

## **The Oregonian**

# **Cop cleared in controversy over his friendly texts with Patriot Prayer's Joey Gibson before, during protests**

*By Maxine Bernstein  
September 12, 2019*

Portland Police Chief Danielle Outlaw and Mayor Ted Wheeler announced Thursday that the bureau's former crowd control liaison was doing his job when he exchanged friendly texts with Patriot Prayer leader Joey Gibson to gather protest information.

Portland's Independent Police Review, a city auditing division that handles investigations of high-ranking police administrators, didn't find sufficient evidence to prove allegations against Lt. Jeff Niiya after reviewing 11,647 of Niiya's cellphone text messages between May 2017 and February 2019.

Investigators examined three allegations: that Niiya engaged in unprofessional behavior during his communications with Gibson, didn't maintain objectivity while communicating with Gibson and inappropriately disclosed information to Gibson to allow people to avoid arrest.

The chief ruled all allegations "unfounded."

"There was no evidence to prove any of the allegations considered," Outlaw said at a news conference with the mayor as uniformed officers, including some command staff and internal affairs supervisors, stood behind them.

At the same time, the chief also announced changes to the police crowd control liaison program, including new training, uniforms and operating procedures.

The city investigation found that officers who worked as liaisons hadn't received any formal training and had no written standards for how to do their job.

"Simply put, Lt. Niiya was left to figure it out on his own," the investigative report said. "As a result, Lt. Niiya has faced personal criticism, and damage to his professional reputation, in large part because the Police Bureau failed to clearly describe Lt. Niiya's job to him and failed to provide him training on how he should do it."

The liaisons, charged with reaching out to organizers of demonstrations ahead of time to help the bureau prepare, are now assigned to the crisis negotiation team, with a more formalized structure in place. They were sent to training in Canada in June and a new standard operating procedure was drafted to govern their work and ensure their communications with demonstrators are examined by supervisors, Outlaw said.

At the last big downtown demonstration in August, the liaison officers also wore a different uniform - white shirts and police vests so protesters could easily identify them.

The investigation followed the disclosure in February of hundreds of text messages between Niiya and Gibson. They showed Niiya sometimes telling Gibson about the movements of counterprotesters, telling Gibson if officers would be on foot or bike at protests, even warning Gibson about an arrest warrant for one of his devoted followers.

The communications sparked outrage among some community members, who said the lieutenant's banter with Gibson was evidence that officers have protected right-wing protesters and targeted leftist opponents. City Commissioners JoAnn Hardesty and Chloe Eudaly blasted

the texts. The mayor called the texts “disturbing” and said they crossed the boundaries of acceptable police work.

Wheeler, when questioned at the news conference, said he’s told Niiya : “In retrospect, I wish I would have been more overt about giving you the benefit of the doubt.”

Gibson, who lives in the Vancouver area, has led a series of protests in downtown in the past two years to promote a variety of conservative causes, including condemning Portland’s anti-fascists. Many have led to brawls with counterprotesters. He now faces felony riot charges with several other followers of his group in a confrontation with antifa supporters earlier this year at a local pub.

The chief said the initial coverage of the texting by Willamette Week and the Portland Mercury in response to public records requests for a narrow group of messages Niiya exchanged with Gibson lacked important context about the scope of Niiya’s job.

The investigation found Niiya’s role required open communication with protesters and that it’s not uncommon for police to engage in banter with people to try to get information. As he did with Gibson, Niiya contacted or tried to have similar contact with people from multiple political spectrums, the report found.

But when Niiya’s contacts with one left-leaning demonstrator, June Davies, became public in December 2017 and critics accused Davies of being a police informant, Niiya worried that his ability to gain information from left-wing demonstrators had been significantly harmed. He said the outing of Davies put a "shock stop" to his communication with many other leftist protesters. He asked his supervisors whether he could still be effective in his role. He was told he could, so he continued, according to the investigation.

Niiya also shared information he learned about Patriot Prayer with senior command staff and the mayor’s senior adviser, text messages showed. At one point, Niiya attended a meeting that the mayor wanted to have with Gibson to try to discourage Gibson from attending protests downtown on June 4, 2017, the investigation showed. After that meeting, Niiya told investigators, Wheeler "seemed impressed" by how much information he was getting from Gibson.

The investigation also revealed that outside agencies often came to Niiya for information on upcoming protests, including the Washington State Patrol, the FBI and the Oregon Department of Justice’s Titan Fusion Center.

Investigators asked Niiya why he twice advised Gibson before a Dec. 9, 2017, protest that Tusitala John “Tiny” Toese, a member of the Proud Boys, had a disorderly conduct warrant in Portland. Niiya in the texts had suggested to Gibson that the warrant be taken care of before Toese came to the city. Niiya also told Gibson that officers could arrest Toese if he acted out but it wasn’t likely to occur.

Niiya, backed by senior command staff, told investigators that by sharing the warrant information he was hoping to “influence” Toese to not come to the Portland protest. Niiya said he also was hoping to avoid causing a potential safety issue by arresting Toese in the middle of a chaotic protest. Warrant information is also public, the report noted.

Regarding a video from a June 3, 2018, protest, where Sgt. Kevin Allen warned Patriot Prayer protesters to leave because police had probable cause to arrest Toese, Niiya said that also was done to convince the group to disperse. Police weren’t making arrests then because detectives had no named victims at the time and wanted to do further investigation, he said.

Niiya also gave investigators examples when police didn't immediately arrest left-leaning protesters, such as Luis Martinez, although police had information that Martinez during the June 3, 2018, demonstration had stolen a camera from a right-wing protester, according to the report.

Asked about the friendly tone of his text messages with Gibson, Niiya told investigators, "I understand how this looks and how the context of this sounds, but you don't get cooperation by, bluntly, being an asshole to people, right. And whether it's the left or the right ... respect is something that you have to be given, and so I respect these folks. I mean, they're - whether it's the left or right, I respect what they're doing. I respect that they're willing to come out and put themselves out in a public form like this. So, are they friendly? Sure. Do I condone the actions of the group? Absolutely not."

Assistant Chief Ryan Lee, the bureau's crowd control expert, said the idea of having a liaison developed from a method in Sweden called "dialogue policing."

"That regardless of the ideology, whether you may personally find it repugnant, that having a dialogue with somebody so that you understand their intent, their action, you can communicate consequences to behavior to help try and facilitate lawful expression, that that is a more advantageous route," Lee told investigators.

Lee conceded that Niiya wrote a text that was problematic because it could be misinterpreted: Before the June 4, 2017, protest, Niiya asked right-wing Oathkeeper Brian Krogmann, a retired law enforcement officer, to send pictures of those who would be armed, noting "I don't want a blue on blue issue." Lee said it wasn't the best choice of words but likely texted as shorthand and to build rapport.

Police union leaders had criticized the mayor's office for condemning the lieutenant's actions before an inquiry started.

Lt. Craig Morgan, president of the Portland Police Commanding Officers Association that represents Niiya, said Thursday that the inquiry "confirmed what we knew to be true from the start. Lt. Niiya was performing the key duty of his job, keeping the Portland community safe, and did absolutely nothing wrong. This process highlights the point we made from the very beginning - that a rush to judgment based on preliminary information should be avoided, and that a full look at the case would lead to the result we saw today."

Independent Police Review investigators Eric Berry and Andrea Damewood, who had previously been a Willamette Week reporter, is Portland Mercury's restaurant critic and now works with Multnomah County, conducted the inquiry and forwarded their 36-page report and recommended findings to the Police Bureau.

But because there was a dispute -- Capt. Mike Leasure, who supervised Niiya, agreed with the investigators' findings, while Assistant Chief Chris Davis recommended "exonerated" instead of "unsustained" findings -- the matter went to the bureau's Police Review Board, made up of officers and citizen members. The board, which makes recommendations to the chief, proposed "exonerated" for the first two allegations and "not sustained" for the third allegation.

Outlaw said she found the "allegations devoid of fact," and ruled all three unfounded.

The Independent Police Review investigators examined the allegations against Niiya in regard to Portland police directives governing officers' professional conduct and courtesy, satisfactory performance and dissemination of information, as well as city human resources administrative rules on ethical conduct.

The Police Bureau's policy on crowd control directs officers to "make reasonable efforts to contact and engage in dialogue with known event or demonstration organizers." That's done to plan and to "develop a shared understanding of the organizers' needs and objectives," according to the policy. The bureau also should communicate its expectations and tell participants what's allowed or restricted during a protest, it says. Officers who are liaisons are encouraged to maintain contact with organizers before and during the events and to interact with crowds in non-confrontational ways, the policy advises.

Niiya, who joined the bureau in 1996, was removed from his crowd control liaison job in February as the investigation began. He had served as the bureau's liaison with demonstrators since protests outside Schumacher Furs in 2005, and more formally, since Occupy Portland in 2011.

In April, he was reassigned to serve as an inspector in the bureau's Professional Standards Division. He reviews after-action reports to ensure police are following directives and the city's settlement agreement with the U.S. Justice Department. The 2014 agreement followed federal findings that Portland officers were using excessive force against people with mental illness.

Niiya, in a statement released Thursday afternoon, said he appreciated the thoroughness of the investigation and the chief's findings.

"I wish to thank everyone who supported me through this investigation," he said. "With this finally behind me, I look forward to continuing to serve the Police Bureau and the people of Portland."

Gibson stood in the lobby of the Police Bureau holding an American flag after he wasn't allowed to attend the news conference. He said the mayor should have known that Niiya was trying to communicate with protesters from all political vantage points. "I'm glad for once, he came out and told the truth," Gibson said of Wheeler.

Eric Ward, executive director of the Western States Center, said the Independent Police Review investigation "revealed a false equivalency that treated far-right paramilitaries on par with counter-protesters" and that Niiya's text messages "strained the community faith in public safety and law enforcement." The Western States Center is a social justice group that monitors right-wing extremism from its base in Portland.

"We trust that the Police Bureau is committed to making the changes that will help prevent future incidents and better hold public officers accountable to the communities they serve," Ward said.

In May, the mayor selected the National Police Foundation to investigate whether Portland police have acted with bias before and during demonstrations involving right-wing and anti-fascist protesters. Wheeler, after consulting with former FBI agent Michael German, picked the foundation for a \$200,000 contract to do the independent inquiry. The money comes from the Police Bureau's budget. The investigation just recently started.

## The Portland Tribune

# City clears Portland police official whose texts sparked controversy

*By Nick Budnick  
September 12, 2019*

**Lt. Jeff Niiya was promoting public safety in texts with Patriot Prayer leader Joey Gibson, officials say.**

Flanked by about 20 police employees, Mayor Ted Wheeler and Chief Danielle Outlaw announced Thursday that the city won't discipline the police lieutenant whose texts with a right-wing activist sparked controversy earlier this year.

An investigation by the city's civilian police oversight unit, Independent Police Review, found that the police official in question, Lt. Jeff Niiya, violated no policies and was working to promote public safety while communicating with Patriot Prayer leader Joey Gibson, according to Chief Danielle Outlaw.

"There was no evidence of a policy violation," Outlaw said in a press conference announcing the decision. She added that the controversy that arose in February had a major impact on the community and the police bureau, "most especially Lt. Niiya and his family."

Wheeler, for his part, said he was gratified by the outcome, including that the bureau had beefed up its training and protocols as a result of the investigation.

But while praising Niiya and police in general, he stopped well short of apologizing for comments he made when the texts first surfaced — specifically, that they were "disturbing" and crossed "several boundaries."

In response to reporters' questions, Wheeler at first defended his statements as "appropriate at the time," but later conceded he could have been "more overt in giving Lt. Niiya ... the benefit of the doubt."

The press conference was cut short before reporters could ask Wheeler follow-ups.

The controversy began when Willamette Week and the Portland Mercury published articles about friendly-sounding text messages their reporters had obtained through public records requests.

The story went viral, reaching national and even overseas publications like The Guardian in the United Kingdom, with activists on social media adding new information and video footage of Niiya to the public realm at a phenomenal rate.

Civil rights groups issued statements of concern and Portland City Commissioner Jo Ann Hardesty issued a prepared statement accusing Niiya of "collaborating" with Patriot Prayer and of providing "aid and support for their hate marches."

Critics reacted to the chatty texts with suspicion, especially one text that warned Gibson that one of his cohorts had a warrant out on him and risked arrest if he showed up at a protest.

In another text from Niiya to Gibson, the official wrote, "We have a large group of antifa trying to flank us and you. We are stopping them for now," one said. "But not sure how long"

In another, he wrote, "Heads up just told 4-5 black Bloch [another nickname for antifa] heading your way. One carrying a flag," said another text from Niiya. "We will have officers nearby but you may want to think about moving soon if more come."

The investigation concluded, as some media outlets reported at the time, that Niiya's job had been to build rapport with organizers on all sides of the political spectrum, in order to gather intelligence and use relationships to minimize violent confrontations.

Records of the investigation will be released later today.

## **Willamette Week**

### **The Portland Police Bureau Clears Lieutenant Investigated For Communications with Protest Groups**

*By Nigel Jaquiss  
September 12, 2019*

#### **Lt. Jeffrey Niiya was the PPB liaison to right-wing groups and antifascists.**

A Portland Police Bureau lieutenant who was investigated for exchanging hundreds of sometimes chummy texts with the leader of a right-wing group was cleared of wrongdoing today.

Mayor Ted Wheeler and Portland Police Chief Danielle Outlaw released the results of an investigation into communications that Lt. Jeff Niiya had with the groups that have regularly battled on Portland streets. WW first revealed those texts in February.

"The [Independent Police Review] concluded no evidence of any policy violations," Outlaw said at a press conference this afternoon. The chief said multiple levels of PPB staff and she herself reviewed the investigative findings and concurred that Niiya did nothing wrong.

In what appeared to be a show of support for Niiya, more than 20 police officers stood behind the mayor and the chief as they made their remarks.

In her comments, Outlaw implied the media was to blame for Niiya's being investigated, faulting what she termed "narrowly tailored" public records requests for his text messages.

As WW and the Portland Mercury reported earlier this year, Niiya, who has served as the commander of PPB's rapid response team, regularly exchanged text messages with Joey Gibson, the leader of a right-wing group based in Vancouver, Wash.

In the wake of that story, WW repeatedly requested more of Niiya's text messages to see who else he'd communicated with, however PPB declined to provide those text messages or other context.

Now that the bureau's investigation is complete, PPB reviewed 11,000 text messages has released those it considers relevant on its website.

Over the past three years, Patriot Prayer and other right-wing groups have regularly clashed with antifascists on Portland streets, in often violent confrontations.

Hundreds of text messages between Niiya and Gibson led to questions about whether PPB officers were sympathetic to Gibson and his allies on the right or whether Niiya was simply

keeping lines of communication open and was also in regular contact with people in the antifascist movement.

In the wake of WW's reporting on those text messages, Wheeler ordered an investigation.

Today, the mayor said he wished he'd had more context when he called for that investigation. "I knew when I called for the investigation we did not have the full picture," he said.

Wheeler added that as a result of the investigation, Outlaw has made changes in the way officers interact with protesters.

"Many of the changes were put into action in the field and resulted in successes during Aug. 17 protests," Wheeler said, adding that despite unhappiness from some rank-and-file members about his calling for Niiya's investigation, "I believe my relationship with the PPB is stronger than it's ever been."

## **City Commissioner Chloe Eudaly Says Portland Police Need to Increase DUII Patrols**

*By Aaron Mesh  
September 12, 2019*

**Her call comes amid a rash of traffic deaths. The Police Bureau has reduced its traffic division.**

City Commissioner Chloe Eudaly says the Portland Police Bureau needs to assign more officers to DUII patrols.

"There's just no denying that we need more enforcement, period," she tells WW. "I've lived and driven in the city for over 30 years and I cannot believe the flagrant disregard for laws and human life that I see almost every day."

Eudaly, who oversees the Portland Bureau of Transportation, called for more drunk-driving enforcement in a wide-ranging interview with WW this week.

It's somewhat unusual for a commissioner to recommend a policy change in a bureau she doesn't oversee. (Mayor Ted Wheeler runs the Portland Police Bureau.) But her call for more DUII cops comes as Portland experiences a spike in traffic deaths.

At least 36 Portlanders have died in traffic this year—more than in all of 2018. The rise in deaths comes as city officials have spent more than \$100 million on a traffic safety program called "Vision Zero" aimed at eliminating those deaths.

Yet police staffing for traffic patrols has decreased. As WW reported in August, the police traffic division deployed 33 motorcycle cops five years ago. Today, it has the full-time equivalent of 12.

The traffic cops who remain say they can only respond to drunk drivers after crashes happen. And some safety advocates say drivers are ignoring speed limits and driving under the influence because they know the laws aren't enforced.

"People are dying," Eudaly says, "and drivers are seeing people breaking the law, so why shouldn't they? There's no consequences."

Yet traffic enforcement isn't a part of Vision Zero—and in fact is controversial in City Hall. That's because racial-justice advocates argue traffic officers are more likely to pull over

motorists of color, and argue that less enforcement means less encounters between police and minorities.

That's what Commissioner Jo Ann Hardesty argued at City Council last month—leading to a tense exchange with Eudaly.

"Throughout the country and PDX," Hardesty later said on Twitter, "we have seen time and time again how traffic stops are weaponized against communities of color and low-income communities."

Another wrinkle in the debate: Police admitted to City Council this year that the bureau used cannabis tax dollars to backfill its budget, not to add new traffic patrols. Eudaly now calls that backfilling "a dealbreaker" which would keep her from voting to renew the tax.

Here's a sampling of what Eudaly told WW this month.

WW: The city has struggled to reduce traffic deaths. Do we need more DUII enforcement from the Police Bureau?

Eudaly: Yeah. I mean, there's just no denying that we need more enforcement, period. I've lived and driven in the city for over 30 years and I cannot believe the flagrant disregard for laws and human life that I see almost every day. [...] There's a lot of factors other than enforcement, and I think you can tell I'm loath to say, "Yes, more police." But people are dying and drivers are seeing people breaking the law, so why shouldn't they? There's no consequences.

WW: So would you reallocate existing police within the bureau to traffic from other duties?

Eudaly: The cannabis tax dollars that have gone to traffic enforcement, it was always my understanding that that would be supplementing the budget, not supplanting money—which is what they actually did. My justification for them getting that money is that we have another intoxicant, a legal intoxicant. We know people will be consuming it and driving, therefore it's legitimate that we would need more enforcement. Well, we got zero additional enforcement. I've made it really clear to the mayor and the bureau that I won't, I won't vote for that again. It's a dealbreaker.

I have publicly questioned the Gun Violence Reduction Task Force. I want to see the bureau allocate resources based on data. And I believe last year eight people died of homicide. They were not all shooting victims. And 30 plus people died on our streets due to reckless driving. Mostly speeding, sometimes intoxicants. Most of those people—the pedestrians in particular—were using the street legally, responsibly, obeying the rules and they were killed.

What I'm comfortable saying now is, I just want to see the rationale for how they allocate their existing resources before we give them more money.



## The Portland Mercury

# Police Officer Who Sent Protective Texts to Joey Gibson Cleared of Wrongdoing in City Review

*By Blair Stenvick  
September 12, 2019*

A city review released Thursday has found that the Portland Police Bureau (PPB) officer who sent protective text messages to Joey Gibson, the leader of far-right Vancouver, Washington group Patriot Prayer, did not violate any bureau policies.

In February of this year, both the Mercury and Willamette Week reported on the text messages, sent by Lieutenant Jeff Niiya and obtained through a public records request. After the texts were made public, many community members and leaders questioned whether they revealed a too-close relationship between Niiya and Gibson—and whether Niiya had violated PPB policy in the messages. Niiya sent the messages over the last two years, while acting in his capacity as a police liaison to different protest groups.

It's not unusual for PPB officers to contact activists who may be planning a protest. But usually, these conversations exist only so PPB can quickly get in touch with a protest group to get an idea of how many people will show up to participate or to ask about general schedule. While Niiya does ask Gibson about crowd sizes and planned future protests, he also chose to regularly give Gibson a heads up about counter-protesters and sympathize with Gibson's frustrations.

"Heads up just told 4-5 black Bloch [another nickname for antifa] heading your way. One carrying a flag," writes Niiya during a protest on December 23 2017. "We will have officers nearby but you may want to think about moving soon if more come."

Another message Niiya sent to Gibson, before Patriot Prayer's August 4, 2018 march: "As you march we move to keep you both separated. No patriots going to them no Antifa to you. If they get close we will be in between."

The messages show how Niiya worked to build a relationship of trust with Gibson that goes beyond basic event planning. In one, Niiya congratulates Gibson on his decision to run for Senate, in another, he asks about Gibson's recent visit to a hospital.

"I want you to know you can trust me. Don't want to burn that," writes Niiya in a September 2017 message.

The Mercury also reported that Niiya warned Gibson not to bring fellow Patriot Prayer member Tusitala "Tiny" Toese to a Portland rally, because there was a warrant out for his arrest. That appeared to possibly violate PPB's "Dissemination of Information" directive, which states:

"Members shall not provide information directly or indirectly that may enable any person to avoid arrest, punishment, or to conceal or dispose of goods, money, or other valuable things stolen or otherwise unlawfully obtained."

But a review conducted by the Independent Police Review (IPR), a branch of the city auditor's office, found that Niiya did not violate that directive. It also states that Niiya did not violate PPB policies around professional conduct and displays of bias.

IPR worked with PPB's Internal Affairs division when conducting the review. Its findings were also reviewed by Portland's Police Review Board, Chief of Police Danielle Outlaw, and Mayor

Ted Wheeler, before being made public on Thursday. The investigation relied on text messages, interviews, and other documents.

IPR's report states that because police warrants for arrest are already public information, Niiya was not violating policy by warning Gibson not to bring Toese to a protest.

PPB's directive does not state whether it is permissible for officers to provide information to avoid arrest if it is already publicly available; it simply says that officers should not give out "information directly or indirectly that may enable any person to avoid arrest."

The report also gives more information about Niiya's motive in sending that text message.

"Lt. Niiya indicated he hoped letting Mr. Gibson know Mr. Toese had a warrant would discourage Mr. Toese from traveling to Portland to face potential arrest, or if he did come to Portland he would not fight or otherwise act in an antagonistic manner that would provoke his arrest," reads the review. "On another occasion, Lt. Niiya sent Mr. Gibson a text message encouraging Mr. Toese to call Central Precinct and find out whether he had a warrant."

The report also addresses concerns that Niiya displayed bias and was overly friendly to Gibson in the messages—congratulating him on running for the Senate, for instance—but finds that because Niiya also exchanged text messages with left-wing protestors, he did not show bias. Niiya's friendly tone with Gibson is characterized as a tactic to elicit more helpful information from Gibson.

Niiya was interviewed for the review, and explained the intentions behind the texts.

"I understand how this looks and how the context of this sounds but you don't get cooperation by, bluntly, being an asshole to people, right," Niiya said. "And whether it's the left or the right. It's—respect is something that you have to be given, and so I respect these folks. I mean, they're—whether it's the left or right I respect what they're doing. I respect that they're willing to come out and put themselves out in a public form like this. So, are they friendly? Sure. Do I condone the actions of the group? Absolutely not."

Outlaw and Wheeler presented the review's findings at a press conference held Thursday. Outlaw said the the public records obtained by the Mercury and WW "were very narrow in scope, and it did not contain an entire picture of the work being performed by Lt. Niiya in his role as a liaison." Journalists requesting public records from PPB and other city bureaus are generally encouraged to be as specific and narrow in scope as possible.

"Perception, while extremely important in earning and maintaining trust within our internal and external community, is not tangible evidence for the purposes of an administrative investigation," Outlaw added.

Wheeler expressed regret for his initial reaction to the release of the text messages. In February, Wheeler called the texts "disturbing." On Thursday, he said that he wishes he had given Niiya "the benefit of the doubt."

The IPR report ends with several recommendations for PPB to improve its training and protocol for officers who serve as community liaisons. Outlaw said Thursday that the bureau has already enacted some of those recommendations, including sending officers to Canada in June for liaison training.

PPB is currently under an independent review by the National Police Foundation. That review, which was also prompted by the release of Niiya's text messages, will examine whether PPB displays bias in how it addresses political protests. Results from that investigation have not yet been released.

# The Portland Business Journal

## OneApp breaks with city of Portland

*By Malia Spencer  
September 12, 2019*

**The move comes after the company's contract was placed with a pool of city fee-backed programs.**

Amid criticism from a landlords organization and a rental rights group, Portland startup OneApp won't pursue renewal of a contract to provide services to the city of Portland.

The move comes after OneApp's existing contract was placed under the Housing Bureau's Office of Rental Housing and included on a list of programs to be funded by a new \$60 fee on all rental units in the city.

As reported by Willamette Week last month, the trade group Multifamily NW and renter's rights group Portland Tenants United questioned including the startup in the new program.

OneApp has had a five-year contract with the city for \$125,000 per year. That agreement expires this month, said Tyrone Poole, OneApp's founder and president.

Poole noted that the company was unaware its contract would be included in programs funded by the new fee.

OneApp was one of six startups that participated in the 2014 Startup PDX Challenge, run by the city's economic development arm Prosper Portland. Through that program, Poole was introduced to the city, which at the same time actively worked with local startups to try to solve city challenges by encouraging early adoption of technology. The efforts spawned successful partnerships with such companies as legal software maker Zapproved and mobile ticketing company GlobeSherpa, now known as Moovel.

OneApp created a marketplace for apartment rentals by creating one application for renters to fill out, then matching them to apartments for which they then qualified.

The city contracted with OneApp to create access to affordable housing by incorporating the city's affordable housing options into the startup's overall apartment locator platform.

However, Poole said, it became clear that combining affordable options — which typically have years-long waiting lists — with market-rate, immediately available options was frustrating to renters. While the development and implementation of the system was successful, “the listing and leasing of regulated affordable housing units did not meet the initial hopes for the platform,” said Housing Bureau Public Information Officer Martha Calhoon, in an email.

Poole noted that with consultation from the city, the startup changed what it offered. It handed over anonymous data gleaned from the platform to city counsel offices to help officials understand the city's housing needs.

“The city support helped us evolve our product to be efficient for users,” said Poole. “But the efficiency point was out of (scope) with the original RFP, so we were going to revamp the RFP for the next four years.”

But, Poole said, it became clear that the controversy surrounding the shift of OneApp under the new city bureau and the connection to the new fee would be a distraction for the company.

While OneApp services will still be available to Oregon consumers, the city won't collect any information from it.

OneApp is also developing a new set of tools for its marketplace. As it gathers information on renters, it has identified commonalities that keep applicants from qualifying for apartments they want.

The company's new product will include information on what changes can be made so that applicants can qualify for apartments they want. In order to do that, the company must build good relationships with property managers.

"We believe this will be challenging to accomplish if we continue our current relationship with the city," he said.

Poole added that while the city was instrumental in helping the company get off the ground, it is now generating more revenue, allowing OneApp to stand on its own.

OneApp has raised \$3.5 million from investors, all from angel investors. Backers include developer Homer Williams, who has long worked on homeless and housing affordability issues.

## OPB

# Portland Police Clear Officer After Communicating With Patriot Prayer

*By Amelia Templeton  
September 12, 2019*

An investigation has cleared a Portland police lieutenant of misconduct for seemingly friendly text messages he exchanged with Joey Gibson while working as the commanding officer managing communications with protesters in 2017 and 2018.

Gibson is the leader of the group Patriot Prayer. In recent years, he has organized several rallies that have brought white supremacists to Portland and ended in violence between his group and counter protesters.

Portland Mayor Ted Wheeler and police Chief Danielle Outlaw announced the findings at a press conference Thursday.

Lt. Jeff Niiya was under scrutiny for messages he exchanged with Gibson in 2017 and 2019 in his official role communicating with protest organizers.

The investigation was conducted by Independent Police Review, a division of the City Auditor's Office. It reviewed three allegations of potential misconduct: that Niiya had engaged in unprofessional behavior, failed to maintain objectivity and inappropriately disclosed information to Gibson that allowed individuals to avoid arrest.

IPR's investigators concluded that all three allegations were "not sustained," meaning they did not have sufficient evidence to prove Niiya had violated any police directives.

The investigators also noted that they "did not identify any concerning behavior on the part of Lt. Niiya."

But the police bureau, IPR said, had failed to provide Niiya with training or guidance on how to fulfill his role communicating with protest groups.

“Simply put, Lt. Niiya was left to figure it out on his own,” the investigators wrote. “As a result, Lt. Niiya has faced personal criticism, and damage to his professional reputation, in large part because the Police Bureau failed to clearly describe Lt. Niiya’s job to him and failed to provide him training on how he should do it.”

The investigation ultimately went to Outlaw for a review and final decision. Outlaw went further than IPR, and found all three allegations were “unfounded.”

“The language in the investigation clearly states there was no evidence to support the allegations considered,” Outlaw said.

Outlaw said the public — and the media — had judged Niiya without examining the full context of his actions. She said that along with the investigation, the bureau was planning to release more than 11,000 text messages the lieutenant had exchanged with a variety of protesters.

Outlaw said the bureau has taken steps to formalize the role of crowd liaisons and create standard operating procedures for the job. The liaisons were sent to Canada for training in June.

In the most controversial messages, Niiya had shared information about other protest groups’ movements and communicated with Gibson about an active arrest warrant for one of his associates, Tusitala Toese, saying Toese was unlikely to get arrested during an upcoming protest.

Niiya and his supervisors told IPR that he’d shared the information about the warrant in an effort to influence Toese’s behavior, and to dissuade him from coming to Portland or participating in fighting.

Investigators concluded that the warrant information Niiya had shared was publicly available, and that his explanation of his intentions was credible.

The Willamette Week and Portland Mercury obtained Niiya’s text messages through public records requests and published them in February. The messages — and the local and national reaction to them — touched off a political firestorm.

At the time Mayor Ted Wheeler, who serves as Portland’s police commissioner, was quick to distance himself from the bureau he oversees. He said the text messages “appear to cross several boundaries,” and unnecessarily encouraged Gibson “the leader of a group that perpetrates hate speech and violence.”

Commissioners Jo Ann Hardesty and Chloe Eudaly also condemned Niiya.

“There are members of the Portland police force who work in collusion with right-wing extremists,” Hardesty said.

In response, the union representing Niiya, the Portland Police Commanding Officers Association, filed a Human Resources complaint against Wheeler, Eudaly and Hardesty, saying their comments had created a hostile work environment for Niiya.

The union said Niiya was acting under direction from his managers, who told him to establish relationships with people who regularly plan demonstrations in Portland. Records obtained by the Oregonian/OregonLive showed that the mayor’s staff had frequently asked Niiya for intelligence about Gibson.

Union spokesman Lt. Craig Morgan accused the mayor of willful ignorance or being deliberately misleading in his comments about the situation.

The incident was among several that have prompted advocacy and civil rights groups in Portland to allege the Police Bureau has a bias against left-wing and antiracist protesters and treats far-right groups differently.

In response to the calls from his colleagues and community outrage over the texts, Wheeler pledged to hire an outside agency to investigate allegations of biased policing during protest.

The city has hired the National Police Foundation to conduct that review, which is still ongoing.