

# The People's POLICE REPORT

issue  
#45  
september  
2008



It's Commissioner Leonard vs. Chief Sizer! - p. 7

Published three times a year by PORTLAND COPWATCH [www.portlandcopwatch.org](http://www.portlandcopwatch.org)

Summaries of PPRs #30-44 pages 2-5!

## Fifteenth Anniversary Issue!

### TASER STORIES MULTIPLY

While Manufacturer Loses Lawsuit

The use of Tasers by law enforcement seems to be increasing at an alarming rate, while Taser International suffered its first loss in court. In June, a San Jose, CA jury awarded \$200,000 in compensatory and \$5 million in punitive damages against Taser Int. to the estate and parents of a man who died after being tasered multiple times

### BREAKING NEWS:

PPA President Robert King announced on August 20 that he would step down after 8 years heading the police "union." see p. 11

### TWO DIE IN 32 HOURS AFTER PORTLAND POLICE GUNFIRE; ONE OFFICER ALSO SHOT KENDRA JAMES

Lt. Kaer, Fired for Shooting at Sister's House, Reinstated; Shooting Survivor Convicted by Same DA Who Exonerated Officers

In mid-May of 2008, Portland Police officers were involved in as many shooting incidents as they were in all of 2007. Two suspects died about 32 hours apart after police gunfire. Meanwhile, Lt. Jeffrey Kaer (#23818), who killed Dennis Young in 2006 and was fired by Mayor Potter (PPR #42), was reinstated. Also, Lesley Paul Stewart, shot in the head by police last August (also PPR #42), was sentenced in court.

At about 10 PM on May 13, officers responding to a homicide call shot and killed

Sgt. Gregory Stewart, who shot and killed a man outside his home in Scappoose last year, was cleared of criminal wrongdoing but now faces an Internal Affairs investigation (August Rap Sheet).

27-year-old Jason Spoor, who they say came out of the house with a weapon. One of the officers was Scott McCollister (#40709), the man who shot and killed unarmed African American motorist Kendra James in May, 2003 (PPR #30). At about 6 AM on May 15, Police raided the home of suspected drug dealer Derek Coady, 43, and shot him at least twice before he died of what they claim was a self-inflicted wound.



Lt. Kaer in the Sept. 20, 2000 Willamette Week

### Odd chain of events leaves two men dead

Arson! One is shot by police and another is found dead inside a vacant house on Northeast Glisan

By STUART TOMLINSON, MICHAEL ROLLINS and DAVID HANSEN THE OREGONIAN

A bizarre chain of events late Tuesday in a vacant house on Northeast Glisan left two men dead and a third injured.

### Drug suspect shot himself, police say

Portland! Derek J. Coady is found dead in his Southeast garage with a gun nearby

By MAXINE BERNSTEIN THE OREGONIAN

A 43-year-old man fatally shot himself in the head Thursday after Portland police and federal agents raided his house and fired at least one shot as they tried to arrest him on federal drug charges, police said.

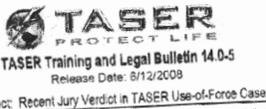


Derek J. Coady was pronounced dead in the back garage of his Southeast Hildgate Boulevard home more than a dozen locations searched as part of a major methamphetamine ring case.

It was the second Portland officer involved shooting within 32 hours draining police resources and causing the bureau to send in drug, robbery and sex assault detectives to help with interviews and handle crime scene evidence.

Many of the bureau's homicide detectives have been operating on Coady little sleep after investigating three hit men killings and now two officer-involved auto deaths.

The May 16 & 17 Oregonians reported back-to-back shootings.



Subject: Recent Jury Verdict in TASER Use-of-Force Case  
Background: On June 6, 2008 a jury verdict in the United States District Court for the Northern District of California in the case of Betty Lou Heston, et al. v. City of Salinas, TASER International, Inc. (TAGSI), et al. found that the enhanced use of a TASER Electronic Control Device (ECD) or taser, pursuant to 19 against the estate of Mr. Robert C. Heston on February 10, 2005 (Mr. Heston's own words, including "two redneck cops" and "maliciously from third parties for 80%"). The law firm to which TASER International is a defendant of this case.

Taser Int. put out a seven page news release insisting it was their own poor training materials, and not the electroshock device itself, that lost them the lawsuit.

On June 12, Portland police officers used a Taser multiple times on a bicyclist, Rev. Phil Sano, who was reportedly physically confrontational with the officers, (KGW-TV). He has retained attorney Mark Ginsberg and "they are considering all their options" (Portland Mercury, June 19). Also on June 12, Clifton Brooks was tasered by Portland police. He had been waiting for the bus to take him to work when he was confronted and assaulted by two individuals coming out of a bar on Southeast 48th and Belmont. They ran away but Brooks and several others called 911. (continued on p. 4)

**Night Light Fight** Mercury, June 19

Police Taser Cyclist, Sparking Outrage by Sarah Mirk NEWS

WHAT BEGAN the night of June 10 as a traffic stop for a missing bike light ended in a shouting match and a cyclist's screams, heard a block away.

An Portland Police Bureau Officer Eric Smith and Ron Hooley were writing out a missing bike light ticket to Diana Sparta on SE 20th and Alder, the police witness another night-time bike approaching. Officer Smith stopped the cyclist and ordered him to stop. Then, says Sparta, the officer grabbed her, while—widely known local labor and internet-sensation—restrained Phil Sano, AKA Reverend Phil. The two began shouting.

"Then the officer came into the sidewalk and came into the building," says Sano. Eventually, Sano was arrested for resisting arrest.

### RACIAL PROFILING: NEW STATISTICS SHOW NO CHANGES

Mayor's Committee Retreat Narrows Group Focus  
Community Group Demands Progress, Threatens Lawsuit

Despite assurances from the Portland Police Association (PPA)'s hired "expert" that the Bureau does not target people based on their race (PPR #44), new statistics released in July show that after a year of the Mayor's Racial Profiling Committee (RPC) meeting, Portland Police continue to stop African American residents at a far greater rate than their representation in the population. The Committee more or less dropped its focus on the statistics during a 2-day June retreat, opting instead to work on three more narrow ideas. At about the same

**NOTICIAS LOCALES** LOCAL NEWS

Group calls for speedy action on racial profiling

John Sano

Portland, OR - Black and Hispanic community groups are demanding that the Portland Police Bureau take immediate action to address racial profiling. The groups, including the Black and Hispanic Communities for Justice and the Oregon Hispanic Community, met with Mayor Tom Watson on Tuesday to present a letter demanding that the police stop targeting African American and Hispanic residents.

The letter states that the police have used racial profiling to stop and search African American and Hispanic residents at a rate far higher than their representation in the population. The groups are demanding that the police stop this practice immediately and take steps to address the problem.

The groups are also demanding that the police be held accountable for their actions. They are calling for the resignation of the police chief and the implementation of a new policy that prohibits racial profiling.

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El Hispanic News, May 22

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(continued on p. 8)



## Citizen Review Committee Pushes City Council for Transit Cop Accountability, Bureau About Names of Force Board Members

### Review Division Gets New Head as Former Director Pays a Visit, Shunning the Public

Although they have heard only a single appeal regarding police misconduct all year (in February), the members of Portland's Citizen Review Committee (CRC) have been continuing to step up in several areas, including an unprecedented appearance at City Council. The office to which they report, the "Independent" Police Review Division (IPR), has a new Director, while the IPR, CRC and the City Auditor, who oversees the system, consider changes suggested by a consultant in January.

#### CRC Keeps Pushing for Transit Police Accountability

After a visit from Transit Division Captain Vince Jarmer in March to question him about the inability of Portland Police to interview officers from other jurisdictions in misconduct complaints (PPR #44), the CRC invited him back to their June meeting. Captain Jarmer let them know that officers from outside of Portland can't be compelled to testify before Portland's Internal Affairs Division (IAD), but are only required to "make a statement" by talking to investigators or writing their police reports. Since this means nobody will ask questions about actions that happened or words that were spoken, it is completely inadequate.

When the idea of renegotiating the contracts between Portland and the outlying areas came up, Jarmer exposed the key to this problem: that the collective bargaining units ("unions") would "not be enthused." The CRC has never discussed the power of police "unions" to over-ride the City's public policy goals. We're all for labor solidarity—due process, good benefits, and workplace safety. But when cops defend using excessive force, engaging in bias-based policing, speaking rudely, or otherwise acting out of line, it is more power than public employees should have.

CRC Chair Michael Bigham, Vice Chair Hank Miggins, and member Loren Eriksson took the issue of Transit Police misconduct investigations to the City Council on July 2. They pulled the renewed contracts off the "consent agenda," a packet normally passed as a whole with no discussion. This was the first time in 16 years observing the review board (CRC and its previous incarnations) that Portland Copwatch has seen the members pull a consent item to discuss it publicly. It is also the first time the CRC has taken their concerns to a City Council hearing without extensively running their plan by Auditor Blackmer.



Captain Vince Jarmer of Transit returned to the CRC in June, with new IPR Director Mary-Beth Baptista at her first meeting.

City Council seemed stuck on the question of whether civilians could file complaints about officers from other jurisdictions, rather than the key issue of the ability to conduct full investigations regardless of jurisdiction. Both Auditor Blackmer (at the June CRC meeting) and new City Commissioner Nick Fish (at the Council hearing) raised the question of liability when officers from other agencies are under the direction of a Portland Commander. Council promised to work on the problem before the contracts are renewed again next year.

#### New Director Brings Some Community Background, Prosecutor's Perspective to IPR

In late May, Mary-Beth Baptista, a 7-year veteran of the Multnomah County District Attorney's office, took over as Director of the IPR. Baptista's work at the DA's office involved the Domestic Violence unit, and some outreach to immigrant communities, as well as the elder abuse program. Baptista also once worked for the Sierra Club, so she has a better appreciation for grassroots activism than any of the three former Directors (Richard Rosenthal, Leslie Stevens and Deputy Director Pete Sandrock). Portland Copwatch met with Baptista in June and raised some of our concerns about the system, including the low number of appeals being heard. She said she would consider including appeal forms with the letters IPR sends complainants about the outcomes of the investigations of their complaints.

Baptista has continued presenting the monthly "Director's Report" in writing, which Sandrock started. This is a step forward from the previous hasty, verbal reports. Baptista is now wrestling with producing Quarterly and Annual reports as required by the ordinance in addition to the monthlies. On the other hand, Baptista opted not to send announcements out to the public when seeking a new Assistant Director and an outreach expert.

#### Assessment of Review Board Brings Focus on Change, Slowly

Last issue, we reported that the CRC held a "secret" April meeting to discuss the changes proposed by consultant Eileen Luna-Firebaugh in her assessment of the IPR in January. In May, Chair Bigham apologized for handling the situation badly and announced the second meeting for the public and press.

Unfortunately, because the scope of the Luna-Firebaugh report is so broad, calling as it did for independent investigations, staff for the CRC, and more (PPR #44), the discussion has been slow. The CRC is working with recommendations (continued on p. 3)

## THE PEOPLE'S POLICE REPORT CELEBRATES 15 YEARS: 1993-2008

**Friends:** I've been asked to write about editing the *People's Police Report* for 15 years, which is more than half the lifetime of some of our members. I always think we'll stop being surprised at behavior of or comments made by Portland Police, but there never seems to be an end to the need to compile this information to share with the public. We hope you find the PPR valuable. Thanks for your support over the years--keep on reading, and watching the cops!

--dan handelman

PS The covers of PPR #s 1-29 were in our 10th anniversary issue, so only PPR #s 30-44 appear here.



**PPR #30 (August, 2003):** (10th Anniversary issue) The death of Kendra James; Five review board (CRC) members quit after Director covers up; DEA Task Force; Shooter cops awarded; Rapping Back—Supporting shooter cops, policing protests. English card.



**PPR #31 (January, 2004):** Chief Kroeker resigns; PARC shootings and deaths report released; Terrorism Task Force renewed; Mejía's shooter kills young Laotian man; PPB gets 100 Tasers; Officer Myers keeps secret list; Rapping Back—On Kroeker, Kendra James, PARC.



**PPR #32 (May, 2004):** James Jahar Perez killed; Former CRC members hold Mejía hearing; Is Portland "Taser crazy?"; Swearing cop appeals to new review board; Chief Foxworth meets with Copwatch; Rapping Back—Racism, traffic stops, lawsuits. Vietnamese card.



# CRC Steps Up; Changes Considered; Other Review Boards Discussed (continued from p. 2)

made by Auditor Blackmer, including suggestions of limited circumstances when the IPR would conduct its own investigations (Blackmer suggests only when a complaint is against someone with a rank of Lieutenant or higher, or an IAD investigator), better contact with Council (assigning pairs of members to speak to each of the five Council members), outreach (waiting for the expert, then a staff person to be hired), training (perhaps by the Nat'l Association for Civilian Oversight of Law Enforcement) and ways to appeal complaints that do not receive full investigations (to be considered by the new complaint handling Work Group).

They also said they would look into issues such as CRC term lengths, the size of the CRC, the standard of review (currently "reasonable person") and the power to compel testimony. Portland Copwatch suggested also looking at new findings (training, supervisory, and policy failure), and the possibility of an independent legal counsel, among other ideas. In August, they said to expect a City Council hearing in October or November.

A new staff person dedicated to the CRC, discussed earlier in the year, was cut from the 2008-2009 budget. Since Mayor Potter, who contracted the Luna-Firebaugh report, will leave office in January, it remains to be seen whether this or any other of the report's recommendations will be implemented after that time.

CRC's new complaint handling work group is also looking at the issue of how allegations are formulated, which is long overdue—we commented about this problem in the summer of 2002!

At their May meeting, the CRC focused on the question of whether an investigation should take place if mediation fails. Acting Director Sandroock matter-of-factly stated that doing so would take away the "incentive" for officers to mediate—that is, they are currently agreeing to sit and talk with citizens who file complaints against them because they know they can't be investigated for wrongdoing. We have expressed concerns about this loophole from the beginning of the program. Assistant Director Mike Hess added that providing the possibility of investigation would be the "death" of the Mediation program.

We have put Luna-Firebaugh's recommendations, and links to the full 180-page report, on our website at <http://www.portlandcopwatch.org/iprassessmentrecsonly.html>

## Transparency & Use of Force/Performance Review Boards

At the June meeting, Assistant Chief Brian Martinek answered questions about Use of Force Review Boards (UFRBs), which determine whether an officer's use of force was in policy, and Performance Review Boards (PRBs), which decide whether a finding of out-of-policy on any kind of complaint is appropriate.

The appellant in the only case the CRC heard so far in 2008, #2007-x-0008, has sued the Bureau for the off-duty actions of Officer Kevin Wolf (#40799), who pointed a gun at her in a Silverton home and refused to give her his name (PPR #44).

These hearings are not open to the public. While the UFRBs include two civilians, and the PRBs one civilian, from a pool of 23, such participation does not make the process "transparent" as claimed by A/C Martinek. In her assessment of the IPR, consultant Eileen Luna-Firebaugh defined transparency as "the public's right to know the public's business." Nonetheless, CRC members Lewellyn Robison and Loren Eriksson both remarked on how open the process is.

The IPR staff and CRC asked Martinek to provide a list of the members of the UFRB/PRB pool—which he did eight days after the meeting. They also requested statistics on the frequency of board meetings and the outcomes. Martinek said that they were not currently keeping such statistics.

It seems like no big deal because the UFRB looks at only 6-9 cases per year and the PRB probably reviews only about 15-35 cases a year in which "sustained" findings are attached to incidents.

One example of the lack of transparency came when Portland Copwatch asked Martinek whether the two instances in which the UFRB found officers out of policy were for use of force or something else, such as failure to write a report. Martinek, prompted by Office of Professional Standards (OPS) Director Leslie Stevens, admitted that neither was for the use of force. Then he said we could figure out which cases they were (and jibed at Copwatch, "I'm sure you will"). That is a prime example of lack of transparency—putting the burden back on the citizenry to figure out what is going on.

This attitude is contrary to the recommendations of the Police Assessment Resource Center (PARC) and Ms. Luna-Firebaugh's report. We have long said that the UFRB and PRBs should be better integrated with the IPR/CRC system; a hybrid of the two models would provide more transparency.



Assistant Chief Brian Martinek explained the Use of Force and Performance Review Boards to the Citizen Review Committee at their June meeting.

The names of the citizens on the Use of Force Review Board are posted at [http://www.portlandonline.com/police/pbnotify.cfm?action=ViewContent&content\\_id=1248](http://www.portlandonline.com/police/pbnotify.cfm?action=ViewContent&content_id=1248) (this issue's IPR/CRC column concludes on p. 11)

# THE PEOPLE'S POLICE REPORT CELEBRATES 15 YEARS: 1993-2008

**The People's Police Report** Issue #33 September 2004

Published from 1993 to 2008 by PORTLAND COPWATCH

**PEREZ SHOOTING PROMPTS CHALLENGE**  
Council passes resolution

**WOMAN HIT BY TASER**  
Inquest says she should have been hospitalized

**I heard for my life**  
Woman hit by Taser

**JUDGE REVERESSES JURY IN LOWERY VERDICT**  
Calls for new trial

**PPR #33 (September, 2004):** Perez inquest; Woman hit by Taser loses glass eye, wins lawsuit; Damon Lowery verdict reversed; CRC challenges police; UFRB formed; Brandon Mayfield detained wrongfully; Sit/Lie unconstitutional; Rapping Back—"Professional courtesy," citizen safety. English card.

**The People's Police Report** Issue #34 January 2005

Published from 1993 to 2008 by PORTLAND COPWATCH

**TASERS ZAPPED BY BAD PUBLICITY**  
Local officers say they are being used as a political tool

**NATIONAL CONFERENCE BRINGS EXPOSURE TO PORTLAND**  
Police officers from across the country meet in Portland

**PORTLAND POLICE SHOOT HOMELESS**  
Black male, white female die

**LOWERY FAMILY SUITS FOR \$600K**  
Judge reverses jury verdict

**PPR #34 (January, 2005):** Two shot in 10 days; National police accountability conference in Portland; Protestors win \$300K; Officer Sery resigns; Foxworth tackles racial profiling; Cops tase 11-year-old; Rapping Back—Psychology of cops who kill, playing "the system." Spanish card.

**The People's Police Report** Issue #35 May 2005

Published from 1993 to 2008 by PORTLAND COPWATCH

**DIRECTOR LEAVES REVIEW BOARD**  
Luna-Firebaugh departs IPR

**COUNCIL POSTPONES TERRORISM TASK FORCE VOTE**  
Decision to make challenge to Community Support Fund Election

**NEW SIT/LIE LAW PASSED**  
Police officers protest

**FIVE PORTLAND POLICE SHOOTINGS**  
Two dead, one closet

**PPR #35 (May, 2005):** IPR Director quits; Council delays Terrorism vote; Five shootings include two dead, one closet; New Sit/Lie law passed; PPB now has 270 Tasers; AG issues deadly force report; Rapping Back—Contempt of citizen, race, shootings. English card.

**The People's Police Report** Issue #36 September 2005

Published from 1993 to 2008 by PORTLAND COPWATCH

**PORTLAND OFFICERS WITHDRAW FROM TERRORISM TASK FORCE**  
Says they are not interested in the task force

**PORTLAND POLICE SHOOT HOMELESS**  
Black male, white female die

**LOWERY FAMILY SUITS FOR \$600K**  
Judge reverses jury verdict

**DRUG-FREE ZONES TAKE UP FIGHT**  
Police officers protest

**PPR #36 (September, 2005):** Portland withdraws from Terror Task Force; Police shoot homeless man; Lowery family wins \$600K; Drug-Free Zones get judicial challenge; Dog dies after Taser hit; New IPR Director; Whistleblower cops; Rapping Back—decision on JTTF, racism again. Vietnamese card.



# Increasing Use of Tasers in Portland and Around Oregon (continued from p. 1)

While awaiting the police, Brooks, in frustration, hit a wall and a window with his hand. As soon as the police arrived, he was "put on the ground and Tasered." He subsequently lost his job, being unable to get there on schedule because of the incident. He filed a complaint with the "Independent" Police Review Board (Portland IndyMedia, June 15).

Five days later, Dan Halsted was walking from a bar on NE 26th and Broadway, and was suddenly confronted with a bright shining light and the exclamation: "Get 'em." Halsted was then tasered by Officer Ben Davidson (#36108). The officers mistakenly thought Halsted was tagging and arrested him for criminal mischief and resisting arrest. The District Attorney's office declined to prosecute on either charge. Halsted retained the services of attorney Dan Engler (*Mercury*, July 3).

On May 21, Keizer police used a "stun gun" on a man who "didn't follow their orders" although they later determined that he was not a suspect (*Oregonian*, May 23).

On May 30, Eugene police officers arrested pesticide protester Ian Van Ornum.

Police Chief Robert Lehner stated that Van Ornum was "taken into custody with the aid of a Taser" (*Eugene Weekly*, June 19).

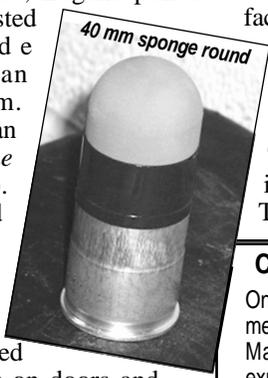
On July 10, Salem police officers tasered a patient who had escaped from the Oregon State Hospital (*Oregonian*, July 11). Days later, Washington County Sheriff's deputies used "sponge rounds" and a Taser "to subdue" an incoherent man armed with a hammer who had been banging on doors and threatening people in Aloha. The man's little finger was severed by a sponge round during the episode (*Oregonian*, July 17).

In June, a U.S. District Court jury in Oregon awarded Mary MacQuire \$80,000 in damages for having been brutalized and tasered four times by two Gresham police officers. MacQuire, who was living in a homeless camp which was being cleared, objected to how officers were treating another person. She was subsequently punched in the stomach, thrown to the ground

by her hair and given four 50,000-volt taserings. MacQuire was charged with resisting arrest and obstructing an officer, but was found not guilty. Officer Jeffrey Durbin, who administered the shocks, testified that "she dared me to" (*Oregonian*, May 1), which speaks to the cavalier attitude of law enforcement regarding the use of Tasers.

On June 25, Amnesty International issued a statement regarding the Justice Department's interim report into deaths caused by Tasers and similar devices. While the interim report found "no conclusive medical evidence" of a high risk of death or injury from these devices, it did acknowledge that aspects of safety were not well known when used on populations other than sober, healthy adults. Amnesty's report indicated "the risk of death or serious injury could be higher in certain populations, including children, the elderly, pregnant women, people with heart disease and those who show signs of 'excited delirium'" (described as "a syndrome characterized by psychosis and agitation"), and that many of the deaths were associated with prolonged or repeated discharges. Amnesty believes the findings support their call for stricter limits on Taser use due to safety concerns and the fact that "at risk" groups are those who commonly come into contact with police. Amnesty called on police departments to either cease the use of these devices or to limit their use narrowly to situations where officers are faced with an imminent threat of death or serious injury to themselves or others. Since June 2001, more than 300 people in the US and at least 20 in Canada were reported to have died after the use of electroshock devices. While medical examiners have listed unrelated causes of death, in several dozen cases they found that Taser shocks were a contributory factor. Following the Eugene incident, the Oregon ACLU called for stricter limits on the use of Tasers by the Eugene Police Department (*Eugene Weekly*, June 19). ■

Tim Lewis, "a self described independent journalist who for years has videotaped police activities for public-access shows," recorded part of the encounter in which Eugene police shocked a protestor. Lewis was served with a subpoena requesting that he provide his video to a grand jury (*Oregonian*, July 11). The ACLU filed a motion to quash the request, citing the Oregon media shield law. Prosecutors subsequently withdrew the subpoena (*Oregonian*, July 16).



## COPWATCHING AT MAY DAY 2008

On May 1, two teams of Portland Copwatch members observed police behavior at the annual May Day rally and march. There was the expected large contingent of law enforcement officers, including bike and motorcycle patrol officers, at least one unmarked car with an officer inside, the riot truck, and five mounted officers from the Vancouver Horse Patrol. While the crowd was peaceful, we noted several police-related issues. Once again, in apparent violation of ORS 181.575, some Portland police officers were videotaping the crowd with no suspicion of criminal activity. Officer Paul Ware (#37137) was, as usual, trying to get as many videos as possible of the participants in the event. →



Officer Ware (R) & friend taping

## PEOPLE'S POLICE REPORT : '93-'08 Underlines indicate articles unavailable on line as of 8/20/08.

Thumbnail of **The People's POLICE REPORT #37** (January 2006). Headlines include: "POLICE SHOOT RAYMOND GWERDER IN BACK, RAPPING BACK WITH 20 SHOTS" and "POLICE SHOOT RAYMOND GWERDER IN BACK, RAPPING BACK WITH 20 SHOTS".

**PPR #37 (January, 2006):** Police shoot Raymond Gwerder in back; Drug-Free Zone vote delayed; Second-hand Store scandal rocks cops; CRC finds misconduct in officer threat; Second PARC report; Top 25 lawsuits; Rapping Back—Defending bad cops. English card.

Thumbnail of **The People's POLICE REPORT #38** (May 2006). Headlines include: "PORTLAND POLICE EXPERIENCE FIRST TASER-RELATED DEATH" and "PORTLAND POLICE EXPERIENCE FIRST TASER-RELATED DEATH".

**PPR #38 (May, 2006):** Portland's first Taser-related death; Lt. Kaer kills driver; CRC member resigns after Chief changes finding; Council modifies Drug-Free Zones; "Union" renews contract; Foxworth on leave; Rapping Back—Explaining shootings. Serbo-Croatian card.

Thumbnail of **The People's POLICE REPORT #39** (September 2006). Headlines include: "RACIAL PROFILING STATISTICS SHOW BIAS" and "RACIAL PROFILING STATISTICS SHOW BIAS".

**PPR #39 (September, 2006):** Racial Profiling statistics show bias; Chief Sizer replaces Foxworth; Police shoot at "suicidal" man; CRC ignores 2nd threat; Sheriff Giusto admits inmates snuck sex; Spying challenged; Rapping Back—Profiling, stopping bad guys. English card.

Thumbnail of **The People's POLICE REPORT #40** (January 2007). Headlines include: "JAMES CHASSE BEATEN TO DEATH" and "JAMES CHASSE BEATEN TO DEATH".

**PPR #40 (January, 2007):** James Chasse beaten to death; Council ponders Profiling panel; Cops shoot unarmed man 15 times; Sexual perversion costs cops jobs; Copwatch meets with Chief Sizer; Sit/Lie reborn; Rapping Back—Chasse, beater cop defends self.

# Houseless Community Protests Sit/Lie Law

## Sisters of the Road Quits Oversight Committee Due to Targeting of Poor, Holds "Truth Commission"

Following police sweeps of their campsites in late April, dozens of houseless citizens of Portland began a 24-hour protest in front of City Hall to call attention to the unjust anti-camping and Sit/Lie (sidewalk obstructions) ordinances, and the lack of affordable housing. Within a few weeks, Mayor Tom Potter lost patience and declared the protest to be an illegal campsite. In the subsequent sweep, 7 people were arrested on the first day, with 4-5 other arrests in subsequent days when people refused to move. None were charged with camping or with violating the Sit/Lie law; instead most charges were "interfering with a peace officer." The momentum built by the crowd—which grew to over 100 at times and included housed members of the community who participated in solidarity—led to the reassessment by long-time homeless advocacy group Sisters of the Road Cafe of their participation in the SAFE group, which oversees the Sit/Lie law (see PPR #42). On May 8, Sisters announced their withdrawal from the group, citing the fact that nearly everyone who has been ticketed or warned under Sit/Lie has been listed as "transient" or as having no address.

By coincidence, Portland Copwatch had scheduled a "Your Rights and the Police" seminar for the protestors on May 10, the morning anti-camping notices went up. We interrupted the training as protestors scrambled to ensure police would not throw out their belongings. They linked arms across the sidewalk while Central Precinct Commander Mike Reese and an assistant walked through. When two protestors refused to move from the side of City Hall along a bus route, police engaged in a standoff. Other protestors sat down in solidarity; then arrests began. "Interfering with a police officer" carries a maximum fine of over \$6000, compared to the \$250 maximum for violating Sit/Lie. It says a lot that the police did not charge anyone under the law they were actively protesting.

Sgt. John Holbrook (#32026) later handed out a fact sheet that bore no letterhead or other official stamp explaining the parts of the sidewalk the protestors were expected to use. The figures he gave were contrary to the law itself, which calls for an 8 foot passageway in the center of a sidewalk the size of the one around City Hall; Holbrook instructed the protestors to stay on the curb side of the sidewalk, even though it was such a presence that allegedly made Tri-Met drivers nervous enough to call for the arrests on May 10.

On June 21, several residents of Portland erected tents on their front lawns to protest the anti-camping law. Activist Mike Dee appeared at a news conference the previous day, setting up a tent at City Hall to help illustrate the need to relax the ban on people sleeping outdoors. City Hall security threatened to arrest Mr. Dee, but he finished the event before taking the tent down.

Other actions have included repeated appearances at City Hall's "communications" slots, three minutes per person each week. In a dramatic presentation by Patrick Nolen of Sisters' Community Action Group, they presented nearly 2000 postcards taped together like clotheslines around the chambers. City Council was not moved. However, with the addition of new Commissioner Nick Fish and two public hearings, it is expected that the Sit/Lie law will at least be given some serious scrutiny and may even be lifted. Sisters of the Road held a "Truth Commission" on August 7 at which 30 or so people spoke out about the Sit/Lie law and other issues related to treatment of homeless people. Commissioner Fish was the only City Council member there. The SAFE committee held its formal hearing on the law four days later. The testimony there was balanced by businesspeople who praised the trade-off of money and services for civil liberties represented by the law, though others begged to differ.

Contact Sisters of the Road at 503-222-5694 for more information

### Portland moves sidewalk protest

By ANDY DWORNIK  
THE OREGONIAN

Portland police moved homeless campers from the sidewalks outside City Hall early Thursday, but their public protest for more housing and permission to sit on sidewalks and camp on public land remained.

Mayor Tom Potter asked police to act so workers could clean the sidewalks, said his spokesman, John Doussard.

"We had campers out there for 2 1/2 weeks," he said. "And it doesn't matter where your campsite is, after 2 1/2 weeks it needs to be cleaned."

Around 5:30 a.m., officers told



Portland police Sgt. M. John Holbrook gives a list of city protest rules to demonstrators Richard Kater (in cap), Sue Dana, and a man who identified himself as Will (in sleeveless shirt).

Oregonian,  
May 16

On June 26, the *Portland Mercury* reported that beyond statistics showing over 80% of those warned or ticketed for Sit/Lie were homeless, a number of tickets were never reported to the SAFE committee. Catherine Perkins was ticketed 11 times though police statistics showed she had received only one verbal warning. Her fines totalled \$3000.

Bike patrol Officer Brian Hughes (#34619) had a video camera on his helmet and was also videotaping. In violation of police directive 312.50, several officers did not have their name tags displayed upon their outermost garments. While both of these issues have previously been brought to the attention of the chief, they happen time and again.

In January, two members copwatched at the weekly rally and march of Portland Peaceful Response Coalition. During the march, we happened upon several officers affecting a traffic stop on the street. Once the officers saw us videotaping, they deliberately shone the bright light mounted on their vehicle into the video camera and our



Officer with no nametag

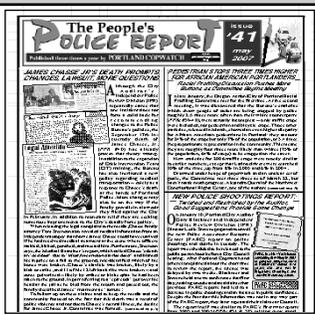
faces. While the officers did have their name tags displayed, upon seeing us, they crossed their arms over their chests to obscure their name tags.

Video of the January incident can be seen at [www.youtube.com/peaceandjusticeworks](http://www.youtube.com/peaceandjusticeworks).

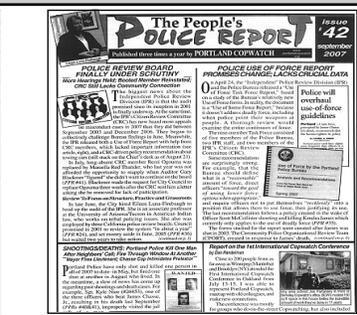
One officer hides his nametag while the other (far R) shines a light at Copwatch's camera.



# THE PEOPLE'S POLICE REPORT : 1993-2008 Our website is [www.portlandcopwatch.org](http://www.portlandcopwatch.org).



**PPR #41 (May, 2007):** Chasse death leads to CIT training; Pedestrian stop data shows more bias than traffic stops; Third PARC report; CRC holds no hearings; Giusto called "Pomo Pants"; Police shoot dishwasher; Rapping Back—Right wing commentaries, privatization of police. English card.



**PPR #42 (September, 2007):** Use of Force report exposes some problems; IPR under review/CRC holds 4 hearings; Police kill one, Lt. Kaer fired; Report on Berkeley Copwatch conference; Sizer militarizes force; Copwatching at May Day; Sit/Lie v. 3; Rapping Back—Media "bias," violence. Spanish card.



**PPR #43 (January, 2008):** Drug-Free Zones ended after racial bias shown; More pervert cops; Gwerder family wins \$500K; Auditor defends IPR system; Sheriff in hot water; Chasse—1 year later; Off-Duty cop kills man; Rent-a-cops; Rapping Back—Immigration, terrorism, cops censor cop..



**PPR #44 (May, 2008):** Assessment calls for more IPR power; Giusto to resign; "Union" Profiling study; CRC sustains complaint on pointed gun; Sizer shuts out community; Sit/Lie targets poor; Senior wins \$100K; Rapping Back—Community policing; using "less" force. English card.

**Drug suspect shot himself, police say**



## Two Dead in Three Days in Portland, Other Shootings (continued from .p. 1)

from a self-inflicted gunshot wound to the head (*Oregonian*, May 16). This same Medical Examiner has made various rulings favorable to theories that police were not responsible for suspects' deaths (see *PPR* #38). Early reports also suggested that Spoor had committed suicide.

At the time of Spoor's shooting, officers in Portland had not used their firearms since August, 2007, a total of 267 days from when they shot Paul Stewart. This was the longest length of time without a Portland Police shooting since 1995's 351 day streak. In October, 2004, they ended the next longest lull 239 days after the March death of James Jahar Perez (*PPR* #34).

Stewart, who now goes by the name Akiáz King, was convicted of several misdemeanor and two felony counts by Judge Michael Marcus in June. In an apparent conflict of interest, Assistant DA Traci Anderson, who made the decision not to ask a grand jury whether Officer Stephanie Rabey (#29993) broke the law by shooting the unarmed African American man, also prosecuted Stewart. Anderson told the *Oregonian* that "no one was hurt," (August 28, 2007) even though Stewart was treated for a gunshot wound and possible brain hemorrhage at OHSU (*Portland Mercury*, June 19). His sentence includes maximum terms totalling nine years in jail, a good way to keep him from pursuing a lawsuit for being shot in the head. Marcus mentioned a few times during the sentencing that Stewart had been shot "for no reason."

The *Oregonian* covered Stewart's case extensively on July 2, focusing not only on the strange relationship between him and the woman who initially called police to the scene last August—his on again, off again girlfriend who met him while he was an inmate at the Juvenile Justice center, where she is an employee—but also the similarity between Stewart's shooting and that of Raymond Gwerder in 2005 (*PPR* #37). Each man was talking to police on the phone at the time another officer shot them with an AR-15 assault rifle. In her interview with detectives, Rabey admitted she had no idea Sgt. Dave Golliday (#26974) was on the phone with Stewart when she shot him.

The arbitrator who reinstated Kaer said the Lieutenant "made a series of poor decisions" which merited the four weeks off without pay originally proposed by Chief Sizer, not being fired by Mayor Potter (*Portland Tribune* on line, July 30). It's disconcerting that a Lieutenant who leaves his precinct without telling anyone and ends up killing a human being gets four weeks off, while others are fired for less serious offenses. In late July, Officer Christina Nelson (#28000) went public with news that Sizer wants to fire her because she applied for special funds for surgery, but lied about her ailment. She said it was for her gallbladder, when in fact she was repairing complications from stomach-band surgery (*Oregonian*, July 22). Who did the most harm?

Meanwhile, the case of James Chasse, Jr.'s death is moving its way forward in and out of court. The judge in the civil trial, Gar King, cited the creation of the documentary "Alien Boy" about Chasse's life and death (*PPR* #44) as a reason to keep certain files sealed (*Oregonian*, May 22). He also ordered the lawsuit split into two trials, one to determine the responsibility of Sgt. Kyle Nice, Officer Christopher Humphreys and then-Deputy Brett Burton (who now works for the Portland Police), the other on the liability of the City of Portland, the county, and the ambulance company (*Mercury* blog, June 4).

**A visibility action recalling the death of Chasse two years later is set for Tuesday, Sept. 16; a benefit concert for "Alien Boy" is planned for Wednesday, Sept. 17 at the Wonder Ballroom; contact info@mentalhealthportland.org for information.**

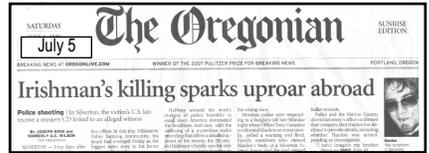
### MULTNOMAH COUNTY PASSES WEAK PLAN UNDER STATE LAW FOR SHOOTINGS

Despite efforts by Portland Copwatch (PCW) to get them to include prevention of police shootings and use of less-lethal weapons into its scope, Multnomah County's plan for officer-involved shootings and deaths in custody was passed by Portland City Council on June 4. District Attorney Mike Schruck held two public forums with only three days' notice at which less than a dozen people came to testify (*PPR* #44), yet Schruck told Council he had done extensive outreach. Multnomah County Commissioners approved the plan about two weeks earlier.

The plan was mandated by 2007's state Senate Bill 111. Multnomah's plan basically reinforces what is already being done, giving the DA discretion whether to hold a grand

## Silverton Officer Kills Irish Immigrant, Is Arrested for Sex Abuse

### Police Shootings in Pendleton, Vancouver Make Headlines



An international scandal erupted on

June 30 when Silverton officer Tony Gonzalez shot and killed a 20-year-old Irish immigrant, Andrew James Hanlon. Hanlon apparently was known to all 16 officers in the tiny town of about 9000 near Salem. A according to Hanlon's brother-in-law, Nathan Heise, they knew of Hanlon's "mental health issues" as well. Hanlon apparently was banging on the wrong door, prompting a 911 burglary call. The small community turned out about 100 people on July for a candlelight vigil at the site where Hanlon was shot and a protest at City Hall. This would be the equivalent of about 6500 people turning out for police accountability protest in Portland, so far unprecedented. Irish media covered the story extensively, with a reason given in the July 5 *Oregonian* by *Irish Independent* reporter Fiach Kelly: "Police don't carry guns around here, so it's a big shock when one of our young people is killed by a police officer."

While there has been no public comment by the DA on the number of bullets fired, the family's attorney said Hanlon was shot in the abdomen, arm, thigh and back. The DA did express disappointment that the Silverton Police Officers Association issued a statement declaring Gonzalez's actions were justified (*Oregonian*, July 12—Mike Schruck, take note!). The *Oregonian* actually gave more ink to this than many Portland area shootings, with articles appearing on July 2, 3, 5, 8, 9 and 12.

The story took a strange turn when Gonzalez was arrested for sexual abuse of a minor acquaintance on July 13. Gonzalez, a former Marine and cage fighter (we're not making this up), who was teased as a youth for his mixed Latino and Native American heritage, was held without bail (*Oregonian*, July 15). He resigned on August 1, days after being cleared by a grand jury in the shooting.

As a side note, Silverton Officer Bob Gathercoal shot at burglary suspects in April, but it was not investigated as an officer-involved shooting because neither they nor their truck were hit (*Oregonian*, July 9). This is exactly the kind of incident we believe should be mandatory to investigate; if the officer was not justified in using his weapon and someone had been hit, imagine the consequences.

In eastern Oregon, Pendleton Officer Erik Palmer shot Deveron Shreiner, 38, in the head as Shreiner stood in the doorway of a tanning salon with a semi-automatic weapon on June 26 (*Oregonian*, June 27). A Umatilla Grand Jury found no criminal wrongdoing (*Associated Press*, July 5).

Across the river in Vancouver, WA, Clark County Sheriff's deputies, Camas and Washougal police shot and wounded Rocky Brown, 38, as he was driving his SUV early morning July 5. Apparently Brown did not pull over after leaving the scene of a disturbance. He let passengers out, was confronted by police, who shot at him, and Brown drove back to where the passengers were talking to other police, who also shot at him. Roughly 40 shots were fired, making Brown's relatively minor injuries a lucky fluke (*Oregonian*, July 6 and 12). ■

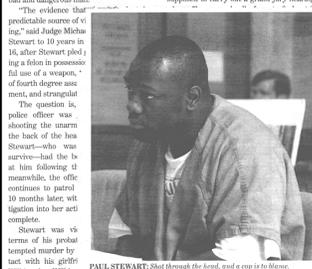
jury hearing after each incident, and to enforce SB 111's provision that officers have to attend at least two psychiatric counseling sessions after a shooting. They also plan to hold public forums about officer shootings, but PCW suspects this will be more of the same song and dance explaining officers' legal ability to shoot someone when they feel their life or someone else's is at risk.

Columbia County passed a similar plan on May 5 (South County Spotlight, May 6). The Attorney General had mandated plans by May 30, so technically Portland's vote came after that deadline. As of August 15, 7 of Oregon's 36 counties, including Tillamook, Hood River, Klamath, and Umatilla, did not have any materials posted on the AG's website ([http://www.doj.state.or.us/oregonians/sb111\\_county\\_materials.shtml](http://www.doj.state.or.us/oregonians/sb111_county_materials.shtml)).

### Aggressor and Victim

Cop Avoids Scrutiny after Shooting Unarmed Criminal by Matt Davis

THERE IS NO DOUBT Paul Stewart is a trigger-happy District Attorney Mike Selmark is supposed to carry out a grand jury hearing



Paul Stewart aka Akiáz King at his sentencing hearing (*Portland Mercury*, June 19)



# SIZER'S SIZE-UP

**Chief Rankles Rank and File as Council Member Seeks Control**

**Chief Sizer's Policies on Use of Force, Overtime Upset Cops; Randy Leonard, Probable Next Police Commissioner, Apologizes Twice**

In the past few months, Chief Sizer has further alienated the rank-and-file by changing overtime rules and reviewing their use of force without consulting them first. This puts Portland Copwatch and other community members in the unusual position of agreeing with the Portland Police Association (PPA) that Sizer needs to consult more people before making decisions (see PPR #44). Interestingly, Commissioner Randy Leonard, who is widely expected to be tapped as Police Commissioner when Commissioner Sam Adams becomes Mayor in January, claimed the entire Bureau was unresponsive to City Council, later apologizing to Sizer for those comments and then for failing to invite her to sit on a Public Safety Committee.

Sizer's efforts to cut back on police overtime, prompted by their using \$2.3 million more than their allotted budget in 2007-08, included telling officers to shift schedules or stop going to neighborhood meetings, and that their vacation times could be denied to create "optimal staffing." The PPA was not involved in these discussions (Oregonian, July 11). In their July newsletter, the Rap Sheet, PPA Treasurer Mitch Copp complained that being cut out made the officers feel like "bastard children of the PPB." He complained about "wasted" City money such as \$80,000 to help people avoid foreclosure (!) while the police are constantly "under intense, unrealistic scrutiny."

Another policy change Sizer made was to circulate to Commanders a list of officers who used force in 30% or more of their arrests. Commanders are expected to talk to the officers to review any concerns about their performance. A threshold of a 15% use-of-force to arrest ratio was proposed in the Use of Force report that came out in April, 2007. One of the authors of that report, Office of Professional Standards Director Leslie Stevens, apologized if the analysis upset officers but hoped they would see this as part of a "positive learning environment" (Oregonian, May 24). The officers balked, particularly in Central Precinct, where Commanders adjusted the figures to remove force used during mental health and Detox holds after the PPA complained.

Reserve officer John Burke calls himself the "first reserve casualty of the Office of Professional Standards" in the July Rap Sheet. Not explaining why he was terminated, he apologizes to other officers that he now works at "radio" and is not supporting them out on the street.

One officer, Darrell "Bill" Shaw (#28923), was originally going to be transferred after complaining that the Employee Information System (EIS) and Use of Force analysis were unfair. According to PPA Vice President Daryl Turner, Sizer "had to retreat from [that] decision immediately!" (Rap Sheet, May&June 2008).

Shaw shot and killed a homeless man, Vernon Allen in May, 2005--PPR #36

The PPA has filed a grievance both about the use of the EIS for disciplinary purposes (though Sizer contends it's closer to a performance review system) and the new Use of Force Policy restricting officers to the "least force necessary" (PPR #44).



As for Leonard, he got his shorts in a bunch when he found out the Portland Police were not going to enforce his ban on duct tape at the Rose Festival (see PPR #43). He went off about the Bureau and its "lack of capacity to operate outside the scope of its own interests" (Oregonian, June 5). Too bad for him that

In addition to his rocky relationship with Sizer, Leonard publicly dressed down consultant Eileen Luna-Firebaugh because he disagreed with her assessment of Portland's civilian police review board (PPR #44).

the rule he designed called for enforcement by the Bureau of Developmental Services... which Leonard oversees! (Portland Tribune, June 12). He took the opportunity to also criticize the officers who, last fall, went to neighborhood association meetings to badmouth Council's decision to suspend the Drug-Free and Prostitution-Free Zones (DFZs/PFZs, PPR #43), saying that he considered such public opposition to Council policy "insubordination."

Sizer and Leonard met for coffee to patch things up after that (Oregonian editorial, June 5). But then in July, after Adams told Leonard to "study up" on police, Leonard created a public safety review committee, to which he invited the Bureau of Emergency Communications, a former county juvenile justice program worker, the director of the Human Rights Commission, PPA President Robert King and Commander Mike Reese of the Commanding officers' union—but not Sizer. This led to Leonard apologizing again (Oregonian, July 22).

Neither Sizer's inclination to make decisions without public and employee input nor Leonard's hasty judgments (not to mention his support for "Project 57," the constitutionally questionable successor to the DFZs) bode well for the future. ■

## OREGON APPEALS COURT PROTECTS AGAINST UNREASONABLE SEARCH AND SEIZURE

In *State of Oregon v. Vondehn*, and *State of Oregon v. Ayles*, the Oregon Court of Appeals reversed lower courts' refusals to suppress evidence (a) that was the result of unlawful questioning by police, and (b) that was obtained after police improperly retained an identification card.

In *Vondehn* the Appeals Court upheld the protection against illegal interrogation by suppressing evidence from a police search of a backpack found in the trunk of a car after a Washington County traffic stop. Von dehn was a passenger in the car. After initial questioning, Von dehn was arrested on an outstanding arrest warrant, unrelated to the traffic stop. After he was placed under arrest, handcuffed and put in the back seat of a police car, the police asked for his consent to search a backpack, then found marijuana. The police then read the Miranda warnings.

The Oregon Court of Appeals held that the pre-Miranda interrogation of Vondehn was unlawful and that police questioning and subsequent search were a continuation of the illegal interrogation, since nothing about the initial arrest tied him to the backpack (Associated Press, April 30).

In *Ayles*, another car-passenger case, police questioned the defendant after a routine traffic stop. After requesting Ayles to hand over his identification card, an Oregon state trooper questioned the suspect while retaining the card in the patrol car.

The Court of Appeals ruled that the "taking and retaining of defendant's identification amounted to an unlawful seizure." Under the Oregon Constitution, an officer may lawfully "seize" someone if there is reasonable suspicion of criminal activity or there is an immediate threat to officer safety. In this instance, the officer testified that neither circumstance was present (Oregon Judicial Department Appellate Court Opinions, June 25).

## Legal Brief

## COP FROM KENDRA JAMES INCIDENT PROMOTED AND DEMOTED

Officer Rick Bean (#39770), who first approached unarmed African American motorist Kendra James in May, 2003 before she was shot by Officer Scott McCollister (PPR #30), was recently promoted to Sergeant but demoted almost immediately for acting in the way Kendra James allegedly did. Luckily for Bean, he was not shot when he eluded a Clackamas

Involvement in deadly force incidents seems to help officers' careers. In May, the Rap Sheet reported that Jeffrey Bell, who shot both José Santos Mejía Poot (PPR #24) and Eddie Homsombath (PPR #31) was promoted to Sergeant, and Officer Ken Reynolds, the third officer in the Kendra James incident, was promoted to Detective.

County Sheriff's Deputy who apparently wanted to pull the off-duty Bean over for speeding. In fact, Bean isn't being investigated for criminal misconduct, though it was the Clackamas Sheriff's office who filed the internal affairs complaint in Portland leading to his

demotion (Oregonian, May 7 and June 7).



## No Change in Racial Profiling Statistics (continued from p. 1)

time, local activist group Oregon Action and its allies in the Community Campaign to End Racial Profiling turned in hundreds of signatures demanding change, with OA Executive Director/RPC co-chair JoAnn Bowman threatening to sue the city if no progress is made soon (*Portland Mercury*, June 19).

The new statistics look almost identical to previous years: Even though African Americans represent roughly 7% of Portland's population, they make up 14% of those who are stopped in cars, and a whopping 24% of those stopped on foot or on bicycle. They also make up 21-30% of those searched even though the percentage of times something is found when African Americans are searched isn't significantly different from the average (24% nothing found in cars vs. average 25%, 35% of pedestrians vs. average 37%). Latinos are less likely to have contraband than other drivers with 31% of searches turning up nothing, with Asian Americans the least likely pedestrians to have anything illegal, at 48%. About 50% of African American, Native American and Latino pedestrians are searched while only 39% of Caucasians are searched; in cars it's about 25% for the same people of color, while "whites" are only searched 13% of the time.

When the RPC held its retreat in mid-June, at first it was to be closed to the press and the public, but after an inquiry from the *Portland Mercury's* attorney, the meeting was opened up (*Mercury*, June 5). After hours of trust exercises, documentary screenings, and brainstorming, the group voted to work on: (1) the "hit race"—or how frequently people who are stopped and searched actually produce contraband; (2) creating more arenas for officers and citizens to speak with one another; and (3) creating a culture of professionalism and respect in the Bureau (though the facilitator, Kristin Lensen, keeps insisting on referring to it as "customer service," we pointed out that most people stopped by police are not "customers" who called for their help). We raised concerns that Chief Sizer's plans to end racial profiling, which were outlined verbally but not in writing earlier this year, will get lost in the shuffle along with the analysis of all the statistics.

Portland Copwatch offered up a list of what other data to collect, based on input to the RPC from members of the Oregon state data collection committee and the PPA's report. We were told by Chief Sizer that due to technology issues, changes can't be made for several years.

The PPA is demanding that their report be implemented in whole. In their June newsletter, the *Rap Sheet*, editor/Detective Peter Simpson said that the data should never have been released and no dialogue should occur until their recommendations are made in full. We want to remind Simpson that their expert, Dr. Brian Withrow, called for data to be examined down to the individual officer level. We can support that idea.

Det. Robert King, the PPA President, has not returned to the committee since the report was presented. He refers to the RPC as the "Race Profiling Committee" in both the May and July *Rap Sheets*. This is part of their strategy to make it sound as though those who

question the out-of-balance data are calling the officers racist, rather than questioning whether the cause of the discrepancy is some kind of unconscious bias. King repeats the mantra that the police stop more African American drivers at night (9% vs. 17%), so the opposite of racial profiling is happening: "We cannot know the race, we just cannot know that." However, he would be hard pressed to

explain why 24% of pedestrian and bicycle stops are of African Americans, and only 63% of such stops are of Caucasians in a city that is 77% white. Is he going to say that due to Portland's overcast weather, officers can't see the race of pedestrians and bicyclists?

King argues that all of the controversy has led officers to make fewer traffic stops—12,000 less in 2007 than 2006. But with the percentages of people of color stopped not changing, his argument does not advance the dialogue. Somehow, the work of the Committee has to break through and change his view: "We are not the problem, in fact in Portland neighborhoods we are a solution every time someone calls 911. It's time for people to stop blaming us for just doing our jobs."

The RPC's future is in question, with Mayor Potter leaving office in January and the Office of Human Relations (OHR), now headed by former Latino Network Director Maria Lisa Johnson, overseeing the RPC and the about-to-be-formed Human Rights Commission (HRC). The previous incarnation of the HRC was dissolved in 1997 after it had promoted a stronger police review board and opposed police spying, when Commissioners questioned the "role of advocacy in government" (PPR #11). The new OHR and HRC barely squeaked through budget cuts due to political grandstanding by Council members. ■

AFRICAN AMERICANS MAKE UP 7% OF PORTLAND'S POPULATION, BUT...				
	2004	2005	2006	2007
Traffic stops	13%	13%	14%	14%
Pedestrian stops	n/a	n/a	24%	24%
Searches	22%	24%	22%	22%
Use of force	---aggregate 2004-06: 29%---			
Project 57 ("repeat offender list")	--April 08 figures: 52%---			
Drug Free Zone (ended 9/07)	--Sept 06-Jul 07: 52%---			

Sources: City of Portland stop data, PPB/IPR Use of Force Report April 2007, Portland Mercury 4/24/08, Campbell Delong Drug Free Zone report

## Jail numbers skewed by race

Sheriff's study shows blacks jailed longer, punished more often

By NICK BUDNICK  
The Tribune

Year after year, studies in Portland and elsewhere have shown African-Americans more likely to find themselves in handcuffs.

Now comes a study that shows once they are arrested and placed inside Multnomah County jails, black inmates tend to be kept there longer and also are more likely to get punished with time in special disciplinary cells.

Released this week by Multnomah County Sheriff Bernie Gustafson, the study echoes to some degree the statistics already compiled by the Portland Police Bureau.

The police bureau's findings have shown that in Portland, mi-



Sheriff Bernie Gustafson's office released a study last week that shows a disparity in county jail stays among black and white inmates that parallels previous findings by the Portland Police Bureau. TRIBUNE FILE PHOTO: JIM GILM

multies and especially blacks are stopped and arrested far more frequently than their white counterparts.

The sheriff's study, however, takes a look at what happens next, with a statistical snapshot

of the years 2006 and 2007. In the study, it found that once defendants are in the jails, the length of minority representation keeps growing for black inmates. Christine Kirk, a

Portland Tribune, May 29

### OTHER INFORMATION ON RACIAL PROFILING:

—In May, a study of Multnomah County jails showed that African Americans make up 27% of the jail population, compared to 7% of the general population, and that they stay an average of 30 days on a felony charge compared to white inmates who stay only 24 days (*Portland Tribune*, May 29).

—A study by Human Rights Watch found that black men are 11.8 times more likely to end up in prison for drug charges, though most drug offenders are white (Reuters, May 6).

—The Portland Citizen Review Committee's Bias Based Policing work group has looked at 60 sample cases including those alleging bias of race, gender, or other basis and "control cases" in which (a) the basic complaints were the same from white people to see whether cases are handled differently or (b) African American drivers complained but did not allege bias. They intend to put out an interim report later this year.

—The LAPD dismissed all 320 complaints they received in 2007 of racial profiling, the sixth year in a row with no cases sustained (*LA Times*, April 30).

—The New York Civil Liberties Union filed a lawsuit against the NY Police Department, saying they stop and frisk minority residents at disproportionate rates: About 50% of those stopped from 2004-2007 were African American (27% of the population) and 30% were Latino (census does not show % of population), while only about 10% were white (44% of the population). 90% of the time the police do not issue tickets or make arrests. The case hinges on a black *New York Post* reporter who was stopped and arrested, though his charges were later dropped (*New York Law Journal*, May 8).

—A study of shootings by the NYPD prior to when they stopped counting the race of citizens shot (though they report the breed of dogs shot) showed that until 1998, 90% of people shot at were black or Latino (NYCLU, May 5).

## NEWS You Can't Prove It

Racial Profiling Committee Hits Stalemate by Matt Davis

THE MAYOR'S RACIAL committee seems to be reaching after the police union hired a consultant who says there's no engaging in the practice.

There has been much talk such as whether racial profiling has little action on what to do the committee was origins January 2007.

The committee was origin to evaluate traffic and pedestrian data; to recommend policy eliminating racial profiling; the implementation of policy decisions; to facilitate a dialogue and the community; and



BRIAN WITHROW Profiling? What racial profiling?

Dr. Brian Withrow, who says there is no racial profiling in Portland, in the April 24 *Mercury*

# THERE'S A NEW SHERIFF IN TOWN: It's Bye, Bye Bernie! As Skipper Takes the Wheel

## Giusto claims rules don't apply to him; panel finds they do

**Ethics** | State regulators reject the sheriff's logic, saying a personal trip violated the law

BY ARTHUR OREGO SULZBERGER  
THE OREGONIAN

The Multnomah County Sheriff's Office rulebook is 250 pages of strict guidelines aimed at keeping staff conduct in line with laws, regulations and ethical standards. Every employee gets a copy, and they must know and follow its contents.



Giusto Says county SUV was his to use

That, at least, is what the agency manual says. But Sheriff Bernie Giusto declared Friday that he was above the rules as he unsuccessfully fought a charge that he violated state ethics laws by using his county-issued sport utility vehicle for a personal trip to Seattle. Just because it doesn't mean he Giusto told members Government Eth

Oregonian, June 21

On July 17, Multnomah County Sheriff Bernie Giusto stepped down, and former Sheriff Bob Skipper was sworn in as sheriff. Thus ended the stormy saga of Giusto's reign which began when he was elected to the position in 2002. He was re-elected in 2006 with just 60% of the vote. We previously reported on the issues concerning Giusto, his public and professional life, the activities of some of his deputies and jail personnel, as well as problems with the jail system (PPRs #39-44). Giusto had been resisting attempts to force his resignation and he fought to keep his police badge. He and his lawyer met with Assistant Portland Police Chief Brian Martinek, Skipper, and a member of the Police Policy Committee, who questioned why Giusto was dragging out the issue which was not in anyone's interest. After that meeting, Giusto voluntarily signed an order giving up his police certification (*Oregonian*, July 9). Skipper, who was with the Sheriff's office for 34 years and sheriff from 1989-1994, plans to be on the ballot this November for the final two years of Giusto's term.

A committee of the Department of Public Safety Standards and Training had voted to strip Giusto of his badge and the full board was expected to adopt that recommendation. This issue involved Giusto's lying to his State Police supervisor about having an affair with the wife of Governor Neil

Goldschmidt while assigned to the Governor's security detail and as his driver (*Oregonian* May 14). In addition,

the Oregon Government Ethics Commission recommended a finding against Giusto for using a county owned SUV on a weekend in September 2006 to take his girlfriend and her daughter to Seattle (*Oregonian*, June 13). In a stunning response, Giusto told members of the Commission that because of his position, he can ignore a policy that is not to his liking: "The policy is either in effect because I say it is or not in effect because I say it's not, because I am the sheriff." He acknowledged he had violated the policy restricting the use of personal travel in county vehicles, but stated that no one was following it anyway. Not surprisingly, the Commission did not agree with Giusto's premise and voted that he had violated the law (*Oregonian*, June 21).

In June, Multnomah County paid a woman \$40,000 who had sought damages for an incident while she was an inmate at the Justice Center, when another inmate snuck into her cell and had sex with her (PPR #39). The woman had been in a special unit because of a mental illness and while she initially indicated the sex was consensual, state law provides that consent is not possible if an individual is mentally incapacitated (*Oregonian*, June 20). In a separate incident, Portland Copwatch wrote to District Attorney Michael Schrunk, requesting that he seek an indictment against Correctional Officer David Thompson, but the DA refused to do so. Thompson had bragged on line about how he beat an inmate and broke his eye socket (PPR #43). DA Schrunk responded that he would not seek an indictment because Thompson exaggerated—the inmate's eye socket wasn't broken, but his "eyeball was only bruised and swollen." A well reasoned legal opinion indeed! ■



## Steady hand taking sheriff's helm

Former Multnomah County Sheriff Bob Skipper agrees to step in when Bernie Giusto retires

BY ARTHUR OREGO SULZBERGER

he sought that one be accepted because, he said, he can help repair the damage to one of the state's largest and most respected public safety organizations. That wasn't all, Skipper said, he agreed to take over the agency in the middle event that Sheriff Steve Clousey died or resigned. That

they're really actually asked to step in, "I was honored, almost shocked, but I thought, 'Well, it's a big responsibility. It was a really big step up for me.'"

Oregonian, June 4

# Quick Flashes

## LAWSUITS INCLUDE FORMER COP REFUSING TO TURN BLIND EYE TO MISCONDUCT, TEACHER ACCUSED OF PROSTITUTION FAMILY OF LAKE OSWEGO WOMAN WITH ALZHEIMERS WINS \$900K FOR ROUGH TREATMENT

Two lawsuits recently filed against the Portland Police Bureau continue to expand the boundaries of public perception of misconduct. In one, former Officer Lindsay Hunt, who quit after four days (detailed in PPR #43 by anonymous cop "John Brogan" in "Rapping Back"), accused Officer Quincy Ho (#37608) of NE Precinct of roughing up a man unnecessarily, ordering her to destroy evidence, taking free goods from convenience stores (see below), and saying "We're the fucking police. Nobody cares. It's fine. These scrote-bags don't care" (*Mercury Blog*, May 22). Hunt is seeking \$100,000 in damages and \$750,000 for violation of the whistleblower clause, among other things.

In another suit, Ann Selby, an adjunct writing professor from Portland Community College, seeks \$100,000 for an incident in which she says officers accused her of being a prostitute, allegedly fabricating evidence to support the accusation, as Selby waited for a bus on SE 82nd Avenue. When Selby showed the officers a receipt for a business transaction she'd just completed, Officer Lacey Sparling (#37631) took it from her. Selby grabbed it back and Sparling dropped her note pad, arresting Selby for harassment. The charges were dropped (*Oregonian*, May 15).

In Lake Oswego, a jury awarded \$900,000 to the family of 80 year old Elvera Stephan, who suffered from Alzheimers. Officers wrestled Stephan to the floor and cuffed her, bruising her wrists. Oddly, the suit was targeted at the nursing home and not at the officers. In April, 2006, Stephan had recently been transferred to a new home and was agitated, wandering the halls barefoot, in a state the caretakers called "dangerously aggressive" so they called the police. Stephan died in early May, 2008 (*Oregonian*, May 13).

## COPS END FREE RIDE ON SODAS AT CONVENIENCE STORE

As a result of Lindsay Hunt's lawsuit, an agreement dating back to Chief Charles Moose (1993-1998) which allowed officers to get free soda pops at a 7-Eleven store on NE Weidler St was suspended, and officers were reminded that they are not allowed to accept gratuities. Moose originally set up the deal to draw police to the store and discourage prostitution and other crimes allegedly happening in the area. The store's owner denied doing anything unusual, claiming he gives out free sodas to anyone who asks (!). Interestingly, the mother of Officer Ho, the man at the center of the investigation that led Assistant Chief Bret Smith to end the policy, owns a 7-Eleven store in SE Portland (*Oregonian*, May 29).

## ONE PERVERT COP FORCED TO PAY \$5000, ANOTHER DRAWS SUIT FOR UNDERWEAR STUNT

In a decision we believe is unprecedented in Portland, a settlement between the woman who was sexually harassed by Officer Matthew Kohnke in a homeless encampment, actions which led to Kohnke's resignation and pleading guilty to official misconduct (PPR #44), forced Kohnke to pay \$5000 out of his own pocket to supplement \$25,000 paid out by the City. The woman, Linda Wickerham, said Kohnke "reached down her pants and ordered her to lift up her shirt and bra, saying he wanted to search for drugs and weapons" (*Oregonian*, June 25).

Along the same lines, a woman known only as "B.W." filed a lawsuit seeking \$300,000 in damages because Officer John Wood asked her to "lift her skirt and show him her underwear" at a traffic stop (PPR #40). B.W. says the City is negligent because Wood had previously been accused of similar activity a year before her incident occurred in July, 2006 (*Oregonian*, June 27). Like Kohnke, Wood also pleaded guilty to official misconduct and resigned.

**METRO**

NEWS FROM THE PORTLAND AREA AND THE NORTHWEST

## No more free soda for police

**7-Eleven** | Some say an informal agreement allowed police to have free drinks at a convenience store.

**NO MORE SODAS** | Seven cops were helping themselves to five pop, coffee and Slurpees at a 7-Eleven store in Northeast Portland on Monday. The cops were told that an informal agreement that dated back from then a decade to former Police Chief Charles Moose, an informal police inquiry found.

Superiors stopped the practice after a routine officer complaint last summer. "We can't have any perception of accepting gratuities, but the public doesn't have, whether or not we're doing something wrong."

Smith was Northeast Precinct commander when he was a lead names last time to all precinct officers and met with them on call. He said then they must follow the Portland Police Bureau's rules that restrict police from accepting any gratuities of "merchandise, beverages or any other thing of value."

The 7-Eleven arrangement became public last week in an internal audit by former Officer Lindsay Hunt against the city, claiming that her field training off-

cer Quincy Ho and numerous other Northeast Precinct officers received the same convenience store, a 24-hour 7-Eleven at 310 N.E. Weidler St, and took goods without paying for them on several nights. Ho, according to Hunt, also encouraged her to take whatever she wanted, telling her, "No one cares."

Oregonian, May 29



# RAPPING BACK

## Copwatch analyzes the police 'union' newsletter

—continued—

### USE OF FORCE POLICY (continued from back page)

because "Nobody counts bullets in life and death situations... Keep firing until you are damn sure it is safe to stop." He claims studies show that most shots miss, even at a 6 foot distance. How reassuring. Sowell also is astounded because he sees no moral difference between one bullet and dozens. The next time a civilian pumps his victim with 50 bullets, see what the right wing commentators have to say.

Sowell then uses quotation marks to emphasize his opinion that it's ignorant to assume officers being "trained" or operating under better "rules" can solve the problem.

**Language Games #2—Imagining Future Blame:** At a Crime Victims United news conference on the alleged lack of accountability for criminal youth in the Multnomah County Juvenile Justice System, Sgt. Mitch Copp, Vice President of the PPA, stated that no officer wants to be "forced to use lethal force against a juvenile," warning that might happen if offenders keep getting back out on the streets. Someday someone will be killed, says Copp, and "blood will be on the hands of Juvenile Services and County Commissioners" (Rap Sheet, June 2008).

### It Sounds Like a Broken Record... Scratched CD... Corrupted MP3 File? Around Here

For fear of boring our readers with the same repetitive complaints the Portland Police have been churning out in the Rap Sheet for the last year or more, we'll give you some new highlights and then use a score card to show numerous appearances of the same old song.

In the June issue, Officer Thomas Brennan took a slightly new tack by imagining himself as Chief for 30 days. He says that there's currently a "chasm" between Chief Sizer and the officers, and nothing can remedy it. He accuses the current administration of imposing solutions "in search of problems (use of force, promotional process, etc.)" while they do nothing about court appearances, sleep deprivation, morale, or staffing.

Brennan outlines his ideas for fixing these problems, including recruiting more from local military bases, in part because that "will attract more minority candidates." He notes there should be more treatment with compassion, dignity and respect—referring to how management treats officers, not how officers treat the public. (Interestingly he illustrates this point with a quote from Maya Angelou: "People will never forget how you made them feel." So true, Officer Brennan.) Examples of disrespect include the Use of Force and Performance Review boards, being transferred or passed over for

promotions, being ticketed by "crazed lawyers" (a civilian gave an officer a citation for parking a patrol car illegally while getting lunch), and being "castigated" by the Mayor on a weekly basis.

He suggests that the police should ask the Mayor and the community what they want, since they "Hammer us with countless levels of accountability." Do they want police to wait for backup to lower the amount of force needed, he asks, or arrest "evil doers" before they hurt the public? If so, your tally in the Employee Information System (EIS) goes up, a system Brennan calls "Paralysis by analysis."

Brennan, who apparently shot and killed someone while working for a different agency on January 15, 2000, notes that officers do not take Use of Deadly Force lightly. He complains that only those who sit in comfortable offices "dare to criticize/second guess the split second decisions that have to be made to protect the lives of others."

Interestingly, he also notes that the PPB leads its officers to believe that the "Feds" are waiting in the wings to impose a consent decree on the City.

So, here's a laundry list of such issues raised in the Rap Sheet (by no means comprehensive):

—City government unsupportive/"anti-police": (Editorial endorsed by King, Copp, Froesch and Simpson, written by anonymous officer/June\*1; Capt. Harvey/May; VP Turner/June\*2; Officers Mike Stradley/June\*3 & Jason Jones/August)

—Media is biased against police (Capt. Harvey/May; Stradley/June—calls media "anti-police and anti-authority", Det. Peter Simpson/May\*4)

—Use of force policy is too restrictive (Editorial/June, Turner/June&August)

—Salaries too low (Harvey/May; Stradley/June; King/July; Simpson/August; Officer John Grable/August)

—Staffing levels are too low (Turner/June, King/July\*5)

\*1-As an example of the "cognitive dissonance" displayed by the City and the Bureau, the editorial says that

### Sad but true: Portland no longer place to start police career

by Officer Michael Stradley  
Tri-Met Division

Let me start out with a few clear statements: I love my job as a Portland Police Officer. I am a committed public servant to the citizens of Portland. I will continue to "Serve and Protect" with energy, enthusiasm, integrity and a positive attitude to the best of my ability until the conclusion of my career. I am proud and humbled to have worked for the past 22 years with some of the finest public servants in the country. For years I've told those interested in law enforcement careers, "Portland is the place to work! Take the test and come work with us." But



**Great police force degraded**  
Back in the 1970-80's, the competition to become a Portland police officer was fierce. Portland was looked upon by many small town cops such as myself as the "7" Team. Many of us considered it well worth the risk to get hired. About 1400 people took the test with me in 1986. Now no one wants to be a Portland cop. Whose fault do you suppose that is? The same people who changed the disability and retirement systems, allowed wages to fall behind and lowered the hiring standards are hyper-critical about everything and arrogantly manage to be below the word of convicted felons than that of professional police officers. I hear people are even offered money to sign up.

Sergeants tell officers to "enforce order maintenance crimes while the Mayor allows a few hundred people to illegally block a sidewalk in front of his office."

Mitch Copp also wrote a letter to the Oregonian (May 31) defending the PPA's negativity by blaming the "failure of Police Bureau managers and [Mayor Potter] to support and appreciate the line officers under their command."

\*2-Turner adds that community leaders point the finger at police, including the "lion's share" of blame for the state's "failed mental health system."

\*3-Stradley claims "Management constantly listens and jumps for those yelling the loudest instead of those who make sense." He quotes a letter from retired officer Harry Swofford who says higher-ups are "hypercritical about everything and more apt to believe the word of convicted felons than that of professional police officers." Swofford adds that he sees a "Great police bureau being dismantled by anarchists." The theme of Stradley's article: he no longer tells people to start their police career in Portland.

\*4-Simpson says an Oregonian article on police use of resisting arrest charges (PPR #44) "paints a picture that officers routinely trump up charges to cover our asses," calling the article "a very slanted piece of garbage."

\*5-King's comments, from a presentation he gave to the Citizens Crime Commission (CCC), included most of these talking points. The CCC subsequently lobbied City Council, which reinstated money for a training facility, new police computers, and 26 new officers.

This complaining makes no sense when you consider that the PPA got everything it wanted in its 2006 contract with the city, which expires in 2010—a process that has taken well over a year in the past sailed through last time.

Countering all this is the lonely voice of Sgt. Liani Reyna (#28925). You may recall Reyna was disciplined several years ago after blowing the whistle on sexual hazing activities in the SERT team (PPR #26). (conclusion on p. 11)

The Portland Police Association • Maintaining the

### The bullet counters

by Thomas Sowell

"Killing an Unarmed Man." That is how the front-page headline in the New York Times characterized an incident in which a man tried to run over a policeman with his car and was shot by three policemen on the scene, including his intended victim.



An automobile is a deadly weapon. If you are killed by an automobile, you are just as dead as if you had been shot through the heart.

A phrase like "an unarmed man" makes a talking point—as if matters of life and death

is very easy for a pistol shot to miss, even in the safety and calm of a firing range, much less in a desperate situation where a decision must be made in a split second that can cost you your life or end someone else's life.

The Portland Police Association • Maintaining the light since 1942

### If I were Chief for 30 days

by Officer Thomas J. Brennan  
Central Precinct

Well, it has been a couple of months since I last put pen to paper to write an article for the Rap Sheet. I originally planned on writing a tongue-in-cheek article about "Life in the penalty box," but over the course of the last few months much has happened around the Bureau, and I did not want to waste the space in the Rap Sheet with such a trivial article. Unfortunately since my last writing, gas prices have continued to go up, while neither the Bureau has continued to go down. The chasm between the Chief's Office and the officers on the street continues to widen, yet it appears little is being done to remedy the situation. Costless solutions are being offered in search of problems (use of force, promotional process, etc.), yet few solutions are being offered for the problems we are facing on a daily basis (court system, sleep deprivation, morale, staffing, etc.). That being said, the idea for this article came to me recently while driving around the mean streets of downtown Portland, making a com-

1. Explore instituting a "stop" style retirement system, that helps retired officers help to work for us, instead of leaving them to the Port of Portland, Medicare and other local agencies. Creditting current officers with 15-20 hours vacation leave for every officer they recruit that makes it through production.
2. Offer more incentives to attract lateral officers to the Bureau, so they will be able to be more productive in a quicker period of time, which is what is desperately needed.
3. Do a much better job of recruiting at local (Gresham, Tualuma, Clatskanie, and Forest) military bases. With my current job in the Navy, I have been at many career fairs and local military installations (McChord AFB, Fort Lewis, NAS Whidbey Island, etc.) and have yet to see any public recruiting effort set forth by the Bureau. We are clearly missing the boat when it comes to military recruiting. In addition to obtaining more qualified candidates, recruiting military bases would also help locate and attract more desperately needed minority candidates to the Bureau, which will help combat some of the negative perceptions that certain segments of the community still hold of the Bureau. It is amazing that an agency that large has precincts where not a single African American officer is assigned to patrol.
4. Train ALL officers with compassion, dig-

Former IPR Director Shields Police from Public in New Office

Stevens, the Former IPR Director who now heads the OPS inside the Police Bureau, spoke at the May CRC meeting. Her new position has the potential to help coordinate various accountability mechanisms—the “Employee Information System,” risk management, UFRBs/PRBs, and policy issues. Director Stevens’ presentation made it clear that the Bureau still hasn’t defined what the OPS’ role will be.

Stevens announced that her office was not concerned about having public input because there are many other venues. She used an example of CRC members Loren Eriksson and Hank Miggins reviewing the changes to the Taser policy. We had no idea that the CRC was looking at the Taser policy, and such a policy proposal should have come forward to the whole CRC to discuss publicly. With the apparent demise of the Chief’s Forum and these ad hoc less-than-a-quorum meetings of the CRC, Director Stevens’ attitude that the OPS does not need to hear from the public rings hollow. What happened to “community policing”?

Also at the IPR:

—Presenting to the CRC in July, Joanne Fuller of the Multnomah County Mental Health Division did not use the word “police” until 20 minutes into her talk. After visits from Jarmer, Martinek and Stevens, this threatened to bring the CRC back to their pattern of hearing people who were not talking about police accountability issues. Eventually, Fuller did address the use of the Crisis Intervention Team and noted that after the José Mejía shooting in a psychiatric hospital in 2001 (PPR #24), the hospitals no longer call police for minor security issues. She also mentioned a new program which essentially allows officers to make a medical decision about a civilian’s mental health before they decide where to transport them, an issue which concerned CRC member Mark Johnson.

—Rob Milsenick, who took Marcella Red Thunder’s seat after her supposed excessive absences (PPR #40), missed 7 of 18 CRC meetings as of July. Adding to his rare presence in general meetings, Milesnick also has attended just one Work Group meeting, and his only other task—compiling the group’s “tracking list”—was exposed as incomplete at the July meeting when he admitted he lost the most updated copy of the list.

**BREAKING NEWS:**  
On August 20, Milesnick was named chair of the very pro-law enforcement Citizens Crime Commission.

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**RAPPING BACK**  
BROKEN RECORD OF POLICE WHINING  
—continued from p. 10—



Reyna has once again gained our respect by writing (in July’s *Rap Sheet*) that she is “dismayed” at how the PPA presents Portland, which discourages new recruits from starting their careers here. She urges the rank and file to look at the glass as half full: Compared to smaller towns, Portland has it pretty good. Despite the politics, which she says are the same all over, Portland officers are spoiled—they don’t have to do their own DUI or domestic violence investigations, get more vacation than average workers, and despite lower pay than some agencies, receive good benefits and health insurance. Recruits do not need 4-year degrees, and have a variety of specialty units they can join and promotional opportunities not open elsewhere in state.

“Golly, is that so bad,” Reyna asks, if the “hard chargers” are told to slow down to reduce complaints? Her one negative note: Accountability is based on who you know—“for the ‘chosen few’ forgiveness is easily obtained.”

*Language Games #3—Seeking the Worst:* Ken Chapman of Crime Victims United thanks the Police Association for taking part in a survey about juvenile justice. According to Chapman, “Police are the prime agents of change for delinquent youth.” He encourages the PPA to send information about “disturbing incidents” in the juvenile system (*Rap Sheet*, July 2008).

**Mixed Messages on Misconduct**

Officer Rob Blanck penned a piece in the July *Rap Sheet* called “Police Oversight Necessary?” He points to the incident where an attorney ticketed a cop as a sign that police have “Lost our trust to the citizens we serve.”

He then explains a complaint he received for traveling 30-35 in a school zone when allegedly not on official business. According to Blanck, computer records show 9-1-1 had been called by an “out of control mental patient” who didn’t want to cooperate with state workers. The workers got her into their van, but she escaped, so Blanck explained the 50,000 volts of his Taser to her—and she became cooperative. They affixed a mask to her (nice!) and took her to a state facility—through that school zone. Blanck claims the patient was thrashing around at the time, and he was threatening her again so he was not paying attention to his speed.

Blanck sees complaints as a waste of time; citizens are only upset the police haven’t developed a “pixy dust that makes people play nice.” He ends by taunting, “Hey critics, you say we’re hypocrites, we are such bores? Well we are hiring 100 a year, so come on in there’s room for one more!”

In August’s *Rap Sheet*, Officer John Grable touts his qualifications to be PPA President: He says he has no sustained complaints, “which means I have been very lucky, I’m good at my job...or an extremely accomplished liar.” With Robert King stepping down, this could be our future.

In June, Sgt. Cliff Bacigalupi similarly railed against an April *Oregonian* column. S. Renee Mitchell wrote about a man roughed up at gunpoint by police when they mistakenly thought he was a wanted felon, then arrested his wife and brother-in-law who yelled at them to stop. Bacigalupi calls the column “inflammatory,” but admits that police conduct is news if an officer’s action is “unlawful or unprofessional.” He also expects media coverage of actions that are “heroic, honest and ethical.”

Pushing back on Mitchell, Bacigalupi says cops react to actions of “calculated, violent, uncooperative people,” saying it is not honest to vilify the cop and make the suspect a victim. In his view, such articles create mistrust of police. Surprisingly, he says the article was a “disservice to people that may be actual victims of police misconduct.”

The Portland Police Association does not set policy. However, some PPA leadership and officers express negative attitudes toward citizens and civilian oversight in their newspaper. We worry these ideas may spread throughout Portland’s ranks.

The *Rap Sheet* is available from the Portland Police Association, 1313 NW 19th, Portland, OR 97209. The PPA’s website is <[www.ppvigil.org](http://www.ppvigil.org)>.

# RAPPING BACK

Portland Copwatch member Dan Handelman analyzes the Police "Union" newsletter, the "Rap Sheet."

## Twisted Words Link Topics With Lawmen's Totally Worthless Logic



### Language Games #1—The Name Game:

In the May *Rap Sheet*, editor Peter Simpson printed three articles referring to the Portland Police Association (PPA) as the "Police Union" (capitalized) even though the collective bargaining unit is not affiliated with a trade union, but rather connected to the National Association of Police Officers. The term appeared in articles by President Robert King (p. 1), Vice President Daryl Turner (p. 5), and retired Captain Harvey (p. 13), though we haven't seen it written that way since.

### Use of Force: PPA on New Portland Policy and Guest Opinions

Chief Rosie Sizer's new Use of Force policy calling for officers to use the "least amount of force necessary" upset the rank-and-file of the PPA. (However, as we wrote in *PPR #44*, by eliminating the "continuum of force," the ambiguous new rule actually makes it more likely that cops will use any amount of force they think

VP Daryl Turner's column in the June *Rap Sheet* explained officers' concerns about use of force incidents leading to supervisory talks. Use of force in mental health holds was originally included in their arrest data, but later removed (see p. 7). So, using force on those with mental illness doesn't count?

"necessary.") PPA Vice President Daryl Turner, writing in the May *Rap Sheet*, said that after a presentation by Bureau brass and the City Attorney, "I [and others] walked away... even more strongly opposed to the new policy."

### Let's Talk

by Officer Daryl Turner  
Central Precinct

## Use of Force and Central Precinct



Within the past few months there have been a chain of events leading up to the final version of Chief Sizer's new Use of Force policy being instituted. First of all, every member was required to attend PVO training. During the first hour of that training, either Assistant Chief Martinek or Assistant Chief Berg, along with one of the City Attorneys, detailed a draft of the new Use of Force policy going into lengthy detail as to why this policy would be better than the old policy. The City Attorney also delivered a long lesson on the history of use of force policies and standards dating back to the 1800's.

ing the 15th Floor's concerns regarding their percentage of use of force.

Now here's where things start to become unclear, at least to me. First of all, I want to say that the Command Staff and supervisors at Central Precinct did everything they could to accurately justify each officer's percentage of use of force through documentation from reports and eyewitness accounts. However, they were still instructed to conduct interviews of the targeted officers. After the interviews were started, it was brought to my attention that at the discretion of the Chief's Office these

Turner complains that figures showing the percentage of use of force per officer were sent to the precincts (see "Sizer's Sizeup," p. 7). Supervisors were required to talk to "targeted officers," but the Bureau did not consider this "counseling." No PPA representatives were called until the Association got wind of it and sent a memo to all the cops on the list.

Turner claims that 75% of the PPA opposes the new policy. They

hope to ensure officers don't end up as "sacrificial lambs for the city of Portland, cop haters, or, even worse, the American Civil Liberties Union... [which has] supported and represented cop killers during their long existence."

In another take on use of force, a column by Sgt. Dean Scoville of the Los Angeles Sheriff's Department considers how profanity can be used instead of physical violence (May *Rap Sheet*). Scoville scoffs at those who look down on swearing, saying profanity is the "sign of an unlimited vocabulary." Rather than use four letter words, some officers "enlighten their quarry with 50,000 volts via a Taser... and I say more AC power to them." (Doesn't the Taser run on DC current?).

Scoville claims that profanity mitigates use of force: If an officer shouts "Drop the f\*\*\*ing gun or I'll shoot," a suspect may believe that he will end up "having more than one orifice in [his] ass if VerboCop has to make good on his word."

Scoville does admit that profanity is not always good, and can precipitate force, noting that backing off can show an officer has control. However, he argues against police being as "gentile [sic] and polite as the cops in 'Demolition Man' [a movie where violence was outlawed], we'd get our asses kicked like 'em too. ... It would be great if cops used a G-rated vocabulary, [but] things would probably go to shit if they did."

Adding another twist to the mix is conservative African American columnist Thomas Sowell, who in the July *Rap Sheet* complains that headlines about Sean Bell, the black man shot 50 times by New York Police on the eve of his wedding, were biased. It was "spin" to say Bell was "unarmed" because he was driving a car (which Sowell calls a "deadly weapon"). He also objects to counting bullets, (continued on p. 10)

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