

The Portland Tribune

State report singles out Portland for police profiling

By Jake Thomas

December 03, 2019

Landmark study paints a complex picture of policing across the state that has some civil rights advocates concerned.

A new state report says most of Oregon's largest police departments are slightly more likely to cite or arrest minorities during traffic and pedestrian stops, but the disparity isn't significant enough to warrant further scrutiny.

However, the report singled out the Portland Police Bureau for its disparate treatment of African Americans.

Oregon's Criminal Justice Commission issued its first report Dec. 1 examining data from the state's 12 largest police agencies for evidence of racial disparities in traffic and pedestrian stops. The analysis, based on data from nearly 400,000 stops between July of 2018 and June of 2019, was mandated by the Legislature in 2017. A review of smaller agencies is next.

Ken Sanchagrin, commission deputy director, said that the report evaluated why each person was stopped, their race and whether they were searched, arrested or given a warning. Sanchagrin said that the Portland Police Bureau was the only agency to warrant further examination by the commission.

"I was frankly pleasantly surprised that we didn't find a lot of systematic issues," said Sanchagrin.

But state Sen. Lew Frederick, D-Portland, called the report concerning because it highlighted longstanding issues. "I don't think that's a minor situation at all," said Frederick. "These are issues we have been trying to deal with for some time."

Portland is 'sole outlier'

The report used a statistical technique to predict how likely an individual was to be stopped, searched, cited and arrested. Factors considered the time of day and reason for the stop, as well as the gender and age of the person

The analysis found no discrepancies for the Clackamas County Sheriff's Office or city departments in Medford, Eugene and Gresham. However, it found that the Marion County Sheriff's Office, Multnomah County Sheriff's Office, Washington County Sheriff's Office, Oregon State Police and Salem Police Department were more likely to issue citations to minorities during stops. Beaverton police were slightly more likely to search, arrest or cite blacks or Hispanics.

The Oregon Association Chiefs of Police and the Oregon State Sheriffs' Association didn't respond to requests for comment.

Among the larger disparities, Hispanics were 7% more likely to be cited, searched or arrested by the Hillsboro Police Department than others. The Oregon State Police had a similar disparity for blacks and Hispanics.

The report described the Portland Police Bureau as the "sole outlier" compared to other police forces for its disparities. The report found that African Americans were more likely to face arrest

and twice as likely to be searched by Portland police. Despite African Americans being more likely to be searched, Portland police were less likely to find contraband on them.

The report also compared how likely police officers were to find contraband in searches of white to black and Hispanic suspects. While the report found no or "small differences" in search outcomes for most agencies, it again called out the Portland Police Bureau. The report found that 25.5% of white individuals searched by Portland police officers had contraband while the rate for blacks was 10.9%.

'Intentional strategies'

The report comes on the heels of a critical report by the W. Haywood Burns Institute on racial disparities in Multnomah County. The Portland Police Bureau said in a statement last week before the report was released that it was looking into improving training, among other measures.

"We recognize that data demonstrating over representation by race in stops, arrests, and other areas in the criminal justice system creates distrust and fear within the community," said Portland Police Chief Danielle Outlaw in the statement. "It is time we move beyond reporting out on the data and into implementation of intentional strategies in an effort to create meaningful change."

The state report recommended that researchers more deeply examine the bureau and get technical assistance from the state police training agency.

Bobbin Singh, executive director of the Oregon Justice Resource Center, said that such reports affirm the experience of minorities across the state. But he said that too often the response by policymakers is "muddled" or "passive," focused on nuance or small policy changes when a bolder approach to institutional racism is needed.

"At what point is there enough data to say, 'this is enough; we have to confront this systemically and holistically,'" he said.

Frederick called for a shift in the mindset of police officers from wanting to "catch the bad guys" to protecting and serving everyone.

"That's got to be part of basic training," he said.

Fire Station 23 staffing puts 'public safety in jeopardy'

*By Jacquelyn Abad
December 04, 2019*

The station has just two firefighters during any given shift and its fire engine can't be operated by only two people.

Some fire stations in Southeast Portland are understaffed and can't respond safely to many emergency situations, according to the Portland firefighter's union.

Fire Station 23 in Southeast Portland is one of those stations. It has just two firefighters during any given shift. The station has a fire engine but it can't be operated by only two people.

Instead, the firefighters at Fire Station 23 respond to emergency calls in an SUV rapid response vehicle which contains a small supply of medical equipment.

Isaac McLennan, the vice president of the Portland Firefighters Association Local 43, said the station has to request help from a neighboring station in the event of a fire.

"As firefighters, when we respond — and we respond in a two-person vehicle with no equipment and not enough staffing to make a difference — that's just frustrating for us," McLennan said.

He said this exact situation happened during a fire at a storage facility and firefighters were forced to wait once they arrived at the scene.

"They have no water, no equipment and not enough firefighters to make sure everyone has been saved," said McLennan.

Three other Portland-area stations — Station 19, Station 31 and Station 11 — also operate with just two firefighters per shift and utilize rapid response vehicles.

Portland Fire and Rescue said it's had to adapt to several budget cuts over the past 10 to 15 years, forcing it to become more "inventive."

Fire Chief Sara Boone said in a statement that Station 23 reopened after 9 years in 2017 in order to provide some basic emergency services. This required PF&R to come up with an alternative to the normal four-person fire engine crew.

"Although reopening Station 23 created more coverage, it did not truly meet the resident's needs," Boone said. "In hindsight, we recognize that the real issue is that we need a better staffing model. We are working closely with Commissioner Hardesty's office to identify strategies that will enable us to adequately staff fire station 23 as well as other areas that have suffered from cuts we have taken in the past. Our mission is the safety of our residents and we will work creatively and tirelessly to accomplish it."

McLennan wants Portland residents to go to their city councilors with questions about their safety and how the city's budget is being spent.

"If it was me and I lived in that area I would be really frustrated," he said. "Their public safety is in jeopardy they are the ones who are really going to be suffering and I feel like the City of Portland is playing a game of roulette just hoping some major incident doesn't happen."

According to McLennan, the city would only need to hire six more firefighters to keep Station 23 staffed with 4 people around the clock.

Willamette Week

An Influential City Panel Wants New Private Buildings to Provide Space for Homeless Camping

*By Nigel Jaquiss
December 4, 2019*

The proposal would stretch what's asked of developers and owners of new private buildings, such as stores and apartment complexes.

If a majority of the Portland Planning and Sustainability Commission has its way, new private buildings downtown will be required to include spaces where houseless Portlanders can "rest," which could include sleeping and pitching tents.

"The heart of the issue is that we have increasing housing costs and we cannot support all of the people who live here now and are going to live here in the future," says Oriana Magnera, the planning commissioner who pushed hardest to include the new language.

Magnera's proposal would stretch what's asked of developers and owners of new private buildings, such as stores and apartment complexes.

Her idea initially drew support from all her colleagues, but after further discussion encountered strong pushback from a minority of commissioners, who may still try to derail it before it reaches the City Council.

The controversial proposal comes as City Hall tries a variety of ways to come to terms with a housing shortage that has left thousands of people sleeping in the wintry streets. In recent weeks, as WW has reported, the city has rolled out a new plan for how first responders respond to non-emergency 911 calls and floated a proposal to ban camping adjacent to Providence Park and other spectator venues.

The newest issue arose as the planning commission nears the conclusion of a three-year effort to streamline the city's design review process.

At its Nov. 12 meeting, the commission began a routine walk-through of draft language for new design guidelines, which the city defines as "mandatory approval criteria that must be met as part of design review."

There are a dozen such guidelines, but the discussion ground to a halt at No. 6, which said the exterior spaces of new buildings must "provide opportunities to pause, sit and interact."

Magnera, who works as the director of climate and energy policy at Verde, a Northeast Portland environmental justice nonprofit, stopped the conversation and pushed to add the words "rest and be welcome" to that guideline. She explained that public spaces around buildings often include "benches but not a lot of place to pitch a tent."

"Sitting is brief," she said, "but the reality of the housing shortage is, folks need to rest on a longer-term scale."

"We need spaces where folks can feel supported and safe," she told her fellow commissioners.

Magnera's proposal generated a spirited conversation. Several commissioners maintained support for Magnera's change. Commissioner Steph Routh said the commission should make design review "more permissive and inclusive," rather than using "defensive measures" to exclude people.

Bachrach is strongly opposed to the idea of requiring developers to include design features that would promote camping, saying it is counter to existing policy and beyond the purview of the commission.

"We don't have a policy in this city—whether it's for public parks or quasi-public open spaces—that says we want homeless people sleeping outside and pitching tents," Bachrach says. "To the contrary, we are building more shelters and discouraging tents."

Portland has long prided itself on a robust design review process for new development. The idea is to ensure that projects are built to high standards of both quality and aesthetics. Officials expect a continuing flood of newcomers—123,000 new households by 2035.

For many years, developers have complained Portland's design review process often adds unnecessary time and expense to construction. Those complaints gained traction as housing prices and rents soared. In 2016, city officials hired outside consultants to begin reforming the process.

Magnera's proposal would run counter to efforts to reduce design review requirements. Bachrach and other critics of the proposed guideline say it is an example of mission creep.

"It's more fun to deal with broad public policy issues than figure out how to make a zoning code more effective," Bachrach says. "I hope the Design Commission will kill this idea."

Magnera, Bachrach and their colleagues are slated to meet Dec. 17 and send their recommendations to the Design Commission, which will send its final product to the City Council.

Magnera, however, says she's more determined than ever to use city code to carve out space for people who have none. "I'm going to keep pushing," she says. "I feel it's my role to speak up for people who don't have a voice."

The Daily Journal of Commerce

From policy rubble, Portland begins to rebuild

*By Chuck Slothower
December 3, 2019*

On Nov. 20, when the Portland City Council agreed to pay \$350,000 in attorneys' fees, it marked a final defeat for the city's approach to regulating older brick buildings.

The order to pay legal fees came after the city lost a federal lawsuit brought by landlords who challenged a city ordinance requiring them to post warning signs on unreinforced masonry buildings, which are considered particularly vulnerable during a sizable earthquake.

The placard ordinance itself was a significant retreat from earlier recommendations. The notification policy was a compromise after the council faced a chorus of protests to requiring seismic retrofits – an expensive process that involves girding masonry buildings with a steel skeleton.

Commercial building owners, along with affordable-housing providers, churches and others, fought back. So the council settled on requiring masonry building owners to post a placard with a simple 19-word message: "This is an unreinforced masonry building. Unreinforced masonry buildings may be unsafe in the event of a major earthquake."

On May 30, federal district Judge John Acosta struck down the council-approved ordinance, writing that it was unconstitutional because it compelled speech from building owners in violation of the First Amendment.

"The more they tried to make it better, the worse it got," said John DiLorenzo, a Portland attorney who brought the lawsuit on behalf of the building owners. "It became a shadow of its former self. Even then, what was left couldn't survive First Amendment scrutiny. It was just a total disaster for the city."

Acosta wrote that the ordinance was "unduly burdensome" and based on a database riddled with inaccuracies. The database of unreinforced masonry (URM) buildings was compiled by city officials and Portland State University engineering students, typically based on a visual inspection of the building exterior and permit records.

In his ruling, Acosta painted a detailed picture of a failure in government regulation. The judge wrote that the city "lacked the political will or public support to achieve its desired goal: mandatory retrofits for URM buildings."

Now, more than five years after the city began formulating a seismic retrofit policy, city officials are essentially restarting the process from scratch with yet another committee.

The city's attempts to regulate URM buildings began in 2015, when a committee formed by the Bureau of Emergency Management recommended a mandatory program to strengthen all but the smallest buildings. Scientific advances and national publicity deepened the understanding of the risks posed by a large-scale Cascadia subduction zone quake and lent urgency to regulation. However, city commissioners were unable to agree on a seismic retrofit policy.

Instead, they settled on the placarding requirement – a measure meant to pressure private building owners to pay for the retrofits. The Masonry Building Owners of Oregon responded by launching a lawsuit with DiLorenzo, a Davis Wright Tremaine attorney and lobbyist who often takes on complex business cases.

DiLorenzo found sympathetic plaintiffs. One, John Beardsley, a longtime local real estate developer and investor, owned the Western Rooms building at Southwest Second Avenue and Ankeny Street. The 113-year-old building in 1979 was reinforced via a seismic retrofit. Nevertheless, it did not meet the city's standards, and the building was placed on the city's URM database.

Beardsley told the court that the city's placarding language would make him "a liar." Acosta's ruling criticized the city for placing the burden of proving a building did not belong on the URM list on property owners.

Another building owner who testified was Walter McMonies, a retired real estate lawyer who owns several Portland buildings and became president of the Masonry Building Owners. McMonies testified that he spent \$1.1 million to upgrade a 36-unit multifamily building in Northwest Portland, but that it still did not meet the city's standards for seismic reinforcement.

"I'm pushing \$2 million to finish it," McMonies said in an interview. "That's not a scare story. That's what it costs."

In its defense, the city pointed to Berkeley, California, where the number of URM buildings had been cut from 587 in 1991 to six by 2007. Unlike Portland, however, Berkeley made seismic retrofits mandatory and offered a "suite of options for financing retrofits," Acosta wrote.

Portland's seismic policies went through a series of committees that included building engineers, owners, city officials and others. Meanwhile, the city's leadership changed. Steve Novick, who had originally pushed for mandatory seismic retrofits while overseeing the Bureau of Emergency Management, lost his bid for re-election. In ensuing years, the BEM would change hands to commissioners Dan Saltzman, Ted Wheeler and now Jo Ann Hardesty. Hardesty's office referred questions to the BEM.

DiLorenzo criticized the role of the city's staff in pushing the seismic retrofits.

"We have a few city employees who have driven this process," he said. "It is obvious that the City Council was being manipulated by its staff. ... I think this is a real failure of governance, and it was eye-opening to me."

DiLorenzo said the city's first committee was packed with engineers.

"It would have been a financial bonanza for those guys," he said.

A report shows the 2015 eight-member Retrofit Standards Committee included five engineers.

BDS spokesman Alex Cousins said there was no undue influence by professional engineers or city staff on seismic retrofit policy. Cousins noted the final policy committee, which made recommendations to city staff, had 18 members – only one of whom was an engineer.

“It is a mischaracterization to say that the committees were stacked with engineers or that the process was predetermined,” Cousins stated in an email. “The fact remains that seismic retrofits make buildings safer in the event of an earthquake, and structural engineers are best able to understand how buildings perform during these events. They needed to be part of the URM policy-making process as did the rest of the stakeholders involved.”

The BEM is now forming a new committee that will look at possible financing for seismic retrofits, including options such as tax breaks and a revolving loan fund. The URM Work Group will meet for the first time on Dec. 17.

“The focus of this will not be a mandatory program,” BEM spokesman Dan Douthit said.

The city has been conscientious in its desire to regulate URM buildings, McMonies said.

“I don’t think anybody’s a bad actor,” he said. “It’s a difficult problem.”

McMonies was skeptical that the committee will come up with a new solution.

“The new committee is fine, although we feel we really looked under every rock,” he said.

“There isn’t any spare money in the city’s budget, with the homeless and the housing crises.”

The work group is expected to examine financing options over a year before reporting back to the City Council.

“A lot of specifics aren’t known,” Douthit said.