipley says one worker made the mistake of picking up a piece of cardboard and got pricked. Another picked up a garbage bag by putting a hand underneath it and got pricked. The rule for a bag: Pick it up by the knot on top.

7:45 am, Southwest 2nd Avenue

Shipley gets a call on the black flip phone she carries.

Someone at the Union Gospel Mission at 3 NW 3rd Ave. has spotted feces on the sidewalk. It's Shipley's job to report there within half an hour.

"Over there, I'm going to take a guess, it's going to be human," she says. "But it might not be."

While she doesn't love poop duty, she's no-nonsense about it. "It takes three seconds," she says. "If I didn't have to, I wouldn't particularly want to be picking up human feces, but it is what it is. I try not to judge. Sometimes it's hard."

She tells two poop stories. One is about a woman so mentally ill she took a dump right in front of Shipley. She says she just cleaned up without saying anything.

The second was when someone on the streets tried to dispose of their poop in a paper bag. Shipley picked it up and it splashed out onto her and her cart. "I was glad I was wearing pants that day," she says.

The mayor's proposed budget for the coming year includes \$877,870 for portable toilets—and funding for staff at those toilets.

Shipley searches a full city block for the reported feces.

Later, in a tunnel under the damaged parking garage on 4th Avenue, she sees the unmistakable sign that the pile is human feces.

There are at least two ways to be sure it's human. "When it's got paper towels or napkins," says Shipley. "Dogs don't wipe."

The other: when poop is running down a wall, evidence that a human leaned against it. By the garage, there is no wall. But a fence of black construction mesh is clearly poop-stained. It's dark in the tunnel, so Shipley says she may have missed it yesterday.

"I try not to judge," Shipley says again.

9:15 AM, Southwest 4th Avenue

A woman walks by and chats up Shipley as if they're old friends. Shipley has never met her before.

But it's not uncommon to run across people raving to themselves or acting overly friendly. "There are a couple of mentally ill women who act like they're my best friend," she says.

Another man with piercing blue eyes and gray sweatpants stained a darker gray down the backside to the knee stops to tell Shipley he had a seizure this morning when he was woken by the patrols. He says he's going to the hospital.

"We need another mental health facility," Shipley says.

This year's budget brings no immediate relief, but work is underway: Multnomah County bought a new building downtown to focus on mental health services and even provide transitional housing and shelter. And the city, county and regional governments are working to provide more housing that comes with resources for services.

"I used to live at the Estates [a Central City Concern building in Old Town]. There was one lady who used to sleep in the doorway. And she would punch herself in her head. Really, that lady

needs to live in a facility where she can get a meal and her meds. She should not have to be on the streets. But I don't know what I can do about it."

10:50 am, Southwest 2nd Avenue

The man appears out of his mind. He is sashaying back and forth in front of Mother's Bistro. He's carrying an empty carton of Reese's chocolate ice cream, and dancing to music no one else can hear.

"Hello," Shipley says as she passes.

She says hello to nearly everybody on the street when she's not concentrating on picking up the next bit of litter or chatting with someone else.

"Sometimes if they're screaming to themselves, I'll smile," she says. "They'll stop screaming. Sometimes, like little kids, sometimes you just got to distract them. There's one guy, his name is Jeff. He sleeps right by the Burnside Bridge. Sometimes he's cussing 'die, die,' and 'f you' to somebody that's in his head and not to anyone who's out there. And some days he's like 'Hi, Cindi.'"

The dancing man hears her. "Hello," he says gently through his apparently drug-addled fog.

Shipley says she was addicted to methamphetamine for 17 years. She'll mark two years sober, she says, on July 11. "7-Eleven—I get a free Slurpee on my clean day," she says. "Everybody else does too." She smiles. She did six months of in-treatment care, and then she continued in outpatient care while living in a Central City Concern building for addicts in recovery.

Many of the workers for the Clean and Safe program are in recovery. Until last month, the program hired only people affiliated with Central City Concern, which helps treat and house those with addictions, among other work. (Because of the booming economy and high demand for cleaning services, the nonprofit has broadened its hiring pool.)

The city is starting to grapple with addiction services. In the past, the mayor has argued that such services are the county's role to fulfill. For the first time, there's \$500,000 in the city budget for addiction treatment services to pair with housing. "Traditionally, that is the purview of Multnomah County," Wheeler said May 2. "I think it is unrealistic to assume Multnomah County can do all of that alone. Supportive housing is a very high priority for this administration."

The effort is part of the city's commitment to supportive housing, housing designed for the kind of people Shipley runs across, and the new budget allocation appears to be part of the mayor's effort to claim the issue as his own. (Other city dollars that could serve the same purpose have been combined with county resources as part of the Joint Office of Homeless Services.)

For Clean and Safe workers in recovery, the exposure to the streets can often help. Twice a week, she sees someone completely passed out on drugs. "I get a daily reminder of why I don't want to use—because I don't want to be homeless again," says Shipley.

But there are also downsides. The worst is finding meth in the garbage. Once, she found a glass pipe. "I smashed it instead of picking it up," she says. "I didn't even want to touch it because I was really new in recovery."

Smoking meth was her preferred way to get high.

1:15 pm, near the Salvation Army

At the corner of Southwest Ash Street, Shipley spots a heartening sign: a bag she'd left for garbage pickup has obviously been re-tied.

Someone has been rooting through it. But at least they cared enough to tidy up.

She doesn't judge people for what they leave on the streets. But she does judge those who dig through trash and strew it across the sidewalk.

"I get not caring because you just don't care about anything," she says. "But I don't know. I never did that."

She passes the Salvation Army women's shelter at 30 NW 2nd Ave. It used to serve families; women and children on one floor, men on another, she recalls. "I remember putting Kristopher [her youngest child] to sleep in a pack-and-play," she says. Kristopher is now 13. He was 4 months old, she thinks, when her family stayed at this shelter for a couple months.

"Sometimes people will make comments about the people on the streets," she says. "If someone is making a big mess in front of your business, you're not going to be happy about it. I get it. But getting all mean about it isn't going to help anything."

Now she turns the corner onto Southwest Ankeny Street and spots a white blanket against the wall. She puts it in the trash.

If it were accompanied by other personal belongings, she says, she might leave it. But it's not clear anyone will return for this blanket.

Plus, it's against a building. And those are the rules.

OPB

FBI Signals Support For New Relationship With Portland Police

By Conrad Wilson

May 7, 2019

The FBI is signaling its support for a new agreement with the city of Portland that would allow the agency to work with the city's police officers on a case-by-case basis.

The Portland City Council is set to vote on the new resolution at its meeting Wednesday.

"Our goal is to have a good working relationships either in formal task forces, arrangements or informally when that's not possible," FBI special agent in charge Renn Cannon told OPB on Tuesday. "The only way that we're going to make progress on these complex investigations, complex crime problems, complex questions of public safety is to work in partnership."

The city's relationship with the FBI has been rocky in recent months.

In February, Portland became the second major city, following San Francisco, to withdraw from one of the FBI's Joint Terrorism Task Forces. A majority of the council voted to withdraw over concerns about immigration related arrests and the FBI's history of surveilling certain political and religious groups.

The new agreement would prevent Portland police officers from providing "any information for the purpose of federal immigration law enforcement." It allows the city's police chief, at the request of the FBI, to "temporarily assign" officers to the local JTTF to assist in investigating suspected cases of terrorism, threats to life and hate crimes that have a "direct nexus" to the city.

The resolution was put forward by Mayor Ted Wheeler and Commissioner Jo Ann Hardesty, who were at odds about whether the city should leave the task force.

“Our resolution was drafted with community concerns in mind, with the operational needs of the Portland Police Bureau accounted for, and is an example of the collaborative work that can be done with all Council offices,” Wheeler said in a statement Tuesday. “This is significant considering a related vote was split in February and is being followed by a unanimous one.”

Hardesty didn’t immediately return a request for comment.

After the 9/11 terrorist attacks, the FBI expanded JTTFs across the country to all 56 of its field offices. In Portland and elsewhere, JTTFs are divided into two teams: one that focuses on international terrorism and the other on domestic threats. Officers who work on the task force serve as conduits between the FBI and their local department.

The decision to withdraw in Portland came after voters elected Hardesty. She campaigned on pulling the city out of the JTTF over concerns about immigration arrests.

At the time, the FBI acknowledged JTTFs across the country used immigration related arrests to address terrorism related threats. But they said immigration is not a priority for the FBI unless there’s a criminal or national security threat. In December, Cannon said the Portland police officers deputized on the JTTF do not work cases that have any immigration component.

Last year, the FBI directly lobbied city commissioners to not leave the task force.

On Tuesday, Cannon said his office has not reached out to the city’s commissioners directly in recent months. Instead, he said, they’ve worked with Police Chief Danielle Outlaw and others PPB leaders.

Cannon declined to comment directly on the specifics of the resolution.

“We understand that the Portland Police, they’ve got to be responsive to the elected officials and the City Council,” he said. “We’ll continue working with the Portland Police Bureau to work out the relationship that is going to be mutually beneficial and within the realm of the guidelines laid down by the oversight that they have.”

The City Council meeting is set to begin at 9:30 a.m. Wednesday.

Post Joint Terrorism Task Force, Portland Adopts New Relationship With FBI

*By Conrad Wilson
May 8, 2019*

The Portland City Council voted 4-0 Wednesday to adopt a new framework for how city police officers will work with the FBI now that city leaders have formally left the Joint Terrorism Task Force.

The City Council voted earlier this year to pull Portland officers from the FBI-led JTTF. As they debated a new relationship Wednesday, they heard thanks from people pleased with that earlier decision.

The new agreement allows the Portland Police Bureau to work with the JTTF on a case-by-case basis, versus having city officers on permanent assignment to the task force. The city police chief

can “temporarily assign” officers to the local JTTF to assist investigating suspected cases of terrorism, threats to life and hate crimes that have a “direct nexus” to the city.

The compromise prevents Portland police officers from providing “any information for the purpose of federal immigration law enforcement.”

The FBI declined comment on the vote Wednesday, though FBI Special Agent In Charge Renn Cannon told OPB earlier this week the agency supported anything that allowed for a closer working relationship with the Portland Police Bureau.

Some who testified before the council urged the city’s leaders to go even further in curbing PPB’s cooperation with federal officials.

Mayor Ted Wheeler, who voted against leaving the JTTF in February, voted for the new agreement and called it a good example of compromise between people who have very different ideas about public safety.

“We’ve come together in a unified way on this,” he said. “It shows a path forward and proves to the community that we can in fact work together and collaborate.”

Commissioner Jo Ann Hardesty, who was elected last year in part on a promise to end Portland’s JTTF involvement, also voted in favor of the new definition of the city’s relationship to the task force.

She said she’ll be keeping a close eye on how the police use their limited, case-by-case freedom to work with federal officials.

“This is a compromise,” she said. “In a compromise, nobody gets everything they want.”

While the public largely expressed support for the resolution and thanked members of the council for pulling out of the task force, some questioned language in the resolution that they believed could lead to an even greater cooperation between police and the FBI.

Specifically at issue was a line allowing the police chief to temporarily assign officers to the JTTF to investigate “any individual suspected cases of terrorism and/or threats to life, including hate crimes, in or having a direct nexus to the City of Portland.”

“By including this language ‘and/or’ it doesn’t focus just on terrorism, and then it expands the mission and therefore there’s mission creep,” said Brandon Mayfield, a Portland man who was arrested in 2004 after the FBI mistakenly connected him to a Madrid train bombing.

“Again, I’m primary here to say thank you, all of you,” he added.

Portland followed San Francisco to become the second major city to pull out of a JTTF. A majority of the council voted to withdraw over concerns about immigration related arrests and the FBI’s history of surveilling certain political and religious groups.

Commissioner Nick Fish, who voted to remain part of the task force, noted Wednesday that other progressive cities have been able to work out agreements with the FBI.

“Seattle, Boston, Denver, Oakland and New York have formed partnerships between their police bureaus and the FBI without sacrificing civil liberties,” Fish said. “A majority of the council disagrees with the mayor and me on this important issue. Therefore, I believe the resolution before us today is a thoughtful alternative.”

Wheeler noted that even though Portland is no longer part of the JTTF, it still operates in the community.

Commissioner Amanda Fritz joined the council in passing the measure. Commissioner Chloe Eudaly was absent from the council meeting.