Independent Police Review

Policy Review: Portland Police Bureau Policies and Practices Related to Hip-Hop Events

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I. Overview

On March 1, 2014, Illmaculate, a local rapper, prematurely ended a hip-hop concert because of his concerns that there was an unnecessary and excessive police presence at the event. Illmaculate's actions that night exposed a long simmering perception among those in the hip-hop community that they faced a level of scrutiny not encountered by other music genres in Portland.

The City Auditor's Independent Police Review (IPR) initiated a review to look into issues raised by members of the community. Specifically, this review is focused on answering two questions:

1) What are the Portland Police Bureau's (PPB) policies and practices when it comes to hip-hop related events?

2) What is the community's sense of how the Portland Police interacts with the hip-hop community?

This review is not a performance audit or an administrative investigation into individual officer misconduct. Rather, it is a look at policy issues raised by several recent incidents at hip-hop related events. As this review is meant to look at broader systemic issues, where possible, we attempt to let the individuals we interviewed speak for themselves.

This review focuses heavily on PPB, particularly the Entertainment Detail, and the Gang Enforcement Team (GET). However, due to the nature of the City's regulatory approach to late night entertainment activities, IPR also reviewed the policies of other City and State agencies that engage with hip-hop related events, namely, the Office of Neighborhood Involvement (ONI), the Bureau of Development Services (BDS), the Portland Fire Bureau, and the Oregon Liquor Control Commission (OLCC).

IPR conducted over thirty interviews with hip-hop artists, promoters, fans, police officers, ONI staff, Fire Bureau personnel, and employees of OLCC. All of our interviews were voluntary, no City employees were compelled or community members subpoenaed to participate. IPR staff members attended community events and went on ride-alongs to observe PPB's Entertainment Detail and Gang Enforcement Team, and fire inspectors. We also reviewed police reports, dispatch records, fire inspector reports, media reports, and court documents.

It became clear early in our review that the issues surrounding PPB's interaction with Portland's hip-hop community is part of a larger discussion of the City's lack of a unified policy regarding its engagement with late night entertainment activities. Much of the regulatory approach is issue specific, centering primarily on establishments that serve alcohol. OLCC, although a State agency, plays a large role in regulating late night entertainment businesses due to its broad authority over individuals and businesses that possess liquor licenses. In contrast, the City's own "Time, Place, and Manner" ordinance is aimed at the narrower issue of addressing "nuisance activities" associated with the sale of alcohol. Another area of regulatory focus by the City is the capacity limit of a hosting venue. Capacity is initially determined by BDS with the Fire Bureau's fire inspectors

tasked with conducting inspections to make sure bars, night clubs, and other entertainment venues stay within their permitted occupancy limits.

The Police Bureau is the agency which looms largest in the public's perception in this piecemeal regulatory framework although, as mentioned, it is only one of the City and State agencies involved in the regulation of late night entertainment. This is particularly true in the context of hip-hop related events because of PPB's enforcement powers and its historically strained relationships with the local African American community. Moreover, the lack of a broader City policy aimed at late night entertainment activities has put PPB in a position of adapting to events as circumstances dictate. Many of the community members that IPR spoke to did not understand PPB's cooperation or working relationship with fire inspectors and OLCC.

While the City agencies implicated in this area meet regularly to coordinate, their activities and authority are not clearly understood by members of the public. There is no one person or entity within the City that concerned individuals or business owners can make contact with to have all of their questions answered. In addition to a lack of a centralized information point for owners and promoters there is a lack of information about enforcement activities available to members of the public. The lack of transparency breeds a lack of confidence and increases the potential for miscommunication.

This review is organized into three sections. The first section is a discussion of Portland's hip-hop community and its concerns that the City disproportionately focuses on hip-hop related events for enforcement actions. The second section is a look at the variety of State and City agencies that have a role in regulating late night entertainment. The third section is a closer look at two incidents involving PPB at venues hosting hip-hop events that caused community concern.

II. Portland's Hip-Hop Community

The relatively small local hip-hop community is uniquely vulnerable in the face of the City's fragmented regulatory environment. The gentrification of close-in North and Northeast Portland has strongly affected the historically black communities that reside there and by extension, the local hip-hop culture, with the closure of many music related cultural institutions. Local hip-hop, like other local music scenes, relies heavily on small venues that are often on the brink of insolvency. Additionally, small venues are uniquely vulnerable to overcapacity issues that bring additional attention from regulatory agencies, including the police and fire inspectors.

As an art form, hip-hop is a little over forty years old and has moved far from its South Bronx beginnings. Musically, the last decade has seen elements of hip-hop play a larger role in contemporary music so that old divisions between rap, R&B, or even pop mean less than they once did. Hip-hop and the more generic "urban" are often used as a short hand or euphemism for contemporary music that is heavily influenced by African American culture.

Portland's hip-hop music scene is currently in the midst of a resurgence with a number of artists receiving the attention of local and even national publications. The center of gravity of the recent reawakening of Portland hip-hop has been out of the North Portland community of St. Johns. Several of the hip-hop artists IPR talked with discuss hip-hop as a medium that allows them to escape the negativity of their formative years and to hopefully make a living out of creating music.

Most local hip-hop artists are not signed to record labels, so by necessity, many local hip-hop performers see themselves as entrepreneurs and small business owners as well as artists. Without label support, artists serve as their own brand that needs to be cultivated and marketed. Several of the artists discussed their business models and how they have attempted to establish distinctive brand identities. One way performers attempt to establish brand identities and awareness is spreading their music across different social media platforms. Another important aspect to their marketing strategies is having live shows as a means of generating interest in their music and in this age of near, limitless digital downloads, live shows are important tools in monetizing their talent.

In the midst of this new attention is a debate over whether Portland can support a self-sustaining hip-hop scene. One thing that makes many of the hip-hop performers in Portland stand out in this city of transplants is that a large number of them are native-born Oregonians. Despite their relative youth, they have had a front row seat to the rapid changes in this city and are well versed in local history. Several of the performers brought up key events that have shaped the African American experience in Oregon from the Negro Exclusion Law, Vanport and the 1948 flood, to the recent controversy over the possible location of a Trader Joe's on Northeast Alberta and Martin Luther King Boulevard.

a. Gentrification

At the heart of the debate about hip-hop's future in Portland is the looming question of whether a music form heavily indebted to African American culture can thrive or even exist in the United States' whitest major city. According to the 2010 census, Portland was 74 % white and 6 % black. While other communities of color have grown over the last 20 years, Portland's African American population has increased only modestly. Decreases in the black population in the post-WWII heart of African American Portland of inner North and Northeast have been balanced by increases in areas east of Interstate 205. There is a palpable concern that Portland's African American community may be destined for a future similar to San Francisco's, which has seen the black share of its population decrease from 13.4 % in the 1970 Census to 6.1% in the 2010 Census. Seattle also faces similar issues as the traditionally majority black Central District has become majority white.

The rapid gentrification of Portland's close-in neighborhoods have made national headlines but the scale of the change in Northeast Portland has been breathtaking. A striking example of the population shift is Census Tract 36.01, which roughly corresponds with the western half of the Woodlawn neighborhood, which went from having a majority black population of 60.3% in the 1990 census to a black population of 26.8% in the 2010 census, with a white population of 52.9%.

The gentrification of close-in North and Northeast has had a profound impact on many members of the local hip-hop community, as hip-hop artist Loren Ware, who performs under the name Glenn Waco explains:

> "…it looks totally different from 15 years ago or 20 years ago whatever. And you walk through Killingsworth and you just see - well it's not there anymore. It's like totally gone. But it used to just look like decay … This new face of what Killingsworth is about to look like, and in a sense it's like memories are fading away. A neighborhood's identity is dying, you know? In the sense of just buildings that stood there for years and year and years or houses that are kind of monuments in and of themselves is being just torn down in the place of little coffee shops and small restaurants and stuff … That's what strains at people's hearts, you know, and that's what people see and that's on people psyches too..."

Attendant with the rapid gentrification of North and Northeast Portland, changes in the music industry has meant the loss of several record stores that served as anchors to the local music industry. One of the longest tenured members of Portland hip-hop is Terrance Scott, better known as Cool Nutz. As a performer, promoter, radio show host with over 20 years of experience in music, he has an unparalleled stature in the local hip-hop community. Cool Nutz has been able to observe the changes from a unique vantage point:

> "So I would say just I think the difference is now is that the music industry has changed, which kind of created a – it created a shift in the landscape of how people listen to music, how they see it, how they get to it. You know, you don't have the hubs anymore in terms of the record stores like we used to have. Just in Northeast Portland you had One Stop Records, House of Sounds[1], you had Music Galore, you had Pearls, you had, of course, Music Millennium, Second Avenue, and then all of the Everyday Musics, but the difference was back then if you were promoting a project, you could kind of stop by all the record stores, drop off flyers, and everybody knew to go to Tower Records … Music Galore, and that – that – those were the hubs. So it was easy to access the fans, because everybody was digesting and, you know, picking up the music in the same places. It's different now because everything is generated kind of mostly online. Facebook and Twitter and – and a lot of people aren't using the same physical aspects ..."

Among some in the hip-hop community there is a concern that the current view of Portland as a quirky playground for transplanted young college graduates leaves them out of the equation. As Glenn Waco explained:

> "Well it's like Portland has its motto of Keep Portland Weird. Like so what are you saying? We could have naked bike rides but hip-hop is too weird for Portland. Like C'mon bro, we're making music. Like it's a stereotype of gangster rap and they don't

[1] The House of Sound was located on the corner of N. Williams Ave and N. Beech. After a long period of being vacant, the building was demolished in 2008. The lot is now home to the Albert Apartments, which received a 10 year Transit Oriented Development Property Tax Exemption from the Portland City Council in 2009.

want gangsters hanging out here. Okay. What would you rather have Mr. Police Officer? Would you have a person performing music and selling albums or what you have them out in the street peddling crack …"

b. Venues

Given Portland's demographic realities, finding a large enough audience willing to pay to see local hip hop artists so that the event is profitable is a constant issue. Which makes finding an appropriate sized venue critical. All the hip-hop artists IPR talked to spoke of the difficulty of findings venues for performing. While many national touring artists will perform at larger venues such as the Roseland Theater, locally based acts depend on smaller venues to showcase their music. According to local artists, Portland can be a difficult town to put on a hip-hop related event. While the difficulty of finding an appropriate venue to play locally is an issue for many musicians irrespective of genre, for local hip hop artists the issue is acute.

For a variety of reasons, in the last several years, a number of smaller music venues have closed. As local hip-hop artist Rasheed Jamal explained:

"Well, we used to perform at Backspace, they got closed down. Used to perform at Someday Lounge, it got closed down. Used to perform at Crown Room, they got closed down … Ted's/Berbati's, we used to perform there and now it's a strip club. I don't know – I've never performed at Blue Monk[2]. I don't know if I ever will."

When asked if there is a dedicated hip-hop venue in Portland, Illmaculate responded:

"…There's some venues that do hip-hop, you know, periodically, maybe even regularly, you know, like the Roseland hosts hip-hop. Where else? I've seen a good amount of hip-hop shows at Alhambra recently ...

But as far as a dedicated venue that is able to host local hip-hop events, I would say next to none, regularly at least, that I've seen. You know, because when you're dealing with the larger venues that do hip-hop, it's hard to throw local shows with, you know, because it's hard to get people out … and then that goes back to the developing the scene more and, yeah, so I would say, overall, as far as dedicated to local hip-hop venues or that have – where the local hip-hop scene has access to readily, I'm not so sure if there is."

Another issue for members of the hip-hop community is that some of the tools for managing late night events that City staff often recommend to venues can be utilized disproportionally against black patrons. One common complaint by individuals IPR interviewed was the use of dress codes such as no "baggy pants" or prohibitions against wearing certain colors that they witnessed bars and nightclubs applying differently depending on the patron's race.

[2] The Blue Monk closed in April 2014.

c. Police Presence

There is a common belief among those in the hip-hop community that venues viewed as hip-hop friendly or having a heavily black clientele will inevitably draw scrutiny from the police or fire inspectors. As relayed to IPR, a visit by police officers to a venue hosting a hip-hop event can often lead to sudden inspections by the OLCC and fire inspectors. The additional attention makes it less likely that club owners will host hip-hop acts because doing so will draw unwanted attention from regulatory agencies.

PDX Pop Now! is a long running multi-day summer music festival usually held in the Central Eastside Industrial Area. Though known for providing exposure to local indie rock bands, in its 2014 edition, the festival made a concerted effort to broaden its musical selection by including more hip-hop acts. According to a statement provided to IPR by festival organizers, of the four hip-hop acts that performed, police conducted walk-throughs during the performances of three of the hip-hop acts.

Given its size, festival organizers are used to police conducting walk-throughs, but they felt the attention that the festival received this year was unprecedented:

> "Despite clearing our attendance and beer garden capacities in advance, the police called the fire marshal with concerns regarding our occupancy during one of their visits coinciding with a hip-hop show. The fire marshals then came to the event three times. Each of the three times we were found to be in compliance with our permitted occupancy.
>
> Most of the police we interacted with were pleasant, but the repeated visits during the hip-hop acts were abnormal and time-consuming for our staff. On the first visit, the police requested to see our permits. While they are within their rights to ask for this, it has not been standard in our experience. Given our lack of noise or other complaints, and our decade-plus history of being permitted and in compliance, we don't get asked for permits very frequently. In previous years, when we've had less hip-hop and more attendees, we have not faced this level of scrutiny … our staff and our performers noticed that hip-hop attracted the majority of our police visits, even though it was only performed by 4 acts out of over 40 total performances."

In our conversations with members of Portland's hip-hop community their feelings about police presence at shows was intermixed with an underlying skepticism about the motives for police presence, as Cool Nutz explained:

> "… you have to understand people's natural perception, especially in a hip-hop environment … especially with all the stuff that's happening in society. When you have the Trayvon Martin stuff and you have the stuff of Kendra James and you have different things happening where young African Americans get killed by police or brutality or - when your in - if you're in Northeast Portland or you work in Northeast Portland, then you might get pulled over for how you look, then your mindset at a hip-hop show is are – are they here to be cool or are they here to mess with me."

There was also a concern about calling the police for assistance because some members of the hip-hop community felt that PPB members do not understand hip-hop culture or black people. Several individuals stated to IPR that they felt that PPB members too often ascribed gang links to individuals who had no gang ties, failing to recognize the interconnectedness of Portland's small black community. One promoter said, "It's hard to take the police seriously, when they don't know what they're talking about."

For some hip-hop artists the police presence can alter the mood of a performance, changing the dynamic from a focus on the music to one of tension and unease at the unexpected presence of police. Glenn Waco was asked to clarify his description of the current situation being inflamed:

> "Just the police presence. Like I've been telling people, I don't hate all police. I have nothing against police officers, but just like there's good and bad humans, there are good and bad cops, and I believe some of the cops that are on the line of duty are just doing their job. They don't necessarily want to be there. But this is an issue because as artists, we have the right to express ourselves and perform our music at these venues. Like people come to see us perform these new songs. And they don't come to be rowdy or come to be against police or whatever. They just come to enjoy music ... And the police have always come to the venue in an intimidating fashion. Like they'll come with the gang task force, and they're the ones with the guns. No one in the crowd has a gun. They come to enjoy a show, so it's just – they come in with the fire marshal and it just brings in a negative energy to the space, you know ... There is nothing criminal going on in the venues.
>
> " … (I)t's not only because they are police officers in a uniform, it's just like there's nothing going on. There's nothing illegal going on. Nobody called them. They just show up and it's just like, why are you here? And the police presence to people, like, it doesn't bring a reactive response like they're foaming at the mouth to do something to police, but it just instills this fear like why are they here? They're looking for a reason to shut this down right now. Here we go again. It's just that stigma that comes with it."

One PPB member that IPR talked to was Sergeant Pete Simpson, currently Public Information Officer, but previously a sergeant with the Entertainment Detail. He discussed his experience:

> "… You know, I think, historically, there's been – there's been times where, you know, clubs have had incidents and then somehow it gets turned around that the police, you know, don't want this club here or don't like black people or don't like hip-hop music and so they're going to shut us down. And, you know, there's – I would say there's no truth to that, but it's hard to address the perception piece that people believe that ...You know, unfortunately, the incidents that have happened have been tragic. Fontaine Bleau … 915, you have outside Seeznin's, out on 82nd, people killed. And, you know, that's not what we want. If people were doing their job running the business right, that wouldn't happen."

d. Promoters

Promoters are often important intermediaries between performing artists and venues. While larger music venues will often have an in house booker, the smaller bars, clubs, and event spaces that local hip-hop artists perform at will often use promoters. While the individual arrangements may vary, a promoter will organize a show or an event at a venue by either renting the facility or arranging to split some percentage of tickets sales and/or alcohol sales with the venue. Cool Nutz discussed his experience with club owners as a promoter and the division of labor between the two:

> "I think it depends on – on – on the relationship. Like I mean, for me, I – I believe in partnerships and – and unions who come together and we can all work together for a – a – a better outcome. And as that applies, like if I go – like, for instance, if I go do something at the Roseland, I want to know that not only can I count on them to do their job … you have to have, you know, when you come into a venue, there's a soundman, there's the person you're going to deal with at the end of the night to settle, there's a stage manager, you know, there's the security. And then there's the – then there's everything outside of that, you know, like are people safe when they leave, are people safe when they're coming. So I – I feel like it's not just – it's not just the promoter and the club – of course, the promoter – typically, the promoter just comes into a club and maybe rents it – or – or does a door deal or whatever. And then, of course, the promoters and, you know, the club might work with you on some type of advertising or, okay, we want to know what the night is going to be about, different things like that, so it's all – it's really just a partnership of everybody, if you want to see something be as successful as possible."

When asked to explain how security works at events and who has responsibility for security, Cool Nutz clarified:

> "I think it's everybody's responsibility. I think everybody should be concerned about that. I feel like it's not just one person's – it's not just one person's responsibility to make sure people are safe. I feel like any – any club in Portland, whether it's a rock club, a hip-hop club or whatever, there's a – there's always the likelihood of somebody getting punched in the face or somebody touching somebody's girlfriend the wrong way, and then having people that have an understanding of how to deal with those situations."

According to several City staffers that IPR spoke with, the normal regulatory approach of engaging with a problem bar or music venue does not work with outside promoters for a variety of reasons. As the promoter usually does not have a liquor license, OLCC is not involved. Any fines issued for violations of city code, such as being over capacity, will be levied against the venue and not the promoter. Theresa Marchetti from the City's Office of Neighborhood Involvement (ONI) explained:

> "…the problem is that we don't have a good way of tracking these business entities [promoters] because once they get in trouble, they collapse and they bring up another business entity, and we've really seen them really sort of prey upon some of the clubs in the – in the area, which is a bummer."

Ms. Marchetti further explained there is no liability for promoters in these situations and added some clarification:

> "And they often go to places that are having a hard time, that are struggling ... They're like I will pack your bar, … you know, you just leave everything to me, I'll even bring the security, so security's not checking people, they're not turning away people that they probably should that are already intoxicated, so – so, yeah, that – if they are going to do promoted events, we always advocate that they use their own security that are under their supervision so that there isn't that conflict there."

In talking to some local hip-hop promoters, several felt that City representatives did not recognize them as businessmen, who take very real financial risks when they attempt to put on a show. Another concern was that there was an overgeneralization when it comes to hip-hop and sends a message there's going to be some sort of violence or scuffle at an event. IPR asked Cool Nutz to address the fairness of such overgeneralizations based on his 20 years of experience:

> "It's all situational, because that's the whole thing is that I've been doing this for 20 years, from the small venues to the big venues, and I mean one of my main concerns …When you've had to pay $800.00 for an insurance policy, or $1000.00 or $1200.00 for an insurance policy, then you have a different understanding of going into something, you know what I'm saying, or when you – when you have $12,000.00 of risk over your head, you know, when you lose $6000.00 on a show, that's when it's a whole different perspective. So, for me, I feel like there are people in the city who have run successful music events. It's that when you have a certain type of people that start showing up at the shows, and then the way that it's dealt with might not be the most appropriate, that's part of the problem, because it puts people on edge and then it's all these conversations in the shadows of, well, I heard they said those people. Like that's – that's part of the problem is that type of talk – that attitude. And I think in Portland people's attitude has – has to change. You know, I understand that stuff happens at shows, but stuff happens at rock shows, stuff happens at the white clubs. People get beat up and knocked out outside of the white clubs or, you know what I'm saying. Country bars, you know, like – they like to drink and fight too, you know, I'm just saying for real…"

III. Regulatory Agencies

There are several City and State agencies that have a role in regulating late night activities, including hip-hop related events. IPR conducted interviews with members of these

agencies, including the Oregon Liquor Control Commission, the Office of Neighborhood Involvement, the Bureau of Development Services, and the Portland Fire Bureau.

a. Oregon Liquor Control Commission

The Oregon Liquor Control Commission (OLCC) is a State agency created in the aftermath of the repeal of prohibition in 1933. One of its missions is to license persons and business entities that sell and serve alcoholic beverages. OLCC receives its authority from the Liquor Control Act. OLCC plays an important role in Portland's entertainment landscape as most bars, night clubs, and event spaces have a liquor license.

OLCC has broad powers under the Liquor Control Act and through its own administrative rule making authority. Licensees can potentially be held responsible for the actions of patrons outside their venue. A licensee found in administrative violation can face a fine, a license suspension of varying lengths, or in the most serious cases, the cancellation of their liquor license. A license suspension can often lead to the permanent closing of an establishment.

OLCC Public Safety Director John Eckhart provided an explanation of OLCC's regulatory role:

> "We're tasked by the legislature to enforce liquor related laws throughout the State of Oregon. We have a program where each inspector is responsible for visiting one-fourth of their licensed establishments every year. So every four years, even a place that's not having any complaint of service violations should get a visit by an inspector. There are a lot of licensed establishments in the City of Portland though, so what we do is still a risk-based enforcement, so as complaints come in, as crimes happen on or around a licensed establishment, they become a focus. The more illegal behavior, the more public safety issues, the more resources get devoted to those different establishments …"

According to Director Eckhart, OLCC has 19 inspectors for the Portland metropolitan area, so it relies heavily on local law enforcement for notification of problem establishments. In Portland, OLCC works closely with ONI and PPB to work on complaints generated by neighborhood livability concerns.

Several of OLCC's representatives IPR talked to said that the Commission has made a shift in it how it engages with licensees who encounter regulatory difficulty by providing them more education rather than using the more punitive approach of fines or license suspensions.

One of the more persistent complaints that IPR encountered from community members in the course of our review, including from some who had their liquor licenses suspended, was the belief that OLCC is used by the City to close venues, particularly those related to hip-hop. In the last several years, several nightclubs and bars that were either black-owned or had predominately black clientele have had their licenses suspended or heavily restricted. The suspensions have often occurred after a request by the Police Bureau in response to a deadly shooting outside of a bar or nightclub.

b. Office of Neighborhood Involvement (ONI)

To understand ONI's role in regulating entertainment venues in Portland, IPR staff spoke with Theresa Marchetti, Liquor Licensing Specialist, and Amy Archer, the manager of ONI's Livability Programs, which incorporates the liquor, noise, and graffiti programs. Ms. Marchetti described her role:

> " … my role is kind of three-fold, and it's related to neighborhood input. One, I work with the licensing investigator in DVD[3] to provide a recommendation on every liquor license that comes into the City of Portland. The OLCC, the state agency, has the ultimate authority over whether licenses are granted or not, but we do – we evaluate the statutes and the facts of the license to provide a recommendation. We also – I enforce the Time, Place and Manner Ordinance, which is our code, our one small sliver of authority over liquor license locations, and related to nuisance activities, and those can include offensive littering and noise issues and interference with vehicular ingress and egress, all the way up to more serious public safety concerns, including sexual assault and murder. So and then on the third hat that I wear, essentially, is policy related. So anything that has to do with alcohol policy, I represent the City as a liaison at the OLCC and with the neighborhoods on those issues as they come up."

Ms. Marchetti also facilitates a bi-weekly meeting with ONI's Crime Prevention team, PPB, PFB, sometimes including the Bureau of Development Services and the Oregon State Lottery with the purpose of information sharing and this group can act as a decision making body when an issue arises.

c. Bureau of Development Services

The Bureau of Development Services (BDS) is the City agency tasked with reviewing and regulating the development of private property. One of BDS's duties is establishing occupancy classifications for buildings. Several of the cases that we examined in our review involve entertainment venues who ran afoul of the occupancy classification for which they were originally permitted.

When a building is built it is given an occupancy classification based on the applicable state building codes in effect at the time of construction. A change of usage from a warehouse to a restaurant would require a change of occupancy permit, building permit, and possibly a seismic upgrade. While BDS is the agency responsible for initially determining a building's occupancy limit, once the permitting process is concluded, the Fire Bureau generally monitors compliance.

d. Portland Fire Bureau Night Inspection Program

The Fire Bureau's Fire Prevention Division, under the direction of the Fire Marshal, runs the Night Inspection Program, which covers establishments that have high intensity uses

[3] PPB's Drugs and Vice Division.

like nightclubs and concert halls. A night inspection is different than the biannual inspection required of most businesses and multifamily residences. The goal of night inspections is to make sure there are no significant fire safety issues, such as overcrowding, blocked fire exits, or hazardous conditions. The fire inspectors are generally long-tenured fire fighters who are assigned to the Fire Prevention Division.

One persistent issue faced by inspectors is when an establishment changes uses without proper permitting or wishes to change their occupancy load. Such changes require BDS approval.

During the course of this review, an IPR investigator conducted a ride-along with members of the Fire Bureau's Night Inspection Program. The evening started at PPB's Entertainment Detail roll call briefing.

During the early evening hours, the fire inspectors drove to a number of locations downtown and in Southeast Portland to contact business or event staff before venues became crowded. As the evening progressed, inspectors continued to visit establishments across the city, often while they were very busy. Throughout the evening, the inspectors kept in regular contact with PPB Entertainment Detail officers, as well as OLCC staff.

The inspectors wore civilian attire, with Fire Bureau badges worn around their necks and visible. One inspector also wore a ballistic vest. He indicated he began wearing the vest after a drunken bar patron assaulted him.

The inspectors were uniform in their approach to contacting venue staff. They would first contact a venue's front door or security staff at the entrance to the venue, greet staff and show their identification. The inspectors would ask venue staff questions about the evening, including questions about how many patrons were present, and how staff monitored the venue's capacity. Staff at most venues downtown appeared to know the inspectors from previous contacts. Many venues in Southeast Portland employed security staff who also worked downtown and were familiar with the inspectors. The conversations observed by IPR between the inspectors and venue staff were uniformly professional and courteous.

After speaking with front door staff, the inspectors would enter the establishment. Their initial concern appeared to be estimating the number of patrons present. After estimating the crowd size, the inspectors would walk-through the venue, ensuring all fire exits were functional and accessible. Inspectors also looked to see the venue's capacity was clearly posted, and that venue staff were aware of this capacity.

Once they entered the establishment inspectors also generally contacted a venue's manager or owner. These conversations were likewise cordial and polite. Generally, the inspectors would emphasize the importance of monitoring how many people were in the venue, and would provide information, tips, and suggestions about how staff could effectively monitor the crowd. In some cases, the inspectors would follow up on a previously-raised concern,

such as a blocked exit, inadequate exit signage, or other issue. At the end of their contacts with venue managers or owners, the inspectors would provide their business cards.

In keeping track of crowding at venues, the inspectors had specific, detailed suggestions for venue staff. These included using two mechanical counting devices at each entrance to a venue; one to count people as they entered, and one to count people as they left. Venue staff could then quickly estimate the number of people in the venue.

e. Bar Summits

Several times a year representatives from nightclubs and bars take part in education efforts called bar summits put on by ONI, the Fire Bureau, and PPB, along with other agencies such as Multnomah County and OLCC. At bar summits, attendees are educated as to the responsibilities of different regulatory agencies and their applicable authority and enforcement priorities.

f. Portland Police Bureau

(1) Entertainment Detail

The Entertainment Detail is a small unit of PPB officers, led by a sergeant, assigned to Central Precinct with an assignment of working with the late night entertainment venues that have a heavy presence in the downtown core and close-in east side. While North and East Precincts can request assistance from the Entertainment Detail, it is relatively rare. Particularly in the downtown core, the detail is tasked with creating a safe environment for the large crowds that can occur on weekends, particularly in Old Town. There is a close working relationship, although no formal protocols, with OLCC the Fire Bureau and ONI in addressing issues that arise.

During this review, IPR staff members were able to observe Entertainment Detail officers while they were out on patrol. The detail members started their shift with a roll call, which included a discussion of establishments or events happening that evening that could be cause for concern. The nighttime base of operations for the Entertainment Detail is the Old Town Precinct at NW 3rd Avenue and NW Couch, in the heart of Portland's bar and nightclub district. Stepping out of the building there are several clubs within 100 feet and many others within quick walking distance.

The officers IPR talked with felt they had an important role in making sure patrons of late night activities could enjoy themselves and go home safely. When asked about community perceptions that hip-hop is treated differently than other music genres, the response was that they did not focus on types of music and tried to treat everyone the same.

An important tool for the Entertainment Detail is the bar check or walk-through of different establishments. As explained by former Entertainment Detail Sergeant Rich Steinbronn:

> "…walkthroughs of the different bars didn't just mean entering, walking through it, looking. We would always make contact with the door person. We would make contact with the manager. If the owner was there, we would usually make contact with

the owner or he would make contact with us. We would let the crowd see uniform patrol officers. It kind of takes away some of that anonymity. People are watching. Sometimes we would even make contact with servers. Just generally, hey, how you guys doing tonight? Are you guys seeing anything that we need to be aware of? If we've had any information that we wanted to pass along to them, that would be our opportunity to pass along to them. We would monitor the numbers inside the crowds. We usually knew what their occupant load was of the location, so we would kind of say, you know, ask the door guy how many do you have tonight?"

In the downtown core, the Entertainment Detail officers are well known by the staff and many patrons of the area bars and nightclubs and are an accepted part of Old Town. The officers know many of the staff, particularly those working security. On the close-in east side there are several event spaces that are often rented out for parties or limited engagements, where the management seemed less familiar with the officers.

While only the Fire Bureau can cite a venue for occupancy issues, possible overcrowding is a matter that Entertainment Detail officers pay close attention to due to public safety concerns. Generally, officers expect a venue to be able to inform an officer of their capacity, to reasonably estimate how many people were inside at a given time, and to use hand held counters to keep track of patrons. If there is a possible overcrowding issue at an establishment, a detail officer is expected to call a fire inspector for inspection of the venue to gauge whether there is a capacity issue.

(2) Gang Enforcement Team

The Gang Enforcement Team (GET) is a small unit within the Tactical Operations Division of the Police Bureau. GET officers respond to gang related activities city-wide. GET officers spend approximately 40% of their time in North Precinct, 40% in East Precinct, and 20% in Central Precinct.

GET officers must complete all the training PPB requires for its patrol officers. Every one to two months, GET officers also go through specialized training, including going over scenarios, field inquiries, and other instances of contact with gang members. GET officers may also request to attend additional trainings outside of PPB. GET officers regularly attend police summits and conferences dealing with gang issues.

An IPR staff member rode along with GET during a Saturday night shift. Additionally, an IPR investigator and another staff member interviewed a sergeant assigned to GET. The GET officers that IPR spoke to said that they have no police interest in music or particular genres of music. They are interested in getting guns off the streets and are thus interested in those individuals they believe have guns or to be the targets of others who have guns. The GET officers stated that the people they are interested in are deeply involved in gangs and generally do not have the time or resources to be engaged in creative community endeavors or the local music scene.

Generally, GET has several cars out during a shift and they work very closely with each other. While they patrol citywide, they generally plan to have all the cars within close

proximity so that they can cover each other. If one car makes a traffic stop, generally one or more other cars from the team will arrive quickly as backup. GET states they do this for safety purposes.

Unlike regular patrol officers, GET officers do not take 911 calls. The GET sergeant stated, "We do intelligence, gang suppression, and outreach." Dayshift GET officers focus entirely on investigating gang shootings. Nightshift GET officers focus on "suppression." GET officers contact gang members, arrest gang members, and collect intelligence regarding gang members' cars and relatives. In their work, GET officers focus on building rapport with gang members and the community. A GET sergeant stated, "It's not like it's commonly portrayed."

Many community members are concerned that GET focuses disproportionately on the African American community. When asked about these underlying tensions, a GET sergeant responded that it isn't GET's aim or intent to harass black people or hip-hop artists and he believes citizens' and artists' perceptions to the contrary are caused by their lack of familiarity with GET's work.

According to GET, most gang-related shootings in Portland involve predominately African-American gangs, including Bloods, Crips, and Hoover gangs. The GET sergeant indicated a "certain percentage" of GET's work also focuses on gangs that are not predominately African-American. He indicated there are active Hispanic, Asian, and white gangs in Portland, and they also engage in violence.

According to PPB, the number of gang-related shootings "shot up" approximately 4 years ago, and there are now approximately 100 gang-related shootings per year in the Portland area. In Portland, a "small group of guys" is responsible for many of the city's gang-related shootings, and one person could be possibly involved in as many as 10 gang-related shootings in 3 years. Police are often aware of who likely committed a particular shooting, but they seldom have sufficient evidence to arrest and convict the person. As a result, the "solve rate" of gang-related shootings is fairly low.

Regarding gang members going to clubs and bars in Portland, a significant concern for GET is social gatherings organized by gang affiliated individuals.. A GET sergeant stated, "They're very dangerous." In recent years, there have been several shootings at gang-related parties held in Portland clubs and bars.

Contact with bar owners and musicians is only one facet of GET's work. Occasionally, GET receives information that a particular performer has a "gang background" or is otherwise associated with a gang. A sergeant stated, "We often prepare for issues that wind up not being issues." When GET officers go to a music performance, they can tell immediately if it is a gang-related performance. The same sergeant said, "We know the difference between black people and gangsters." For instance, according to GET officers, at gang-related events, a relatively small group of people most likely responsible for committing gang-related shootings, "tend to show up at the end of the night." The sergeant stated, "At rap shows, the gangsters come in at 1:20 [am]."

The sergeant further indicated, "[i]n some cases, although a bar or club may put on hip-hop shows with artists who have no gang connections, gang members will still come to the shows. In other cases, "the artist is the connection" and they show "gang imagery" in their videos and other material.

GET has many sources of intelligence, including telephone calls, and reviewing postings on Facebook. Most of GET's information regarding possible gang-related music events comes from the Entertainment Detail. According to unit members, GET is "not really involved" in talking to bar and club owners, and most of GET's involvement consists of "showing up" at possibly gang-related functions. In one case that the sergeant could recall, GET did provide information regarding a gang-affiliated artist to a club owner. Ultimately, the club owner decided to cancel the show.

IV. Case Studies - Blue Monk and Kelly's Olympian

a. Blue Monk

On March 1, 2014, Portland hip-hop artists Illmaculate, Luck-One, and Mikey Vegaz were scheduled to perform at the Blue Monk on SE Belmont. As the name suggests, the Blue Monk once had a reputation as a jazz bar, where patrons could watch local and national touring acts perform in its basement. In the months leading up to the March 1 show hip-hop acts had started to perform regularly at the Blue Monk.

The show was promoted by Green Luck Media Group and publicized as "The Heavyweights" denoting the status of the performers within the local hip-hop scene. As Illmaculate, whose real name is Gregory Poe, describes it Luck-One had the idea for a show that would have "three of the town's best with no filler." Ash Wendt who was DJing for Luck-One that night describes the uniqueness of the bill:

> "…this particular show was going to be a good show in my opinion because you had two a little bit more socially conscious rappers in Luck-One and Illmaculate, and then you had Mikey Vegaz, who does more of the kind of urban street sound. And it's rare that you get that kind of combination on one bill. Usually, you have hip-hop, you know, conscious-type stuff that – that performs all together, so when you go to a conscious hip-hop show, everybody's doing pretty much the same thing … And then same on the other side. So that's why I was like, wow, because Luck-One and Illmaculate and Mikey Vegaz probably, in this point time, are the three probably most talked about hip-hop artists in the city right now, so I knew that it would be a good show."

Illmaculate's climb into Portland's hip-hop upper echelon probably began when he won a rap battle held at the Crystal Ballroom when he was 15. While not yet 30, Illmaculate has become an elder statesman of sorts in the local hip-hop scene and has developed a following outside of Portland for his noted rhetorical flourishes during rap battle

competitions. Luck-One, also known as Hanif Collins, a New York native who grew up in Portland, is well known in the local hip-hop community for his brand of lyrical, conscious hip-hop. His 2009 album, Beautiful Music is considered a local classic. Several months prior to the Blue Monk show, Luck-One had relocated to New York. Mikey Vegaz is considered an up and coming artist with a hard hitting sound.

The event was heavily publicized on social media and in local hip-hop circles. Mikey Vegaz, whose inclusion on the bill drew the attention of GET officers, was the first artist scheduled to perform. According to GET, Mikey Vegaz, whose given name is Eddie Bynum Jr., was present at a Gresham recording studio when it was targeted in a shooting a few months prior to the Blue Monk show. According to a GET sergeant, GET officers were at the show for about twenty minutes before leaving. While at the Blue Monk, GET officers stated that they recognized several gang members.

In the months leading up to the Blue Monk show there had been several gang involved shootings at entertainment-related events. In August 2013, three individuals were shot waiting in line at Waterfront Park to get on the Portland Spirit for a private party. In November 2013, 30-year- old Duriel Harris was killed and two people injured outside the Fontaine Bleau nightclub on Northeast Broadway. Police believe both shootings were gang related and led to further gang violence.

Earlier in the day, on March 1, GET informed the Entertainment Detail of the show and that Mikey Vegaz would be one of the performers. Two Entertainment Detail officers arrived around 10:18 pm and immediately noticed a capacity issue, as the maximum capacity for the basement where the event was being held was 85 and they counted 120 people in the crowd. The fire inspector in his report stated that the Entertainment Detail sergeant requested that he respond to the Blue Monk to assist officers already present. When the fire inspector arrived, he made contact with the Blue Monk's owner who stated that she was unaware of what the occupancy load was for the venue. The fire inspector asked the promoter to hold the line of patrons attempting to enter the basement, while he conducted a count. The fire inspector wrote in his report he "found 135 persons in the basement and 20+ on the stairs."

The fire inspector asked the promoter about the number of tickets he had sold, whether he was keeping a count of patrons, and if he knew the capacity the room. The promoter was unable to provide an answer to any of those questions.[4] The fire inspector made those waiting on the stairs go to the main level. The fire inspector required that the several exits out of the venue be propped open. The show was allowed to proceed and the event organizers were told not to let anyone into the basement until there was less than 85 people.

The limiting of entry into the basement caused many of the concert goers to go outside. The police reports document that many of the patrons were not pleased, as several individuals reportedly cursed at the police as they were leaving and questioned the need

[4] IPR made numerous attempts over the course of several months to contact Green Luck Media Group for an interview. We did not receive a response.

for the police to be there. The Entertainment Detail sergeant made the decision to request additional officers standby as there were large numbers of people coming out of the Blue Monk and the venue had only one DPSST[5] certified security person on hand.

The arriving officers parked their patrol vehicles on SE Belmont, some with their overhead lights on. As more officers arrived and additional patrons left the performance space, both the fire inspector and the PPB officers present felt comfortable with allowing the show to proceed as scheduled.

Illmaculate who was to be the final performer of the night, felt that the police presence was intimidating and decided that he was not going to perform. He described the decision this way:

> "I just grabbed the mic and then the adrenaline was just pouring and I just addressed the crowd and was like… we see this all the time from venues getting shut down to, you know, dress codes being enforced targeting hip-hop crowds to all these sorts of things and us not having an outlet and, you know, this is unacceptable and I don't want to come here as a – and be in this atmosphere as a fan, let alone subject my fans to this type of hostile atmosphere."

With Illmaculate's figurative mic drop, the concert ended. Many of those present inside and outside the venue blamed the police and the fire inspector for the premature end of the concert. Both the fire inspector and PPB officers present attempted to explain that they had in fact not shut the concert down, but the events of that night had already taken a life of their own on social media, local publications, and eventually even national media outlets.

Several of the community members present at the Blue Monk that IPR spoke to felt that police presence was excessive. For example, Illmaculate said:

> "And then that's when I look outside and see five police cars blocking one lane of Belmont and – and, at this point, I'm like what is going on, why is – I'm like why does it look like this is, you know, a murder scene or something … The police officers, I would say that I, you know … at least, and I would say at least 14 to 16 at least ... and that's just because I know that there was five or six at the bottom of the stairs, one on the landing and then another five or six at the top. And then one or two outside."

Ash Wendt explained his concerns:

> "… it was a true like kind of melting pot of cultures. There was a lot of like white people and black people there. Everybody was getting along. Everybody was having a good time. There wasn't even – I don't think anybody – I didn't even see like an argument or, you know, everybody was being very cordial and everybody was standing in line, waiting turns to, you know, buy drinks if that's what they wanted to do. … it

[5] Oregon Department of Public Safety Standards and Training.

wasn't rowdy in there I guess is what I'm saying. So they saw it and they were just like, wow, this is an overreaction, right?"

A review of dispatch records shows that at least 14 officers were present at the Blue Monk between 10:18 pm and 11:45 pm. Beyond a concern with the number of officers present, some individuals felt that the officers on scene were unfriendly and intimidating.

There were several factors that led to the storm of public controversy over the Blue Monk incident. Illmaculate and Luck-One are highly respected members of Portland's hip-hop community and the March 1 show at the Blue Monk had been heavily promoted and highly anticipated by fans of local hip-hop. Given the difficulties that some local hip-hop acts have with filling a venue, the Blue Monk show by all indications was a well-attended event. Given the level of interest generated by the show there were several members of the local media present, some of whom provided an almost real time narration of events on social media.

Another factor in the controversy was that community members who left the Blue Monk were confused as to the rationale for the heavy police presence. As later explained by the Police Bureau, it was originally Mikey Vegaz that drew their attention, but it was the overcapacity issue that eventually led to the additional police presence. All available information indicates that no one connected to the Blue Monk show was aware prior to the concert of police concerns about Mikey Vegaz until the arrival of police the night of the show. The performers and many in attendance viewed the presence of the fire inspector as an alternative means by the police of shutting down the show.

The events of March 1, illustrated the need for better communication between the police and members of the hip-hop community. IPR asked Illmaculate how soon before a performance that he might expect to hear from the police regarding a concern about a performer at an event having possible gang affiliations:

"I mean the earlier the better. I would say, you know, at 72 hours you're pretty mobile to be able to make…an adjustment in security or layout or whatever, the lineup, whatever the case is, you know, the earlier the better…"

IPR further asked if hearing from the police 72 hours before a show was preferable to hearing from them halfway through the show, when performers are up on the stage. Illmaculate responded:

"Yes, definitely . . . there's no chance to be able to correct whatever reason that they're there. You don't have any buffer room to be able to address issues that they want addressed, you know, and that's my whole thing is being – being able to address these issues. If we're never given clear reasons, you know, and the story changes every interview or whatever the case is, then we're not being given the tools we need to be able to correct it in the future, to be able to have this positive outlet, you know?"

b. Kelly's Olympian

On March 22, 2014, local hip-hop group The Resistance was scheduled to headline a concert at Kelly's Olympian in downtown Portland. The Resistance, composed of up and coming rappers Rasheed Jamal, Mic Capes, and Glenn Waco, have built a following for their brand of socially conscious hip-hop as a collective and as solo artists. According to one of the performers, a day before the concert the promoter, Green Luck Media, was informed by Kelly's management that the capacity for the show had been cut from 100 to 50. Records provided to IPR indicate that the capacity was actually 49, never 100 persons, which applied "to all bodies actually in the space - band members, staff, VIPs, etc." As this show was three weeks after the Blue Monk incident, word of the supposed reduced capacity spread quickly.

The night of the performance the fire inspector conducted an inspection of the venue starting at around 9:05 pm, and remained on scene for 11 minutes noting no violations in his report. The inspector did write, "Had unknown persons harassing us during our inspection. They interrupted conversation with manager, took my picture and was aggressively questioning why we had 'targeted' Green Luck Media that night and reduced occupant load. Told him that occupant load had not changed in 6 years …"

To keep in compliance with the capacity limit, admittance into Kelly's was restricted and individuals who had purchased tickets before hand were not able to make it into the show. Rasheed Jamal recounted the experience that one of his friends had while trying to enter the show after he says police arrived:

> "One of my friends that purchased a ticket … she was trying to enter the building and, you know, there was a cop at the door instead of the bouncer for some reason and he told her that this place is at capacity, you have to go somewhere else. And she said, well, I have a ticket though. And she was told, well, you can either come in here and go to jail or you can turn around and go somewhere else. And that's offensive." . . . And I can understand there being a 49 person capacity limit, but I mean it's just like anything, you know."

People who were at the show told IPR that they saw police cars on nearby streets. According to dispatch records two officers were at Kelly's for about 15 minutes starting at 11:45 pm, noting as they cleared the location that the venue was "compliant w/numbers." All the scheduled artists were able to perform their full sets.

The fire inspector had been engaged in a series of communications with Kelly's Olympian staff, over a period of several weeks, about his concerns about it being over capacity. A night inspection on February 21, 2014, led to voice and email messages reminding the venue of its 49 person occupant load. On March 14, during the concert of a local rock band, two inspectors each counted 120 persons in the venue. The overcapacity on that night led to a $1000 fine for Kelly's Olympian and a warning of "escalating citations and possible action by other governmental agencies" if the capacity

issues were not resolved. During a March 20 night inspection, a Kelly's Olympian staff member discussed with a fire inspector a variety of ways to get approval to increase the occupancy load, including having an inspector on standby. The inspector wrote in his report, "He [Kelly's Olympian staff] wanted to know if we could be hired to do standby this weekend to increase their capacity because they apparently have sold more tickets than their occupant load allows, and I told him no."

IPR has no information on whether the back and forth between Kelly's Olympian and Fire Bureau personnel in the weeks leading to the March 22 show were shared with either the promoter, Green Luck Media, or the performers. Given that the Blue Monk incident had occurred recently, many in the local hip-hop community were anxious about what they viewed as a crackdown by the City on hip-hop friendly venues. The initial media reaction was fierce, one local weekly newspaper wrote that The Resistance show had been "marred" by the fire inspectors action on the night of the show.

VI. CONCLUSION

The review team noted several common themes during the course of our work: the need for a more proactive regulatory structure by the City regarding late night entertainment activities; increased transparency; and better communication with the hip-hop community. In particular, the perception that parts of City government are engaged in discrimination against segments of the community run against this City's values of inclusion and diversity.

As previously discussed, IPR sought to answer two questions in conducting this review:

1) **What are PPB's policies and practices when it comes to hip-hop related events?**

2) **What is the community's sense of how the PPB interacts with the hip-hop community?**

Below are five recommendations that the review team developed through it conversations with community members and City employees:

Recommendation 1: The City should make available to late night entertainment venues and promoters a comprehensive checklist of its expectations.

Hip-hop events are part of a larger realm of late night entertainment events. While the Police Bureau is implicated in some regulatory and enforcement activities, the issues that surround hip-hop events and more broadly late night entertainment present issues that require the attention of City government as a whole.

In IPR's interactions with City staff tasked with regulating late night entertainment, they were uniformly well informed and provided detailed information that facilitated this review. Several City staff members discussed the essentially reactive nature of the Time, Place, and Manner ordinance. While the City agencies do hold bar summits in an attempt

to educate concerned businesses on a regular basis, by their nature they are limited in their reach. The absence of an overarching regulatory structure or guidance for late night entertainment has led to a concern from some community members that implementation is arbitrary, lacking in consistency, and contributing to an environment where some establishments can be subject to multiple visits from different regulatory agencies in one night while others can go for years without a contact.

It is beyond the scope of this review to recommend how Portland should regulate its late night entertainment venues or promoters, but the City does have an obligation to provide accessible information to individuals or businesses interested in opening a late night-orientated business. Several community members expressed their frustration about not knowing what the City expected of individuals who organized late night activities. While several City bureaus reported they attempt to work non-punitively with venues that run afoul of City code provisions, there is very little proactive guidance from the City to someone just entering the business of late night entertainment.

During our research we found several cities that provided useful information to individuals engaged in late night entertainment. For instance, Seattle's Office of Film and Music provides newcomers to late night entertainment a "nightlife" handbook, available on its website, which discusses relevant codes and statutes, introduces regulatory agencies, makes recommendations on how to set up security for a venue, and includes a list of best practices.

While ideally the City would provide a physical location for one stop shopping where interested community members could learn what the City's expectations are for individuals opening a late night entertainment-orientated business, given current fiscal and legislative realities, we do not believe that to be an obtainable near term goal. It is well within the City's capabilities to provide a checklist of what it believes are current best practices in this area that would represent the expectations for late night entertainment venues and promoters, which ideally would be available at City offices and on the City's website.

Recommendation 2: PPB should develop Standard Operating Procedures (SOPs) that provide guidance to PPB members on how they will conduct bar checks/walk-throughs of late night entertainment venues.

Recommendation 3: PPB should track walk-throughs of late night entertainment venues in a format that would allow it to regularly report such information to the public.

There are concrete steps that PPB can take to provide clear guidance and expectations to its members, particularly when officers conduct walk-throughs of bars, nightclubs, and performance venues. The thought of police officers conducting a walk-through at a bar, nightclub, or music concert is one that makes some members of the community uncomfortable. Most of the individuals that we talked to within the hip-hop community understood that walk-throughs were a tool used by PPB for determining possible public

safety problems, but had concerns with how that tool was utilized. Members of the hip-hop community IPR spoke with had a near universal belief that the walk-throughs were disproportionately aimed at venues holding hip-hop related events.

In our conversations with PPB officers, they were able to articulate their rationale for conducting walk-throughs and also explained there were times when they chose against conducting walk-throughs of a bar or nightclub because police presence may at times escalate a situation that could resolve itself peacefully.

Unfortunately, we found no written policies or procedures that provided guidance to officers of what PPB's official policy was on the matter. The creation of Standard Operating Procedures (SOPs) could provide a mechanism for PPB to explain to the public as well as to its members of why and how it conducts walk-throughs.

A difficulty in conducting this review was the lack of clear protocols that governed many of the involved regulatory agencies. Hopefully, the newly created SOPs would include the purpose of walk-throughs, recommendations on contacting a responsible party inside the venue, how often in one night a walk-through should happen, and possibly requiring documentation when there are multiple walk-throughs at a venue in one night, and an encouragement to PPB members to balance the need for police presence and that presence causing an escalation of a situation.

The belief in the hip-hop community that hip-hop shows or other events perceived to have a significant percentage of black patrons are subject to closer scrutiny, including walk-throughs, than other types of music events is one that should greatly concern City officials. Such a belief, if allowed to persist, will continue to do lasting damage to the community's perception of its City government and will undermine the trust and openness City leaders have publicly embraced.

In an attempt to document those concerns, IPR searched dispatch records for police presence at hip-hop concerts held over a three months period during the summer of 2014. The overall results were inconclusive due to a concern that sometimes officers did not notify dispatch if they were at an event and a lack of documentation of what led to police presence at events where they did appear.

One way to move the conversation beyond conflicting narratives of whether police are present at hip hop event more often that other types of music events, is for there to better documentation by PPB on the walk-throughs it does conduct. Currently members of the public do not have much access to a wider context of where, why, and how often PPB units conduct walk-throughs of bars, nightclubs, and event spaces. PPB's lack of transparency in this regard, allows individual incidents to be magnified because concerned members of the public do not have knowledge of the wider context. PPB should track the walk-throughs it conducts at venues in a format that would allow it to regularly report such information to the public.

Recommendation 4: The City should engage in a long term dialogue with members of the hip-hop community. Dialogue should include all City agencies that have a role in regulating late night activities.

Beyond the facts of a particular incident, the need for greater dialogue between PPB and members of the hip-hop community is clear to several stakeholders. The ability of hip-hop artists, promoters, and club owners putting on events in a safe environment depends on their ability to trust that the police are there to genuinely help them.

Cool Nutz spoke to IPR about the value of dialogue, rooted in respect, with the Police Bureau and other regulators:

> "I mean I feel like, for one, for me, this is the difference, if you want to do business, like real business, you want to have – you want to do hip-hop business, you're going to have to deal with the clubs, you're going to have to deal with the OLCC, you're going to have to deal potentially with the police. So, for the people that want to do real business and for – and even for the sake of the headache of the police coming out, if there is rapport and dialogue between people, the police know ahead of time what's happening. The promoter, if they're a professional, they can have the dialogue before something happens or before the event happens, and everyone is on the same page. And I feel like that part of the problem is where – I think, sometimes, I think the police feel like they're trying to sneak these shows under our nose and we got to show up and show them we know, you know, and – but when you show up with that mindset, that can be part of the problem. But then it's also on the same side, if you're a professional, you have to be aware that you're going to have to deal with certain people, you know what I mean, like you're going to have to deal with certain people. No matter what business you're in, there are certain – there's certain protocol, and I feel like in Portland, if you understand what type of city this is and you understand that, for one, the OLCC ain't going nowhere, Portland Police ain't going nowhere, you know, and some of us are trying to make a living doing music,…"

There is a recognition by PPB members of a need for better communication and relationship building with different stakeholders in the hip-hop community. Sgt. Pete Simpson discussed his belief that better dialogue could resolve some of the issues between police and the hip-hop community. Simpson stated, "… 99% of this can be resolved by having a conversation. You're a businessman, you want to make money, right, you want to sell records, you want to rent venues, we have no stake in that, we want you to succeed, we just want it to be done safely, that's all we care about."

One criticism of past City efforts at dialogue by members of the local hip-hop community is the heavy emphasis on talking with bar and club owners, as opposed to engaging with promoters and artists as well. Leading to a perception by some that the City had particular bar and night club owners that it favored.

Since the Blue Monk incident, there have been efforts by City staff to reach out to members of the hip-hop community in attempt to build a dialogue. Yet, several of the hip-hop artists

that IPR talked to were unaware of these efforts. Any efforts at dialogue by the City with the hip-hop community will by necessity be a long term proposition based on mutual respect and understanding.

Recommendation 5: The Fire Bureau should provide to the public on a regular basis a report that lists all businesses inspected during its night inspection program.

A recurring theme during our review has been that members of the hip-hop community feel that hip-hop shows are subject to more fire inspections than other types of music events. As there is very little information publicly available about the venues that the fire inspector visits. One tangible way of increasing the public's confidence would be to make publicly available on a regular basis, a list of the locations visited by the fire inspector during the reporting period.