

## The Oregonian

# Police lieutenant ‘firmly believed’ milkshakes thrown during June protest ‘contained some form of concrete’

*By Maxine Bernstein*

*July 22, 2019*

Portland police on Monday released a report written by a lieutenant who said he “firmly believed” that a milkshake thrown at protesters during competing demonstrations last month in downtown Portland contained a concrete-type substance.

Police put out a warning on Twitter during the June 29 protests that the bureau had “received information” that some of the milkshakes contained quick-drying cement. The announcement spurred widespread backlash, including death threats against the milkshake makers, who said the only ingredients were coconut ice cream, cashew milk and rainbow sprinkles.

PopMob, short for Popular Mobilization, organized the milkshake party in Lownsdale Square, saying its goal was to stage a counterprotest against the right-wing Proud Boys and #HimToo movement.

Lt. Richard A. Stainbrook, one of the commanders of a Rapid Response Team tasked with crowd control, said he was at the intersection of Southwest Morrison Street and Sixth Avenue when a cup of milkshake was thrown at two men at the corner.

He said in his report that an unknown woman approached him as he directed two officers to take a report from the victims.

She told him, “Those things are filled with QUIKRETE,” Stainbrook said in his report written July 1, the Monday after the Saturday demonstrations.

The woman’s head and shoulders were covered with a gray-colored substance that was starting to dry, Stainbrook wrote.

“I have worked with concrete periodically and specifically ‘QUIKRETE,’ which is pre-mixed concrete, specifically many times,” the lieutenant wrote in his report, obtained through a public records request.

“The substance on the female smelled like ‘QUIKRETE.’ I also noticed as the substance was drying it was turning into a chalky consistency which from my experience is consistent with drying concrete.”

The woman walked away, he said, before he could direct an officer to take a report from her.

Stainbrook said he also noticed some of the substance on the ground was drying quickly and “turning to a chalky consistency.”

“I firmly believe these ‘Milk Shakes’ that were being thrown around and on people contained some form of concrete,” he wrote. “For situational awareness purposes, I broadcast over my radio that the ‘Milk Shakes’ being thrown around contained Quikrete.”

Quikrete is a mixture of gravel, sand and cement often used for building or fixing foundation walls, sidewalks, curbs, steps and ramps and for setting posts.

The bureau found no other evidence that the shakes contained any concrete material, receiving scorn for publicizing such information.

Police Chief Danielle Outlaw has said the bureau shared the information “in good faith.”

"As we get information, we want to alert the public," Outlaw said after the protests. "There were no ill intentions whatsoever."

Attorney Juan C. Chavez, of the Oregon Justice Resource Center, sent a letter to the city July 15 on behalf of (Pop)ular (Mob)ilization or "Pop Mob," demanding the police retract the Twitter message within two weeks, arguing that it was "defamatory." If no retraction was offered, Chavez threatened to sue the city on behalf of Pop Mob, alleging negligence, defamation and emotional distress.

"They did not put quick-drying cement in their beverages," he wrote. "Not only would be be antithetical to Pop Mob’s stated goal of creating a joyful atmosphere, putting a foreign substance into their drink and serving them to counter-demonstrators would likely violate the criminal code."

City Attorney Tracey Reeve responded, as reported by Portland Mercury, that the Twitter message "accurately stated that the police had ‘received information’ that some of the milkshakes being thrown contained quick-drying cement....The Tweet in question referred to only ‘some of the milkshakes being thrown today.’"

Reeve said police did not allege wrongdoing by any individuals or group, and she encouraged Pop Mob members who have received harassing threats as a result to report them to police.

## **The Portland Tribune**

### **Skyscraper could add \$10 million yearly to city's coffers**

*By Joseph Gallivan  
July 22, 2019*

#### **Planned 35-story tower at Alder and 10th draws investors and high-end hotel folks for construction launch**

Walter Bowen led the groundbreaking of BPM Real Estate Group's 35-story tower last Friday, July 12.

The building will feature ground floor retail, a food court, offices, a Ritz-Carlton five-star hotel and condominiums with access to the hotel's facilities such as the spa and the restaurant chefs when it opens in late 2022.

Block 216, as it is still known, is on the site of the Goodman-family-owned block that was recently cleared of the Alder Street food carts. Executives from out of town heard a series of congratulatory speeches, including words from Portland Mayor Ted Wheeler.

Ritz-Carlton is new to the Pacific Northwest, as is the affiliate of Mosaic Real Estate Investors of Los Angeles which provided the loan. Local boy, Bowen of BPM Real Estate Group, announced a \$460 million construction loan for the project at 900 S.W. Washington St. last week.

The owner of BPM, Bowen is a developer of senior housing who has had recent good fortune branching out into spec office buildings such as Pearl West and the Broadway Tower near St. Mary's Academy, which are known for anchor tenants Wacom and the Radisson Red hotel, respectively.

"This will be a luxury living experience unlike anything that has ever been developed in the Portland market," said Bowen. He estimated the annual income from property and hotel taxes to be \$10 million a year. "If you take that times the next 100 years you've got a billion dollars in taxes coming to the city," he said. He noted that the city will benefit from charging \$25 million in system development charges (for infrastructure) "inclusive of \$8.1 million that we're paying the city for the of inclusionary housing exemption because of the condominiums." That is the amount the owners will pay to get around putting affordable housing in the luxury building.

"It will be a very, very big addition to the city's coffers."

### **Building up**

Bowen promised that construction will begin on July 29th, digging down four and a half floors for parking.

The tower will have 251 guest rooms, 238 co-branded condominiums and 140,000 square-feet of office and retail space. At 460 feet tall, it will be the fourth-tallest tower in Portland, and will cost \$600 million to build.

The food carts may be moved to the North Park blocks, although there is another plan for a culinary corridor nearby along Southwest Ninth Avenue.

For now, they are being stored on land at the now quiet U.S. Post Office in the Pearl District.

He praised Mosaic as "not just another lender, it's a lender that really cares about the project. It's going to be a partner throughout this and we will work with as we go through the project and make it not only a great Ritz-Carlton project, but a great project on a standalone basis." He also singled out Howard S. Wright the builder. This is his third building with them downtown.

"I know these guys, I go to the weekly construction meetings, I try not to mess with themthem . . . First of all, I had to give Brian the bad news that he won't be hunting for 42 months, he's going to have to be on this project. So, no breaks. "

### **Walt and Ted**

Bowen notably praised the City of Portland as a big supporter.

"We thank all of the dedicated employees at the Portland Development Commission the Portland Bureau of Transportation and Parks and Recreation. We look forward to them bringing Bryant Park back. They sometimes get a bad rap, but we had a great experience on this project. "

Mayor Wheeler flattered Bowen saying, "I just want to acknowledge that this is not your first rodeo here in the city, you have developed several mixed-use towers in the city. You have made significant investments in this community, you've created thousands of good jobs in this community, I want you to be proud of that."

Wheeler said the city would continue to change for the better. "The pace of change in this community can sometimes seem overwhelming. And I want to reassure people that our city can continue to evolve, that we can continue to improve our community, while at the same time protecting the things that we love about this community."

He added that this is the first project to be started under the new Comprehensive Plan, which was approved by the City Council a few months ago.

He said it would help create a festival street in the food hall as well as contributing to the six-mile Green Loop and Culinary

## **Corridor plans.**

Ethan Penner, the managing partner of Mosaic Real Estate, said he didn't normally bother with groundbreaking ceremonies, but this was a once-in-a-while project.

"First of all, this is the largest single asset financing that I've ever done. The only other deal I've ever done that's bigger than this is when I financed the acquisition of the entire Westin Hotel company. It's maybe the single largest construction deal done in the United States this year, by dollars."

Penner added, "Everyone here should be very proud of the city. This is maybe my favorite city. When I think of this project, I think of a balance between traditional and contemporary, between nature and architecture and between soulful and ambitious."

## **Opportunity knocks**

Tracey Nguyen, principal at Baker Tilly Capital explained why private money is flooding into one of Oregon's 86 qualified opportunity zones, 11 of which are located in Portland.

This includes Block 216, which benefits from the opportunity zones program by using private investments to help finance the construction. She estimates it will create 2,000 direct and indirect construction jobs and 550 long-term jobs.

"We are thrilled to provide our economic development expertise to BPM to leverage the opportunity zones program and to achieve the positive economic outcomes while also providing opportunity zone investors with a chance to invest in this unique institutional quality property."

Phil Beyl with Portland-based GBD Architects said it would add to the Portland skyline, and that Walt Bowen is "a great, visionary leader who has an uncanny sense for when it's time to build something, with great courage."

Beyl said it would be "a great destination for visitors for homeowners and businesses like the city has never seen before."

He added, "Oftentimes you do get into a situation where the city happens to be on the other side of the table rather than on the same side. But from day one, they've been on the same side as us."

## **Branding**

There's a trend for condo residents to be able to step out of the door of their second or third home into hotel facilities. There is a St. Regis being built now in Boston, a total condo tower, where the developers have licensed the brand to add value to the people he's selling to, rather like the Trump organization rents out the brand but doesn't own the real estate.

Dana Jacobson, the senior vice president of global mixed-use development with Marriott, said, "The hotel will generate 300 new jobs from housekeepers to engineers, bartenders, and managers. Why is it that we have waited so long to have a Ritz-Carlton project in Portland? First, we need the right partner and we knew very, very quickly that Walt and his team were the right partners for Ritz-Carlton. We're super selective about the people that we do business with, and it was clear that Walt embodies the values of Ritz-Carlton."

Jacobson said people now demand a kind of look for a different kind of lifestyle. "They want to be able to walk to boutiques or coffee places. People who live there will be immersing themselves quickly in the community and walk around, go to art, go to movies."

She disagreed that Portland is not a five-star town.

"Portland's ready for this. We have so many customers who travel up to Portland, the lifestyle, the food scene, businesses. We found a great partner, and we found a great site. Just because Portland is low key, and people are interested in the outdoors, doesn't mean people aren't also interested in high-touch service, awesome food and beverages. We want to create an experience, we want to help you live your life better."

After the symbolic shoveling of the first dirt, Bowen explained why he is optimistic about this particular block: It's about access.

"You've got Nordstrom down the street, you've got the whole Broadway corridor, you've got the retail section of downtown Portland, you've got a museum, the park blocks, and you've got the river — you can walk to the river. It's a very accessible site. That it's going to be able to build up 35 stories gives you a lot better view corridor, which is really important."

He denied that Wheeler and the normally slow city has expedited anything for this project.

"Just working with the Portland Planning Commission and Phil and his firm GBD on the last three projects, they have a good understanding of their locale, they know who they're talking to. And they listen, they take suggestions, and they've smoothed the path to a successful project."

## **A fluid situation**

*By Brittany Allen*

*July 23, 2019*

### **Rural residents share numerous concerns about proposed Portland water treatment plant**

On the heels of a mandate from Oregon Health Authority, the Portland Water Bureau plans to build a new filtration plant by 2027.

Though the more than \$350 million project won't become reality for years, neighbors just down the road from the proposed plant site on Carpenter Lane in eastern Multnomah County, are worried now.

The plant is the result of multiple incidents of detection of cryptosporidium, a potentially deadly organism that was first found in the Bull Run watershed in 2016.

The Portland City Council approved the plant location on Dec. 12, 2018. During the hearing, bureau officials testified they had studied six locations, with Carpenter Lane the only one that met all of the bureau's criteria, including: being property the bureau owned; zoning to allow a filtration plant; and the right elevation to allow gravity to move water into and out of the plant to keep operating costs down.

The water bureau bills the project as a promising venture to improve water quality for its customers, but citizens of Boring and Portland have united over a plethora of concerns related to the plant, such as water cleanliness, impact on the "rural feel" of the area and potential increases in water prices.

Four people who live on Carpenter Lane testified against the location at the December hearing.

Doug and Pat Meyer said the plant will lower the value of the surrounding properties, including those along the pipelines that will be built to and from the plant.

Brent and Linda Leathers claim the plant will destroy the rural feel of the area, and Brent said he will exhaust every legal avenue to prevent the plant from being built. The Leatherses have since

formed an online group called "Citizens for Peaceful Rural Living," through which they facilitate community discussion on the project and ensure residents are aware of upcoming bureau activities.

### **Cart before the horse?**

A major point of contention for many residents affected by the bureau's plans is a perceived lack of communication.

Former Multnomah County Commissioner Diane McKeel, who lives above the Sandy River with her husband Mike, said she has heard concerns from other residents. McKeel said she is not worried about the potential impact on their own property, but believes those talking to her have legitimate concerns that the Portland Water Bureau has not yet resolved.

As McKeel sees it, Portland City Council helped create the concerns by approving the site for the project before the bureau had contacted area residents to explain what was being considered. As a former elected official, McKeel noted that is a frequent failing of governments at all levels.

"They make their decisions before doing their outreach," said McKeel, who does not have a position on the suitability of the project itself.

Brian Rolen, who lives on Cottrell Road in rural Multnomah County, is a vocal member of the Leathers family's online forum.

"It's befuddling to me that (the bureau is) choosing the path they are" about not only the location of the plant, but how the bureau is notifying (or not) residents of the project area, he said. "It sounds like Portland Water Bureau wants to build this no matter what. Their mind is made up to try to do what they're going to do, and my mind's made up to try and stop them."

### **Crossing county lines**

Bull Run serves more than 950,000 customers in the Portland metropolitan region. Throughout the fall, winter and spring seasons, Sandy receives about half of its water supply from the stream. The only Sandy customers who don't are located south of Highway 26 and east of Langensand Road and customers north of Highway 26 east of Vista Loop Drive's west end.

The Oregon Health Authority is requiring the bureau to treat Bull Run water to remove or kill cryptosporidium, so Portland City Council agreed to build a plant that will filter the water through a granular media that will also remove other contaminants. The cost of the plant is estimated at between \$350 million and \$500 million.

The Portland Water Bureau bought the property in 1975 for the future location of a bureau facility. One of the two tax lots was purchased for \$65,000 and the other for \$250,000.

### **Shared concerns**

At an information session the bureau hosted at Multnomah County Grange on June 24, water bureau Program Director David Peters gave a 30-minute presentation on the project before opening the floor for individuals to question the dozen or so bureau staff members and project participants on hand.

Brian Rolen, like several others of the Boring community, described the bureau's event style as "divide and conquer." Many attendees left or voiced their opinions in protest of not being able to ask questions as a group.

"I don't think they're bad people," community member Pat Meyer said at the meeting. "I just think they have a job to do and I don't think it's all listening to what's important to us."

Bureau Public Information Officer Jaymee Cuti addressed concerns about the meeting with a Pamplin Media Group reporter.

"We understand and appreciate the feedback related to confusion about the format of the meeting," she said. "It was not intended to be a town hall type of format as it seems some had hoped for; rather it was an info session and was structured as such so that we could receive questions and comments from a variety of different perspectives knowing that a large crowd would attend ... We wanted to expand opportunities for everyone in attendance to submit questions in a variety of ways.

"By using a town hall-type of format," Cuti added, "we would not have received the depth and number of thoughtful questions that we did by the end of the evening. We thank everyone who attended for their time, thoughtfulness and range of feedback."

### **Too close**

Portland resident Emily Bartha also attended the June 24 meeting and felt similarly left in the dark. Bartha has a unique dual perspective on the plant controversy. She now lives in Portland but was raised in Boring right down the road from the proposed plant site.

"We were all sort of blindsided," she said. "We showed up thinking we'd get answers. I've never seen a public meeting go that way. I feel like it's almost an urban/rural divide issue. They didn't think (the residents) would fight back."

Rolen said when he confronted bureau representatives about not receiving notice of the planned project until after council approved its location, they said they only had to notify people within 700 feet of the property.

That struck a nerve.

"I measured it, and I live 867 feet from the proposed site," he explained, adding that being still a close neighbor of the bureau land creates concern.

Bartha too bemoaned a lack of notice for residents, saying that only four neighbors of the plant were told about the council meeting before the site was chosen.

"Maybe in Portland you don't have to give that much notice, but in the country, 750 feet is nothing," she noted.

Rolen isn't a customer of Portland Water Bureau, so his water costs may not be affected, he noted, but his quality of life would.

"We live out here because we don't want to live in Portland. We don't want the city life. And now they build a 100-acre facility in my backyard that runs 24 hours a day, 365 days a year," he said. "If this goes through and they build the plant, we're selling and moving. I don't want to go anywhere, (but) I don't want to live next door to that."

He worries that one of many ways the plant will negatively affect him is by diminishing his land value.

"I own 10 acres and the county won't let me develop my property, but they'll let Portland Water Bureau develop this plant," he noted. "How can they build an industrial site on their land and I can't even build a bigger shop? There's zero reason to build there. The plant needs to be at headwaters. There's no neighbors, no problems there."

Rolen has sought legal representation to aid him in fighting the water bureau's plans.

"I've got too much of a vested interest not to have an attorney," Rolen said.

## **Safety concerns**

Brent Webster, a Portland Water Bureau customer who lives on the Clackamas County side of Cottrell Road, is concerned about the validity of a new filtration plant. He worries that the plant will change the quality of the water.

"It's a miraculous thing that we have the water we have now," Webster said. "So why would you want to possibly screw it up?"

Like Webster, Bartha also has questions about what "chemicals they'll be using and how they'll be disposed of."

"Safety of both the public and Portland Water Bureau staff is always a top priority, and our staff holds daily safety briefings to ensure this commitment that underlines all of our work," Cuti noted. "It's also highly regulated. The filtration plant will meet rigorous state and federal safety standards for chemical storage and transportation that are designed to protect workers and the public.

"For chemicals stored on site, regulations and safeguards such as required secondary containment will be used," she added, explaining that secondary containment means a basin around a storage tank would capture chemicals in the event of a leak. "The chemicals being evaluated are in common use at water treatment plants across the United States. Decisions on all chemicals will be made during the design phase."

Materials handling safety is of paramount concern for the water bureau, she noted.

## **Water bills and traffic**

Other options, potentially with a smaller footprint, might also mean smaller impact on customers' water bills.

Brent Webster, who receives his water from Bull Run, would feel the cost difference caused by the new plant. He speculates that increase per month could be around \$100-\$200.

He's even wondered if the new plant plan might even be a "gimmick to charge more for water." However, like other residents, he feels he hasn't been able to get a straight answer from the bureau to his questions.

Jaymee Cuti with the water bureau said a lot of this perception comes from the project's highly preliminary status.

When asked about the potential impact on traffic in the Boring area — a concern of Emily Bartha's parents, who still live across Dodge Park Road near the site — Cuti said "once the plant is fully operating in eight years, there will be some increase in traffic related to the plant, but it's important to recognize that we already have traffic using community roads to access the Bull Run Watershed. Many in the community are likely familiar with our Lusted Hill and Sandy River Station facilities, and many in the community likely are not impacted — or do not notice — the trips required by the crews from these facilities to maintain the watershed and infrastructure supporting nearly a million people."

However, she added "it is too soon to identify how many truck trips there will be because we have not designed the facility or finalized any type of operation just yet ... early planning estimates have a wide range of 400 to 700 trips per year, or on average one to two trips per day," she said.

## **Flowing forward**

Cuti emphasized that public input remains an important part of the process. On July 16, the bureau hosted a "BBQ&A" at Dodge Park near the plant site to continue addressing community members' questions. This is the latest in a series of outreach efforts by the bureau that started in January 2018 (see sidebar).

"(We) worked to make our next meeting a more informal one, where we turn the PowerPoint presentations off and focus on building relationships and learning more about the feedback we heard on June 24," Cuti said, referring to a recent information and outreach forum.

"As we've mentioned in a variety of materials and through the timelines and processes that we've presented, neighbor input is critical to every stage of this project's lifespan," she added, "and neighbors will have a voice in design and construction decisions."

Haul routes, hours of operation and the look and community character of the facility are among the issues for which the bureau will invite public input.

"The Water Bureau will seek input and work with site neighbors through a more formalized Good Neighbor Plan process, which will work to create a committee of sorts, to help identify design considerations that respect the rural nature of the site," Cuti said. "We will continue sharing information and having conversations with neighbors as the design develops, and we've provided a variety of online ways that the public can comment on both design ideas and a variety of other issues."

For more information about the proposed plant, visit [www.portlandoregon.gov/water/article/736366](http://www.portlandoregon.gov/water/article/736366).

## **Reaching out**

Here are some of the steps the Portland Water Bureau has taken to inform community members about its proposed water filtration plant:

- January 2018: Initial letter/notice sent to adjacent neighbors informing them that a process was underway
- August 2018: City Council work session on filtration and treatment projects. Bureau staff worked with media to expand the reach of the message; website created to post materials related to the project; links sent out to neighbors.
- October 2018: Newsletter mailer, timeline, and invitation to attend November community forum sent to 14 adjacent neighbors to site.
- November 2018: Community forum hosted by Portland Commissioner Amanda Fritz, water bureau staff and community partners. Residents' email addresses collected. Information session hosted to dive deeper into details with neighbors at Surface Nursery.
- December 12, 2018: Water bureau staff present to the Portland City Council, which decides to locate the plant at city-owned property in that area. Emails sent to neighbors who provide addresses.
- January-April 2019: Individual visits with Surface Nursery and other neighbors to learn concerns; public opinion research and focus groups take place; two mailers, with follow-up postcards sent to range of neighbors, reminding them about timeline and project details
- March 26, 2019: Info session hosted at Sandy River Station site for neighbors

- June 2019: annual Water Quality Report sent to 200,000 households providing information; info session held for those neighbors not immediately adjacent to the site. FAQs posted on website.
- July 8, 2019: Neighbor questions packaged into FAQ posted to bureau's website; 4-plus hour BBQ&A at Dodge Park
- August follow-up outreach meeting being planned.

## **PBOT removing lanes from East Portland high-crash corridor**

*By Zane Sparling  
July 23, 2019*

### **Portland Bureau of Transportation begins safety project on 102nd Avenue between Sandy and Weidler.**

The city's transportation bureau will shrink the number of vehicle lanes on an East Portland high-crash corridor in order to make the road safer for cyclists and walkers.

The Portland Bureau of Transportation's new vision for a 1.5-mile stretch of Northeast 102nd Avenue includes one traffic lane in each direction, plus a center turn lane, a bike lane in each direction and painted on-street parking.

The street currently has two vehicle lanes in each direction.

"One of the biggest challenges on high-crash streets is having so many lanes for people to cross, and also for drivers to turn across," said Hannah Schafer, a bureau spokeswoman. "The likelihood of having something happen is higher than if you're going to cross one lane of traffic."

Construction for the Northeast 102nd Avenue Safety Project began Monday, July 15, between Northeast Weidler Street and Sandy Boulevard. The total cost of the project is budgeted at \$697,000, including \$331,000 from the city's gas-and-truck tax, known as the Fixing Our Streets fund.

System development charges — which are stapled onto new construction projects — and the city's cannabis sales tax also are contributing dollars.

After collecting data on the initial changes, the city may add permanent concrete pedestrian refuge islands in four to six locations, and build sidewalks and curb ramps.

Northeast 102nd has been hazardous for years, with 258 crashes on the thoroughfare between 2012 and 2016, including nine involving pedestrians and six involving bicyclists. Three people have died on the road in the last five years.

"I have been honked at, yelled at, had fists (shaken at me) while jogging and biking, all while observing crosswalk signals," one resident said during an open house for the project. "Cars drive too fast, don't wait for pedestrians to cross and regularly run red lights."

Another local commented: "I'd like to see more police officers on motorcycles more often than I do now, which is zero."

### **20 is plenty**

Portland's power to reduce residential speed limits is going statewide.

On June 27, Gov. Kate Brown signed into law Senate Bill 558, which allows any town in Oregon to reduce posted speed limits by 5 mph strictly in residential areas, starting in 2020.

Portland was exclusively allowed to experiment with lower street speeds during the 20 is Plenty campaign, which now covers 70% of city roadways. The Portland Bureau of Transportation wants to control speed limits in the other 30%, too, but it hasn't happened yet.

Rep. Rob Nosse, D-Portland, introduced legislation this session that would grant PBOT's wish, but it died in committee.

## **Your City Hall: Police approach to homeless under debate**

*By Jim Redden*

*July 23, 2019*

**A recent audit raises questions about the role of Portland officers in the official response to the homeless crisis**

**WHAT IS HAPPENING?** Questions about how Portland police treat the homeless have emerged in a recent report issued by the Independent Police Review division of the City Auditors Office. The Portland Police Bureau has responded that its officers are following directives, but that more information about their interactions with the homeless needs to be collected and studied.

**WHAT DID THE REPORT FIND?** The IPR analyzed 700 reports of arrests made during the 2017-18 fiscal year. It found that about half of those arrested did not have a fixed address. About 60% of those arrested had an outstanding warrant.

"More than half of the arrests resulted from a warrant, but the criminal justice system needs efficient mechanisms for resolving those warrants so that people experiencing homelessness could avoid follow-up arrests," the report said.

The report also said that many officers have unclear expectations about when and how to enforce laws and policies against the homeless, in part because the city has a separate program for cleaning up homeless camps.

"Officers are given discretion in how they enforce low-priority offenses, but are not given guidance on how this discretion should be applied as part of an overall strategy in addressing homelessness," the report said.

**WHAT DOES THE REPORT RECOMMEND?** The report makes several recommendations for the bureau to follow. They include: seeking direction from Mayor Ted Wheeler and City Council on its role in addressing the homeless crisis; developing and implementing consistent directives for officers who interact with the homeless; improving the collection of information on encounters with the homeless; and working with other criminal justice partners in Multnomah County to reduce arrests for warrants for failing to appear in court for previous arrests.

**HOW DID THE POLICE RESPOND?** The bureau issued a written response at the end of last week. Among other things, it said: Officers do not target people for arrest because they are homeless; not everyone who fails to give an address is homeless; bureau directives require officers to arrest people with valid warrants; and steps are being taken to improve the collection of information about encounters with the homeless, including better identifying those with mental health or drug addiction issues.

Police Chief Danielle Outlaw said she will meet with Wheeler, who is also the police commissioner, within the month to "clarify the police's role" in addressing the city's homeless population.

"While the report did not identify any actions by the Portland Police Bureau that criminalized persons experiencing houselessness, we recognize the recommendations can strengthen our existing policies and procedures and improve data collection for future analysis," Outlaw said.

**WHAT CAN I DO?** You can find and read the report at <http://www.portlandoregon.gov/ipr>. You can find contact information for Wheeler and the rest of the council at <http://www.portlandoregon.gov>.

## **The Portland Mercury**

### **City Refutes Claim That Police Ignored a Man's Request to Report a Hate Crime**

*By Alex Zielinski  
July 22, 2019*

A city attorney representing the Portland Police Bureau (PPB) has asked a federal judge to dismiss a lawsuit accusing PPB officers of rejecting a man's request to report a hate crime.

While the city believes the suit lacks legal footing, the initial complaint reflects an ongoing theme of frustration among Portlanders who feel that PPB doesn't take reports of hate crimes seriously.

Plaintiff Chuck Crockett, who is representing himself, sued PPB on June 11 for "a refusal to act on a hate crime," a move Crockett argues violates his constitutional rights. In an interview with OPB, Crockett, who is Black, said that while driving his car in Northeast Portland on March 13, a white driver followed him and threatened him with racist slurs after Crockett eventually parked his car.

Two days later, Crockett visited PPB's North Precinct to report the abuse. According to his complaint, the officer working from the front desk told him there weren't any officers available on site to take his report, and directed him to call PPB's non-emergency line. Crockett observed two other officers behind the front desk who appeared to be available, and asked the officer why he couldn't speak with them. Crockett claims the officer told him they were busy.

"He told me all calls and reports go through the 911 [queue], which is a blatant lie," he writes in the complaint. "Me... and the desk clerk engaged in an argument about why he was not calling any officers to take my report."

After being repeatedly told to call the non-emergency phone line to report the crime, Crockett left.

"As I was walking out the precinct I stopped a blonde haired officer. I asked [if the officer] was busy [and] he said no," Crockett writes. "I then asked him to take my hate crime report [and] then the officer said he was busy and couldn't. I told the officer the encounter was bullshit and racist."

Crockett said he exited the building into the parking lot, where he noticed a number of officers standing around. "I began to walk around the parking lot yelling trying to get an officer's attention to take my hate crime [report]," he writes. "I was completely ignored."

Eventually, a Black police officer sitting in a patrol car agreed to take Crockett's report. Crockett believes this refusal by other PPB officers to take his report in person was racially motivated.

"This is a form of... racial discrimination by minimizing the incident I experienced [and] denying me the rights equivalent to a white man," Crockett claims.

Crockett is suing the PPB \$150,000 for his damages—plus an indefinite monthly installment of \$10,000.

This morning, Portland Deputy City Attorney Ryan Bailey responded to Crockett by asking the US District Court to dismiss the complaint. Bailey argued that Crockett's lawsuit lacks the hard facts needed to build a sound legal complaint.

"Plaintiff admits he was never denied a right to make a police report," Bailey writes. "The complaint does not allege any facts to support the conclusory allegation that the desk clerk was lying about the process for making a police report and does not allege any facts which could be read to suggest the desk clerk's instructions were racially motivated or intended to prevent plaintiff from making a police report. "

Without evidence to prove that PPB treated Crockett any differently than they would have treated a white person, Bailey concludes, Crockett doesn't pose an actual legal argument.

A judge has yet to accept or deny the city's dismissal.

Crockett's not the first Portlander who has felt ignored by law enforcement while trying to report a hate crime. But, while Crockett's legal complaint has been shrugged off by the city, his greater concerns may soon be addressed at the state level.

Aside from monetary demands, Crockett's complaint asks the city to create a separate law enforcement division that would address the specific safety needs of Portland's African American population.

In June, the Oregon Legislature passed a bill updating the state's law regarding hate crimes. Specifically, the bill makes bias crimes (a newly-minted term in state law) a felony and requires detailed documentation of reported incidents.

The new legislation also requires law enforcement agencies refer victims of an alleged hate crime—regardless of if it can be prosecuted as such—to a new state hotline designated for bias crime victims. Hotline operators are expected to connect victims to local mental health services, culturally specific advocacy groups, and other resources that could help a victim heal from abuse.

Those operators will also help a victim understand the often confusing process of filing a police report, including information on why police aren't always immediately able to act on a crime.

"In many cases, traumatizing verbal attacks are dismissed [by law enforcement]... leaving the community impacted without help besides, 'toughen up,'" said Oregon Attorney General Ellen Rosenblum in March, during a Senate hearing on the bill. "Senate Bill 577 extends hand of assistance to the victims of hate and bias crimes."

While it doesn't promise a separate division of law enforcement for the Black community, the bill includes funds to hire two new hate crime specialists at the state level—a change that could help people like Crockett feel like their biased encounters are being taken seriously.