

The Oregonian

City to pay \$10,000 to settle protester's lawsuit alleging battery by Portland police

*By Maxine Bernstein
October 21, 2019*

The city plans to pay \$10,000 to settle a lawsuit filed by a Portland woman who alleged police assaulted her with a baton as she came upon a downtown protest while headed to catch a MAX train in October 2016.

While watching the demonstration unfold from the sidewalk across Southwest Fifth Avenue from City Hall, she said Officer Timothy Paolini struck her twice with a baton, first in the chest and then on the forearm, without warning.

At the time, officers in riot gear were clearing demonstrators from the street who were protesting a closed-door City Council vote on the police union contract. But Barger said she was on the sidewalk when she was hit.

“Officer Paolini knocked Barger off balance, and she instinctively grabbed his baton to steady herself. Once she realized what had happened, she let go,” according to the American Civil Liberties Union of Oregon.

Barger sued the city for battery in Multnomah County Circuit Court and sought \$10,000 in damages for compensation for her injuries and medical care.

Barger got medical treatment at Legacy Emanuel Medical Center for a hematoma on her arm.

According to the city, Paolini told people in front of him to move out of the street and onto the sidewalk and to continue moving back.

“Officer Paolini specifically told plaintiff, who was standing with her toes at the edge of the sidewalk/TriMet platform, to keep moving back several times,” senior deputy city attorney Robert Yamachika wrote in an answer to the suit. “When Officer Paolini reached plaintiff, he put his stick up to move her backwards and plaintiff grabbed onto the stick. Officer Paolini used his Rapid Response Team training and performed a push pull maneuver to free his stick from plaintiff’s grasp, during which it made contact with plaintiff’s forearm.”

The case had been set for a four-day trial on Dec. 16.

The city did not admit liability. Barger signed the settlement on Sept. 26. She was represented by attorneys from Tonkon Torp law firm, working with the ACLU.

“The payment made to the undersigned under this agreement is not to be construed as an admission of liability,” the settlement says.

The settlement goes before City Council for a vote on Wednesday.

Barger was one of six protesters who announced suits supported by the ACLU in mid-2018 claiming Portland police assaulted them, sometimes using batons and pepper spray, during a series of turbulent protests.

Two other suits, by protesters Charles Stubb and Tristan Romine-Mann, were dismissed in court. A jury didn’t award any money to protester Margaret Zebroski who said police broke her nose when shoving her face into the street while arresting her.

An arbitrator ruled in the city's favor in another suit brought by Kelly Simon. A lawsuit by Kathryn Stevens against the city is set to go to arbitration. On Nov. 21, 2016, Stevens, one of the founders of Portland's Resistance, contends an officer struck her in the face as she was being arrested during a march from Holladay Park in Northeast Portland to downtown.

Aging city sewer system leaks estimated 1,000 gallons in Northeast Portland

*By Jeff Manning
October 20, 2019*

The Portland Bureau of Environmental Services plugged a leaking sewer pipe in Northeast Portland Saturday, but not before about 1,000 gallons of untreated sewer water seeped into an embankment near Northeast 21st Avenue and Interstate 84.

The 1,000 gallons is a very rough estimate, said Diane Dulken, bureau spokeswoman. "Our crews believe it's been seeping for some time," she said, and it's impossible at this point to precisely determine the volume.

City crews started searching the area on the north side of I-84 after receiving a complaint of a foul odor.

The Bureau oversees 2,500 miles of sewer and stormwater pipe. Leaks are not uncommon, Dulken said. A third of the city's sewer pipes are 80 years old or more.

The city makes public announcements any time sewage leaks into water or into a public area or if the volume exceeds 400 gallons, she said.

Unearthing and replacing aging portions of the system is an ongoing project. Currently the bureau is designing a project to make urgent repairs to 3,600 feet of public sewer pipes in downtown Portland. Originally installed between 1867 and 1917, these pipes are at a high risk of collapsing. New pipes should last 65 years.

Work crews installed a temporary fix on Saturday. Work will begin soon on a permanent solution, Dulken said.

Mayor gives Portland police chief top marks but tells her to learn more about politics

*By Maxine Bernstein
October 19, 2019*

Portland Mayor Ted Wheeler rated Police Chief Danielle Outlaw as "superior" -- the top mark in the city's performance reviews -- after her second year.

He wrote that she's a "tremendous asset" to the city, an excellent public speaker, has good instincts, a "superb representative of the bureau and the city," is willing to challenge the status quo, learn and adapt and use data to drive police enforcement.

His one recommendation: "This position is inherently political, not in a partisan manner, but in the sense that it is under public scrutiny and maintaining public trust is done in a political environment. You have good instincts and judgment already but learning more about political

history and relationships in Portland is important to being successful in the position in the long term.”

After the chief’s first year on the job, a staffer in the mayor’s office started a draft of an evaluation for Outlaw, but the mayor never reviewed it or completed it due to an oversight by his staff, according to the mayor’s office. In that one, the chief got a “commendable” mark, one step down from “superior.” The draft said the mayor knew he had made the right choice in selecting her for the job.

At the end of the first year, Outlaw was praised for selecting command staff who she could rely on but was encouraged to empower her subordinates to make policy decisions when wasn’t there, according to the draft. The mayor’s office also urged her to work to build relationships within the bureau.

The first year draft and second year performance evaluation were obtained by The Oregonian/OregonLive through public records requests.

Officer Daryl Turner, who serves as president of the rank-and-file police union, the Portland Police Association, said the chief has shown an ability to collaborate with other police agencies and has ingratiated herself in the community.

“I think she’s done a great job and overcome and dealt with some of the hurdles we have here,” Turner said, noting the challenging political climate and a streak of anti-police sentiment in the city.

But her goals will be difficult to achieve under the current bureau staffing levels, Turner said. “The staffing challenge is overwhelming because it permeates everything you try to do,” he said.

Commissioner Jo Ann Hardesty, the loudest critic of police on the City Council, said she meets with the chief monthly and describes her as a “strong, clear, visionary leader” and a strategic thinker with whom she can agree to disagree on some police matters.

“Overall I think she’s doing a great job,” Hardesty said, “but I also understand she is only one person, and change requires all her assistant chiefs to actually share her vision and to be working toward the same goal.”

Hardesty said she doesn’t put much weight, as Outlaw does, on the “substantial compliance” rating that outside consultants gave the Police Bureau for meeting the requirements of a federal settlement in place to address excessive police use of force against people with mental illness.

“I just want the settlement agreement to go away,” Hardesty said. “I wish we would just call it a failure. We are still killing people with mental health issues. I don’t think there’s anything to celebrate.”

Hardesty also questions the value of the Portland Committee on Community-Engaged Policing, a citizen group created to oversee the police reforms on responses to people in mental health crisis, use of force policies and training. The meetings are sparsely attended, she said.

Meaningful change comes through the union contract by holding officers accountable for misconduct and leaders asking hard questions, she said.

Hardesty said she hopes to present a proposal for a Portland street crisis response team to the City Council on Nov. 21.

The preliminary idea is to have a two-person pilot team that operates out of the Portland Fire & Rescue Bureau, which pairs a fire EMT with a peer support or mental health professional. The team would respond to people in mental health crisis who aren’t a danger to themselves or

others, and need treatment or other services. The team might concentrate on one geographic area during a pilot program's first year.

Portland Police Chief Danielle Outlaw on police shootings, protests and staffing shortages

By Maxine Bernstein

October 19, 2019

It was a turning point for Portland Police Chief Danielle Outlaw: A broad coalition of civic leaders stood with police to denounce hate, white supremacy and violence days before volatile political demonstrations drew more than a thousand people to the waterfront this summer.

Outlaw saw it as a rare moment of solidarity between police, community activists and city and county elected officials – something she hasn't enjoyed much of publicly in her two years on the job.

She wants to build on that, she said in a wide-ranging interview Friday with The Oregonian/OregonLive as she enters her third year as chief.

Outlaw said she spent many hours leading up to the Aug. 17 protests cold-calling other chiefs and sheriffs asking them to join forces on the front lines during expected clashes between Proud Boy followers and anti-fascists.

Even though she was still a relative newcomer and hadn't established any relationships with them yet, she gained support from Oregon State Police, the Multnomah County Sheriff's Office and other federal, state and local agencies, she said.

“Literally I'm on the phone asking personally, ‘Can you come help? Can you come help?’” Outlaw recalled as she sat at a conference table in her 15th floor office of the Police Bureau's downtown headquarters.

She credited the large response from outside agencies that bolstered Portland police resources around 700 officers in all -- for the mostly peaceful daylong demonstrations.

Outlaw, now 43, joined the Police Bureau in October 2017, an outsider from Oakland with a charge from Mayor Ted Wheeler to build trust between police and a sometimes-outspoken community.

She said she's still working on it.

Here's how she said she's addressing what she called Wheeler's “marching orders” as well as her take on police work to address the city's settlement with the U.S. Justice Department, her anguish over ongoing fatal police shootings of people with mental illness and how she's dealing with the challenge of the bureau's substantial staffing shortage.

FATAL SHOOTINGS BY POLICE

Police have shot and killed seven people since Outlaw arrived, three in 2018 and four so far this year. Several of the people killed were experiencing mental health crises and were armed.

She expressed dismay that by the time people in crisis encounter police, they often have fallen through the gaps of an underfunded mental health care system.

Outlaw said she was especially “upset, frustrated” after the third fatal police shooting following a hostage situation.

“Officers don’t wake up and say, ‘I’m going to use force. I’m going to use lethal force today.’

It’s something that sits with them for the rest of their lives. ... This isn’t something they want to do,” she said.

“To respond to a situation, and within the law, use force to protect the lives of someone else or themselves is a tough spot to be in,” she added.

Police shot and killed Samuel L. Rice, 30, who was holding a woman hostage in a room of the Del Rancho Motel on Oct. 10, 2018; John A. Elifritz, , 48, who had burst into a homeless shelter with a knife on April 7, 2018; and David W. Downs, 38, who was holding a woman hostage in a stairwell of a Pearl District building on June 9.

“It becomes extremely frustrating when we know that by the time we’re called to the scene, many, many systems have already failed them, two, three, four times over, and we get the headline obviously because the ultimate happened,” she said.

“But no one is questioning in the same manner we get questioned (about) what happened before this happened. Who failed this person? Why didn’t they get the services that they need? How do we even get called in the first place? Where is the same level of accountability?

“Why isn’t the headline as much on focusing on addressing the root cause of the issue as much as it is on the enforcement piece?”

Outlaw said she looks forward to the city street response team that City Commissioner JoAnn Hardesty and a group of stakeholders are working to create.

She said she assigned a sergeant to the 911 emergency dispatch system to try to triage some mental health calls and ensure police aren’t sent to certain situations that can be handled by others.

“We’re not always the best response to something that’s a public health matter,” she said.

While Outlaw said police use force in about 3.5% of their arrests, the deadly shootings stand out.

“The ultimate ability to take someone’s life is a big, big deal,” she said. “I don’t want to trivialize the fact that we’ve had critical incidents involving lethal force.”

FEDERAL SETTLEMENT

Outlaw said she’s most pleased that the city-hired team of overseers examining the 2014 Justice Department settlement with the city recently found the Police Bureau in “substantial compliance” with the agreement’s provisions.

The settlement followed a federal investigation that found Portland officers had a pattern of using excessive force against people with mental illness. It required changes to police use-of-force policies, training and oversight. A judge still needs to agree with the city overseers and community members have voiced concerns.

“I think it’s a huge achievement for our organization and our members here to show the work that’s been done since the inception of the agreement in a short period of time,” Outlaw said.

She said the agency has added specific training for officers in different ranks and included what’s called “procedural justice training” into all lessons, whether scenario-based training or classroom instruction.

The four basic tenants of procedural justice are: voice, neutrality, respect and trust, Outlaw said. She wants those basic values to become “institutionalized in all police encounters” and in developing bureau policies, she said.

For example, when officers cite someone for a traffic infraction and the driver asks why, officers must give the driver a chance “to speak and be heard,” must explain their actions in a respectful manner “to gain their respect back,” Outlaw said.

“By breaking it down that way, it makes sure we stop and think about what we’re doing,” she said.

She said the settlement reforms “forced us to constantly reassess what we’re doing. Is it adding value? Is it more efficient? But ultimately what’s the impact that our actions or our policies are having on the community. If it’s not good, we need to get back to the drawing board.”

OFFICER VACANCIES

The city’s largest police force has 110 sworn officer vacancies in an authorized force of 1,001. Veteran officers are retiring at record numbers, leaving the bureau scrambling to fill patrol shifts day to day.

Police supervisors are considering refiguring patrol shifts early next year to better align officers to hours when emergency calls are more frequent. Lowering the educational standard for new officers has resulted in an increase in applications this year – 965 eligible candidates so far this year compared to 809 last year.

The bureau also is trying to focus enforcement based on crime data, having precinct commanders set priorities each quarter dictated by problems in their districts.

“We know bodies aren’t going to fall out of the sky,” Outlaw said.

HOW SHE SEES HER JOB

Outlaw has left day-to-day operations to her deputy chief, Jami Resch, while she controls strategic policy and works to improve relations outside the bureau.

“What we’re talking about is a huge cultural shift. There was no deputy chief here for many, many, many years,” she said.

The deputy chief is “the one that you’re going to see at the roll calls, sharing the message establishing the good will internally.”

The chief’s role? “You know what my marching orders were ... to establish good will and maintain good relationships outward, meaning outside, whether it’s across the street or within the community or amongst other agencies statewide. The fruits of that really came to pass Aug. 17.”

Outlaw said she’d love to have more time to just go downstairs to Central Precinct, meet with officers and “say, hey, what you all doing?”

But she said, “I spend a lot of my time in crisis mode, putting out fires ... a lot of time out and about in the community; that’s my job.”

THE FRIENDLY TEXTS CONTROVERSY

On the controversy over the friendly text messages between Lt. Jeff Niiya, a former crowd control liaison, and conservative activist Joey Gibson:

“Being that it originated with a bang so to speak ... I wanted to make sure it ended in that way and made sure that he was publicly validated and show that his actions were not only justified

but to show the impact that it had on him, his family and others like him who were asking to do this work,” Outlaw said.

Critics had cited his texts in accusing police of showing favoritism to right-wing demonstrators, but the city’s Independent Police Review office investigated and found Niiya was just doing his job to gather intelligence to prepare the bureau for various protests.

Outlaw said she was proud the bureau also responded by taking steps to adopt stricter policies and controls to govern the future work of other crowd control liaisons.

STILL WANTS TO BAN MASKS

Outlaw said she’s still going to push for an anti-mask law for protesters and changes in state law that would allow police to video record demonstrations from start to finish.

“But I’m one person, right?” she said. Her calls for such changes didn’t win much support from the mayor or city commissioners when she first announced them.

She’d also still like to see a pilot project for body cameras get council approval.

IMMEDIATE GOALS FOR NEXT YEAR

Outlaw said she’d like to prove to a judge that he no longer needs to oversee the bureau’s changes to address the federal investigation on excessive force.

“I would love for us to work through the settlement agreement, have all our systems in place so we can show publicly that we don’t have to have external oversight,” she said.

She’d like the Portland Committee on Community-Engaged Policing – a citizen group appointed by the mayor to provide police oversight, a settlement mandate - to “really be a true bridge between the police department and the community and help assist us with blind spots that we don’t necessarily exist and help us work through them.”

She’d also like to work to see decreases in traffic fatalities and gun violence in the city.

“I would love to see more public positive commentary about the work that’s being done. It’s kind of like a competition of wokeness. How woke are you? It’s like you’re not woke if you show police support, but you can do both,” Outlaw said. “You can support the police and hold us accountable at the same time. They’re not mutually exclusive.”

ODDS AND ENDS

Is the chief getting used to Portland’s sensibilities?

“I’m still acclimating, but I’m a lot more comfortable than I was ... the whole passive-aggressive thing, not so much,” she said.

How long does she plan to remain Portland’s chief of police?

“Nothing’s changed; it’s not always up to us,” Outlaw said.

To move to a more prominent job in law enforcement, “You’ve got to leave when you’re on top, or before you retire.”

Portland mayoral candidate Sarah Iannarone 1st to qualify for taxpayer financing

By Everton Bailey Jr.

October 18, 2019

Portland mayoral candidate Sarah Iannarone has qualified for the city's new public campaign finance program, making her the first 2020 election hopeful to do so.

The city's Open and Accountable Elections program informed Iannarone on Thursday that she met the threshold to qualify for \$6 in taxpayer funds for every \$1 she raises from eligible donors. Mayoral candidates hoping to opt into the program must first raise at least \$5,000 from at least 500 verified Portland residents.

Candidates hoping to benefit from the program can accept donations of at least \$5 but no more than \$250, except for initial seed money to help the candidate getting started.

A \$5 donation, for example, would be matched with \$30 from the taxpayer fund to yield a \$35 contribution to the candidate. For commissioner races, candidates face a lower threshold to qualify: They must collect at least \$2,500 total in contributions from at least 250 verified Portland residents.

Each candidate in each race can only submit up to \$50 per donor to be matched in the primary election.

Iannarone, a professor at Portland two-year college Wayfinding Academy, ran for mayor in 2016, finishing third in the primary to eventual winner Ted Wheeler. She said entering the race with just four months until Election Day left her at a financial disadvantage, one of the lessons she learned from her initial bid.

"Having publicly financed elections available really shaped my decision of whether or not I could run," Iannarone said Friday.

Iannarone is one of six people, including Wheeler, who have publicly declared for the mayor's race in the May 19 primary. The former state treasurer is seeking to become Portland's first two-term mayor since Vera Katz, whose tenure ended in 2004 after three terms.

Teresa Raiford, an activist and the lead organizer of nonprofit Don't Shoot PDX; Ozzie González, director of sustainability and diversity at construction firm Howard S. Wright; Michael Burleson, a climate activist; and Mark White, a self-employed property manager, have all registered political action committees to fundraise for the mayor's race.

Burleson and White are the only other mayoral candidates who've notified the city that they intend to participate in the program as of Friday, according to Susan Mottet, the program's director. It's unclear if Wheeler plans to opt in to the program. His campaign didn't immediately respond to a request for comment Friday.

Iannarone will receive an estimated \$87,000 in matching funds from around \$20,000 raised from 587 verified contributions as of Friday morning, Mottet said. Other submitted donations are still being verified, she said.

The Portland City Council approved creating the Open and Accountable Elections program in 2016. The city has described the system's goal as trying to reduce the perception of corruption created by the influence of money in politics.

New York, Los Angeles, San Francisco and other cities have similar taxpayer-backed systems.

The Portland program has \$2.8 million available in matching funds for qualified candidates with another \$1.2 million expected in July 2020, Mottet said.

Portlanders voted to end a similar campaign finance system in 2010 after it was determined that candidates forged signatures needed to qualify for funding and engaged in improper spending. This included one failed city council hopeful who used public money to pay her daughter \$15,000 for internet research.

Jan. 15 is the last day candidates can file notice of intent to apply for the public campaign financing and Jan. 29 is the last day they can be accepted into the program.

Five other candidates for Portland City Council seats have filed notices of intent to try to qualify for public financing. Commissioner Amanda Fritz and Commissioner Chloe Eudaly's terms also end in 2020. Eudaly has said she plans to run for reelection and Fritz has announced that she plans to retire.

Iannarone said qualifying quickly for public financing will give her more time to focus on connecting with voters. She mentioned planning to host a podcast talking about city issues and her mayoral run and community forums as examples.

She said she'd like to see the city's taxpayer-funded program succeed and grow to the state level. She said she's seen people feel empowered by having even small donations they're able to contribute make an impact.

"People feeling like \$5 matters in politics is just unheard of," Iannarone said.

Editorial endorsement: 'Yes' on Bull Run; 'no' on loosening Water Bureau spending

By The Oregonian Editorial Board

October 20, 2019

'Yes' on Bull Run protections: There's not a burning reason for Portland voters to enshrine Measure 26-204's proposed ban on public access to the Bull Run watershed in Portland's city charter. Portland city code has long restricted development or tree-cutting in the area surrounding Bull Run, the source of drinking water for Portlanders and other communities in the region. There's no immediate threat to those protections.

That said, there's not a good reason to reject it, either. And considering the immeasurable value of the Bull Run watershed, formalizing such protections in the city charter makes sense. Portlanders, who are rightly proud of Bull Run's high-quality drinking water, should vote "yes" on this measure.

Approval would guarantee that loosening restrictions or authorizing a transfer of land around Bull Run would be up to voters, not City Council. While no one has expressed interest in developing the region, future councils may feel differently, said Commissioner Amanda Fritz, who has pushed the measure. She's right. Portlanders should vote to reserve for themselves this authority.

'No' on loose spending of Water Bureau funds: The ballot title of Measure 26-205 seems reasonable enough. Shouldn't City Council have the power to form mutual emergency aid agreements?

Sure. In fact, it already does. This proposed amendment, misleadingly titled, would enshrine in the city charter the council's ability to use restricted Water Bureau ratepayer money for expenses that should be covered by General Fund money. Voters should keep a tight rein and close eye on City Council's use of ratepayers' money and vote "no" on Measure 26-205.

The inappropriateness of using ratepayer funds for expenses unrelated to water and sewer services has already been litigated. In fact, the proposed amendment is a direct result of a Multnomah County Circuit judge's finding that the City Council misused money from ratepayers when it sent workers to help New Orleans relief efforts following Hurricane Katrina in 2005, as Fritz, the measure's main backer, acknowledged. The judge concluded such spending did not meet the standard of being "reasonably related" to providing services.

Fritz contends a charter change explicitly allowing ratepayer money to be used in such circumstances is a wise investment – Water Bureau employees gain valuable real-life experience on responding to disasters. She has a point, but that's undercut by the fact that the city already can do that with General Fund money.

Water customers already pay dearly for the services they receive. They shouldn't be tricked into authorizing spending for unrelated services. This measure is an easy "no."

The Portland Tribune

Council to vote on URM warning repeal

By Jim Redden

October 20, 2019

A new committee to study and recommend alternatives to the risks posed by unreinforced masonry buildings will also be considered on Wednesday.

The City Council is expected to repeal the requirement that owners of unreinforced masonry buildings must post signs warning that the structures are dangerous in earthquakes on Wednesday.

The council will also consider repealing a requirement that URM building owners include the warning in their tenant leases, too.

Following the repeals, the council is expected to appoint a new URM Workgroup to research and recommend other approaches to addressing the potential problem at its Oct. 23 meeting.

Repealing the two requirements will settle a federal lawsuit brought by owners of some masonry buildings who argue the required warnings violate their free speech and due process rights. The federal judge hearing the case issued a preliminary injunction against the city enforcing the requirements on May 30 after finding the owners would likely win their suit if it goes to trial.

The workgroup is charged with evaluating reasonable seismic retrofit support, incentives, and voluntary program standards. It will present its findings, including both majority and minority reports as appropriate, at a council work session within one year of its first meeting. After that, the council shall hold a hearing to direct further program development.

The workgroup will have two subgroups, one for buildings owned by for-profit companies and one for buildings owned by non-profit organizations. Each has representatives of buildings owners, financial institutions, tenants, preservationists and community members. They are designated in the council materials.

Save Portland Buildings, an advocacy group representing some owners, does not believe the workgroup is well balanced. It posted a message on its website saying, "We take no pleasure in reporting the staggering conflicts of interest of the proposed committee and the recruiting tactics city staff used while denying that they recruited."

Many building owners objected to the requirements before and after they were approved in 2018, saying they will discourage people from entering their buildings and reduce their value. In addition to free speech issue, they also said an agreement the city is requiring them to sign and record with their deed is an encumbrance that could affect their ability to sell or borrow money against their buildings in the future.

The requirements championed by former Commissioner Dan Saltzman originally passed on a 3-to-0 vote with commissioners Chloe Eudaly and Nick Fish absent in late 2016. After Commissioner Jo Ann Hardesty succeeded Saltzman on the council in January, she pushed to delay its enforcement.

The council agreed and postponed the requirement for privately owned buildings until November 2020 and waived the recording requirement, but said new leases would have to include warning language. The owners continued with their lawsuit, arguing the future requirements would violate their free speech rights against being compelled to say something they did not believe by government.

Portland Water Bureau measures on ballot

*By Jim Redden
October 17, 2019*

Measures on the November special election ballot focus on Bull Run and mutual aid deals

Two measures related to the Portland Water Bureau will appear on the Nov. 5 special election ballot.

Commissioner Amanda Fritz, who is in charge of the bureau and sponsored them, said they are common-sense changes that should have happened years ago. There is no organized opposition to either measure.

Measure 26-204 would put the current environmental protection for the Bull Run Watershed into the city charter. The watershed is the primary source of water for Portland and much of the region. City code already restricts public access, prohibits tree cutting, limits land-use activities, and more. However, the code can be changed by the council, while changing the charter requires a public vote.

Fritz said she was inspired to ask the council to refer the measure to the ballot after the 2017 Eagle Creek Fire that consumed much of the nearby Columbia River Gorge and the council's approval of a plant to filter Bull Run water to remove contaminants. The fire demonstrated how much harm a single person can cause, while the completion of the plant might encourage some to consider opening the watershed to public uses.

"If the protections are only in the charter, they could be changed by the vote of a single council member," said Fritz.

The measure is supported by a coalition of environmental organizations and the Portland Business Alliance.

Measure 26-205 would allow the bureau to spend ratepayer funds on emergency mutual aid agreements, which would enable governments to provide and receive emergency assistance following disasters. Such agreements typically allow the sharing of personnel and equipment.

The measure is a response to a judge's ruling in a ratepayer lawsuit that the city charter does not currently allow ratepayer funds to be spent on such agreements. The ruling prompted the city council to pay \$350,000 in general fund dollars to repay the bureau for money it spent to help New Orleans recover after Hurricane Katrina.

"General fund dollars are limited, and the bureau's experiences in New Orleans were good training that will help us recover when the big one hits," said Fritz, referring to the Cascadia Subduction Zone earthquake expected to strike the region eventually.

Fritz said the bureau is already allowed to spend ratepayer funds to conferences and training exercises that are not as realistic as responding to a real disaster. She said the bureau would be required to report to the council every year on their mutual aid agreement activities, which will guarantee transparency.

The Portland Mercury

City Council Will Hire Outside Lawyer to Guide Upcoming Police Union Negotiations

*By Alex Zielinski
October 17, 2019*

The City of Portland will be hiring an outside lawyer to help with upcoming contract negotiations with the Portland Police Association (PPA), the Portland's police union for rank-and-file officers.

On Wednesday, Portland City Council approved \$250,000 of extra city budget dollars to pay for "counsel to be available for outside legal counsel for labor negotiations."

According to Mayor Ted Wheeler's office, this chunk of money is specifically earmarked for an attorney that will help hammer out a new collective bargaining agreement with the PPA. The police union's current four-year contract is set to expire in June 2020, and negotiations between PPA and City of Portland are expected to begin as soon as January 2020.

While the city has yet to announce which specific attorney it plans to hire, Wheeler's office has confirmed it won't be anyone from the Bullard Law firm. In June, Bullard Law—a firm notorious for representing anti-union organizations—sent a proposal to city commissioners (later obtained by Willamette Week) offering the firm's legal help on the PPA negotiations for \$250,000 to \$350,000. The city has declined this offer.

In the recent past, the city's largely relied on its internal labor relations team and city attorneys to lead PPA negotiations. But an outside hire isn't necessarily an indictment on the city's own legal team.

"I believe we have the best law firm in the city working at the City of Portland," says Commissioner Nick Fish. "But there are a small number of people whose specialty is in public sector labor contracts. The benefit of outside counsel is having a subject matter expert working with us to offer strategic guidance. I think that's a plus."

City Attorney Tracy Reeve agrees.

“Our labor and employment attorneys are extremely capable and will be integrally involved in the bargaining process,” writes Reeve in an email to the Mercury. “Nonetheless, the reality is that we are necessarily generalists who represent all City bureaus and carry extremely heavy workloads.”

Hiring an outside attorney, Reeve says, will ensure that Portland walks away with a contract “that serves the interest and welfare of the public and our officers.”

This decision is one of many being made by City Council—for now, behind closed doors—in hopes of improving the outcomes of the historically contentious contract negotiations.

The last time PPA renewed its bargaining agreement in 2016, negotiations ended with few wins for the city—and with cops forcefully removing dozens of protesters from City Hall. The deal was widely criticized for being weak on police accountability. Portlanders also expressed anger over the dearth of community engagement prior to contract negotiations, and the overall opaqueness of the closed-door meetings.

Dan Handelman with Portland Copwatch says he's encouraged that the city's seeking outside legal counsel this time around. He says the idea of having the same city attorneys who represent police officers in court working against them at the bargaining table poses a conflict of interest.

"It's good to have someone who is not in a position where they represent both the police and the city," Handelman says.

City Council will take the next few months to finalize its strategy—with the help of an expert attorney—and consider changing parts of the negotiation process to improve the public's frayed trust.

It's still unclear which areas the city will want to tweak in the new contract—or what the PPA will be fighting for. A coalition of local civil rights groups, however, have already put forward a few suggestions.

Fish believes the city won't need all \$250,000 to retain a lawyer who specializes in public sector work. But City Council's unanimous approval of the funds was a way to “put a marker down” to show the city is taking the process seriously.

Fish and Commissioner Amanda Fritz are the only currently members of City Council who were at the bargaining table for the 2016 contract negotiations. At the time, activist group Don't Shoot Portland considered petitioning to recall both officials for supporting the final PPA contract.

“These negotiations are going to be very high profile,” Fish says. “We're committed to negotiating a fair contract on behalf of the community.”

The Portland Business Journal

Here's how city and county officials' pay stacks up in the Portland area

*By Brandon Sawyer
October 18, 2019*

Local mayors, councilors and commissioners aren't by any means the top dogs in terms of salary within their governments, but some are compensated much more than others.

Vancouver, Wash., Mayor Anne McEnerny-Ogle, for example, earns a 2019 salary of just \$29,856, but her city is also served by an appointed city manager, Eric Holmes, who receives \$247,279, more than any other municipal employee in the region's five biggest cities tracked by the Business Journal. Two of the other cities, Gresham and Hillsboro, also have city managers overseeing more of their cities' day-to-day operations. Meanwhile, Beaverton Mayor Denny Doyle and Portland Mayor Ted Wheeler earn by far the most of the five mayors yet are not assisted in their roles by city managers.

Pay is also highly variable among local city councilors/commissioners. Gresham's city councilors earn just \$25,000 per year, while Portland's four commissioners make an average of \$90,730. Looking at county commissioners within Portland's Oregon counties, Multnomah County Chair Deborah Kafoury stands out with an annual salary of \$186,765. All the other county commissioners earn more than \$100,000, except Washington County's four commissioners, who each earn just \$42,327.

OPB

Cristi Martin Wants Her Son To Be The Last Person With A Mental Illness Shot By Portland Police

*By Amelia Templeton
October 17, 2019*

For Cristi Martin, the question that breaks her heart each day is, why? Why did police shoot and kill her son Lane?

Cristi lives in Reno, Nevada, with a husky puppy. She has a blonde bob and blunt bangs.

On July 31, she was hoping Lane would call. He was turning 32. He never failed to send her a handmade card for mothers' day and he usually called on his birthday.

Instead she got a voicemail from the Portland police.

"When I called them back, they said, 'Are you anywhere near your son's house? Can you please go to your son's house, and then we will, and then we'll talk.' And then I knew, right then and there ... I knew," Cristi said.

Lane Martin was the fourth person killed by Portland police this year. In many ways he's typical of who dies in police shootings in this city: He was armed with a small folding knife. He wasn't following orders. And, his mom, Cristi, said, he had a mental illness.

“I’m sure that he looked like he was some homeless crazy person, and he wasn’t,” she said, suggesting that’s not a fair way to look at anyone. “You look at people wandering around the street, and you think, they’re just crazy. But they’re somebody’s family.”

In 2012, the U.S. Department of Justice conducted a year-long investigation into the Portland Police after a series of high profile deaths of people in a mental health crisis.

On Dec. 17, 2012, the city signed a settlement agreement with the DOJ. It spelled out how the Police Bureau would improve training and supervision for its officers to reduce unnecessary uses of force.

The DOJ investigation had two key findings. First, police officers were using excessive force – including deadly force — against people with mental illnesses.

Second, Oregon’s mental health care system was so profoundly broken that police were often the first, or the only responders in a crisis.

In a city that’s supposed to be working on solutions to both of these problems, Lane’s death is an illustration of how far it still has to go.

Struggles With Mental Illness

Lane had a record of addiction, jail time and mental illness. In his 20s, doctors suspected he had bipolar disorder, though his mom said Lane rejected that diagnosis.

In recent years, Cristi said Lane was proud of being healthy and in recovery.

“He was doing so well that we thought that was kind of behind him,” she said.

Lane Martin lived in a small apartment in East Portland. He’d earned his associates degree. He was studying fine art at Portland State University and had a job in the facilities department there. His classmates described him as the kind of enthusiastic student who would sit in the front row and ask lots of questions.

He loved the outdoors and drove a 2017 Subaru.

Then, last June Cristi got a call from her son’s girlfriend. Lane hadn’t slept and was acting strange. Cristi flew to Portland.

“He was very paranoid about other people. At one point, we’d gone for a walk. He’d started taking pictures of random people walking by, said he felt like they were threatening him,” Cristi said.

Lane started recording his conversations with Cristi. She worried he was having a psychotic break.

If our system worked better, this is when Lane might have gotten the help he needed.

His mom and his girlfriend took him to see doctors who prescribed Seroquel, an anti-psychotic medication. His cousin, a psychiatric nurse at the Oregon State Hospital, gave the family advice.

But Lane never grasped that he was acting differently, which can be a symptom of some mental illnesses. His family said that made it virtually impossible to get him consistent care, because of policies in Oregon that protect people from being committed against their wishes.

After a particularly bad night, police officers and Project Respond, a mental health crisis team, came to Lane’s apartment.

They took him to the Unity Center, Portland's psychiatric emergency room. He was held there for 72 hours. Before he checked himself out, Lane texted his family.

"I'm doing the best I can," he wrote. "Love you guys."

An Unclear Picture

Cristi doesn't really know how he spent the next four weeks.

The Portland Police Bureau isn't answering questions about Lane's death, but they have released 500 pages of records from their investigation.

On July 30, according to police records, Lane threatened a security guard in the parking lot of an abandoned Safeway in East Portland.

He claimed he was a federal officer and pulled out a knife and a hatchet. Police followed him as he walked and ran through traffic and into an apartment complex. He dropped the hatchet after police shot him with sponge-tipped bullets.

What happened next is a little unclear.

Two officers who witnessed the shooting said Lane had reached to his waistband. A third witness officer said she saw a knife in his hand.

Officer Gary Doran fired his gun 11 times, according to police detectives — 12 times, according to the family's attorney.

There aren't any statements from Doran in the documents the Portland Police Bureau has made public.

Officers found a 3-inch folding knife attached to a set of keys underneath Lane's body.

This week, a grand jury concluded that the shooting was justified as an act of self-defense or defense of the public.

Lane's family disagrees. This week, they sued the city and Doran.

Stopping A Pattern

The suit alleges that the pattern of police using excessive force against people with mental illnesses in Portland hasn't changed.

Data presented in the lawsuit, and in official reviews of recent officer-involved shootings, suggest that between one-third and one-half of the people the Portland Police shoot have a history of mental illness or are in a crisis.

"That's not an usual scenario, unfortunately," said Mike Genaco, an expert on police practices and founder of the OIR group, a firm that reviews officer-involved shootings for Portland.

Genaco said each fatal shooting is a tragedy — but also a chance for the Portland Police Bureau to learn from what went wrong, and to improve its officers' training.

"In that particular arena, more definitely can be done," he said.

Genaco thinks the bureau is sometimes too hesitant to be critical of officers' performance after a shooting.

But he also said the public should understand that fatal shootings represent a tiny percent of police interactions with people who are mentally ill.

He said the bureau's training is getting better. More officers are learning how to deescalate situations, instead of resorting to force.

What the data doesn't reflect, he said, is how many times officers have used their training to avoid a deadly confrontation. It's hard to quantify that.

"That's what makes me optimistic," he said. "Where an officer who did go through critical incident or crisis intervention training was able to diffuse a situation."

Cristi doesn't understand why Doran shot her son, but she said she has a lot of respect for the work police do.

"They put their lives on the line every day. I understand that," she said.

Cristi is still trying to figure out what would have kept her son alive. Better training for the police? Consequences for officers who use excessive force? More compassion for people who have a mental illness?

She's not sure.

She just knows she doesn't want it to happen again, to anyone.