

## **The Oregonian**

# **Federal judge still reluctant to approve Portland's new community approach to police oversight**

*By Maxine Bernstein  
February 25, 2020*

A federal judge Tuesday declined to give his approval to Portland's new community approach to police oversight, part of the city's settlement with the U.S. Justice Department for using excessive force against people with mental illness.

U.S. District Judge Michael H. Simon said he's not convinced that an amendment creating the 13-member volunteer Portland Committee on Community-Engaged Policing is fair, reasonable and adequate.

"Given the number of problems we heard, I don't feel comfortable right now," making a decision either way, the judge said after a five-and-a-half hour hearing in his courtroom in downtown Portland.

He ordered all parties to the case to return to court in exactly one year for another status conference.

The judge departed from past practice by inviting community members to share their comments first, ahead of statements from attorneys from the city, Justice Department and police union, who are parties to the case. Community input lasted three-and-a-half hours.

Simon approved the settlement in 2014 after a federal investigation found Portland police officers too often used stun guns or excessive force against people experiencing a mental health crisis. The agreement called for significant changes to use-of-force and Taser stun gun policies, improved crisis intervention and de-escalation training, better tracking of police force and complaints against officers and community oversight of the reforms.

Most of the community representatives, including leaders of the Albina Ministerial Alliance and its Coalition for Justice and Police Reform and the Mental Health Alliance, said they were dissatisfied with the city's new oversight committee.

They highlighted the high turnover rate of its members, as well as a lack of broad community outreach and respect for recommendations offered by members with lived experience of mental illness.

Those who sat on its subcommittee for People with Mental Illness resigned this month, saying they felt unheard.

Amanda J. Marshall, an Oregon City-based lawyer (not former U.S. attorney) who was the co-chair of the subcommittee, said she and others left "feeling marginalized, misunderstood and ultimately dismissed. Unfortunately, these feelings parallel the experience of those with mental illness."

Others pointed to the continued police use of deadly force against people in crisis, noting that five fatal police shootings in 2019 marked a high since 2010.

Several speakers told the judge that it seemed as if the compliance officer hired by the city to monitor the fixes and the Justice Department are more focused on whether the city has followed

the mechanics of the settlement requiring changes to police training, policies and oversight rather than analyzing the outcomes.

The changes should result in improvements, the judge noted. “If we dot our i’s and cross our t’s,” he said, “one would hope over time there’d be an outcome that is better.”

In January, compliance officer Dennis Rosenbaum and the Justice Department gave a “substantial compliance” mark to the city for adhering to all 190-provisions of the agreement and urged the judge’s support of a settlement amendment establishing the community oversight group.

Assistant U.S. Attorney Jared Hager said it’s up to the Justice Department, not the court, to find the city in compliance and that the settlement didn’t envision the government permanently overseeing the Police Bureau.

“The agreement doesn’t demand perfection,” Hager said. “The United States is the monitor and decides when and whether the city is in substantial compliance.”

He argued that the new committee provides “the greatest chance of a lasting framework for community-involved policing” and suggested that the longer the judge holds out in lending his support to it, problems will persist.

It will hamper the mission of the community group and everyone will continue to bring their concerns to the court, instead of to city staff, he said.

But Simon dismissed that suggestion, saying he heard nothing plausible to back up the claim that his conditional or delayed approval of the committee has in any way contributed to its problems.

The judge commended the federal government for intervening and working to make the city a safer place and the city for accepting responsibility for its problems, but he said he’s not comfortable that the current community group is effective.

“I think it’s been very positive, going in a good direction,” he said. But the process hasn’t been without hiccups and some problems, he added.

After listening to community concerns and reading legal briefs filed with the court, Simon said, “It appears to me there is a serious disagreement over whether or not the city is in substantial compliance.”

But the judge said his powers are limited. “I don’t I have authority to order any remedial provisions, absent a motion from the United States,” Simon said.

He suggested that city officials, Justice Department lawyers and other parties reach an agreement on what substantial compliance would look like, “so we can all know when we have achieved it.”

The Albina Ministerial Alliance’s coalition called on the court to assign a local person to serve as an independent court monitor to assess the city’s progress.

“We have come a long way, but we still have a long way to go,” the Rev. LeRoy Haynes said. “We have made some substantial quantitative progress, but we are far from achieving the intent of the settlement agreement.”

The Rev. T. Allen Bethel urged the city to appoint a community-organizing staff person and facilitator for the committee, “not just someone who is liked by everyone.”

Andrew Kalloch, co-chair of the community oversight committee, told the judge that the group voted Monday night to find the city is in substantial compliance with the settlement’s community

engagement requirements. But he added, “We by no means believe PCCEP is a final product; we are a work in progress.”

Kalloch said the high turnover of members isn’t surprising given their volunteer nature and he defended the outreach efforts. He said the group is motivated to work with the community and will continue to build on its foundation.

“The 13 of us are not going to do this alone,” he said. “We need buy-in.”

Shawn Campbell, who chairs the Police Bureau’s training advisory council, said he wonders who will broker matters with city and police officials when community members’ concerns go unaddressed, once the Justice Department is gone.

“Maybe we need to slow down a little bit, instead of just rushing this because we need to get it done,” Campbell said.

More than five years after he first asked about body-worn cameras for police, the judge asked again Tuesday if the city’s made any progress on outfitting officers with the cameras. He was told the police are considering a pilot program, but haven’t received support from city council.

Mayor Ted Wheeler, who attended part of the hearing, offered to have his office, the police chief and the community group’s co-chairs host a quarterly meeting to collaboratively address pressing issues, such as racial disparities in police stops or police accountability, City Attorney Tracy Reeve told the court.

The judge called that a great idea, but asked, “Any insight as to why those haven’t been done previously?”

Reeve said the city has been focused on meeting the legal requirements of the settlement.

“My concern is that we may invest another 14 months in complying with a conditionally approved amendment” and, in the end, the new community group might not gain final court approval, Reeve said.

The judge urged the city, the Justice Department, the police union, the Albina Ministerial Alliance and Mental Health Alliance to confer and agree on metrics to define “fair, adequate and reasonable” when it comes to the community oversight committee.

“If you all agree sustained, substantial compliance has been achieved,” the judge said, “then I’d give final approval to amend and terminate the litigation.”

## **15-year-old turns self in to police following Feb. 8 protest**

*By Jayati Ramakrishnan  
February 25, 2020*

A 15-year-old turned themselves in to police Tuesday, two weeks after the teen allegedly vandalized property during a protest in downtown Portland.

The teen was one of several people police were trying to identify from a Feb. 8 event, in which a group of demonstrators came out in response to a rumor that the Ku Klux Klan would be holding a white supremacy rally in downtown Portland’s Lownsdale Square park. No rally took place, but a group of counter-protesters showed up, including antifascist activists, or antifa.

Police said they were trying to identify three suspects besides the teen who were allegedly throwing items at police and passersby and chasing people with metal-tipped umbrellas. They said someone spray-painted a monument at Chapman Square park.

Police said the other three suspects related to the event are all men who were wearing masks during the protest.

The teen, who police said they would not publicly identify because of their age, went to Portland Police Bureau's downtown office, and officers interviewed them about two crimes — abuse of a memorial to the dead and first-degree criminal mischief. The teen was then released to their parent.

Portland Police Bureau Sgt. Brad Yakots said the case has now been referred to the county's Juvenile Services Division. He said he didn't know what the exact charges would be, but suspected they would be related to vandalizing the monument.

## **Willamette Week**

### **Portland's Police and Fire Bureaus Have a Lot in Common. Too Much.**

*By Nigel Jaquiss  
February 26, 2020*

**The city's biggest public safety bureaus run shops that are in some ways mirror images. The mayor wants consolidation.**

If you want to understand the costs of Portland's police and fire bureaus, look at the clothes they wear.

The Portland Police Bureau's dress blues? The cops have a full-time, civilian employee to distribute those uniforms, badges and other equipment. That person is called the quartermaster, with an annual salary PPB declined to reveal.

Portland Fire & Rescue has its own uniform-minder: a sworn firefighter whose job it is to make sure that the "turn-outs," as firefighters call their uniforms, fit properly and meet safety standards. Salary: \$115,530. (PF&R spokesman Lt. Rich Chatman says the position is held by a sworn officer for safety reasons. "Firsthand knowledge of the clothing and safety gear that our firefighters will be wearing inside a fire is important," Chatman says.)

This tale of two uniform managers is an example of the ways in which the city's biggest public safety bureaus run shops that are in some ways mirror images.

Both bureaus, for example, employ their own accounting, personnel, IT, training and recruiting and records staffs and vehicle mechanics, although the city also has a large, centralized fleet operation.

Tom Rinehart, the city's chief administrative officer, says that's a problem.

"We have duplicative programs and positions," says Rinehart, "That is clear."

It's budget season in City Hall, and despite the booming economy and growing population, the cost of government—mostly salaries and benefits—continues to grow faster than the money flowing in.

When Mayor Ted Wheeler laid out his budget priorities for 2020-21, in a letter to bureau directors late last year, his top priority was the homeless crisis.

Behind that, Wheeler ranked what he calls a "collaborative safety budget."

The target: back office functions in the city's four public safety bureaus, police, fire and the Bureaus of Emergency Management and Emergency Communications, which collectively account for about 61 percent of the city's discretionary budget. Wheeler's savings goal: 2 percent of public safety expenditures, or \$7 million, phased in over three years.

The big targets are police and fire, the biggest line items in a discretionary budget expected to total \$584 million in 2020-21.

The services both bureaus provide often overlap and increasingly consist of responding to calls from or about people experiencing homelessness. Yet the bureaus largely set budgets and staff themselves as if they existed in a vacuum—"siloeing," in City Hall parlance.

City Commissioner Jo Ann Hardesty says finding ways for the bureaus to function more efficiently is a top priority.

"When I was elected, I promised Portlanders I would not work in my silos," she says. "We need to look at public safety bureaus as a holistic system. When people call 911, they expect to receive help from the right first responders, and this is the first step toward making sure we streamline our system and resources."

When public budget talks begin March 2, most of the noise will surround the city's contract with its police union—with heated if familiar questions about how its members respond to the mentally ill.

The discussion of combining bureau budgets to eliminate waste probably won't be as fraught. But it's a recognition by Wheeler, Hardesty and others of the same reality: The work the public safety bureaus perform has changed dramatically.

Fewer than 1 percent of calls the fire bureau responds to are structure fires, for instance, and about half the calls police respond to involve a person who is homeless. Those changes mean the traditional responses—a fire truck with four sworn officers or an armed police officer—often may not be the most effective.

"In other cities, there's one non-uniformed person in charge of putting together a public safety budget," Rinehart says. "We don't have that here."

Rinehart says no decisions have been made about how many or which positions in which bureaus might be eliminated. (Union officials representing police, fire and civilian employees did not respond to requests for comment.)

Rinehart will present to the Portland City Council as part of a public safety budget session March 19, when he hopes to explain the benefits of better integration of the public safety bureaus.

"The biggest obstacle we have is structural," he says. "People haven't exercised these muscles before. We want them to focus on their core mission rather than individual budgets."

### **Commission: Impossible**

Reimagining city public safety bureau operations is part of a larger debate that will commence in earnest later this year when the Portland City Council names a charter review commission.

That panel will grapple with an increasingly pressing question: whether the city's highly unusual commission form of government makes sense.

Portland is unique among large U.S. cities in employing that form of government, in which bureau directors report to elected commissioners, rather than a professional, unelected city manager.

A 2019 City Club of Portland report said the answer was clear.

"The commission form of local government is organized such that city bureaus are run by commissioners with little, if any, regard to their managerial or subject-matter expertise," the report concluded. "It is inherently inequitable and has long since ceased to be the most effective form of government for Portland."

Currently, the mayor parcels out bureau assignments to city commissioners, which can lead to churn. When Commissioner Jo Ann Hardesty took over Portland Fire & Rescue last year, for instance, she became the third fire commissioner in seven years. "There is little upside to bureau assignments being frequently shuffled among commissioners, or reclaimed en masse by the mayor," the City Club report said. "Especially when used as a bargaining or punitive tool."

## **We Asked Portland Leaders: What Moment From the Jeremy Christian Trial Will You Remember?**

*By Tess Riski  
February 26, 2020*

**These moments are now a part of the trauma Portland will have to process.**

The trial of Jeremy Christian is over. But what it revealed of the damage he wreaked on Portland will be difficult to forget.

On Feb. 21, a jury unanimously found Christian guilty of the murders of Ricky Best and Taliesin Namkai-Meche, and the stabbing of Micah Fletcher on a rush-hour MAX train May 26, 2017.

He was also found guilty of intimidating black teenagers Walia Mohamed and Destinee Mangum, and of intimidating and assaulting Demetria Hester by throwing a 32-ounce Gatorade bottle in her face on another train the night prior to the fatal stabbings.

It took jurors just 12 hours to reach a verdict. In the four weeks prior, they had seen videos of the same deadly stabbings from various vantage points on the train. They heard from victims, witnesses, and a self-employed use-of-force expert from Idaho.

And they sat next to Fletcher as he wept, recalling the moments after the stabbing when a fellow passenger held a cellphone to his face so he could tell his mother he loved her: "In my mind, at least at that point, that was a given: 'I'm going to die.'"

Those are indelible moments—now a part of the trauma Portland will have to process. This city will also have to reckon with what Christian says about us: Was he a manifestation of latent racism in the city fabric? Or were the people who tried to stop him, and tended to the dying, a more accurate representation of who Oregonians are?

In the days after the verdict, WW asked Portland's elected officials, candidates for office and other observers, what moment from the trial they would remember. Here is a selection of their replies.

**Teressa Raiford, candidate for Portland mayor**

"The testimonies of the people of color during the trial. I think people in our community need to support people who look like me, and especially children."

**Multnomah County Commissioner Susheela Jayapal**

"The moment when Walia Mohamed recounted what Christian had yelled at her and Destinee Mangum. The tears that rolled down her face as she relived those words—'Go back to Saudi Arabia' and 'Kill yourselves.' Directed at a 17-year-old girl. So indescribably brutal. And so reflective of a national mood of hatred, violence and white supremacy."

**Mike Schmidt, candidate for Multnomah County district attorney**

"The emotional response after the jury gave their verdicts. Gasps, tears and a sense of relief."

**Ethan Knight, candidate for Multnomah County district attorney**

"The testimony of victim Walia Mohamed was extraordinarily compelling—it underscored the trauma caused by Christian's cowardly and hateful attack."

**Gabriela Saldaña-López, Bus Riders Unite organizer at OPAL Environmental Justice Oregon**

"We'll never forget that Walia Mohamed, the young woman wearing a headscarf that day, testified that after the attack, she stopped wearing hijab. Bus riders must stand up for what is right to win a safer transit system."

**Zakir Khan, board chair of Oregon's Council on American-Islamic Relations**

"The most poignant moment of the trial for me was witnessing Demetria Hester speak her truth. I found her courage to be remarkable despite everything that she endured. I hope reflecting upon her testimony will help us all to listen and believe victims of hate and bias."

**Multnomah County Commissioner Lori Stegmann**

"There was an early point in the trial when Demetria Hester asked the court not to postpone proceedings. Christian's outburst, his claims to be the victim himself, and subsequent attacks while being removed from the courtroom stood out to me as a stark reminder of the most violent expressions of racism and white supremacy in our society. Demetria's strength to continue her statement is equally as strong a memory for me."

**Portland City Commissioner Jo Ann Hardesty**

"I'll remember that Demetria got her day in court as well."

# **Portland Parks Employee Gregory Isaacson is Under Investigation After Confronting Commissioner Jo Ann Hardesty at Protest**

*By Tess Riski  
February 25, 2020*

**Mayor Ted Wheeler said his office does not "tolerate threatening behavior."**

The city's Human Resources Bureau is investigating Gregory Isaacson, a Portland Parks & Recreation employee and right-wing activist, after he participated in a protest Feb. 22 during which Commissioner Jo Ann Hardesty was verbally harassed.

The mayor's office confirmed the investigation in an email to WW.

"This weekend, I learned of a disturbing incident that took place on Saturday," Mayor Ted Wheeler said in an email to WW. "My colleague [Hardesty] was subjected to verbal abuse and harassment by a group of demonstrators in Lownsdale Square. We do not tolerate threatening behavior."

The Portland Mercury first reported the confrontation in the park and subsequent investigation into Isaacson. Video from Saturday's demonstration shows other protesters hurled obscenities at Hardesty while Isaacson, clad in his standard purple suit and bowler, watched from his bicycle.

As WW previously reported, Isaacson resigned Feb. 3 from his role as commander of American Legion Post 134 after his election drew waves of criticism from veterans.

Isaacson did not respond to WW's request for comment. Hardesty's office declined to comment on the matter.

## **The Portland Mercury**

### **Judge Delays Ruling on Portland's Police Settlement Agreement with DOJ, Citing Lack of Community Engagement**

*By Alex Zielinski  
February 25, 2020*

On paper, it seems like the settlement agreement between the City of Portland and the US Department of Justice (DOJ) regarding the conduct of Portland police officers has been resolved.

But it's not that simple, as US District Judge Michael Simon decided at a Tuesday court hearing on the status of the agreement, which has been snaking through the federal court system for eight years.

"It appears to me that there is a serious disagreement in whether or not there is substantial compliance with the settlement agreement," Simon said at the start of the hearing.

In 2012, the DOJ sued Portland, arguing the city had violated the United States Constitution by allowing its police officers to engage in "a pattern or practice of using excessive force" against people with a mental illness. To resolve this litigation, the City of Portland entered a settlement

agreement with the DOJ in 2014, in which the city promised to create a walk-in emergency mental health medical center, form a behavioral health unit within the Portland Police Bureau (PPB), accelerate the process of investigating complaints of officer misconduct, expand mental health training for police officers, allow quarterly use-of-force audits within the PPB, and improve community outreach.

On January 10, the DOJ announced that the city has successfully met all the requirements laid out in the 2014 settlement (or, in legal terms, was in "substantial compliance" with the agreement). On Tuesday, Simon was expected to hear the DOJ's arguments and decide whether he, too, believed the city has met all of the DOJ's requirements.

But vocal opposition to the DOJ's ruling by Portland community leaders instead encouraged Simon to delay his decision for another year.

"You cannot solve problems in the community without community trust," said Dr. LeRoy Haynes, a civil rights leader and pastor who heads the Albina Ministerial Alliance Coalition (AMAC), a police accountability group. "And we don't see that trust."

AMAC, the League of Women Voters of Portland, the Mental Health Alliance, and Portland Copwatch have all disagreed with the DOJ's determination of substantial compliance. At the center of their disagreement is a single requirement baked into the settlement agreement: A component of community engagement to "promote community confidence in PPB and facilitate police/community relationships necessary to promote public safety."

From the start, Portland has had a difficult time meeting this requirement. The city originally created the Community Advisory Oversight Board (COAB) to work as a community oversight body, in which volunteer members could collect feedback from the public. But infighting between police and activists, disruptions from the public, and general neglect from City Hall led to COAB's demise.

Two years later, Mayor Ted Wheeler created the Portland Committee on Community Engaged Policing (PCCEP), another volunteer-led board, with hopes of meeting the DOJ agreement's requirements.

Since holding its first meeting in 2018, the 13-person PCCEP has had some successes: Both the group's recommendations on a police wellness program and the group's comments regarding the PPB's annual report have influenced PPB policy. But like any burgeoning committee, PCCEP has also seen its share of frustrations. From not being given clear instructions on how to make recommendations to PPB to PCCEP members feeling disrespected by fellow committee members during clunky, three-hour-long meetings, PCCEP's members have struggled to feel like they're making progress. That's been reflected in the group's tumultuous membership: Since convening its first meeting in November 2018, only two of the 13 original committee members are still sitting on PCCEP.

Community groups argue that PCCEP is hardly stable enough to sufficiently fulfill the DOJ's requirement of community engagement.

"We believe PCCEP needs to maintain 50 percent of its membership for a full year," said Juan Chavez, an attorney representing the local mental health advocacy group Mental Health Alliance. "PCCEP needs to create a comprehensive governance for effective decision making."

Several members of PCCEP's mental health subcommittee told Simon that the group's general ineffectiveness and what he perceived to be indifference to the needs of people with mental illnesses has been disheartening.

"It felt like a constant fight to get the interests of people with mental illness, addiction, alcoholism, and trauma to be considered by the other members of the PCCEP," said PCCEP member Patrick Nolen, who announced his resignation from the committee at the Tuesday hearing.

Other PCCEP members argued that the committee has been working hard to improve their decision-making process.

"Even when the outcome is not what a person wants," said PCCEP co-chair Andrew Kalloch, "the process is respected."

Kalloch acknowledged that the group's monthly meetings draw consistently small audiences, but said that PCCEP members—most of which have full-time jobs—commit long hours to reaching out to other community groups and individuals in hopes of getting their participation.

Lawyers with the DOJ seemed confident that PCCEP does, in fact, meet the requirements of the settlement agreement.

"We continue to believe that the PCCEP is moving the needle," said Assistant US Attorney Jared Hager. "We appreciate the concerns of the community, but the agreement... makes the United States the monitor." In other words, if Hager and other DOJ representatives say PCCEP's working, that should be enough to convince Simon to close the case.

Hager, who's worked on the case since the beginning, appeared frustrated that community input was delaying the case's closure. Portland City Attorney Tracy Reeve echoed Hager's sentiment.

"Most of the arguments being made are not that the city isn't in substantial compliance, it's that there continues to be a trust deceit in the community," said Reeve. "That tells us there is work to be done. But that does not mean that the settlement agreement is the solution to all of those problems."

Simon, however, wasn't convinced PCCEP has proven itself capable of sufficiently fulfilling the the settlement's requirement.

"I still am not prepared to find that PCCEP... is facially adequate," said Simon. "It's been very positive. It's going in a good direction, but not without some hiccups. I'm going to defer against ruling on the amendment until its is further along."

Simon also suggested that community groups meet with the city and DOJ attorneys to decide how to fairly measure success in the final stages of litigation.

"If you all agree sustained, substantial compliance has been achieved, "then I'd give final approval," Simon said.

The parties won't return to Simon's court room for another check-in until February 25, 2021.

"I am sensitive that this settlement agreement was not anticipated to go on forever," Simon said in closing. "At some point, what needs to happen is we need to end this lawsuit. But the progress will continue."

# The Daily Journal of Commerce

## Building proposal found overwhelming

By Josh Kulla

February 25, 2020

A proposal for an eight-story, 134,000-square-foot office building in the East Portland Grand Avenue Historic District drew criticism from the Historic Landmarks Commission on Monday for overall excessive size and scale.

The structure would be built on a half-block parcel fronting Southeast Grand Avenue between Ash and Pine streets. But with many of the surrounding buildings in the historic district rising only three or four stories, commissioners expressed concern at a design advice hearing that the new building would simply overwhelm everything around it.

“My understanding of this district is certainly some degree of differentiation is OK,” Historic Landmarks Commission Chairwoman Kristen Minor said. “But right now this scheme is too much; it feels like too much mass. And when you look at all the examples, the buildings that are contributing to the district are generally one to four stories.”

TVA Architects is designing the project for Sturgeon Development Partners. As submitted, the building would feature glulam columns and beams and cross-laminated timber panels on the interior. Precast concrete panels would clad the exterior in a similar manner as the Weatherly Building and other contributing historic buildings in the district.

Bob Thompson, a principal with TVA Architects, told commissioners that when it comes to context, the most important thing to consider is what will happen in the district in years ahead.

“You’re going to see development in this area over the next 15 years like you’ve never seen before,” he said. “We’re looking at it beyond what it is today. If we can work within the framework we’re talking about, I think you’ll be happy with how we incorporate this constructive feedback we’ve gotten today.”

On top of the building’s massing and scale, however, concerns also were raised about the so-called wedding cake architectural style that calls for a distinct base, midsection and top. While this is a common way buildings in this district are delineated, commissioners noted that the proposal for the new building could go further.

“I do think the idea of having a two-story base has been done in this building,” Minor said. “The Weatherly (Building) has a really explicit two-story base to it and the thing that building does is that there is a very clear distinction between the pattern of openings and the entire fenestration pattern at the base at the Weatherly.”

Commissioners expressed strong support for the use of CLT and exposed glulam beams and columns, as well as a generally open feel with large window openings to provide transparency and show off the natural wood finishes.

But that same aesthetic interest also contrasts with the historic aspects of the surrounding buildings and the district as a whole.

“I don’t mind concrete as a material, and look at the Weatherly Building – it is one that has painted concrete,” Minor said. “But there are so many fine details that really add to that building that need to be brought into this building. I’m with you, Commissioner (Maya) Foty, in that I do want to see the CLT construction here; I think it’s inherently beautiful. But also I think it’s going

to be tough to have a building that has this degree of openness all the way up. It makes it hard to fit in.”

The project proposal is expected to change before it is submitted for design review.

“I think most commissioners might be amenable to seeing this building at this scale,” Minor said. “But I just think that the response to how this building must shift must change volumetrically.”

Foty agreed.

“It would be easier if it was a little shorter to blend in,” she said. “For me, personally, I really need conviction that it will fit in this neighborhood. But I’d be willing to review it at the same height.”

## **The Portland Business Journal**

### **Voters to decide on new taxes for Portland-area homeless services in May**

*By Jonathan Bach  
February 25, 2020*

Portland-area voters in May will decide if they want new taxes on personal income and business profits to pay for homeless services.

The Metro Council on Tuesday voted unanimously to refer the proposal to raise \$250 million a year to the Metro regional ballot in the coming election, according to officials.

The proposal calls for a 1 percent marginal tax rate on taxable income that surpasses \$125,000 a year for individuals or \$200,000 a year for those filing jointly. It would institute a 1 percent business profits tax on companies with more than \$5 million a year in gross receipts. Smaller businesses would not be subject to the profits tax.

The proposed taxes have found backing from elected officials including Portland Mayor Ted Wheeler, as well as the Portland Business Alliance, a regional chamber of commerce.

Between 5,000 and 12,000 people within the metro region are estimated to stay outside or in homeless shelters, according to the HereTogether coalition, a group seeking solutions to homelessness.

## **OPB**

### **Federal Judge Weighs Whether Portland Is In Compliance With DOJ Agreement**

*By Rebecca Ellis  
February 25, 2020*

U.S. District Judge Michael Simon has a weighty question in front of him: Has the city of Portland truly met all the requirements laid out in its six-year-old settlement agreement with the U.S. Department of Justice?

The federal government says yes. Last month, DOJ officials told the city they believed the Portland Police Bureau has met all the terms laid out in the 77-page settlement agreement, which was reached in 2014 after the DOJ found officers often used excessive force on people who were experiencing a mental health crisis. The document was intended to guide the needed changes within the bureau.

But at Tuesday's routine court conference on the agreement, Judge Simon said it's not obvious to him the bureau has reached "substantial compliance," a legal designation that would mean the settlement's close to over. Once the city reaches the milestone, the clock starts on a year-long countdown in which the city has to prove it can maintain the changes.

"It appears to me there is a serious disagreement over whether or not the city is in substantial compliance," said Simon, referencing testimony he'd received from local advocacy organizations.

But, the judge conceded, he was in legally strange and complex territory. While he had the power to determine the city was not in substantial compliance, he did not believe he had the authority to offer legal relief - without a motion from the Department of Justice. And since the federal government said it believes the city met all the requirements, that's unlikely to happen.

As of Tuesday morning, it was unclear what the next steps would be. At the minimum, Simon said he'd like to hold another hearing in March.

Advocates' pushback on the claim that the city was in compliance focused largely on one part of the settlement: the measure that stated the city must create an oversight board comprised of community members, which would ensure police were making - and keeping - the promised changes.

The city originally created the Community Advisory Oversight Board, but that collapsed in 2016. The city tried again two years later with the 13-member Portland Committee on Community-Engaged Policing, known as PCCEP. It was spearheaded by Mayor Ted Wheeler, who sat in the court for the first part of Tuesday's hearing, but slipped out mid-morning.

At Tuesday's conference, speakers testified to the judge that the committee was inefficient, disorganized, sparsely attended and "a barrier" to community engagement.

Juan Chavez, an attorney with the Oregon Justice Resource Center, pointed to the group's high attrition rate - 85%. He said the committee should be able to keep 50% of its membership for a full year to prove it was a legitimate committee.

"PCCEP is not a seaworthy vessel as it stands to get us to wherever we need to go," he told the judge. "If the people that are on this vessel are constantly bailing out water or jumping ship how is this vessel going to go anywhere?"

Dr. LeRoy Hanes, of the Albina Ministerial Alliance, agreed, noting he'd been a community organizer for 40 years.

"What PCCEP does is not community organizing," he told the judge. "We need a 21st century community policing plan that is based upon the proposition that you can not arrest your way out of crime and you can not solve problems in the community without community trust."

He pointed to a 2019 Oregonian poll that found 71% of community members said they don't have a high level of trust with the Portland Police Bureau. That percentage was higher among Black, Asian, and Native American communities.

“There cannot be a confidence in the Police Bureau until this issue of mistrust began to be eradicated chip by chip,” he told the judge.

Phillip Wolfe, who was the chair of the city’s original Community Advisory Oversight Board, said the committee that took its place had been boiled down to essentially “city people” with regular citizens who were distrustful that the body could accomplish what it promised. As a result, he said, PCCEP is “dysfunctional.”

“We can keep running PCCEP for PR purposes, we can have nice photos in The Oregonian,” Wolfe, who ran for city council two years ago as Portland’s first deaf candidate, said through an interpreter. “But that’s the people that are there, and not the people who are scared to show up.”

Andrew Kalloch, a former ACLU attorney who now serves on the board, rebutted Wolfe’s characterization that the committee hasn’t been fully staffed due to deep dysfunction. Some members, he said, had moved from the area. Other youth members had gone off to college.

To address the concerns of those who bailed from the committee because they felt it wasn’t working, Kalloch said he wanted to focus “on process rather than product.” This meant ensuring that the committee’s volunteers know they may not always get the final results they’re after, they feel ‘respected’ by the process.

While debates on PCCEP’s merits took the lion’s share of the morning, others told the judge they believed the city shouldn’t be found in compliance for a simple reason, at the heart of the agreement: Portland Police officers still kill people experiencing mental illnesses.

“In 2019, the PPB killed five people - all people in mental health crisis,” said Michael Hopcroft, a board member of the Mental Health Association of Portland. “At the same time, in NYC, with 10 times the population, NYC killed 10 people.” He added that, according to the Washington Post’s fatal shooting database, none of the people were in a mental health crisis.

The hearing will continue into Tuesday afternoon.