

## The Oregonian

# Portland police officer who fatally shot man near Mall 205: 'He was going to try to kill one of us'

*By Maxine Bernstein  
February 24, 2020*

Portland police Officer Justin Raphael said he recognized the troubled man walking with two knives in his hands from an encounter three weeks earlier, but this time the man was more threatening and combative.

When Raphael arrived at the scene near Mall 205 in Southeast Portland on Dec. 8, he said he took out his AR-15 and pointed it at Koben Henriksen.

Raphael has special training in enhanced crisis intervention but also is a certified rifle operator. He said he decided to provide cover and a new officer there would lead communication with Henriksen.

Officer Shawn Schroeder, hired in July 2018 and still on probation, ordered Henriksen to drop his knives. Raphael slightly lowered his AR-15 to also talk to Henriksen and remind him when they met the month before.

But Henriksen just advanced toward them, Raphael said.

"The bottom line was with the weapons that he had, the distance he was at and the pace that he was moving, he was going to physically be on me within a second or two, you know," Raphael said in testimony before a grand jury.

The Multnomah County District Attorney's Office on Monday released the transcript from the grand jury review of the fatal shooting. The grand jury determined that Raphael, an officer for seven years in Portland, acted in self-defense or in the defense of others when he shot and killed Henriksen, 51.

Raphael's testimony is his first public account of what happened that day.

[The transcript can be read here.](#)

Police had been called to Southeast 103rd Drive and Stark Street at 2:39 p.m. after dispatchers received several 911 calls reporting a man holding knives in traffic.

Raphael fired his AR-15 rifle at the same time as another officer at the scene, Dan Leonard, fired a single 40 mm sponge-tipped less-lethal round, according to police. Raphael fired three shots and hit Henriksen in the head, chest and abdomen, records show.

Henriksen's father, Rick Henriksen, has said he believes officers used excessive force and weren't acting in self-defense. He said the family has retained a lawyer to investigate further. He has said his son has a mental illness on a spectrum between a bipolar disorder and schizophrenia.

Raphael described an earlier encounter he and another officer, Ben Davidson, had with Henriksen on Nov. 14 at the same location.

The two officers were leaving the nearby Starbucks when Raphael said he heard someone across 103rd Drive yell out, "Hey officer," and he responded, asking a man draped in a blanket, later identified as Henriksen, what he could help him with.

The man stared blankly back at the officer and then, according to Raphael, stepped into traffic and told him, "I'm going to (expletive) kill you!" Davidson began to calmly talk to Henriksen, telling him the officers were there to help him, as Raphael put away his handgun and grabbed his AR-15 rifle from his car.

Within two to three minutes, Henriksen calmed down, dropped the knives and sat on a bench, apologetic and crying, according to Raphael. Henriksen told him, "I really wanted you to kill me" before police took him to a hospital for a mental health hold, Raphael recalled.

On Dec. 8, Raphael was at a police contact office at Southeast 117 Avenue and Market Street when he heard at least seven or eight calls come in regarding a man threatening motorists with knives in his hands at the 103rd intersection with Stark Street. Raphael wasn't dispatched but responded to the call on his own.

Raphael said he didn't register right away that the man in the road with knives could be the same one he had encountered just weeks earlier until Officer Leonard messaged him, "'Hey, this sounds an awful lot like the guy from November 14th."

When he arrived, Raphael noticed Henriksen on the east side of 103rd. Raphael said he radioed to other officers it was the same man he had confronted in November, that the man was armed with knives and blocking traffic.

He testified that Henriksen was much more agitated and aggressive than in November. He saw Henriksen yelling at a driver in a truck, a knife in each hand.

"I decided in that moment, the best situation -- the best way I could assist the situation was to deploy my rifle," Raphael said.

He unlocked it from a rack inside his police car and held it in a high-ready position, looking through the optic, he testified.

The truck sped off and Raphael said Henriksen was right in front of him.

Raphael said he heard Schroeder ordering Henriksen, "Drop the knives!" but Henriksen became more agitated, yelling something like, "I'm going to (expletive) kill you guys."

Raphael said he tried to talk to Henriksen, with his rifle lowered a bit.

"Hey, we did this three weeks ago. Do you remember me? It's Officer Raphael," he said he told Henriksen. "And he shifts his attention now to me directly, and he's looking right at me. ... Let's do it like we did three weeks ago. Let's get you some help. And I'm -- I'm not screaming and I'm not commanding. I'm just trying to use a little bit of softness in this moment."

Henriksen turned his attention to Raphael and said something like, "I don't (expletive) care. I'm going to (expletive) kill you," Raphael testified. Henriksen walked toward him, southbound in traffic.

Officers ordered Henriksen to stop, drop his knives or he'd get shot. Raphael said he was standing by the end of his open driver's door and Schroeder had moved to the passenger side of his car, with no cover, as Henriksen picked up his pace, knives out, headed toward him.

"There's a thousand Portland police officers and he -- I happened to encounter him twice in these three weeks," Raphael testified. "But as he was advancing upon us and saying the things he was saying and doing the things he was doing, I -- I did not want to shoot this guy.

"And all of me just wanted him to stop, stop what he was doing. And he reached a threshold in my head where I felt deadly force was appropriate."

Raphael fired what he called a “purposeful burst.”

“There was no doubt in my mind that Mr. Henriksen was -- he was -- he was going to hurt Officer Schroeder,” Raphael testified. “He was going to hurt me. He was going to try to kill one of us.”

Raphael estimated that Henriksen was "just off of the hood" of his police car, about 12 to 15 feet away from him, and about 8 to 10 feet from Schroeder, when he fired his rifle.

Raphael told grand jurors that the stress of the situation could have altered some of his senses.

A grand juror asked Raphael if he thought it was possible that the stress of the police confrontation could also have altered Henriksen's response?

Raphael said he didn't believe that played a factor for Henriksen, noting that Henriksen had complied in November, though there were only two officers involved then. In December, there were at least three officers out on the street confronting Henriksen, as well as other officers arriving.

"The one thing I could say about his mental state with certainty was when I personally addressed him and I reminded him of our prior interaction, Raphael said. “And this is in the middle of this event. The police are there. Our lights are on. He's being shouted at. There's cars honking. There's chaos. There's a lot of things going on. And I'm trying to talk to him and implore him to listen and do the -- do the right thing.

"He says, 'I don't (expletive) care. I'm going to (expletive) kill you.' And so that to me meant that he understood what he was doing. He could see me,” Raphael said. “He could hear me. He knew what was going on. And he chose to not listen. "

## **1% tax on large businesses among changes in proposed Portland-area homeless services ballot measure**

*By Everton Bailey Jr.*

*February 24, 2020*

Businesses in the Portland area that bring in more than \$5 million a year in gross Oregon revenue would face a 1% tax to help fund services to aid people experiencing homelessness and housing instability if voters approve a revised proposed May ballot measure.

The Metro Council is scheduled to vote Tuesday whether to place the so-called Supportive Housing Services proposal on the May 19 ballot. The measure would also implement a 1% tax on the incomes of individuals in Clackamas, Multnomah and Washington counties who earn at least \$125,000 a year and couples who earn more than \$200,000. A previous proposal called for couples earning more than \$250,000 a year to be taxed.

Together, the income and business revenue taxes are expected to generate \$250 million a year, believed to be the largest amount of funds ever dedicated to helping reduce homelessness in the Portland metro area.

The taxes would be scheduled to end Dec. 31, 2030, unless voters approve continuing them. Metro plans to forge an agreement with a state taxing agency to collect the revenue or collect the funds itself if no agreement can be reached.

A proposal on the table last week only had the income tax on high earners, which was expected to bring in \$135 million a year.

The latest proposal was announced Friday with support from the Metro Council, the chairs of Clackamas, Multnomah and Washington counties, the Portland Business Alliance, Portland Mayor's Office and homeless advocacy coalition HereTogether. Willamette Week reported the business alliance recently sent a letter to Metro Council president Lynn Peterson saying they supported a business payroll tax over a tax on high-income earners.

Amy Lewin, a Portland Business Alliance spokesperson, said the group ultimately agreed to include a business tax as a possible solution to the Portland area's homeless crisis.

"We know there are providers who could do more if they had more resources and this is a top priority for our organization," she said. "It's difficult to say yes to more taxes and it's hard to have this conversation, but it's an important problem for us to solve as a region."

Lewin said the alliance's board hasn't yet endorsed the ballot measure itself but does support the funding mechanism.

According to a Metro memo detailing the latest proposed measure, the revenue would fund affordable housing aid as well as short- and long-term rental assistance, mental and physical health services, eviction prevention, financial literacy, fair housing advocacy and other services designed to help people who are homeless or on the verge of it. The memo also said the program and funds "will be prioritized in a manner that provides equitable access to people of color and other historically marginalized communities."

A 20-person regional oversight committee would be created to oversee the program, adding two more spots than the previous proposal. Both called for five members each from Clackamas, Multnomah and Washington counties nominated by county commissioners as well as one representative each from the three county boards. The new proposal adds a representative from the Portland City Council and the Metro Council.

No less than 95% of the total revenue would be allocated to the three counties. The rest can be kept by the regional government for administration and oversight costs, according to the memo.

The majority of the revenue funds are slated to go to Multnomah County — 45.3%. Washington County is allocated to receive 33.3% and Clackamas County 21.3%. The percentages would be set for the first two years the taxes go into effect and could be adjusted afterward.

If voters approve the program, it would include annual financial audits. It would also be subject to performance audits by the Metro Auditor.

It's not immediately clear from available documents how many people the initiative aims to help annually. Nick Christensen, a Metro spokesperson, said the goal of the measure is to help everyone in the Portland area in need of help to address chronic homelessness, but he said he didn't know of any annual benchmarks the regional government expects the program to hit.

A memo to the Metro Council last week said around 3,100 to nearly 5,000 households in the Portland metro area are estimated to need supportive housing services and 17,500 households require rent assistance to either prevent or end being houseless. The memo estimated it would cost almost \$100 million a year to provide supportive housing for all households that need it and \$150 million a year to provide an average of \$10,000 in rent assistance to 15,000 households.

## **The Portland Tribune**

### **Dog gone! K9 Bora retires at age 9 from Portland Police**

*February 24, 2020*

**Purebred German Shepherd named Bora will spend her retirement at the home of her handler, Portland Police Bureau says.**

The Portland Police Bureau has announced the retirement of one of its canine officers.

K9 Bora joined the force in Portland in December, 2016, and was certified to work alongside Sgt. Butcher in February of the following year.

The duo captured about 75 fleeing suspects over three years, according to a news release, and also assisted on hundreds of other calls.

Bora, the mother of three, was born in Canada and trained in Eugene, Oregon. After giving birth at age 6, one of her sons, Cjuk, took a job at another Oregon police agency. Her grandson, Khan, continues to patrol for PPB.

A police spokesman tells the Tribune that Bora is retiring at age 9.

Bora and Sgt. Butcher also appeared at 80 community events. The purebred German Shepherd will now live in her sergeant's home, but was treated to a "puppuccino" and a cheeseburger during her last week of service.

### **'Anti-antifa' candidate ends campaign for Portland council**

*By Zane Sparling*

*February 24, 2020*

**Alyssa Vinsonhaler's campaign was supported by many in Portland's conservative protest movement.**

Portlanders will have one less choice on the ballot when they vote for City Hall seats during the May primary.

Alyssa Vinsonhaler — who called herself the "anti-antifa" candidate — announced the end of her campaign for the No. 4 position at Portland City Hall on Feb. 22.

Antifa refers to the bands of black-clad anti-fascists who often appear at Portland protests.

"I have chosen to do this because I need to focus on the betterment of my own mental health, and as such, I cannot continue," Vinsonhaler wrote. "I apologize for anything anyone thinks that I've done, and I want to focus on bettering my own life. I want to work to be better and help others."

On her campaign website, Vinsonhaler described herself as a disabled U.S. Army veteran, enrolled member of Northern Cheyenne Nation, a trans woman, an advocate of the First and Second Amendments and as co-founder of Portland's Liberation, a conservative protest group whose members have clashed with antifa.

Portland's Liberation's other founder is Haley Adams, who organized a 'Him Too' protest in Portland last year with Patriot Prayer leader Joey Gibson. Vinsonhaler and Adams held several

campaign events downtown, handing out free pizza at times, but no large scale street fighting broke out, as has happened when other conservative political candidates come to town.

"Another issue is roving bands of angry mobs downtown; I think this is absolutely ridiculous in the city that I grew up in. Here, in the city I love, I can't believe that they go around beating people — that's just really wrong," the 25-year-old told the Pamplin Media Group during a candidate forum in January.

With Vinsonhaler's name officially withdrawn, voters will still have eight other options: incumbent Commissioner Chloe Eudaly, well-known challengers Mingus Mapps and former Portland mayor Sam Adams — and Robert MacKay, Keith Wilson, Kevin McKay, Seth Woolley and Aaron Fancher.

The primary vote will be held May 19, with a run-off election in November if no candidate receives a majority of the vote. Also on the ballot is the Portland Mayor slot and the No. 1 and No. 2 positions on the council.

## **The Portland Mercury**

### **Portland Parks Employee Under Investigation for Harassing Commissioner Hardesty**

*By Alex Zielinski  
February 25, 2020*

A city employee with a history of intimidating people of color in Portland is under investigation by the city and police bureau for joining fellow right-wing agitators in harassing City Commissioner Jo Ann Hardesty on Saturday.

Gregory Isaacson, a Portland Parks and Recreation employee, was in Chapman Square Saturday afternoon for a small rally organized by Portland's Liberation—a spin-off of Vancouver, Washington's alt-right protest group Patriot Prayer. The organization is mostly made up of ardent Trump supporters who spend time filming confrontations with elected officials and anti-fascist activists to spark debate (and gain followers) on social media. Several men who had joined Patriot Prayer in instigating a street brawl on May 1, 2019 outside of Cider Riot were in attendance on Saturday.

According to a flurry of videos taken that afternoon, the dozen or so rally-goers said they were there to protest "attacks on independent journalists"—a title they give to anyone publishing videos online. Several people unaffiliated with the group—including the mother of slain anti-fascist activist Sean Kealiher—attended the rally to counter the group's right-wing messaging. Unlike the majority of the attendees, Isaacson was not filming or recording the day's gathering. He arrived riding a bike and dressed in his usual protest getup: a purple blazer and matching bowler hat.

It's not an unusual environment for Isaacson. The city employee is a regular at Patriot Prayer protests and anti-fascist counter-protests, and has been linked to creating stickers and signs that espouse anti-immigrant and nationalist ideals. In April, the Mercury obtained public records from the City of Portland's human resources department documenting complaints made by Isaacson's coworkers of color about feeling uncomfortable around him.

While the small right-wing rally was taking place Saturday, Hardesty was across the street at Portland City Hall—making a quick stop to retrieve a cell phone charger she'd left in her office. When she noticed the cluster of protesters and surrounding police at Chapman Square, Hardesty approached the group.

In videos from the rally, Hardesty's seen surrounded by people filming her with cell phones and yelling various accusations about violence, racism, and corruption. Isaacson is seen sitting on his bike in the middle of the crowd, watching the confrontation play out.

One man accusatorially calls Hardesty, a Black woman, the "head of Black Lives Matter." One woman asks Hardesty if she knows about the "racist terms" people are using against white people in Portland.

"What's this rally about? I am willing to talk to anyone who want to talk," Hardesty says, after quietly observing the melee. A woman interrupts Hardesty to shout at another woman, and Hardesty raises her hand.

"You don't want to talk?" Hardesty asks the crowd. "Fine, I'm out of here."

Hardesty then turns away and walks back to her parked car, as men shout out "fuck you, Jo Ann!" and "resign, bitch!" She passes Isaacson, who is leaning against his bike.

"I'm sorry if you didn't want to have a conversation, Jo Ann," Isaacson shouts at her as she walks past and gets into her car.

Several people have filed complaints against Isaacson with the city's human resources department for participating in the Saturday event. One of those people, a Portland woman who asked the Mercury not to use her name to protect her from retribution, said that Isaacson's language towards women was deeply sexist and offensive when the cameras weren't on. She showed up at the rally to support Kealiher's mother, but said she wasn't familiar with Portland's Liberation. Isaacson's actions, however, made it seem to her like he was a leader in the group.

"They were looking to him for guidance," she told the Mercury. "I think it's his station in the city that emboldens this group to act out."

Mayor Ted Wheeler called the incident "disturbing" in a statement sent to the Mercury.

"We do not tolerate threatening behavior," Wheeler said.

According to Wheeler, the city's human resources department is investigating "whether city policies were violated by any city employee" and the Portland Police Bureau is investigating several reports of assault and harassment stemming from the Saturday rally.

"It is important for these processes to run their course without interference or additional comment," said Hardesty in a statement emailed to the Mercury. But, she added, "I want to thank the community for their support and concern after this weekend's incident. This support reminds me Portland is still full of love."

Isaacson did not respond to the Mercury's request for comment.

City commissioners (particularly women) have become a growing target of right-wing activists. In March 2019, after Commissioner Chloe Eudaly was persistently followed and filmed in public by a regular city critic, City Council passed an ordinance allowing city attorneys to represent city employees—police officers, elected officials, and bureau staff—who are seeking stalking or restraining orders after having been threatened or harassed because of their job.

“We are increasingly seeing situations in which [people] are experiencing hostile, harassing, and even threatening behavior directed at them because of their role as city officials and employees,” City Attorney Tracy Reeve told commissioners at the time.

## **The City and its Police Union Are Already Butting Heads in Contract Negotiation Talks**

*By Alex Zielinski  
February 25, 2020*

The City of Portland and its largest police union—the Portland Police Association (PPA)—have stumbled into their first disagreement at the bargaining table.

On Monday, the first day of negotiations over the PPA's contract, the city's bargaining team informed PPA representatives that all documents the union chose to share with the city during the months-long bargaining session would become public record. This news came as a surprise to PPA's lead negotiator, attorney Anil Karia.

"My concern is if we post every document and exchange in the public sphere, PPA membership and the general public won't understand the context of documents," said Karia. Karia argued that piecemeal agreements that come from the negotiating process need to be accompanied by detailed explanations for people who aren't at the bargaining table.

But Steven Schuback, the outside labor attorney the city's hired as its lead negotiator, didn't budge.

This requested level of transparency goes beyond what the city has asked for in previous PPA contract negotiations. In the past, the city has allowed PPA's documents to remain confidential, and made agreements and decisions written by the city retrievable through a public records request.

This new expectation is the latest sign that the city's listening to the public's request for increased transparency within the historically opaque meetings. But it's unclear how long the city can hold the line.

Monday's meeting ended in a deadlock, with neither side conceding to the other's requests for—and against—a transparent process. Both sides agreed to finish the conversation at the next bargaining meeting. The city and the PPA have agreed to alternate in hosting bargaining meetings, but the PPA has refused to make any of its meetings open to the public.

Since Monday's meeting was hosted by the city, the next will take place behind the PPA's closed doors. Meaning: The conversation about transparency will not be transparent.

The PPA also rejected the city's request Monday to bring outside experts to bargaining sessions, and asked that no city employees outside of the six-person bargaining team attend PPA's private sessions.

## **The Portland Business Journal**

### **City of Portland wants outsider to review inclusionary zoning**

*By Jonathan Bach  
February 24, 2020*

The city of Portland wants to bring in an outsider to see how effective inclusionary zoning has been since 2017.

The Portland Housing Bureau is currently crafting the scope of a market study on inclusionary zoning before sending out a request for proposals, according a spokesman for Mayor Ted Wheeler. The request is expected to go out this year.

The move comes after the Portland City Council in 2016 OK'd inclusionary zoning rules requiring new multifamily projects with 20 or more units to leave a percentage of them for households earning 80 percent of the area's median income. The rules took effect in February 2017. An internal review was completed after inclusionary zoning's first 18 months.

This will mark the first third-party review, said the mayor's spokesman, Tim Becker.

"We're now about three years into the implementation of the Inclusionary Housing Rule, so it makes sense to conduct an analysis to learn if the rule is still garnering benefits for affordable housing that it's meant to; this will also inform us of any necessary adjustments that may be needed to continue to support development while meeting our affordable housing goals," Becker said by email.

## **OPB**

### **'Less Lethal' Sponge Bullets, AR-15 Fired At Same Time In Fatal December Police Shooting**

*By Rebecca Ellis  
February 24, 2020*

Officers sent to de-escalate a dangerous confrontation with a man in a mental health crisis last December used lethal and "less lethal" force at the exact same time, according to newly released documents related to the fatal shooting of 51-year-old Koben Henriksen in Portland, Oregon.

The first officer fired a 1.5 inch sponge bullet, meant to halt Henriksen. The second fired three rounds from an AR-15, killing him.

A Multnomah County Grand Jury declined last month to bring criminal charges against Officer Justin Raphael, saying he acted in self-defense. Transcripts from the jury's review were released Monday.

Raphael told the jury that Henriksen was walking toward him with a "swift, purposeful pace," and two pocket knives outstretched in each hand. Henriksen suffered from severe schizophrenia, and, his family believes, was likely trying to provoke officers into killing him. An officer at the scene recalled him yelling, "Do it, shoot me, kill me."

As Henriksen drew closer, Raphael waited for another officer on scene to fire his 40-millimeter launcher, which shoots bruise-inducing foam bullets intended to subdue subjects — but not kill them.

“I remember as he began to close [the] distance and that that gap began to rapidly shrink, I remember hoping I was going to hear that thunk of that 40-millimeter going off, and I was going to see that ... big, spongy foam tip thing hit this guy, and he was going to drop the knives. I remember absolutely hoping and just waiting for that moment,” Raphael said. “But it didn’t happen.”

Officer Daniel Leonard, who was designated as the “less lethal operator,” said he tried to fire the foam launcher as fast as he could. Before he even got out of his police car, he said, he’d “made the decision I’m going to him with my 40 foam tip,” based on the threatening manner in which Henriksen was advancing toward officers.

“It’s the biggest oh shit moment of my life,” he recalled. “[I’m] thinking, okay, if I don’t hit him with this, one of two things is going to happen. Either he’s going to stab an officer or if I don’t hit him with this and change his behavior, he’s going to get shot. And I don’t want either of those things.”

Leonard pinned part of the delay in firing his launcher on the fact that his training dictates he can’t carry the launcher loaded — and loading the weapon can take a few seconds. This meant, in the dynamic situation that unfolded on Dec. 8, by the time Leonard looked down to load the weapon and back up, Leonard says Henriksen was just a few seconds away from Officer Raphael.

“I did it as fast as I could,” he told the jury. “I wish it was faster.”

“There was no time to even put it on,” he recalled. “I took it out, threw it on the hood of my car and tried to put [munition] in so I could hit him with it.”

At the end, Leonard and Raphael appear to have fired at the same time. According to the post-mortem, Henriksen had bruising on his upper left shoulder and gunshot wounds on his nose, chest and abdomen.

Leonard said he had about a year’s experience using the launcher, which resembles a large water gun. The weapons were introduced to the bureau in 2018.

According to the testimony of officer Brandon Cox, the lead instructor for the bureau’s less-lethal program, officers “try to make every attempt for the less lethal to be deployed before the rifle,” but there is no official requirement for officers to do so.

A grand juror asked if Henriksen’s fate would have been different had Raphael the opportunity to fire first.

“I wish I had the answer ... every call and every individual is different,” Leonard said. “That’s the tool that I have and I hope that it works. Whether they’re sober or in a mental crisis or high on meth, I have to hope that my tool has some sort of an effect on a person.”