

# THE PEOPLE'S POLICE REPORT

#1 First quarter 1994 a publication of  
People Overseeing Police Study Group

City Council expected to vote on Mayor's plan for revising Civilian  
Review System: Wed., Jan. 5, 1994 at 9:30 AM. Details on pages 2-3.

## NATIONAL POLICE ACCOUNTABILITY WEEK FEB 27-MARCH 5, 1994

The week including March 3 (the day Rodney King was beaten by police in 1991) has been designated National Police Accountability Week. POPSG will be holding a SpeakOut and Concert for Police Accountability on Sunday afternoon, February 27, 1994 from 1-4 PM at the Clinton Street Theater, 2522 SE Clinton (Portland). If you are interested in organizing, speaking, or singing, call 236-3065 or leave a message with Copwatch at 321-5120.

We will also be participating in a national action, proposing legislation for a database to track all deaths caused by police or occurring in police custody, and all police shootings. The rationale for this action is a new awareness of "gypsy cops": Police with bad employment histories in one area who leave or get fired, then get hired in a new jurisdiction with a clean slate.

POPSG will be organizing these events in cooperation with the Chicago-based National Coalition On Police Accountability (N-COPA).

## NATIONAL CONFERENCE ON POLICE ACCOUNTABILITY HELD IN DALLAS; NEEDS, PROBLEMS UNIVERSAL

The National Coalition On Police Accountability held its third annual conference in Dallas, TX on November 19-21. Dan Handelman of POPSG attended to gather and share information with activists from all over the country. Parents and friends of those abused or killed by police were joined by "copwatchers," civil rights activists and civilian review board advocates from New Mexico, Mississippi, California, Wisconsin, Seattle, Chicago & Dallas.

The most moving testimony was made by a former prison guard from Mississippi who blew the whistle on abuses committed by her co-workers. She was turning a blind eye, saying "sorry," and mopping up wounds until the day she saw a prisoner give oral sex to a guard in exchange for a cigarette. It was too much for her. She found three co-workers who stepped forward with her. They soon found themselves out of jobs, harassed, and intimidated by other guards and police. At the conference, she shared how knowing so many people are out there struggling to do what is right gives her strength—an important message to anyone who feels frustrated in trying to confront police misconduct.

POPSG also learned that some review boards have the power to recommend a grand jury investigation in cases where they believe conduct was criminal. It should be noted that everybody presenting information at the conference, including a black Dallas police officer, was seeking

to create a more just society by nurturing a fair but effective check on police power. The members of N-COPA, including POPSG, understand the difficult role people have asked police to fulfill in society.

One other noteworthy item: Vecinos United, the citizens group in Albuquerque, used our proposal to help draft legislation which made it to committee in their state legislature. The bill empowers municipalities to create civilian review boards with independent investigators and subpoena powers. It has been tabled, but it is not dead.

For a list of other groups, you can contact us or write N-COPA, 333 Van Buren Ste. 1400, Chicago, IL 60606.

## COPWATCH COMPLETES ONE YEAR OF INTAKE

Portland Copwatch, the police conduct monitoring voice mailbox established by POPSG last December, has been receiving calls for a little over a year.

Because complaints were difficult to verify, we are simply going to report the nature of the complaints we received. We also received a few prank calls which we don't include here.

| TYPE OF COMPLAINT   | Portland P. B. | Other |
|---|----------------|-------|
| Excessive physical force                                  | 6              | 2     |
| Arrest(questionable circumstances)                        | 2              |       |
| Harassment/intimidation                                   | 9              | 1     |
| Rudeness  | 5              |       |
| Taken to detox (then turned away because not intoxicated) | 2              |       |
| Other   | 2              |       |
| Threats accompanying other complaint                      | 2 *            |       |
| <b>COMPLIMENTS TO POLICE</b>                              |                |       |
| Old Town Police (general)                                 | 2              |       |
| Day shift officers (Harris, Field Daley & Thompson)       | 1 *            |       |
| *--accompanied another type of complaint                  |                |       |
| Total separate incidents reported                         | 28             | 3     |

Copwatch monitoring is time consuming, yet crucial for people who feel they have been wronged. The Portland Police have expressed interest in the calls made to Copwatch. Our position is to allow complainants to decide whether to file an IID complaint, go to City Hall, pursue a lawsuit, go to the media, or any combination of the above. We do not turn information from the line over to anybody, except in the statistical form above, unless it is requested by the complainant. If you have good listening skills, write things down carefully, are good about followthrough, and want to help, please contact Copwatch. →

We hope to expand our Copwatch activities to include helping complainants through the processes of filing Internal Investigations complaints, appeals to PIIAC, or finding a lawyer. We are also preparing a hands-on Copwatch program which will take Copwatching to the streets sometime in early 1994. We will model these programs after Seattle's Mothers Against Police Harassment and Berkeley's Copwatch. If you are interested in training to be a Copwatcher, contact us right away and we'll let you know when the first training begins.

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### **PORTLAND PAYS THROUGH THE NOSE AGAIN IN '93 FOR IMPROPER POLICE ACTIONS**

According to the Risk Management Department, which handles lawsuits against the city and city employees, Portland paid out an average of \$130,000 per year in 1989-91 to resolve police misconduct charges. Using Risk Management figures, we calculate that the 1992 figure was around \$150,000. We know of over \$85,000 spent in 1993 on just five cases, which leads us to believe that the cases we don't know about will make this a record year for the 5 year period.

|   |                  |
|---|------------------|
| April 8, 1993: Robert Luxton, "Muffin Man"  | \$25,000         |
| Police mistook him for someone else, then used excessive force arresting him at a protest in Sept. 1991                       |                  |
| April 13, 1993: Herbert Jones   | \$22,500         |
| Police followed him to his home in Laurelhurst, came inside, handcuffed him in his living room, and maced him in the face.    |                  |
| June 8, 1993: Officer Dawn Urban  | \$25,000         |
| Other police harassed her after she turned in a fellow officer for falsifying reports about a sale of cocaine to an informer. |                  |
| July 30, 1993: Donald Hunter  | \$10,000         |
| Police treated him roughly and rudely when stopping him on a jaywalking offense.  |                  |
| October, 1993: Robert (no last name given)  | \$ 6,700         |
| Officers threatened to use physical violence at a stop for riding a bicycle on the sidewalk with no lights.                   |                  |
| <b>Total known paid 1993:</b>   | <b>\$ 89,200</b> |

While there will always be mistakes made, this level of expenditures to resolve cases of police misconduct is unacceptable. An effective route for citizens to challenge police policies and training problems would bring these figures down significantly, help create a better police force, and save the city a substantial amount of money.

**Justice for Shaw!**  
**Vigils in memory of Duane Anthony Shaw held every Saturday night, 8-10 PM, 97th & Glisan, where he was shot by Portland Police.**  
**Call 650-7007 for more information.**

## **POLICE SHOOTINGS DOWN BUT DISTURBING**

Police shootings were down from 14 incidents in 1992 to 6 incidents this year. One incident we count is not considered a shooting by police. It involved rubber "batons" which broke Johnny Sentano's arm in a botched drug raid on SE Liebe Street. The police claim that air-propelled weapons are not considered firearms. Of the six, we know that two incidents involved repeat shooters. Lewis Patrick Clark, a man reported to be suicidal, was shot in a Portland park after allegedly pulling a gun on police. Michael Barkley, one of the policemen who shot Marie Lyn Sandoz, the suicidal woman hit 22 times at the U.S. Bank Tower in Dec. 1990, also shot Clark.

Duane Anthony Shaw, 20, was shot while boxed in by police when stopped in traffic at 92nd and Glisan. He was allegedly backing up toward an officer when 13 shots were fired at him point blank, miraculously missing his 15 year old passenger. Nine bullets killed him. Dan Parks, one of the officers who shot Shaw, was involved in a similar incident in 1988 when he and another officer shot a suspect 4 times each with shotguns. That suspect allegedly tried to run over two officers with his car. (*Portland Police Firearms Discharge Report Jan. 1988-Feb. 1992*)

While police shootings are the most serious cases of possible police misuse of force, they are not automatically sent to Police Internal Investigations. Instead, they are given to the homicide division. Officers are put through a grand jury process and in nearly every case, cleared of criminal charges. We hope that police management, recognizing patterns in these shootings, is reviewing officer histories, bureau policies and training methods. As citizens, we want to feel safe when confronted by public safety officers.

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### **MAYOR'S PLAN NOT UP TO SPEED FOR EFFECTIVE CIVILIAN REVIEW BOARD**

On November 17, Mayor Vera Katz announced her long-awaited proposed revisions to Portland's Internal Investigations Auditing Committee (PIIAC). While City Council acts as PIIAC, eleven volunteer Citizen Advisors actually hear appeals made by complainants unsatisfied with the Internal Investigations process.

Unfortunately, PIIAC's Citizen Advisors only use information from the police in considering a complainant's case. POPSG presented a carefully researched plan to City Council in June 1993, when 30 other groups and individuals spoke in favor of a stronger review system.

Based on POPSG's plan (and a ten-point outline for effective civilian review which we have also endorsed), we created a comparison chart (next page) to help readers visualize inherent problems with the Mayor's proposal. **City Council is expected to vote on the Mayor's proposal Wednesday, January 5, 1994 at 9:30 AM. The address is 1220 SW 5th Ave. at Jefferson.**

## 10 Requirements for Effective Civilian Review

- (1) Complaints of police misconduct are investigated by independent (non-police affiliated) investigators, to insure the process is unbiased.
- (2) A civilian review board (with no police members) makes findings based on the outcome of the independent investigations.
- (3) Board members are appointed by City Council based upon recommendations from established community based organizations.
- (4) The Board reflects the community in ethnicity, gender, sexual orientation, and economic background.
- (5) Intake of complaints occurs outside the Police Bureau in locations easily accessible to all of the public.
- (6) The Board has the power to compel police testimony and the presentation of evidence in order to insure complete and thorough investigations of misconduct claims.
- (7) A system of unbiased mediation addresses misconduct complaints of a more minor nature. It respects the citizen's right to a fair hearing while reducing the number of full-scale investigations necessary.
- (8) The Board reviews misconduct claims as well as police general orders, police policies, and police training. Civilians are given the opportunity to address issues of their own concern.
- (9) The Board recommends discipline and makes public how each recommendation is handled by the command structure of the Police Bureau.
- (10) All aspects of the process — the investigations, the Board's findings, and the Police Bureau's responses — are part of the public record.

## The Mayor's Proposal

- (1) There is no independent investigation. The Police Bureau continues to investigate itself.
- (2) PIIAC (which is not prohibited from having law enforcement membership) makes findings based solely on a review of information supplied by the Police Internal Investigations Division.
- (3) Citizen Advisors are appointed by neighborhood coalitions, representing a narrow band of the community.
- (4) No standards insure that PIIAC reflects the community's diversity (language in PIIAC's charter suggests Council strive to pick advisors who reflect this diversity).
- (5) Intake is done in neighborhood coalition offices—an improvement over the current system but still insufficient.
- (6) PIIAC Citizen Advisors have no power to compel testimony or the presentation of evidence, except through City Council in "extraordinary circumstances."
- (7) A mediation process is established in which the police union participates in selecting, training, and evaluating mediators. If mediation fails because an officer refuses to cooperate, a citizen may not pursue an IID complaint.
- (8) PIIAC is expected to review cases, policy issues, and training. But the Advisory Committee is reduced from eleven members to seven and staffing only increased by one half-time position. Public hearings are recommended but what issues are appropriate for testimony is unclear.
- (9) PIIAC (City Council) recommends either to sustain an IID finding or to return a case for further investigation. One Citizen Advisor attends meetings of the Police Bureau's committee that decides on disciplinary measures.
- (10) Most aspects of the civilian review process remain inaccessible to the general public.

"The People's Police Report" is a quarterly publication of **People Overseeing Police Study Group (POPSG)**. **POPSG is a civilian group promoting police accountability through citizen action.**

For a copy of our "**Proposal for an Effective Civilian Review System**" with documentation and background (48 pages total), please send \$2.00 per copy to **POPSG, 2600 NE Martin Luther King, Jr. Blvd Box 106, Portland, OR, 97212**. For extra copies of this newsletter, send \$.50 per copy or a SASE to us at the above address. Letters and submissions welcome, as well as any additional donations toward our ongoing work.

Call us at **(503) 236-3065**, or report positive or negative experiences with the police over our **Copwatch informational line, (503) 321-5120**.

**Clip and fold this handy card into your wallet. Share it with others, memorize it, copy it, use it.** We plan to print it in other languages in future issues.

If you can help translate, please contact us. →

from filing a complaint with the Police (IID) to pursuing a lawsuit.

### HANDY NUMBERS:

Portland Copwatch 321-5120  
 Portland Police Internal Investigations (IID) 823-0236  
 Police Int'l Invstgn's Auditing Committee (PIIAC) 823-4024  
 Mayor Vera Katz 823-4120  
 Ombudsmans office 823-4125  
 Multnomah Defenders 226-3083  
 Metro Crisis hotline 223-6161  
 for more info: **People Overseeing Police Study Group (POPSG)**  
 2600 NE MLK Blvd Box 106, Portland OR 97212 236-3065

### YOUR RIGHTS AND THE POLICE

a quick reference guide for civilians in Portland, OR

**When you're stopped** Stay calm, keep your hands visible, be careful what you say. If you are not driving, you do not have to carry I.D. You do not have to identify yourself, but if you refuse, police may bring you in. You can't be arrested for not having I.D.

**If you are driving**, you must show your license, registration and proof of insurance. If you are suspected of drinking and refuse to take a breath test, your license can be suspended.

**RAPPING BACK:  
POPSG's Analysis of Information in  
the Police Union Monthly Newsletter,  
The Rap Sheet**

**COP UNION PRESIDENT & EDITOR  
PULL BONERS IN NEWSLETTER**

Roger Morse, head of the Portland Police Association (PPA, the officers' union), and Jeff Barker, the *Rap Sheet* editor, exhibit less than professional conduct in the October and November issues of their newspaper.

**Personal attacks:** In the October issue, Morse criticizes PIIAC Citizen Advisor Emily Simon for her efforts to see that a fair and complete investigation is done into the undercover police sweep of Laurelhurst Park in August 1992. Morse resorts to exaggerations and personal jabs, rather than simply stating the reasons for his concern. The following are excerpts from his article:

*Some citizen advisors...are once again messing with the system [PIIAC]...Ms. Emily Simon is the ring leader. ... Her shrill diatribe against the police is...now louder than ever from her perch on PIIAC... Ms. Simon, while jabbing her index finger in the air, rudely interrogates and interrupts witnesses... Ms. Simon's goal is nothing less than to gain total control of the PIIAC process.*

In the November *Rap Sheet*, Barker outdoes Morse:

*Simon has tried to hide her overbearing rudeness behind the mask of an activist's enthusiasm... At this meeting Simon appeared to have been leashed in and for most of the meeting she was well healed (sic).*

Observers of the meetings know that Emily Simon did not warrant this portrayal. What she did was to challenge the commander of Internal Investigations to explain why no meaningful investigation into misconduct complaints had been done nearly a year after the Laurelhurst Park incident.

**Promoting violence?:** In the same article, Barker also honored community activist Douglas Squirrel with a few personal attacks. Squirrel came forward to IID with a complaint of misconduct he witnessed at the Forest Conference (*or timber summit, depending on your political correctness*—Barker) when other demonstrators were being arrested for "malicious littering," i.e. dropping a cigarette butt. Unsatisfied with the Internal Investigations Division finding, Squirrel followed proper procedures and filed an appeal with PIIAC.

Barker reports on an incident he observed at a distance going on between Squirrel and a man carrying a cross at the demonstration. A verbal argument was escalating between the two. Here is Barker's description:

*Our brave leader of Portland's anarchists quickly scurried away in a rodent-like manner into the crowd to avoid having to face the man he had goaded into action.*

*From this action Squirrel did not even rise to the level of "coward." It was a clear case of good old fashioned chicken-shit!*

This analysis is particularly disturbing because the newspaper--written by police and circulated among most of our City's police officers--is advocating assault. How will the community ever learn to trust the police when the editor of their union newspaper uses his position to bait people into macho, old-west style brawls instead of advocating non-violent conflict resolution?

**Community policing?:** Often we at POPSOG are asked why there is a need for a civilian review board with sufficient power to compel police officer testimony. Don't the police cooperate with PIIAC voluntarily? At the end of his October article, Roger Morse gives officers this advice:

*The PPA...is advising its members to never testify before PIIAC, particularly in its present form.*

Clearly, a check on police authority in Portland is needed if the head of the union, in the era of "community policing," is advising officers not to cooperate with the citizen review process.

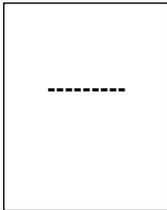
**If police want to search you,** they may pat you down to check for weapons. Make it clear you do not consent to any further search. If they say they have a search warrant, ask to see it. If they are searching your home or your car with "probable cause," make it clear you do not consent to a search.

**If you are arrested,** you do not have to answer any questions, other than identifying yourself. Don't offer excuses or explanations. Anything you say can be used against you. Just say, "I want to talk to a lawyer." If you don't have a lawyer, ask the police how to contact one.

**If you are Copwatching,** be sure to let officers know you don't intend to interfere with the arrest. This means staying ten feet or more away from the action and not trying to distract the officers or the arrestee's attention.

**If you are the victim of police misconduct,** be sure to get the names of all officers involved and supervisors names if possible. Get names and numbers of any witnesses to the action.

**If you are the victim of police misuse of force,** document injuries right away. You may wish to pursue any number of routes,



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