

The Oregonian

Mother of Terrell Johnson, fatally shot by Portland police in 2017, files wrongful death lawsuit against city

*By Maxine Bernstein
May 10, 2019*

The mother of 24-year-old Terrell Johnson, who was shot and killed by Portland police in 2017 after a foot chase that outside consultants said violated Police Bureau policy, filed a federal wrongful death lawsuit against the city and the officers Friday.

The suit's allegations nearly mimic the findings of a review by the California-based Office of Independent Review Group, hired by the city to evaluate Portland police shootings.

Had Officer Samson Ajir followed directives on when and how to properly conduct a foot chase, "Mr. Johnson would be alive today," the suit alleges.

Attorneys from the Oregon Justice Resource Center, Juan C. Chavez and Alex Meggitt, filed the civil rights lawsuit in U.S. District Court in Portland on behalf of Johnson's mother, Alicia Johnson. It also alleges battery.

Tracy Reeve, Portland city attorney, declined comment on the pending litigation.

Alicia Johnson had attended a community presentation by Michael Gennaco, the lead consultant of the Independent Review Group on Feb. 9.

At that meeting in City Hall, the consultants said they found that Ajir violated the bureau's foot chase policy when he ran after Terrell Johnson, who dispatchers said had threatened riders on a MAX platform in Southeast Portland. Ajir ended up fatally shooting Johnson after tripping and falling during the chase and Johnson suddenly turned around holding a knife, police said.

As Ajir fell, he held his 9mm Glock pistol in both hands, according to grand jury transcripts. Before his body hit the ground, he said he squeezed off a single shot, unable to look through the gun's sight. "As I'm falling, I shoot once and I see his hips jar." When the shot didn't stop Johnson from advancing, Ajir fired three more shots holding his gun in his right hand, killing Johnson, who collapsed on top of a folding box cutter knife, according to the transcript.

A Multnomah County grand jury found no criminal wrongdoing by the officer.

Gennaco, the outside consultant, highlighted the police shooting of Johnson as an example of how the Portland Police Review Board has failed to hold officers accountable for violating policies leading up to a shooting.

Ajir and his brother, a Clackamas County sheriff's deputy, both assigned to the Transit Division, responded to a 911 call on May 10, 2017, about a man who had threatened riders and had chased a teenager off the Flavel MAX platform.

The initial call made no mention of the man having a weapon but the mobile computer in the car said, "now weaps." Another transit officer from West Linn police arrived first and was talking to Johnson, who acknowledged he had a knife. As Ajir and his brother arrived, Johnson took off running.

The West Linn officer ran after him and Ajir joined the foot chase and overtook the West Linn officer. At no point did Ajir learn from the West Linn officer that Johnson had a knife, consultants said.

Under bureau policy, once officers chase a suspect, they're supposed to notify dispatchers of the person's direction, give a description and say whether the suspect is armed. Officers are to maintain a safe distance, shouldn't try to overtake a fleeing suspect but keep the person in sight until they have sufficient cover to make an arrest. The policy also generally prohibits foot chases of armed suspects except in "extreme circumstances," which weren't present in this case, the consultants said.

Ajir's decision to chase after Johnson and get too close to the suspect, coupled with his failure to communicate with other officers responding and with dispatch should have led to a finding that he violated the foot pursuit policy, the consultants' report said.

The suit alleges the same.

"It was foreseeable that in not radioing BOEC (Bureau of Emergency Communications), not utilizing cover or back up, not maintaining a safe distance from Mr. Johnson, in attempting to overtake Mr. Johnson, in stepping backwards after getting too close to Mr. Johnson to use less-lethal weapons, in unreasonably believing Mr. Johnson was giving up, in ignoring the availability of alternative methods to take the plaintiff into custody as outlined by PPB directives, by failing to deescalate a circumstance where Mr. Johnson was clearly demonstrating signs of mental illness and distress, by creating the very circumstance that lead to his firing of three bullets into Mr. Johnson, and in relying on a gun when only faced with a boxcutter, it would result in the type of harm Mr. Johnson suffered," the suit says.

Johnson was described in the suit as a biracial man who had been undergoing some type of mental health crisis in the months leading up to his death. He had sought help from medical professionals, but received none, the suit says. He also was turned away from drug treatment and told he needed to get mental health help first, the suit says.

Read the suit [here](#).

The Portland Tribune

Portland, Oregon and EPA partner for Superfund cleanup

By Jim Redden

May 10, 2019

City Council to consider unique \$24 million agreement to encourage those responsible for pollution in the Portland Harbor to create cleanup plans.

A unique agreement to jumpstart the cleanup of the Portland Harbor Superfund Site will go before the City Council next Wednesday, May 15.

Portland, the State of Oregon and the U.S. Environmental Protection Agency have agreed to create a \$24 million fund to encourage the design of cleanup plans for the polluted portions of the site. The city and state would each contribute \$12 million to a trust administered by the EPA, which designed a 10-mile stretch of the lower Willamette River a superfund site in 2000.

The money would be offered to the more than 150 parties identified by the EPA with potential liability for paying cleanup costs in 2017. Under the agreement, \$80,000 per acre would be available to the potentially responsible parties (PRPs) to help pay for the remedial design of their cleanup plans.

"We are proud to partner with the State of Oregon on this exciting approach," said Mayor Ted Wheeler, "and we appreciate EPA's willingness to think outside the box with us. We look forward to continued progress toward a healthy, working river."

Portland's share of the money would come from a superfund-related charge being collected in the city's combined water-sewer-stormwater management bills. Oregon's share would come from funds already approved by the Legislature for cleaning up the site.

"Our waters and our lands are some of our most precious resources, and this project will help ensure that they will be enjoyed by generations to come," said Governor Kate Brown. "It's a great example of how working together brings forward cost-effective solutions."

The EPA has never approved a similar proposal — called the City and State Settlement Agreement — to help clean up a superfund site before.

The EPA has estimated the total cleanup costs at around \$1 billion. It has been in secret negotiations with the PRPs for several years. The goal is to get them agree on how much each should contribute to cleaning up all of the polluted locations in the site. Portland and Oregon are both potentially liable for multiple locations.

Some of the PRPs have already admitted potential liability and begun working on locations. They include the city, the state, the Port of Portland, PGE and Northwest Natural. Others are believed to be reluctant to admit liability and incur cleanup costs.

The EPA informed the PRPs in December 2018 that they must begin negotiations June 30 to perform remedial design work for the areas not already under agreement and sign remedial design agreements by December 31. Portland and Oregon support those efforts.

The EPA can go to federal court to force compliance. The fund is intended to encourage compliance instead. Under the agreement, the EPA will credit the city and state for the trust funds spent for remedial planning by the other PRPs.

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

Earthquake warning sign fight resumes Tuesday

By Jim Redden

May 13, 2019

Federal court hearing scheduled on request for preliminary injunction by URM building owners.

The legal fight over Portland's unreinforced masonry building earthquake warning signs is scheduled to resume Tuesday, May 14.

The City Council has delayed its requirement that URM owners post signs warning their building are unsafe in earthquakes until 2020. But some owners are still asking the Oregon U.S. District Court to rule the requirement unconstitutional.

A hearing on the preliminary injunction request is scheduled for May 14 and 15 before U.S. District Magistrate Judge John Acosta. Lawyers for the building owners have deposed former Commissioner Dan Saltzman, who was the most vocal advocate for the requirement on the council. They are quoting him as saying the requirement was intended to pressure the owners to either pay for expensive earthquake retrofits or redevelop their buildings.

The Council "possessed the legal authority but lacked the political will to address retrofitting of URM buildings directly. As a consequence, the Council turned to the placarding Ordinance, which employs compelled speech in an attempt to do indirectly what the Council was unwilling to do directly," building owner lawyers wrote in their most recent filing.

The City Attorney's Office argues the requirement is legal and warranted by the known risk that URM building will fail in earthquakes.

You can read the most recent filing [here](#).

You can read a previous Portland Tribune story [here](#).

Gimme shelter: Harbor of Hope moves forward

By Joseph Gallivan

May 10, 2019

As the high-tech homeless shelter nears completion, developer Don Mazziotti reflects on four years' work

Everyone has an opinion of how the homeless got where they are and how the "problem" can be fixed.

The latest project to make it past the fantasy stage and into concrete and steel is by Oregon Harbor of Hope. The curved, green River District Navigation Center popped up in April under the west end of the Broadway Bridge, on vacant land owned by Prosper Portland.

According to Don Mazziotti, Oregon Harbor of Hope's Managing Director, the target is a certificate of occupancy by July 1 and to be operating by August 1.

"There'll be no loitering, no camps around it," he said on a recent hard-hat tour. "There will be one point of entry, on Naito, and you'll need a reservation, which can't be made on site. If you don't have a key card, you can't enter."

He adds, "It's a temporary facility and a temporary stay. Ideally, a guest at the center would stay no more than 90 days, so you can turn the facility over. We can serve maybe 300 people a year."

Asked who will come here, and if they are people who would otherwise be in shelters, Mazziotti has a clear but broad definition.

"For the most part these are people who are on the street and are ready to come into an enclosed space."

When the entrance on Northwest Naito Street is glazed, lit and has its security cameras installed, it will look even more permanent. The front third of the 9,000-square-foot building will have intake areas where guests will be entered in a database — the better to track their status and needs. They will see "acute care but not primary care" medics and social workers. The middle area will have offices and the rear third will have bunk beds for 110 males. The land around it will be fully landscaped and there will be a patio, presumably welcoming to smokers since the building is strictly no smoking.

Sprung steel

Harbor of Hope has a five-year lease on the land, but the structure itself is designed to last at least 25. It's a 21st Century Quonset hut, although it is much more customizable and needs skilled labor to assemble it. Its inner and outer walls are made of vinyl stretched tight over a steel

frame. There is insulation, full plumbing and power, and it all sits on a one-foot-thick concrete pad. (Such sprung structures are already in use for a church in Tigard, at Intel for research and at PDX airport for storage.)

"It must be comfortable, and we want it to be attractive, and we want the neighbors to be half-way comfortable with it too," he says as he strides across the gravel.

Those neighbors include the Pearl District and Old Town Neighborhood Associations, and local developer Jim Winkler. Winkler owns undeveloped land, currently home to large green pipes, between the Food Innovation Center and the Navigation Center's hurricane fence. He also challenged the cleanup plan for the property which was approved by the Oregon Department of Environmental Quality, saying it was not stringent enough and could be a health hazard for anyone on site. Hence the foot-thick concrete pad, designed to prevent leaching of toxins upward. Mazziotti scoffs as he mentions the challenge, and notes that everything along the river is contaminated, and that the soil has "already been taken out to Hillsboro and burned or whatever they do with it."

Homer

Navigation centers exist in other forms, and in other cities, but this is the first of its kind in Portland. There are already groups offering service to the homeless, but the idea of a navigation center is to have those functions in one place: food, shelter, medical care, social services such as help with claiming benefits and finding affordable housing. Homeless shelters often provide a meal, a shower and a bed, but send people away in the morning. Groups like the Northwest Pilot Project and Impact Northwest try to find them housing, but can't deal with their immediate needs.

The River District Navigation Center has the backing of developer Homer Williams (the South Waterfront, the Brewery Blocks) and Columbia Sportswear's Tim Boyle, who was so distressed by people camping in his downtown office's doorway he threatened to move it out of the city.

Asked how he sells the idea to skeptics, Mazziotti says, "I tell them these are our people, this is our community. It's our responsibility to make it work.

"If they say they're just bums and should get jobs, well, 20% of the homeless have jobs, maybe even more. But if you have an eviction record or a minor criminal record, like a marijuana charge, you might not be able to get a job. There's so many objections of one kind or another. The real hard-nosed business guys who say they are bums and they should just get jobs, we suggest take off your shoes and give us your wallet and come back in a week, and we'll see what condition you're in."

PDC roots

Mazziotti led the Portland Development Commission from 2001 to 2005 when city officials approved a South Waterfront redevelopment deal with Homer Williams. "I built that, he says," gesturing at the Food Innovation Center. He says the same of the police horse paddock and the Station Place parking structure. Of the latter he said, "People said, 'You're crazy'" because the Pearl District was still in its infancy. "Our guys were right."

In the alphabet soup of people trying to help the homeless in Portland, Mazziotti says Harbor of Hope has its niche.

"We do what nobody else is doing. Nobody's built a navigation center. Or Portland Street Medicine: no one was delivering on-street or in-camp services. The shower trucks and laundry trucks, no one is doing it."

Oregon Harbor of Hope is also sponsoring two box trucks that will provide on-the-spot cleanup for less-than-sanitary people. They will operate five days a week with stops scheduled at schools, churches, and encampments across the city.

The laundry truck has six washer-dryer stacks in it. The shower truck has six showers. Both trucks have barber's chairs. "It transforms people to have a shower if they haven't had one for six months, get a haircut, get cleaned up," he says.

The trucks have not really caught the public imagination, however. On GoFundMe 33 people have contributed \$1,870 of the \$300,000 goal in five months.

In any case, Mazziotti says they should hit the streets in the next 30 days. "We're testing them right now, they're beautiful pieces of equipment, beautiful. We're not trying to compete with anybody, we're trying to attack problems that need some response."

The practical approach comes from an impatience not just with the public sector but the private sector.

He says they are also working on a transitional housing concept, and a second navigation center for the east side to serve people in the many camps along I-84, Interstate and 82nd avenues.

"I don't want to name any place because it will scare people off, there will always be constant opposition to whatever it is we do, but it will be east side. If you look at the police maps of where the camps are you can see the northeast and southeast side they need something to help the people who are there. It's just a matter of whether the local leadership believes it is something that will help people get off their streets and on to something better, through a program of this kind."

Harbor of Hope had begun raising money to buy part of the city's 14-acre Terminal 1 site just downriver, but plans fell apart and it is now, Mazziotti notes with the irony of a man who drives one, a site for storing Mercedes Benz cars.

Spare change

Mazziotti puts in about 200 hours a month on Harbor of Hope, and is paid a nominal fee plus expenses.

"Because it's the first structure of its type in Portland, we faced many regulatory uncertainties. We had to figure it out. We had tremendous cooperation from the Mayor's office. Without their help and the governor's involvement it would never have happened. Would I do it again? Yes.

"Would we be able to do it for a lot less? Yes. We'd shy away from anything with contamination. That cost us 600 grand."

He jokes that this wasn't his passion project. He got roped into it by Homer Williams.

"Homer called me four years ago and said 'Would you like to be project manager for a large apartment project in Lents, 600 units?' I said sure, on a Friday. When I went in on Monday he said, 'I've decided not to do it. I want you to start a nonprofit for the homeless.' I said 'I don't know anything about that homeless thing.' He said 'I thought you were able and willing to work on tough problems?' So, I said 'Yes.'"

While he is Managing Director, the real estate merchant banker Tim Kemper is the project manager. There are no employees, just volunteers and consultants. Their address is a UPS Box on Northwest 13th Avenue. They meet in the Marriott Residence Inn in the Pearl, which is owned by Williams and Dame.

"We cut it real thin. We running deep, running fast and running cheap," says Mazziotti.

Org chart

Oregon Harbor of Hope was founded by Portland developer Homer Williams. Columbia Sportswear executive Tim Boyle pledged \$1.5 million toward the project.

According to reports in the Portland Tribune, the facility was supposed to open by Thanksgiving 2018 but cleanup costs pushed the budget up to \$3.5 million. Portland and Multnomah County later agreed to pay \$1 million of the operating costs of the project.

Prosper Portland (the City) which owns the land, leases it to the Office of Management and Finance. Oregon Harbor of Hope subleases it from them on an initial five-year lease.

The operator is Transition Projects Inc., which manages seven shelters that the Joint Office on Homeless Services have approved.

The structure cost \$400,000, the soil remediation more, which Mazziotti calls "an expense we didn't anticipate." Oregon DEQ has given Harbor of Hope a loan which they can pay pack for the work. Mazziotti says many of the players involved are working pro bono or for cut rate fees because they want to help. He has "zero clout" now with Prosper Portland. "It's a different organization than when I was running it (the Portland Development Commission). I had a budget of \$350 million and 200 employees. Now it's less than \$75 million and what, 80 employees? A different size, a different age."

Willamette Week

A Ferry for Portland? It's a Point of Conflict in City Council Budget Season

*By Rachel Monahan
May 12, 2019*

Commissioner Jo Ann Hardesty says the private sector should pay.

As part of his budget, Portland Mayor Ted Wheeler proposed spending \$200,000 to explore creating a passenger ferry service between Vancouver and Portland as soon as 2022.

But that budget allocation is among the budget items that City Commissioner Jo Ann Hardesty has questioned.

Hardesty has objected to Wheeler's proposals for major budget items, most notably policing, but also for smaller allocations—including the ferry.

"I say let's get private businesses that will benefit from a ferry to pay for the feasibility study," said Hardesty at a budget hearing on May 9.

The nonprofit Friends of Frog Ferry, which is backing the ferry service, is looking for \$650,000 for a feasibility study this year, according to its website. The nonprofit has said it's soliciting both private and public funds for the study.

Wheeler has publicly supported the project since November, but there was a question about how much money he'd put toward the project.

"The passenger ferry would provide an alternative transportation option to ease the traffic burden on freeways and roads, and could be enjoyed by commuters, visitors, elders, and people with disabilities," the mayor's budget states.

The ferry would provide passenger service on both the Columbia and Willamette rivers, creating an aquatic link between the Portland and Vancouver waterfronts.

The mayor has said his support for ferry service is not related to a possible baseball stadium on the river, but has said there could be a stop at a stadium.

Portland Diamond Project has an option with the Port of Portland to buy the Terminal 2 site, but there are questions about whether the group will move forward there.

Family of Terrell Johnson, Man Shot by Portland Police in 2017, Files Suit Against City

By Rachel Monahan

May 10, 2019

Johnson, then 24, was shot by a Portland Police officer, at the Flavel MAX in Southeast Portland.

Two years after Terrell Johnson, 24, was shot by a Portland Police officer, his mother has filed a federal lawsuit against the city and the officer, now a police sergeant.

"My son Terrell was a loving and kind person who would do anything to help anyone who needed it," says Alicia Johnson in a statement. "He was a blessing to our family, and we are still dealing with the pain of losing him and of seeing his reputation tarnished. I'm bringing this lawsuit because I want to see the accountability that has been sadly lacking from Portland Police. I want justice for Terrell, and I want to help prevent this happening to another family."

Terrell Johnson, who was biracial, was having a mental health crisis and had previously and unsuccessfully had sought mental health and drug addiction treatment, the lawsuit states. He was probably homeless, his family's attorney says.

The lawsuit alleges that now-Sergeant Samson Ajir failed to follow police bureau directives, and the city failed to train its officers. The shooting is "illustrative of a pattern and practice of PPB officers violating the Fourth Amendment rights individuals experiencing mental illness and houselessness," the complaint also states.

A Multnomah County grand jury cleared Ajir of criminal wrongdoing in June 2017.

The lawsuit caps a tumultuous week in the courts surrounding police shootings. Over the past eight days, the Multnomah County District Attorney's Office has released grand jury transcripts from two fatal shootings by officers—including a Jan. 6 case where officers responding to a report of a man asleep on a porch shot and killed Andre C. Gladen, who was mentally distressed and legally blind, inside a stranger's house.

The city is still operating under a 2014 settlement of a federal lawsuit over Portland police shooting of mentally ill people.

"Officer Ajir wasn't following his training when he chased Terrell Johnson down the MAX tracks," says Juan Chavez, attorney and Director of the Civil Rights Project of the Oregon Justice Resource Center, which is representing Alicia Johnson, in a statement. "If he had done what he

was supposed to, Terrell's death could have been avoided. [The] chain of command within the Bureau and the City of Portland itself should also be held responsible. This isn't about one bad apple; this is a cultural and systemic problem within the Portland Police Bureau."

The Portland Mercury

City Council Allows Police to Work With FBI Task Force

*By Alex Zielinski
May 8, 2019*

Portland City Council has officially defined its new relationship with the FBI's controversial Joint Terrorism Task Force (JTTF). With a 4-0 vote at Wednesday's council session (Commissioner Chloe Eudaly was absent), commissioners approved new, limited terms to the city's on-again-off-again partnership with the multi-jurisdictional law enforcement team.

Instead of having two dedicated Portland Police Bureau (PPB) officers sitting on the JTTF to inform local FBI investigations, the council's decided that PPB will only engage with the JTTF on a case-by-case basis.

This vote finalizes a February council decision to end city's direct involvement in the JTTF—a group comprised of agents and officers from the FBI, Homeland Security, Customs and Border Protection, Oregon State Police, Port of Portland, Clackamas and Washington Counties, and—up until now—the PPB. This decision was introduced by Commissioner Jo Ann Hardesty, who echoed the concerns of minority communities who've been specifically tracked and targeted by the FBI for their religious affiliations or immigrant status.

The February 13 vote passed 3-2, with Commissioner Nick Fish and Mayor Ted Wheeler dissenting. Hardesty and Wheeler's offices were tasked with penning a resolution within 55 days of the vote's passage that would redefine the relationship between the PPB and JTTF. However, due to numerous disagreements over the resolution's language, it took the two council offices 84 days to cobble together a final resolution.

The clarifying resolution appoints the PPB Chief and Deputy Chief as the sole liaisons to the JTTF—and allows the chief to temporarily assign PPB officers to work with the JTTF on a case-by-case basis. When assigned, these officers are to "assist in the investigation of any individual suspected cases of terrorism and/or threats of life, including hate crimes, in or having a direct nexus to the City of Portland where there is reasonable suspicion of criminal activity."

Critics of the JTTF believe this definition of terrorism is over-broad, and that the resolution doesn't go far enough to sever PPB's cozy relationship with the JTTF. In testimony before the council vote, Portland Copwatch's Dan Handelman said that the agreement increases PPB's involvement with the JTTF, going against what the city council voted on in February.

The resolution also directs PPB to craft a police directive to echo this new rule and requires PPB present annual reports to the city council on their officers' involvement in the JTTF. Before making her vote, Hardesty noted that she "has no intention in accepting a meaningless report" from PPB next year.

Wheeler said the resolution represents a compromise between commissioners with very different perspectives on public safety.

"It would be my preference to stay engaged with the Joint Terrorism Task Force," Wheeler said, before voting. "By pulling out, we are no longer involved in the priorities of the task force. We do not have the opportunity to bring our Portland values to that table. That being said, this resolution answers a number of the concerns that I had."

What New Grand Jury Transcripts Reveal About Andre Gladen's Death

*By Alex Zielinski
May 9, 2019*

The Multnomah County District Attorney's office released grand jury transcripts this morning from the January 6 officer-involved shooting that left Andre Gladen, a 36-year-old Black man, dead. The transcripts reveal new information about a case that's left the public—and Gladen's family—with many unanswered questions.

Before we point those out, here's a refresher on what we already know about the fatal encounter:

Gladen, who was legally blind and diagnosed with schizophrenia, was shot by Portland Police Bureau (PPB) Officer Consider Vosu on January 6 after he refused to leave the front steps of a house in Southeast Portland. Gladen arrived at the house barefoot, wearing a hospital gown and with a hospital ID bracelet, and told the man living at the address, Desmond Pescaia, that someone was trying to kill him. He appeared to be in a mental health crisis.

Pescaia said he tried to offer Gladen cash to pay for a bus ticket and water, but Gladen remained on Pescaia's front steps. Pescaia's landlord called 911 after Gladen refused to leave.

Officer Vosu arrived at the house by himself. When Gladen saw the officer, he managed to run past Pescaia—who had opened the door—into the house. Vosu ran in after Gladen, and tried to handcuff him—but Gladen resisted. This resistance prompted Vosu to use a taser on Gladen. Vosu said that's when he saw Gladen was holding a knife. When Gladen refused to drop it, Vosu shot him three times. Gladen was dead by the time first responders dropped him off at a hospital.

A Multnomah County grand jury cleared Vosu of any criminal charges in February, believing he had acted in self defense.

Gladen's family, who has said they plan on suing the City of Portland for Gladen's death, say Gladen had previously taken medication for schizophrenia. However, his family didn't know why Gladen was at the hospital on the morning of his death.

Despite PPB making its investigative files on Gladen's death public in March, major details about the circumstances surrounding Gladen's death have remained foggy. The grand jury transcript, made public Thursday morning, helps clear up a few of those mysteries—and creates a few new ones.

Here are the most significant takeaways from the 247-page transcript:

Gladen was at the hospital for potential hypothermia. Earlier that morning, Gladen was discovered by police officers laying in a bush with just a shirt and boxers. It was 30 degrees outside, so they called an ambulance to take him to Portland Adventist Hospital to be examined for hypothermia. According to PPB Detective Erik Kammerer, who got access to Gladen's medical records: "In reading the medical records, the doctors there [thought] he had a seizure, so they prescribed an anti-epileptic for him, which appears to improve him to the point where he is

then discharged from the hospital." Kammerer said that while he's "not a doctor," the medical records show that his hospital stay had nothing to do with his mental health.

Vosu regularly answers these types of 911 calls by himself. Vosu, who patrols the East Precinct, told the grand jury that he responds to a high number of calls where a business or home owner wants the police to remove a "transient" from their property. Often, that person has left by the time he shows up, but "close to 100 percent" of the time, the person leaves without a problem. He frequently responds to these low-level calls by himself, without a partner, like he did on January 6.

Vosu knew Gladen was blind before he arrived. In his testimony, Vosu said he was informed on the 911 call that Gladen couldn't see.

Both Pescaia and his landlord wanted to help Gladen. When Vosu arrived at Pescaia's rental home, his landlord was waving her arms out front, and spoke to Vosu. "She said that there is an individual that's on the porch over there and she told me that she thinks that he needs some shelter, some food and some clothing and could I check on him," Vosu told the jury. In Pescaia's testimony, he said that when he was told Gladen died, he was "devastated." "If I could have, I would have taken those bullets for that young man so that he could have gotten the help that he needed," Pescaia said.

Gladen was holding Vosu's knife when he was shot. This is an assumption many closely following the case have held for a while, but it has remained unconfirmed by the PPB. In his testimony, Vosu said that when he saw Gladen was holding a knife, he recognized it immediately. "He would've pulled it off my vest, but I didn't see it happen," Vosu said. Vosu said the sheath of the knife was attached to his vest with a zip tie. In a morning press release, PPB Chief Danielle Outlaw said the bureau didn't know the knife was Vosu's until the transcripts were made public today.

PPB officers aren't given the knife Vosu was carrying. When asked by a member of the grand jury if the type of knife Vosu wore on his vest was a "standard-issued item to Portland police officers," PPB Special officer Josh Howery said no. "We do not issue that," said Howery, who works with PPB's Special Emergency Reaction Team and was not involved in the Gladen case. "Any knives that are carried by officers would be individually purchased." Howery said officers are allowed to carry a knife anywhere on their body.

Vosu handled the knife before crime scene investigators arrived. After shooting Gladen, who collapsed on his feet, Vosu noticed his knife was stuck in the floor and pulled it out. A juror asked Vosu: "What prompted you to pick up the knife? Aren't you guys typically trained not to touch any of the evidence or anything?" Vosu said he wasn't sure if Gladen was still alive, and feared that he might still reach for the knife. After Vosu sees Gladen is "non-responsive," Vosu sticks the knife back into the floor where he found it, "to preserve the crime scene as it was." This all took place before any other PPB officer or detective showed up at the scene.

Gladen was not taking medication for schizophrenia the day of his death. According to Michele Taylor Stauffenberg, Oregon's chief medical examiner, Gladen had methamphetamine, amphetamine, cannabis, and an anti-seizure drug in his body when he died. Stauffenberg said from the amount of meth in his system, it appears he used meth shortly before he died. The amount, however, was not enough to cause him to overdose.

Vosu felt like he had to shoot Gladen. At one point in the testimony, the prosecutor asks Vosu if he felt like he could have avoided shooting Gladen after seeing him holding his knife. His response: "At that point, I had no option."

The False Promises of Portland's Cannabis Tax

By Alex Zielinski

May 9, 2019

It's been two years since Portland voters approved a sales tax on cannabis, having been promised the revenue would go to programs designed to help reverse the decades of systemic damage that cannabis prohibition inflicted on communities of color.

But a recent city audit shows that the majority of the money collected from Portland's cannabis tax has simply been used to fill gaps in the city's own budget. Nearly half of the revenue is directly funding law enforcement, the very system responsible for disproportionately locking up minorities on cannabis charges.

Since 2017, Portland has collected more than \$8.2 million from its 3 percent tax on sales of recreational cannabis. Paired with the state's additional 17 percent tax on cannabis, that puts a total 20 percent tax on all recreational cannabis that's purchased in the city.

According to the November 2016 ballot measure that laid out the details of Portland's cannabis tax, these funds were to be divided between three categories: drug and alcohol treatment services, city programs to "protect community members from unsafe drivers," and grants to help communities that have been negatively impacted by prior cannabis prohibition laws succeed in the cannabis industry and clear their criminal records. The measure did not dictate how the revenue would be split between each issue area.

The city audit released on May 2 found that nearly 80 percent of the city's cannabis tax revenue—\$6.5 million—has gone toward two "public safety" programs meant to deter traffic accidents caused by drivers under the influence of cannabis: \$3.4 million to a Portland Bureau of Transportation (PBOT) initiative to decrease traffic fatalities, and \$3.1 million to Portland Police Bureau (PPB) for officer DUII (Driving Under the Influence of Intoxicants) training and enforcement and a court-ordered drug treatment program.

A comparatively scant \$1.2 million, meanwhile, has been reserved for grants for record-clearing programs and minority-owned businesses.

Jennette Ward Horton, director of the NuLeaf Project, a nonprofit that offers education and grants for women and people of color in the cannabis industry, says she's "disappointed, but not surprised" by this unequal split.

"State to state, the majority of cannabis tax revenue goes to the police," says Ward Horton, who helped write the 2016 ballot measure. In 2018, Ward Horton created NuLeaf to help ensure the success of community grants funded by the cannabis tax.

"It was important to me that the funds collected would go back to communities that have been disproportionately effected by the war on drugs," she adds. "But the way it's distributed right now might only make matters worse."

The cannabis tax audit concludes that the city misled voters by not fairly dividing the tax revenue between the promised categories and keeping the public out of the decision-making process.

Alexandra Fercak, a city auditor who co-authored the report, doesn't believe the city did that by accident. Based on her research, she believes city commissioners intended for the cannabis tax revenue to bolster city budgets before going to outside recipients.

“It’s not a transparent process,” she says, “and that’s because the council wants to keep things the way they are.”

According to the ballot measure, Portland City Council is required to vote on how the tax revenue is allocated each year. But since the introduction of this new revenue stream, the decision of where to allot those funds has been largely left to Mayor Ted Wheeler, who proposes where to scatter those dollars in his annual city budget. The language around which programs the revenue is allowed to go toward is so broad that the money is often stretched across many different bureaus and general funds.

Take Wheeler’s most recent budget proposal for this coming fiscal year, which will begin this July, for example. Wheeler’s distributed an estimated \$6.9 million in cannabis tax revenue between PPB (\$2.2 million for traffic enforcement training), PBOT (\$2.2 million for Vision Zero, a campaign meant to decrease traffic deaths), Portland Fire & Rescue (\$370,000 for new paramedics), Portland Housing Bureau (\$500,000 for residential drug and alcohol treatment), the Office of Community & Civic Life (\$700,000 for grants that support minority-owned businesses and legal aid groups that help clear criminal records), and administrative costs. He’s left \$759,600 unallocated.

Only after Wheeler divvies up these tax dollars in his proposed budget—with help from the City Budget Office—are other city commissioners and members of the public allowed to weigh in.

The audit criticizes this opaque process. “Voting on recreational cannabis tax allocations as part of the overall city budget, with no separate opportunity for comment or description of how the funds will be used, leaves community members with no way to influence the allocation decisions,” it reads.

The program is so loosely regulated that, in last year’s budget process, the city neglected to put any revenue toward one of the three voted-on priorities, drug and alcohol programming.

This somewhat arbitrary allocation process stands in stark opposition to Oregon’s statewide 17 percent cannabis tax, which has defined percentages for how revenue is divided between state programs. At 40 percent, public schools receive the largest amount of state cannabis tax funds. Oregon State Police are given 15 percent. Ten percent of the funds trickle down to local police departments.

Oregon has given the City of Portland a total of \$5.8 million in state cannabis tax revenue since 2017. Those funds are to be explicitly used for local enforcement of cannabis laws—adding another stream of cannabis money going directly toward local policing.

While working on the audit, Fercak says she was most struck by the disparities between the community and city recipients of the cannabis tax dollars.

“The community grant recipients were great at making the case for why they should get the money. There’s such a huge need for the funds,” she says. “When I talked with the police or transportation bureaus, I wasn’t given any rationale for why they deserved these specific funds.”

Fercak says she struggled to find evidence that PPB was using its share of the cannabis tax revenue for any new programs that train officers how to recognize cannabis-related driving infractions—a promise made before by proponents of the ballot measure—or even track the number of cannabis-related DUII charges.

“I tried to get data on how PPB was tracking cannabis DUIIs or car crashes,” Fercak says. “But they don’t track that. Police don’t pay any more attention to cannabis use for drivers than they did before.”

A spokesperson for the Multnomah County District Attorney's office confirmed that law enforcement does not differentiate between different substances in its DUII data.

Instead, Fercak found that \$2 million of the PPB's cannabis tax funds were dumped directly into the traffic division's general fund—not even a more expansive DUII program budget.

Fercak says it was even more challenging to parse PBOT's cannabis funds, which were funneled into the bureaus' overall budget for the Vision Zero campaign.

“There should be some kind of explanation to the public as to why the traffic division is getting so much funding,” she says. “I couldn't find one.”

Those who have received the fund's limited community grants, however, can point to a long list of public benefits.

Multnomah Public Defenders (MPD) received a \$130,000 grant in October to hire an attorney and aide to help those in communities disproportionately impacted by cannabis prohibition to clear their criminal records.

“We've been inundated with requests ever since,” says Thalia Sady, who leads MPD's community law division. “I've been blown away by the need in the community. It's truly amazing how clearing a conviction from someone's path effects their entire life.”

A person's criminal record can often prevent them from renting a home or getting a job. But the cost to clear a record—a process that's practically impossible to navigate without hiring a lawyer—can be as high as \$3,000, according to MPD attorneys. With the cannabis tax grant covering lawyers' fees, people can leave one of MPD's record-expungement clinics with an \$80 bill.

And MPD doesn't just clear cannabis-related crimes. Since the smell of cannabis or vague suspicions that someone was selling weed were often used as an excuse for police officers to investigate someone on more serious charges, MPD offers to erase any expungable crime.

“Before legalization, cannabis policing was a tactic that closely followed over-policing in certain communities,” says Michael Zhang, the attorney MPD hired with the cannabis tax grant. “The two most targeted groups are people in recovery and people of color.”

That's why Zhang has focused on holding expungement clinics in spaces that serve those communities, like the Alano Club, the Urban League of Portland, and the local chapter of Black Lives Matter.

For the next fiscal year, MPD has already applied for \$150,000—the maximum amount of funding reserved for record-clearing grants under the cannabis tax. They won't learn until late June if they've been awarded the grant. That annual unpredictability limits MPD's long-term goals.

“Law enforcement and the government has eroded community trust among these populations,” Zhang says. “In order to rebuild that trust, we need time. We need to prove that we're reliable, and not subject to the constant threat of defunding.”

NuLeaf's Ward Horton believes that the police and transportation bureaus should be held to the same standard as the grantees, whose applications must explain exactly how their programs meet the city's requirements.

“We are held accountable to report to the city on progress and metrics,” she says. “I would expect the other recipients to do the same.”

NuLeaf was tasked with distributing \$150,000 from the cannabis sales tax among local, minority-run cannabis businesses, like dispensary Green Hop and delivery service Green Box. Ward Horton says that because of limited funding, she wasn't able to award grants to other qualified applicants. "There are plenty of really wonderful cannabis businesses run by people of color and women in Portland," she says. "But they're entering an industry where white-owned businesses are getting \$3 billion in capital start-up funds. It's hard for them to be competitive with just a few thousand."

Portland City Commissioner Chloe Eudaly currently oversees the Office of Community & Civic Life, which has been newly tasked with distributing community grant funds from the cannabis sales tax. In the first year of the tax, these funds were housed in the Bureau of Revenue & Financial Services, which is overseen by Wheeler.

According to Eudaly's policy advisor, Winta Yohannes, this oversight transfer is only the first step in their office's push to overhaul the inequities of cannabis tax revenue.

Yohannes says her office has drafted a "centralized and accountable" proposal process for city bureaus seeking cannabis tax revenue—not just outside grant recipients. Such a proposal would also give the public more opportunities to comment on where the city routes their tax dollars.

"Voters clearly supported the tax to support communities disproportionately impacted by prohibition," Yohannes says, "not to backfill general fund shortages."

Eudaly plans on introducing the proposal to city council on May 14, during a more sweeping work session on the city budget. The intention, Yohannes says, is for Eudaly's proposed tweaks to the tax revenue process to be tucked into the city's final budget.

In a region where African Americans are still arrested at 4.2 times the number of white people arrested, Ward Horton worries that if the cannabis tax continues to disproportionately and opaquely fund law enforcement, the revenue from the tax will further contribute to the militarization of Portland police officers and disproportionate arrests of people of color.

"There's two things we as a community need to understand," Ward Horton says. "If, by funding police through this work, we're making the problem worse, and if this is what the voters wanted."

Commissioner Hardesty On Her First 100 Days in Office

By Alex Zielinski

May 9, 2019

It's been just over four months since Jo Ann Hardesty became the first Black woman to join the Portland City Council.

Entering office with sweeping promises of reform, restructuring, and redistribution of power, the city's newest commissioner has been met with both strong enthusiasm and wary skepticism for the way she's approached the role. From pointing out the white privilege of those who regularly interrupt council meetings to delaying a earthquake-related building policy that was green-lit before she entered office, Hardesty has proven she's not interested in quietly assimilating to city council norms (to the point that Mayor Ted Wheeler believes she's making a run for his office).

Most recently, Hardesty made the unorthodox decision to publish her own suggested tweaks to Wheeler's proposed city budget before the council meets to hash it out as a group.

We met with the newest commissioner on her 123rd day in office to talk about police accountability, affordable housing, the city's opaque budgeting process, violent protests, and City Hall's fear-driven agenda.

MERCURY: Let's start with the obvious stuff. What have you achieved in the first four months that you're the most proud of?

HARDESTY: I'm most excited about the transparency and access I've brought with me. We have people coming into City Hall these days to testify and have meetings who never thought their voice mattered in this building. And I've been communicative. We respond to every email and phone call, even if it's about something we don't know much about. It doesn't take a lot to just let someone know, "I heard you."

I'm certainly proud of getting us out of the Joint Terrorism Task Force [the controversial FBI committee that two Portland police officers had sat on] within first 45 days. That was something I campaigned on, that was something I led with. Most people were shocked that it was able to happen in such a short period of time. When we first got here, I was given all these reasons why we couldn't get it done in the first 30 days. Yes, there are internal things you have to take into account, but for me, there was a sense of urgency that wasn't felt by other people in the building.

Are you satisfied with the new city resolution that explicitly defines what the city's relationship with the JTTF will look like going forward?

We have an agreement that all of us can live with. My bottom line was the only people who should partner with the JTTF are the police chief or the deputy chief. As the police chief, we can hold her accountable, since she works at the pleasure of the police commissioner. I was adamant that that was something worth fighting for.

What's it been like working with Portland Police Chief Danielle Outlaw?

I meet with Chief Outlaw monthly, for an hour. We always have incredibly open conversations. I tell her all the things I hate that Portland police are doing. I like that she's as straightforward as I am—she's a straight shooter, no pun intended. She's never tried to snow me or give me a non-direct answer.

Any other achievements? What about slowing down the city's placarding mandate for Unreinforced Masonry Buildings (URM)?

Yes, that was a huge deal when it came to listening to the public. URM owners didn't think I'd even meet with them! What I discovered was that there was no magical reason why buildings had to be placarded this year. We don't have a crystal ball telling us when an earthquake is going to happen. What I do know is that when you work in collaboration with people you get better outcomes than if you just mandate something on them. I came in with the commitment of breaking down the silos. I believe I have stayed true to that mission.

I think we fail if we don't give the public good information on what they're weighing in on. That's why our office held a Budget 101 meeting a few weekends ago. It's amazing how many people came out on a Saturday morning because they actually wanted to know how a budget works.

Explain why that's important.

Most people, even people who pay attention to government, don't know how the budget works. When we tell people we have an almost \$6 billion budget, but we still have a budget shortfall and have to cut stuff, people are like [rolls eyes] "Oh, yeah, right. You can't have that much money and be talking about cuts. That doesn't make sense."

So that's why you gotta take the time to explain. What I've learned from my grassroots activism work is that when people have good information they will make a good decision, and will advocate for things that make sense.

Do you think we need to change how the public is involved in the city's budgeting process?

Yes. Right now it's based on our feelings, not the public's. I think there's a fear that if the public shows up [to a budget meeting], the public's going to be mad. I mean, everything depends on how you design it. Are we going to design something that's interactive, or we just going to sit there and stare at people while they're pouring their heart out and not have a conversation? To me, that's a disservice.

What did you think of Mayor Ted Wheeler's proposed budget?

I absolutely believe the mayor did a good job with the budget, with trying to balance competing interests from different commissioners. However, he and I will probably always disagree about how many resources we put into Portland Police Bureau.

Is that why you introduced your own alternative budget amendments after he made his budget public?

Partially, yes. I think where he invested dollars and where I wanted to redirect dollars really tells the story of the kind of city we want to be. And the kind of city we can grow to be.

I know my budget suggestions took people off guard. I was told that normally the budget process is a very "Kumbaya" moment. I think there's a perception that I should stick inside the electoral box that was here before I got here. But that's not what I ran on. That's not what voters elected me to do. I told voters I was going to break it open, I was going to be transparent, I was going to hear concerns.

I talked to all the commissioners about my budget suggestions before I shared them with the public. I am hopeful we will get to an agreement that is better than where we started, and that the rest of my colleagues will see that there's an opportunity for us to really invest in the things we say we care about.

Okay, let's talk about some of the changes you want to see made with his current proposed budget.

Well, one thing I didn't want to see funded was police body cameras. The reality is, we can't afford them. If we did fund the pilot program and decided we wanted body cameras, we can't afford the infrastructure needs of the body cams.

And think about this: The body cameras are only for the use of police—they get to review them before they write their written reports or if they're being investigated. We don't get to see them. Why would we spend millions of dollars for a tool that is sold to the public as an accountability tool, when the only people that have access are the police? I feel comfortable saying that money should go somewhere else.

You also suggested cutting the Gang Enforcement Team (GET), now called the Gun Violence Reduction Team. Don't we need them?

The Gang Enforcement Team is 28 police officers who don't answer calls, who don't back up officers who need help, who only ride around all day every day looking for gang members. When you look at auditor's report on the GET, you'll see they're woefully inaccurate at doing that.

[The 2018 audit found that 59 percent of drivers GET officers pull over are African American, while only 9 percent of Portland's population are African American.]

I say, if they don't know how to monitor gang activity, let's take them out of the business and put them back on regular patrol. We say we need more cops on the streets, but in Portland, we have 1,000 cops and only 300 that are actually beat cops. I believe we have far too many middle-management police officers who should be out on patrol.

At the same time, we're having trouble hiring new officers. That means something is fundamentally wrong with our bureau. I think it's a great opportunity for us to have a community conversation about what policing should be in Portland.

We clearly can't keep hiring to an old system. So let's take that money back from the vacant positions and invest it in programs that will make a huge impact today. When police figure out what a good strategy is to hire new police, they can always come back and get new money.

But it doesn't make sense for us to just let it sit there while they go out and desperately try to hire police into a model that isn't working. That's why my budget asks for a one-time installment of police vacancy savings.

Okay, so where would the money saved by your proposed cuts go?

Firstly, Portland Parks and Recreation. My budget proposal fully funds Parks for the next year, and makes sure two community centers won't close. That funding will give us time to have a much more thorough conversation about how to fund our parks for the long term.

Another thing I'd like to see better funded is work on the upcoming 2020 Census. We have to have all hands on deck. We need to invest in making sure every community member is counted, because that's where the federal resources come from. Quite frankly, we lose funding if we don't count everyone.

And there's displacement. We keep moving people out to the edges of the community. What we know about the Residential Infill Project, if its implemented as intended, is that East Portland is where most of the development [of new duplexes and triplexes] will take place. This means there's nowhere else in the City of Portland to push poor people and people of color. If we're not investing in keeping people in the neighborhoods they're in, then we're going to end up a city of the rich and privileged.

How can the city keep the communities from being displaced?

That means making sure when we build "affordable housing" we really mean affordable housing.

Right now, that's 80 percent of median family income. In Portland, [the] median income is \$74,500. Eighty percent of that is around \$55,000 a year. Most poor working people are not making \$55,000 a year. So we have to be really intentional that when we say "affordable," we're talking [about incomes between] zero to \$30,000, or \$30,000 to \$50,000, so people actually know what they're signing on to.

We throw "affordable" around like it's one-size-fits-all. But what's affordable for me may not be affordable to you.

The mayor included \$500,000 in his budget for the Portland Street Response, a plan created by Street Roots that you've backed from the start. Were you surprised by that?

I was very happy to see it in there. What we know is that when we send people with weapons to places where people are suffering mental health issues, it only exacerbates the problem. Portland Street Response allows us to send the right first responder to the right incident at the right time.

I just happened to be very lucky to come in [to City Hall] and have Fire and Rescue, the Bureau of Emergency Management, and the Bureau of Emergency Communications in my portfolio, because I spent my entire campaign talking about how those systems need to come together to protect the most vulnerable people.

What I love about my bureaus is each one was working on a new approach to first response before I got here.

Do you have an example?

The updates to the 911 data system. Right now, the system allows operators to ask a few key questions and then it allows them to deploy those calls to the most appropriate first responder. But with the new system, if someone calls and says, “I think someone is suffering from a mental health issue,” we should be able to connect them to a mental health professional or a nurse that triages the call and figures out the right person to send out to that scene.

Right now, if you call 911, you can get the police, fire and rescue, and an ambulance all showing up. Because if 911 operators don’t know who to send, they send everything we got. And that’s kind of a waste of resources. If we knew with certainty who the right first responder should be, we could be much more strategic and be much more cost effective.

Okay, enough budget talk. In Portland, warmer weather means protest season is coming. Based on last week’s attack at Cider Riot, it’s clear Patriot Prayer, the alt-right paramilitary group out of Vancouver, Washington, is going to continue visiting Portland. The city has struggled to address the kinds of violent protests they’ve brought with them in the past. What do you think needs to change?

I don’t know why the city is struggling. I mean, when people come into your community with weapons, and they come with the intention of beating up people who have a difference of opinion. We should be able to say, “We don’t want you here. Stay home. You want to battle, battle people in Vancouver.”

The fact it took so long for Portland City Council to pass a resolution to condemn white supremacy was pretty appalling. And in that resolution, we talked about doing all this training on white supremacy, but nothing’s happened yet. There’s no sense of urgency.

There is some good news. Just last week, the city attorney issued a contract for the independent review of the violent August 4, 2018 protest. Granted, it took way too long. If you remember at the time, the city said, “We’re taking this seriously and we’re going to do the investigation immediately.” But now it’s eight months later—and you finally get around to contracting? Inside City Hall, you realize just how long it takes to do the right thing.

What else have you discovered about City Hall’s inner workings?

The biggest factor I have faced inside this building is fear.

Fear of making the wrong choice, fear of annoying your boss, fear of not making the right decision, fear of being a scapegoat for something that went wrong. I think this building is unprepared to say, “Oh, I goofed on that, sorry. Let’s try this next time.” I think there’s this “We have to get it perfect” mindset. And it’s never going to be perfect, right? I think fear is a big motivating factor in city hall. People don’t want to stick their head up.

Do you think there's a reason for that?

Well, they know that if you stick your head up, it might be chopped off.

We're all just so accustomed to the idea of "Portland polite." That means we never, ever, ever say what we mean, we just talk around it for two hours, and then leave and compare notes and try to figure out, "What was it that we were trying to say?"

I don't have time for that. I'm old. I came here with a mission to represent people who didn't feel like they were being represented. I came here to make sure that the decisions being made I could defend.

I absolutely want to get along with my colleagues, but I am in no way intimidated by my colleagues. I am not intimidated that some of them have been here over a decade, or that they're the mayor. I am here to do a job. I am always respectful.

I hope that what my approach shows is that we all have different lived experiences. I bring my lived experiences with me wherever I go. I can't separate being an African American woman from being an elected city commissioner.

What kind of feedback are you hearing from the public?

Well, I'm easily recognizable. It's kind of hysterical—I can't walk down the street these days without people stopping me to talk. Ninety percent of the time it's people thanking me, who support me. People are grateful that someone says what they mean and mean what they say. They don't have to try to figure it out later.

I've been going to a lot of neighborhood meetings, which has been eye-opening. I think people are unaccustomed to elected leaders not telling them what they want to hear. I think that's very new for them.

But I think you've got to be straightforward with people and you say, "Look, here's the facts, this is where I'm coming from." Whether they agree with you or not, people appreciate the fact that you're honest with them.

I'm not trying to hide anything. I'm trying to help the public see the hard choices we're trying to make so that they can be a part of it.

Based on your short time in City Hall, do you see any problems with the city's unique commission form of government?

I do not think the form of government limits me in any way. I think the form of government is just that—a form of government. I think we're only limited by our thinking about this form of government.

Yeah, we have a form of government that's antiquated and no one else in the free world has, but we should be able to do anything we need to do for the good for the City of Portland within this form. Will this form change? I believe it must. But I believe it's up to the people of Portland to make that change during the 2021 charter review.

You've been a reliable critic of the police since, and prior to, entering City Hall. What does your relationship with the police union, the Portland Police Association (PPA), look like?

I have a lot of respect for [PPA President] Daryl Turner, because Daryl Turner does his job well. His job is to represent his members. His job is to get as much as he possibly can get for his members. His job is to make sure he guilts the city into giving him everything he wants.

My hat's off to him. If that was my job, I'd be doing exactly what Daryl Turner is doing—put the city on the defense, make them give you everything you want. I applaud that.

I just wish the police commissioners we've had—currently and in the past—had the same kind of vigor. I'm not mad at Daryl, I'm mad at the other side that isn't fighting as hard and represent the public that's being harmed by poor, bad policing.

PPA's contract will be up for negotiation next year. How would you like that process to play out?

I have said from day one that my office will be involved in contract negotiations. Most importantly, we are going to make sure the community is engaged and informed every step of the way. I think the best thing we can do for the community is to make sure these talks are open to the public, which is the way they're supposed to be.

Ultimately, the contract between the police and the community should serve both. Our current contract only serves police. It's time for us to step back and say, "How does the community want to be policed?"

Portland's E-Scooter Complaint Process Is Under Scrutiny From Disability Rights Advocates

*By Blair Stenvick
May 9, 2019*

The city of Portland's recent decision to pass off its electric scooter complaint process to private companies during the second pilot period is a bad idea, according to a leading disability rights organization.

As Willamette Week reported last week, the Portland Bureau of Transportation (PBOT) changed the protocol for Portlanders filing complaints about e-scooters. During the city's first e-scooter pilot program last year, people could directly contact PBOT about rule violations and safety issues; now, for the recently launched second, year-long pilot program, people have to call the private e-scooter companies with their complaints.

PBOT spokesperson John Brady told WW that the change is an attempt to "improve response time and put more responsibility onto the companies." But the attorneys who work at Disability Rights Oregon (DRO) say the move could have poor consequences for all Portlanders—especially those with disabilities.

"The purpose of a pilot is to try things on, and see what works and what doesn't," Emily Cooper, DRO's legal director, told the Mercury. "We're really concerned that the city has re-routed that process to private companies that lack the same attention to public safety that the city has."

DRO first communicated its concerns about the new complaint process last week, after seeing the WW article. Among the potential problems DRO cited: Complaints sent to private companies likely wouldn't be part of the public record, meaning the public would have less oversight. That's particularly problematic during a city-run pilot program, the purpose of which is to determine whether e-scooters are an appropriate permanent addition to Portland's transportation landscape.

From DRO's letter to PBOT:

"Clearly, if an e-scooter company is taking the complaints, and knows those complaints are shielded from the public record, they would be incentivized to downplay the seriousness of any complaints when they transmit any 'minimal' required data to PBOT as part of the pilot. This

would seem to undermine the purpose of the pilot, 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.”

And the idea of e-scooter complaints is far from theoretical—during last year’s four-month-long pilot, the city received over 600 complaints. Many of those reports centered on two major issues: people illegally riding e-scooters on the sidewalk, and e-scooters being parked improperly.

Those issues are inconvenient for anyone who lives, works, or commutes through an area dense with e-scooters. But they are especially challenging for people with disabilities—an e-scooter parked in the middle of a sidewalk is “essentially restricting someone with a mobility disability from moving forward,” Cooper said.

One of PBOT’s stated purposes of the second pilot is to determine whether these accessibility problems can be mitigated or not.

In PBOT’s response to DRO’s initial complaint, PBOT transportation demand specialist Briana Orr said the re-routed complaint process was intended to help with expediency:

“In the first pilot, PBOT had its own complaint line, and the agency fielded thousands of questions, concerns, and complaints during the pilot’s four months. In analyzing our responses to these concerns during the post-pilot evaluation period, we determined that many of them could have been resolved more quickly had they gone directly to the companies instead of having to pass through PBOT first.”

Orr added that PBOT’s experience dealing with ridesharing apps like Lyft and Uber equipped it with the tools to properly audit e-scooter companies. Bolt, Lime, and Spin are the three companies with e-scooters on Portland streets right now, though more companies could join later on in the pilot program.

Cooper said that response didn’t ease DRO’s worries. In fact, the organization sent a second letter to PBOT on Thursday, reiterating its concerns. From the letter:

“DRO is deeply concerned that PBOT’s approach to monitoring complaints will result in less transparency, less accountability, and a less effective pilot that will leave the city with more questions about the impact of e-scooters than it will have learned answers. We ask that PBOT create and promote its own accessible complaint process as well as a response time from the city when a consumer makes a report.”

Cooper said that DRO is encouraging Portlanders to contact the city directly with their own questions and comments about the e-scooter pilot program and the complaint process. DRO isn’t planning any legal action at the moment, but it will continue to follow-up with PBOT.

“We’re continuing to closely monitor this,” Cooper said. “We hope the city will make appropriate changes.”

The Daily Journal of Commerce

Prosper Portland adopts Broadway Corridor plan

By Chuck Slothower

May 9, 2019

Prosper Portland's board has endorsed a development concept for the Broadway Corridor that carries the lowest price tag for public improvements.

The board on Wednesday formally endorsed the "Play" concept – one of three development scenarios put forward by Prosper Portland staff, along with consultants from ZGF Architects and master developer Continuum Partners of Denver. The board endorsed Play by acclamation.

The Play concept features the strongest extension of the Park Blocks and the greatest flexibility for recreational and community programming, said Sarah Harpole, Prosper Portland's project manager for the Broadway Corridor.

Prosper Portland put a \$50 million price tag on "public realm investments," such as open space, for the project. That's part of the public-sector investment expected to reach \$228 million.

A budget gap of about \$100 million remains that city officials will need to fill to support the massive redevelopment of 34 acres in the Pearl District and Old Town Chinatown. The Broadway Corridor Framework Plan calls for 3.8 million square feet of development, more than half of which would be residential. The U.S. Postal Service site alone is expected to be home to 2,400 new households.

Prosper Portland will work with the Portland Housing Bureau on affordable housing aspects of the project, and with the city's infrastructure bureaus, to close the budget gap, Harpole said.

The open space configurations are still being planned, but they're intended to be convertible for different uses.

"The fundamental idea is that it's flexible and it can do many different things at different times of the year, different times of the week, different times of the day even," said Nolan Lienhart, director of planning and urban design at ZGF.

Open spaces are likely to be in strong demand, board member Peter Platt said.

"Those types of interstitial places are widely used, particularly in a dense urban environment," he said.

Lienhart said the planners have looked to Union Station in Denver, a mixed-use area redeveloped by Continuum Partners, as a precedent. They've also examined concepts similar to the Green Loop – a planned linear park and transportation network through central Portland – in European cities such as Copenhagen, and at New York City's High Line.

Redevelopment in the Broadway Corridor is expected to create space for thousands of new residents. Glenn Traeger, a Pearl District resident, said the city should ensure it's prepared.

"For this project to be successful, transportation impacts must be actively considered now," he said.

Some stakeholders are pushing for written goals for minority representation in construction contracting. Jay Richmond, workforce equity manager for Oregon Tradeswomen and a member of the Healthy Communities Coalition, said there should be a "strong, legally binding

community benefits agreement,” including a high number of deeply affordable housing units and a mitigation fund for Cully. Richmond said he supports the Play concept.

Prosper Portland has received 1,046 public comments regarding the Broadway Corridor, and more than 1,000 people have attended public meetings regarding the project, according to the agency.

The Portland Business Journal

City, state in \$24M deal to spur Portland Harbor Superfund work

*By Pete Danko
May 10, 2019*

Portland and Oregon have struck a deal with the U.S. Environmental Protection Agency aimed at accelerating work on the Portland Harbor Superfund cleanup.

Under the agreement, the city and state will contribute up to \$12 million apiece into a trust that private parties who have Superfund liability can use in the remedial design phase, where detailed cleanup engineering plans are developed. The EPA is pushing to have remedial design agreements in place by the end of the year, but so far, none has been executed.

“With today’s agreement, the city and state are showing strong leadership and commitment to moving the cleanup forward,” EPA Administrator Andrew Wheeler said in a statement. “We hope all responsible parties will step up to take advantage of this unique funding opportunity.”

The city has its own Superfund liability, scattered throughout the 10-mile stretch of the lower Willamette River. Officials said the new plan will provide a way to get work going quickly and efficiently, while money spent from the fund will be credited against the city’s and state’s cleanup responsibilities.

“By pooling and capping public resources, the state and city funds will be spent on actual cleanup design work as opposed to administrative costs associated with negotiating and participating at multiple locations, improving efficiency and effectiveness of public dollars,” the city and state said in a news release.

The City Council will take up the plan, which calls for an initial \$6 million contribution by Portland in July, on Wednesday.

Cassie Cohen, a coordinator at the Portland Harbor Community Coalition, said the organization was still studying the agreement, but anything that moved toward actual cleanup — known as the “remedial action” phase — was likely a good thing.

“We also want to make sure that the ongoing health risks of all of the communities that are exposed and impacted by the pollution are addressed,” she said, noting that the city had identified using interest from the trust to benefit impacted communities.

In early January 2017, the EPA outlined a 13-year, \$1.05 billion cleanup of the site. That record of decision — calling for about 400 acres of contaminated sediment to be dredged or capped, with another 1,800 acres allowed to recover naturally — came 16 years after the harbor went onto the EPA’s National Priorities List.

But while the ROD established a powerful legal milestone, it left much still to be determined, including how the costs for the cleanup would be divvied up among more than 100 responsible parties.

The Skanner

Mayor's Budget Supports Albina Vision

May 8, 2019

Also backs street response proposal by Hardesty

To address a housing crisis, Mayor Ted Wheeler's proposed city budget for the next fiscal year prioritizes added funds to help the homeless, which was not a surprise. But the mayor's plan also provides a small stipend to boost efforts to redevelop residential areas around the Rose Quarter for Albina Vision, boosting a plan to rebuild a diverse neighborhood and correct historical displacement.

The mayor's \$577.3 million general fund budget released last week had several new line items compared to years prior, including a \$500,000 set aside for addiction-treatment, a reversal of past policy when the city has left funding for such services up to the county.

Wheeler proposes \$187,000 in new funding for a Mental Health and Nurse Triage Program, a request by new City Commissioner Jo Ann Hardesty to defer low-intensity 911 calls to a nurse to connect the caller to services.

Also at Hardesty's request, the mayor included another \$500,000 for a new "street response" team—addressing people sleeping outside without law enforcement involvement.

The first African American woman on the City Council, Hardesty also offered an alternative way to fund Wheeler's plan to increase funding to the Police Bureau, recommending an end to the Bureau's gang enforcement unit, citing its ineffectiveness. Instead she would move the 28 officers from the Police Bureau's Gang Enforcement Team (now known as the Gun Violence Reduction Team) to general patrol to help alleviate a projected 120 officer vacancies. She also recommended defunding police body cameras.

Hardesty clashed with Wheeler's budget on some other issues as well, such as the \$200,000 feasibility study for a water taxi service on the Willamette and Columbia Rivers, called Frog Ferry.

Albina Vision would receive \$75,000 under Wheeler's proposal, for outreach—also a new item. The diverse group of backers of Albina Vision previously gained the support of the mayor and Metro Council President Lynn Peterson.

The full City Council will vote on whether to approve the budget in June.

Disability Rights Group Alarmed by Portland E-Scooter Rules

By Gillian Flaccus

May 10, 2019

A disability rights nonprofit group in Oregon filed a letter of complaint Thursday with the city of Portland over new rules about an electric scooter pilot program.

In its letter, Disability Rights Oregon said Portland's decision to have residents file complaints about the ubiquitous e-scooters directly with the companies participating in the program instead of with the city reduces transparency and increases danger to the public.

Portland just began a second, yearlong phase of the pilot program intended to help the progressive city introduce the devices while avoiding pitfalls experienced by some other major U.S. metropolises.

It allows up to 2,500 of the devices on city streets from multiple companies as part of the "micro-mobility revolution" that's swept through major U.S. cities.

A four-month experiment with the e-scooters last year was successful but also generated 6,000 complaints and raised questions about pedestrian safety and the impact of the devices on public spaces like parks. The scooters also led to 176 visits to the emergency room or urgent care, the city said.

Electric scooters have surged in popularity in cities across the U.S. as a convenient, environmentally friendly mode of transportation for short trips that can otherwise be clogged with traffic. A report released last month by the National Association of City Transportation Officials said riders took 38.5 million trips on shared electric scooters in 2018, eclipsing the 36.5 million trips on shared, docked bicycles.

Last year, Portland residents could file complaints with the city about scooters. Now, the companies themselves are required to maintain complaint lines 24/7 and must report data to the city each month.

The information is reported with names and details stripped out, said Emily Cooper, the nonprofit's legal director, and companies have an incentive to downplay any serious issues.

The city shouldn't look at safety at arm's length.

"If someone was hurt or someone needs help, there's no way for the city to know that based on the way they structured this agreement," she said. "The city shouldn't look at safety at arm's length."

Dylan Rivera, a spokesman for the city's Department of Transportation, did not immediately return a request for comment.

Brianna Orr, a transportation specialist with the city, said in an email to Disability Rights Oregon that the city wasn't able to respond quickly enough to complaints in the first phase of the pilot program. Now, for example, participating companies must respond to abandoned scooters blocking sidewalks and curb ramps within 60 minutes, she said.

The city will audit response times of the companies and the monthly reports will be public record, Orr said in the email, which was shared with the AP by the nonprofit.

In famously progressive Portland, e-scooters are an important part of the city's drive to reduce traffic and encourage alternative modes of transportation, from light rail to bike commuting.

But like Portland, cities across the U.S. have struggled to accommodate the devices while regulating safety and access for people in lower income neighborhoods.

San Francisco, for instance, kicked out Bird, Lime and Spin and instituted a competition for permits, ultimately awarding them to relative underdogs Scoot and Skip and capping the number of scooters that could be deployed.

New York City does not allow shared electric scooters, although legislation has been introduced to change the rule.

OPB

Grand Jury Transcripts: Portland Officer Not Clear On How Man He Shot Got His Knife

By Conrad Wilson

May 9, 2019

A Portland police officer told grand jurors he shot and killed a man with schizophrenia earlier this year because the man had somehow taken possession of a knife normally zip-tied to the front of the officer's police vest.

He also suspected the man he was trying to subdue was going through a mental health crisis.

The Multnomah County district attorney's office released grand jury transcripts Thursday in the Jan. 6 death of Andre Gladen, a 36-year-old African American man from Sacramento who was visiting family in Portland when he was killed inside a stranger's apartment. Gladen struggled with schizophrenia and took medication for bipolar disorder, family members told OPB. Gladen was also blind in one eye. The medical examiner told grand jurors Gladen had also taken methamphetamines on the day of his death.

Gladen arrived at Desmond Pescaia's front door in Southeast Portland, wearing only one shoe. He seemed confused.

Gladen's family said he was seen at the emergency room at Adventist Medical Center in Southeast Portland — near Pescaia's apartment — not long before he was killed.

Earlier in the day, Gladen left the house in East Portland where he was staying with his cousin and fiancée, Diamond Randolph, after she asked Gladen to leave.

"He's got to go," a police officer on the scene recalled Randolph's remarks to the grand jury. "He's got to go. He doesn't live here."

Later, officers were called another scene blocks away of a man claiming he had been stabbed. It was Gladen, though, apart from being shirtless in 30-degree weather, he was not hurt.

Officers called paramedics to the scene, worried he could be experiencing hypothermia. Gladen was taken to Adventist Health Portland, a hospital. Doctors there thought he had a seizure, so they prescribed an anti-epileptic medication, according to testimony from Portland Police Detective Erik Kammerer, who reviewed medical records.

"And shortly after that, he ends up at Mr. Pescaia's residence," Kammerer said.

Kammerer said there was nothing in the Portland Adventist medical records about a documented mental health crisis.

“It appeared that they were — the doctors were concerned with his mental state, but attributed that to this seizure that they believe he had, which then cleared up when he was given his anti-epileptic drugs,” Kammerer testified.

Pescaia told grand jurors Gladen seemed confused and disturbed when he pounded on his door:

“I went outside, I opened it and asked him, ‘What do you want?’ And his response was, ‘Well, I’m legally blind and there’s someone standing on the corner in a white hoodie with a gun, and he’s coming after me to shoot me and kill me and you,’” Pescaia said, according to the transcript.

Gladen asked to go inside. Pescaia said no, though he said he also offered Gladen water and money for a MAX train.

Gladen pounded on Pescaia’s door twice more. Both times, Pescaia told him to leave. Finally, Pescaia told grand jurors, his landlord recommended he call the police.

“I did not feel safe. I did not feel that I could handle the situation,” Pescaia said. “I did not want to do anything that would bring myself or this young man harm.”

Portland Police Officer Consider Vosu arrived on the scene to find Gladen lying beneath a blanket and behind two chairs on the front porch. Vosu said he told Gladen that he couldn’t be there and needed to leave or risk an arrest for trespassing.

Gladen questioned whether Vosu was a police officer, so Vosu pointed to his badge. After a bit of back and forth, Gladen got up.

“As he stood up, I noticed that he was wearing a hospital gown and he had one shoe on his right foot and it was the wrong shoe. So I asked him, ‘Did you just come from the hospital? What’s going on?’” Vosu told grand jurors. “I said, ‘You have a shoe on your right foot, and it’s the wrong foot for that shoe.’ And he looks at me and backs up to the door of the house.”

Gladen, the officer said, kicked the apartment door. Pescaia opened it and began yelling at Gladen to leave. Vosu told Pescaia to go back inside, but the tenant stepped out on the porch and continued yelling. At that point, Vosu called for backup because “this is not going how I want it to go.”

At that point, Vosu’s and Pescaia’s recollections of events differ slightly. Pescaia said he grabbed a stick to protect himself from Gladen, who Pescaia said was yelling and cursing at the officer. Vosu said he told Pescaia to put the stick down and go back inside because “there’s a mental health component at play.”

After multiple requests, Pescaia finally put the stick down. As he did, Gladen moved past him into the apartment. Pescaia followed, and Vosu said he went after them because he worried Pescaia and Gladen were going to fight.

Gladen, in socks, slipped on the wood floor. Vosu said Pescaia was on top of the intruder when he made it into the apartment. Vosu said he began trying to restrain Gladen. It didn’t work.

“[Gladen] kicked Officer Vosu off. And because of how close the quarters are, Officer Vosu ended up on his butt in my room in front of my bed,” Pescaia told jurors.

Vosu said he and Gladen both got up, and he warned Gladen to stop or get Tasered.

When Gladen didn't comply, the officer used his Taser. Gladen fell down, and Vosu saw something in his hand: a knife Vosu kept zip tied to the front of his vest that he had used in the past "for cutting police tape, for opening sandwiches and cutting rope."

"And he starts getting up again, but this time, I can register what's in his hand is my knife," Vosu told jurors. "I saw the knife in his right hand. I saw him holding it tightly, and he was advancing on me with — with intent. ... I did as — as we do in training. I stepped back, drew my firearm, I believe I admonished him and then fired three times."

Two shots hit Gladen at point-blank range. Gladen collapsed at the officer's feet.

In February, a Multnomah County grand jury determined Vosu's use of force was a lawful act of self-defense and determined no criminal prosecution was necessary.

A lawyer for Gladen's family disputes Vosu's account.

"The officer and the witness escalated the situation," said attorney Andrew M. Stroth. "Blind man, did not present a threat, was in distress, but then gets shot by Officer Vosu and then after the fact it's our perspective that he makes up a story to support his unjustified shooting."

Stroth dismissed questions about the drugs found in Gladen's system, noting that whether it's drugs or mental health issues, Gladen was suffering and in distress.

In 2012, the U.S. Department of Justice sued the city after their review found police engaged in a pattern and practice of excessive use of force against people suffering from mental health problems. The city remains under a settlement agreement that's administered by a federal judge.

Stroth raised questions about Pescaia's involvement during the incident as well.

"I don't know what the police procedures are, or what the general orders are, but you also have a civilian interacting with the officer, to confront and engage Mr. Gladen," Stroth said. "Again, Mr. Gladen was legally blind, and we just don't believe the narrative given by the officer or the witness, Pescaia."

Gladen's family has said they intend to sue the city.

In February, members of Gladen's family met with Mayor Ted Wheeler and Portland Police Bureau Chief Danielle Outlaw. They urged the city to do better in its policing, specifically with people who have mental illnesses.

In a statement following the release of the grand jury transcripts, Outlaw said the bureau makes every attempt to be transparent.

"Early on, detectives suspected it was the officer's knife; however, they were unable to confirm it prior to the Grand Jury," Outlaw said.

PPB said in a follow up email that they learned that the knife belonged to Vosu on Thursday after the grand jury transcripts were released.

The case will next go before the Police Review Board.

***Editor's note:** An earlier version of this article misstated whether the grand jury transcript included information about Adventist Health Portland.*

Portland Police Release New Data On Gun Violence Reduction Team

By Jonathan Levinson

May 8, 2019

The Portland Police Bureau released data this week touting the work of the city Gun Violence Reduction Team in the wake of a call to cut its funding.

The new data comes after Portland Commissioner Jo Ann Hardesty, citing what she's described as the team's history of racist policing, suggested cutting funding for the team and reassigning its officers to the understaffed patrol division.

In October, bureau leaders rebranded the team; it had been called the Gang Enforcement Team. PPB says they made the change because gang shootings had been going down while overall shootings were increasing. But the change also came after a blistering audit questioned the gang team's tactics and suggested members over-policed black communities.

Along with changing the team's name, police leaders broadened its scope from gang violence to include all shootings in the city.

Sgt. Kenneth Duilio, who had been with the Gang Enforcement Team and is now with the Gun Violence Reduction Team, said that last year the team investigated 120 gang shootings.

"This year the projection of the number of shootings that we're going to take is between 350 and 400," he said.

The data PPB released says that of 135 shootings this year, the gun team responded to 99 and referred 76 to detectives for felony shooting investigations. They also say 13 lives were taken by firearms so far this year — a number that includes homicides and deaths by suicide — and that they've seen a downward trend in shootings since the Gun Violence Reduction Team was formed.

But PPB was unable to provide similar data for previous months and years for comparison. And since October, Duilio said, "we've averaged just about one shooting a day."

So far in 2019 there have been 11 homicides in Portland, though not all have been by firearm. That's double the number of homicides at this point than in the previous two years.

Portland, State Of Oregon Team Up To Pay For Willamette River Superfund Cleaning

May 10, 2019

The city of Portland and the state of Oregon say they're partnering to tackle the Portland Harbor cleanup efforts.

Last December, the U.S. Environmental Protection Agency (EPA) announced that the entire Portland Harbor site must meet certain goals toward figuring out a cleanup plan by the end of 2019.

The cleanup site spans about 10 miles of the Willamette River starting around Sauvie Island, extending just north of the Broadway Bridge.

Under the new partnership proposal, the city and state will each contribute up to \$12 million to a fund that will be used to encourage the groups and companies responsible for cleaning the river to create their own cleanup designs.

“I think something like this is good because it demonstrates leadership by the city and the state of Oregon,” said Travis Williams, executive director of the environmental advocacy group Willamette Riverkeeper. “And it’s also the kind of leadership that will hopefully incentivize others in this process to complete their agreements with the EPA and to begin design work to clean up some of this site down at Portland Harbor.”

Pollution in the area has been deemed the responsibility of more than 100 different entities including the Port of Portland, Union Pacific Railroad Co. and Chevron USA.

After designs are finalized, the actual cleanup work is expected to cost about \$1 billion and take approximately 13 years, according to the EPA.

“Our waters and our lands are some of our most precious resources, and this project will help ensure that they will be enjoyed by generations to come,” Gov. Kate Brown said in a news release. “It’s a great example of how working together brings forward cost-effective solutions.”

The partnership proposal goes to the Portland City Council next week.

Family Of Terrell Johnson Sues Portland Over 2017 Police Shooting

May 10, 2019

The family of a man killed by Portland Police in 2017 is suing the city for wrongful death.

Portland Police officer Samson Ajir shot and killed 24-year-old Terrell Johnson. At the time of the killing, family members said Johnson had struggled with mental illness and a substance abuse problem.

The lawsuit claims Ajir used unlawful force against Johnson and deprived him of his civil rights in the process. Johnson’s family wants a jury trial.

Police have said officers confronted Johnson May 10, 2017, after he threatened people with a utility knife at the Flavel Street Transit Station in Southeast Portland.

Ajir chased Johnson on foot when he ran from officers.

The lawsuit claims Ajir violated police directives during the chase, such as not calling in for backup and attempting to “overtake” a suspect instead of following and keeping them in sight.

“Officers are supposed to follow certain rules before engaging in foot chases, and Officer Ajir did not follow any of those and that resulted in Terrell dying that day,” said Juan Chavez, an attorney with the Oregon Justice Resource Center who is representing the Johnson family. “Foot chases are particularly dangerous, and that’s why police officers need to follow these rules.”

Chavez is also currently representing Cider Riot, a Portland bar, in a lawsuit against Patriot Prayer — the Vancouver, Washington-based extremist group that attracts white supremacists and has engaged in violence throughout the region.

“This was entirely avoidable, and we believe unconstitutional and we believe violative of Johnson’s rights,” Chavez said.

Johnson's family wants accountability from the Portland Police Bureau, he said.

"I can't put into words quite yet the deep pain that the Johnson family has felt," Chavez said.

"This is fundamentally about the loss of a son and of a family member and what happens when nothing's done about it by the people who did it."

A month after the shooting, a Multnomah County grand jury found that Ajir's use of force was justified.