CHIEF MOOSE REJECTS CITY COUNCIL VOTE IN ANOTHER POLICE MISCONDUCT CASE

by Dan Handelman with Clayton Szczech

In September, Police Chief Moose overturned a recommendation made by a majority of City Council with regards to specific cases of police misconduct. This was the second time he took such an action in three months. (For background, see PPR #12.)

The most recent case, PIIAC case #96-18, involved off-duty Portland police officer Donald Speranza, who wrote a police report complaining about his neighbor’s unsupervised children making noise on a trampoline late one night. His report even contained a suggestion that the Oregon’s Child Services Division, which intervenes in child abuse cases, get involved. Portland’s Police Internal Investigations Auditing Committee (PIIAC) cited the Portland Police Bureau General Order at issue here, "misuse of position," pointing out that Speranza was using his position as an officer in a personal dispute. The City Council’s vote was 4 to 1 to sustain the complaint. The previous complaint (#96-22) involved a woman who suffered injuries after being dragged across a driveway by Portland Police and the much more serious category of "misuse of force." That Council vote, which was 3 to 2, was also overturned by Chief Moose.

Since City Council is the actual body of PIIAC, it is important to note that it was a majority of thirteen Citizen Advisors whose vote brought both cases to the full Council to begin with. This has only happened three times since PIIAC was created in 1982.

Shortly after hearing of the Chief’s decision in case #96-22, Copwatch asked Council to call for the City Auditor’s office to audit the entire PIIAC process. It is our understanding that the Auditor’s office will not be taking on this issue in the immediate future.

In the best circumstances, such an audit would be available to study all of the strengths and weaknesses of the current system before making any changes. However, it is apparent that something should be done right away, as now two members of the community have been denied justice. We recommend that city code be changed so that Council’s vote as PIIAC is binding, rather than advisory. Why would any citizen give their time to PIIAC if they felt their vote had no meaning?

To be realistic, it would be a favor for City Council to make the final decision in these cases. Chief Moose now has to weigh the options of ending up in arbitration with the Portland Police Association (PPA) by sustaining complaints, or alienating City Council and the public by rejecting their recommendations. By making Council’s vote binding, the pressure is off the Chief.
Once again, there is no question about the phrase “had no choice,” despite the fact that dozens of similar situations have concluded non-violently in recent years with the presence of Portland’s Crisis Intervention Team (CIT). Public Information Officer Cliff Madison told us that no CIT trained officers were present at the standoff. CIT officers are trained to deal with people who appear to be deranged or mentally challenged.

A Portland grand jury cleared the officers of wrongdoing, as usual. Apparently, though, this was the first shooting by the SERT team since 1991. Portland’s banner year for shootings, when SERT shot three people.

The Oregonian cites a study by the Harvard Medical School that “shows a rise in so-called ‘suicide by cop’... Experts blame it in part on glamorous Hollywood images of shooting deaths and an increasing public awareness that police will almost certainly shoot and kill anyone who fires at them.”

In the Portland Police Association newsletter, the Rap Sheet, editor Loren Christensen criticizes an Oregonian cartoon which ran shortly after the shooting. The cartoon shows a critically ill patient calling the Portland police to help put him out of his misery.

Christensen referred to the possible “antipolice agenda” of Jack Ohman, the cartoonist, and the Oregonian, questioning their sincerity in the full-page front stories they ran following the shooting death of Officer Thomas Jeffries.

Without really explaining how he means this information to be received, Christensen refers to the “suicide by cop” study cited by the Oregonian. Is the point of this study to condemn police action in fulfilling the wishes of suicidal civilians? If so, isn’t Ohman’s cartoon perfectly on target?

Rightly, Christensen points out that Portland now has specially trained CIT officers, a variety of “less-than-lethal weapons,” and that deadly force has “had to” be used in a remarkably low number of cases recently. True, fatal shootings by Portland Police have declined somewhat in the last few years.

But in the case of the despondent man in Southeast confronted by more than 60 officers, the CIT was not present. It is unknown whether the SERT team carries less-than-lethal weapons. So, Christensen’s claim that “officers have no choice but to use deadly force against an assailant who is deliberately trying to kill them and possibly innocent bystanders” rings hollow.

Gresham Police Kill Woman

The Thursday, September 11 Oregonian declared: “Gresham police kill woman after shooting in home.” Three Gresham Officers shot and killed a Southeast Portland woman after she “barged in to the house of her ex-boyfriend’s new girlfriend and tried to kill her.” Police said Judith Irene Hinch, 55, was killed “after firing at least one shot from a small caliber handgun at officers.”

Here is the spin put on this in the October Rap Sheet by Christensen: “Unfortunately, Gresham PD had to use deadly force last month.” He criticizes a mainstream radio news program for having a teaser “Gresham police officers kill woman!” He points out that the radio station’s purpose is a business which sells products via advertising. “They bend and twist the facts to be provocative.” But what does the statement say? Officers kill woman. What in that sentence is untrue?

Christensen goes on to say that a neighbor kid who heard the story on the radio got scared and looked at him with a wary eye. “Why do police kill women?” he said. He explains to the Rap Sheet audience that he expects this kind of reaction because parents probably tell their kids “don’t do anything bad or that policeman will get you.” “Parents are usually stupid and life is complicated for them, anyway,” he shrugs.

He goes on to say that the neighbor kid still seemed uncomfortable around him even after he explained why the police would have “no choice but to use deadly force.”

Perhaps through a child’s eyes it is clear that killing another living being is always a choice.

Police Dying in the Line of Duty: Most Dangerous Job?

On October 8, Sgt. Richard Schuening, an explosives expert with the Oregon State Police was laid to rest. He was trying to destroy illegal explosives in Eastern Oregon and was killed accidentally. Schuening’s funeral was reported on page one of the Metro section, unlike Officer Jeffries, who was killed by a criminal suspect and whose funeral was front page news.

Similarly, Officer Rick Masunari, who died of a heart attack shortly after attending Jeffries’ funeral, did not receive the same media treatment as a cop who was shot.

Christensen mentions the Bureau has lost 5 members in 15 months — one of whom was Sue Hill, who died in the explosion of TWA flight 800.

This is not meant to minimize the deaths of any human beings, but to draw attention to the fact that police often use the statistics of officers dying in the line of duty to justify the brutality rates and the need for increased firepower. However, looking carefully at the numbers, there are as many deaths by vehicular accidents as shootings.

A study published in the October Rap Sheet shows that the number of U.S. police who died in the line of duty went up 21% in the first 6 months of 1997. The 80 deaths this year include 34 shot (42.5%) plus 21 car accidents, 10 struck by vehicles, 4 motorcycle accidents and one plane crash. That’s 36 deaths involving vehicles. The other deaths included 3 illnesses, 3 knife wounds, 2 falls, one strangled, and one unknown.

But once again ignoring the plight of factory and construction workers, not to mention cab drivers (and high school teachers), the article states these figures are a “reminder that law enforcement is still the most dangerous profession in America today.”

For more on police shootings, see “Deadly Force Encounters” on p.10
POLITICALLY MOTIVATED PERSECUTION OF HEMP ACTIVISTS

Officers from the Portland Police Bureau’s “Marijuana Task Force” paid Diane Densmore an early morning visit on September 24th. Densmore, the director of Portland’s “Alternative Health Center”, was taken to the Center where police proceeded to break doors and seize cannabis and confidential patient records. Police say the bust stemmed from the sale of cannabis to several undercover agents who had no medical condition. The Center counters that the officers all had letters signed by doctors who were accessories to the investigation.

While the sudden crackdown on the clinic was covered several times in the local news media, they failed to point out a possible explanation for the timing of the raid. At that time, activists were finalizing petitions to get a pro-hemp initiative on the ballot in 1998, and to overturn legislation criminalizing possession of less than one ounce of marijuana. Both the police and DA’s office are ardently opposed to such legislation.

When Densmore was arraigned weeks later, the judge accepted a not guilty plea and ordered her released. Deputy District Attorney Thomas Smith-Cupani then added several new charges and kept Densmore in jail for over 7 days without medical attention (Densmore is seriously ill). A 48-hour vigil at the Courthouse organized by the Anti-Prohibition League and attended by over 100 people resulted in Densmore’s release.

For more information, contact the Anti-Prohibition League at 503-235-4524.

A September issue of PDXS featured a full length story on police harassment of the 1995, ’96 and ’97 Hemp Festivals in Portland.

GEORGE THE DOG: MOWED DOWN MID-WAG BY JOGGING OFF-DUTY COP

In September, off-duty Portland Police Officer John Hurlman shot and killed a 3-year old yellow labrador named George. Hurlman was jogging in a residential area in Hillsboro and pulled his .38 revolver from his fanny pack when, he claims, he believed the dog was going to attack him. The Sept. 24 Willamette Week (in which Officer Hurlman received “Rogue of the Week”) reports that witnesses say the dog seemed friendly. His owner says George expected to get a doggie treat from the fanny pack. “Instead, he got a bullet.”

In mid-December, a grand jury in Hillsboro indicted the officer on charges of first and second-degree animal abuse, second degree criminal mischief, and reckless endangerment of another person. According to a web site on the George case, Hurlman was then put on administrative leave by the Portland Police Bureau (PPB). In an Oregonian article anticipating the indictments, Hurlman’s lawyer tried to show his client was an animal lover. According to a web site on the George case, Hurlman was then put on administrative leave by the Portland Police Bureau (PPB). In an Oregonian article anticipating the indictments, Hurlman’s lawyer tried to show his client was an animal lover. According to a web site on the George case, Hurlman was then put on administrative leave by the Portland Police Bureau (PPB). In an Oregonian article anticipating the indictments, Hurlman’s lawyer tried to show his client was an animal lover.

For more info on Animal Legal Rights call Watchdog at 590-0292. Visit a web page devoted to George at www.arkonline.com/geo.htm

POLICE SHOOTING DOGS: MORE COMMON THAN YOU THINK

We also heard of two shootings by on-duty police officers in July and August. In one case, Portland Police responded to a neighbor’s call to Animal Control and shot a dog who had jumped from his home while his owner was not home. The police left a note on the owner’s door saying they had shot his dog and to call if she had any questions. In the other case, police were attempting to take two dogs away from homeless people, and when the male dog became protective of the female, police shot him.

COPWATCH EMERGENCY ACTION FLYER

To the right is a reproduction of an Emergency flyer produced by Copwatch following various police actions and related stories in September 1997. You will find stories expanded from the flyer on the pages listed in bold.

If you did not receive a flyer and would like one, please write to us:

Portland Copwatch
PO Box 42456
Portland, OR 97242
e-mail: copwatch@teleport.com

For more information on Portland Copwatch, call 278-1515.

For more info on Animal Legal Rights call Watchdog at 590-0292. Visit a web page devoted to George at www.arkonline.com/geo.htm

"PEOPLE’S POLICE REPORT #13" JANUARY 1998
THE GARVEY FILES: INTERNAL INVESTIGATION OF GAY COMMANDER TOO HOT TO HANDLE?

Portland Copwatch previously refrained from reporting on the very high-profile case of Capt. Mike Garvey of the Portland Police, an openly gay man who was accused of hiring prostitutes. But now the Internal Investigation done by Portland Police’s IAD has become a hot topic. From the members of PIiac, whose function is to audit Internal Affairs investigations, to the Oregonian, people asking for a peek at these files are being denied access.

Now, the Portland City Attorney’s office is being challenged by the District Attorney’s office. Oregonian reporter Dave Anderson asked the District Attorney, Michael Schrunk, to legally get a release of information on the Garvey case. The Oregonian wanted the files released, claiming that the records should not be exempt from public disclosure. The D.A. agreed, ordering the City to release the files.

City Attorney Jeff Rogers disagreed, claiming that because of a possible lawsuit by Garvey, it is not in the best interest that information regarding Garvey be released to the public.

Garvey was put on paid leave in June of 1996 when the allegations were filed against him. A grand jury refused to indict him and he returned to work, demoted from Commander to Captain.

After all of this, the City Council voted to file a lawsuit to block the order from the D.A. Council members are quoted as saying they just want a court to define which parts of an officer’s personnel record should be made public.

Garvey is claiming that harmful information has already been released by city officials and is considering a lawsuit against the City for damages.

The reluctance of the City Attorney to release the files to the media is of some concern. Of more concern is that when the City no longer feels the files are needed for legal purposes, PIiac must have access to all the information to determine if the investigation was fair, unbiased, and thorough.

ANOTHER PORTLAND COP CAUGHT DEALING POT

On October 29, Officer Steven Regalado was arrested for other things, trafficking marijuana. Portland residents may also remember that within the last two years, Officer Brad Benge, whose history included killing one civilian, was also brought up on marijuana charges. An article in the October 31 Oregonian relates part of Regalado’s prior personnel record: a 1994 incident in which he assaulted two men who had attacked him while he was off-duty. The Oregonian makes much of the fact that the Portland Police Association intervened to prevent Regalado from being fired for his actions at that time. Next to the article is a sidebar with a list of 11 officers with high-profile misconduct cases, noting that 6 were re-instated after being fired and a seventh is appealing his firing.

In addition to his high-profile case history, Regalado was the subject of a PIiac appeal regarding a motorist he harassed for passing his police car by entering a bus lane. On December 12, PIiac advisors were informed that Internal Affairs was no longer pursuing this complaint—Regalado resigned from the force on November 26. (-dh)

NATIONAL DAY AGAINST POLICE BRUTALITY

October 22nd was once again named a National Day Against Police Brutality. In many cities, people wore black, displayed “Stolen Lives” projects featuring victims of police shootings and brutality, and marched in the streets. Of particular interest was the New York demonstration, where family and friends read a statement from Abner Louima, a Haitian immigrant who was anally raped by police using a toilet plunger handle.

Organizers of the events included the appropriately named October 22nd Coalition, San Francisco’s Food Not Bombs, and the Revolutionary Communist Party.

We at Portland Copwatch consider EVERY DAY to be a national day against police brutality, and hope you will join us. (-dh)

IT PAYS TO SHUT UP

Recently, a Portland Police budget director was paid $68,000 to drop a discrimination and workers compensation claim against the city. Nancy Dunford had made claims that the Chief of Police and other police had been violating budget regulations. According to articles in the Oregonian, her claims included that officials had falsified payroll records to have officers paid for overtime; misused funds from the non-profit Sunshine division; transferred an officer prior to his retirement to get him an “executive pay” package; and ignored a city-wide hiring freeze.

In return, Chief Moose initiated an internal investigation against Dunford and demoted her. The overall outcome: The taxpayers of this city paid Dunford to go away and drop all claims against Moose and the city and never seek employment with the city again. (-nw/dh)

JUSTICE FOR A YOUNG BLACK MAN (WHO HAPPENS TO BE THE CHIEF’S SON)

The son of Portland Police Chief Charles Moose was arrested on charges of possession of rock cocaine, which was found when he was searched after being stopped for jaywalking. Judge Stephen Herrell dismissed the charges, rightly arguing that the officer had no cause to search Moose’s person when his only crime had been jaywalking.

The question of how many other young black men would receive this just treatment need hardly be asked. One need only look at the thousands of young people of color wasting away in jail and prison cells for non-violent drug offenses for the answer. Portland Copwatch congratulates David Moose for having the foresight to be born to the right father. (-cjs)
MOOSE, PIIAC, CITY COUNCIL (continued from p.1)

Furthermore, the judgment of elected officials whether or not a City employee has violated the public trust should have more influence than the decision of an appointed Police Chief. While deliberations concerning a police employee should address the possible reactions of the PPA, that should not be the over-riding factor in making the decision.

Incidentally, at the December PIIAC meeting, Advisors seemed to be backpedaling on the idea of making the Council vote binding because the City Attorney’s office warned them it would mean renegotiating the union contracts. We urge readers of the PPR to weigh the greater good: justice for all, or avoiding a prolonged contract negotiation. You be the judge.

WHAT PEOPLE ARE SAYING ABOUT MOOSE’S DECISION

“Neighborhood association,” an Oregonian editorial on Sept. 29, made the off-duty officer’s reporting on his neighbor in case #96-18 sound like a neighborhood problem and seemed to imply that it should never have come before City Council. The editorial wrongfully lauded Moose’s decision as one not to discipline the officer. But actually, his decision was not to find the officer guilty of wrongdoing. The Chief has discretion of whether to discipline.

In the November 1997 Rap Sheet, PPA President Leo Painton denounced PIIAC for recommending that the chief change findings on “discipline cases.” This language is similarly erroneous to the Oregonian editorial. Seeing police misconduct only in terms of discipline ignores the opportunity that a sustained finding brings for retraining, counseling, and creating a better police force.

“I commend Chief Moose for standing behind his decision in both of these cases by not changing the original finding,” says Painton. For the record, the original finding, recommended by then-Capt. of Internal Affairs CW Jensen, was a sustained finding. That finding was controverted by other members of the Police Bureau.

On October 1, Moose was voted “Rogue of the week” by Willamette Week for rejecting City Council’s vote.

In the August Rap Sheet, Painton reports that “the City Council has sent a message loud and clear about how they feel about community policing and the members of the Portland Police Association.” He describes case #96-18 (from the officer’s point of view) and concludes that “I dread to think of the criticism the officer would have received had he done nothing and something had happened to the children.” This is not the first time we have heard police postulating the theory that there are two options: act wrongfully or do not act at all. Clearly, one of the officer’s other options would have been to encourage the on-duty officer to write a report. Leo, Leo, Leo. Do you really believe the stuff you write?

In the October Rap Sheet, Commissioner Jim Francesconi defended his vote in this case, noting that he strived not to second-guess officers. He states, though, that “The investigators, not the off-duty officer, should have reported to Children (sic) Services Division for the simple reason of guarding against the appearance of impropriety.” (Painton singled out Francesconi for making the motion to accept PIIAC’s recommendation of a changed finding.)

I would personally like to thank Leo Painton for taking the extra time after October’s City Council/PIIAC hearing to point at me and say, “I think it was really shitty of you to print Speranza’s name in your little magazine.”

From Chief Moose’s response to Council regarding the off-duty officer who wrote a police report on his neighbor: “I will continue to encourage Portland Police Officers to live in the city and to take an active role in their neighborhoods.”

-Author's Name

CITY COUNCIL CONSIDERS CHANGES TO POLICE REVIEW BOARD

Informal Session scheduled for February 3

PIIAC Advisors and City Council members are now realizing that the city codes are not working.

In two recent cases, #96-18 and #96-22, the Chief responded to Council’s recommendations to sustain complaints of misconduct by saying he disagreed with their findings. Clearly, if a Police Review Board is going to be effective, their recommendations — especially when coming from a majority of City Council — should be binding.

Furthermore, Chief Moose exceeded his 60-day time frame to notify the entire Council of his decision as required by City Code—he only sent a memo to Mayor Katz, and that was on day 61. In #96-18, while he did send notice to all 5 Commissioners, his reply came 5 days after the deadline.

PIIAC Advisors have met with the City Attorney’s office to discuss the possibilities of changing or amending current codes. City Council has set an “informal” work session for February 3, 1998.

Section 3.21.050 subsection 2b states that the process is to insure it is effective, efficient, fair, thorough, timely, and shows equal concern for the rights of both citizens and police officers. Until city code is changed, it will continue to be one-sided in favor of police officers!

ACTION ALERT!!!

PIIAC IS COMING UNDER REVIEW. NOW -- PRIOR TO FEBRUARY 3 -- IS TIME FOR PUBLIC INPUT INTO THE PROCESS!!!

COPWATCH RECOMMENDS:

1) That City Council’s votes to change findings in police misconduct cases be binding.

Moreover, the Chief should be required to present his arguments before Council as to why he disagrees with their vote.

2) That any deadline set for the City be observed, and late filings be considered void. Recommendations made but not responded to should become binding.

Civilians only have 30 days to file an appeal regarding Internal Affairs findings. The Chief has only 60 days to respond to PIIAC recommendations. There must be some consequence for failing to meet such a deadline.

Also, the Chief should be required to appear before City Council/PIIAC for dialogue about recommendations for policies and procedures made in quarterly monitoring reports.

3) That PIIAC be given authority to investigate all incidents of officer-involved shootings.

This could mean turning these cases over to Internal Affairs, or changing City Codes to provide a window into the Detectives (homicide or otherwise) who currently investigate shootings.

While you’re writing or on the phone, express support for this idea: 4) That all officers be given the same sensitivity training as the Crisis Intervention Team (CIT).

In October, PIIAC advisors proposed this to City Council, who seemed to welcome the recommendation.

We hope that Council and the Police Bureau receive public support to have this plan instituted. (see p.2 for more info)

SEE p. 4 FOR CITY COUNCIL CONTACT INFO
BUY NOTHING DAY: POLICE PUT THEIR FOOT DOWN AT ANTI-CONSUMERISM RALLY
by Missy Rohs

On November 28, over 200 local activists turned out to celebrate international Buy Nothing Day, a time to evaluate our habits as consumers and to challenge corporate greed. The Portland event began with a brief rally at Pioneer Courthouse Square, then proceeded with a march to popular shopping centers.

Our first stop was at Niketown, which was targeted for selling sweatshop goods. There, the protesters were met with many law enforcement officers and four mounted police. Spirited but peaceful chanting gave way to emotional confrontation when a police horse stepped on a protester’s foot and a mounted officer was overheard quipping, “Don’t yell at me, yell at him [the horse]. I don’t control him.”

That same officer was caught on tape moments later, refusing to give out his name or BPSST number (as required by Police General Order 312.50) when a copwatcher demanded that he do so.

The mounted patrol remained a domineering presence throughout the remaining Buy Nothing activities, obstructing department store entrances and playing a crucial role in one activist’s arrest. When Craig Rosebraugh was taken from his vehicle, arrested (and later charged with disorderly conduct), and put in a police car, demonstrators encircled the police car in a show of solidarity and support for Rosebraugh. The only way that officers were able to take Rosebraugh away to jail was by running their horses into the crowd.

With such reckless disregard for public safety — not to mention the well-being of the horses — it is obvious who the Portland Police want to serve and protect. The police never sought medical attention obvious who the Portland Police want to serve and protect. The police never sought medical attention for the protester they injured, but they went to great lengths to guard corporations big and small.

For more info contact the Liberation Collective, 230-9990.

COPWATCH NEWS

NEW RESOURCES AT PORTLAND COPWATCH:

A report from the April “National Emergency Conference on Police Brutality and Misconduct” held in New York has handy hints from organizers around the country, a list of demands and organizing points, and a contact list.

For info write Center for Constitutional Rights, 666 Broadway, New York, NY 10012; (212) 614-6429.

The “PACT” (Police and Citizens Together) report may be a hokey title for the Mediation program instituted as part of our police accountability system in Portland, but this report gives great insight into a program which has been underrated and underutilized.

Published by the Neighborhood Mediation Center, 4815 NE 7th, Portland, OR 97211; (503) 823-3152.

Every month we receive a packet from San Diego County’s civilian review board. While this was created as one of the most powerful law enforcement oversight boards in the country, Sheriff’s deputies have stymied the efforts of the people by pleading the fifth when subpoenaed to testify.

Luckily, that gives the staff enough extra time to photocopy tons of articles from southern California and around the country about police misconduct, many of which we have now put into a special notebook in the Copwatch office.

Contact County of San Diego Citizens’ Law Enforcement Review Board, 1600 Pacific Highway Rm. 602, San Diego, CA, 92101; (619) 685-2200.

REED COPWATCH REPORT
by Lauren Schmidt

Reed Copwatch has officially existed for two semesters, and we’d like to update everyone on what we’ve been doing. Reed Copwatch consists of members of Portland Copwatch who attend Reed College. We participate in all Copwatch activities and host Copwatch meetings on the Reed campus.

We keep each other aware of Copwatch-related events through the campus computer network. Perhaps most importantly, we conduct “Your Rights and the Police” and Copwatch training workshops on the Reed campus with the help of other Portland Copwatchers. Reed Copwatch works closely with other activist groups on campus to make sure interested Reed students have easy access to information on political and community issues.

In September, the Student Senate allocated about $380 of student funds to Reed Copwatch. Our first purchase was a much-needed video camera to use on Copwatch beats and anywhere else where documentation might be necessary. Reed Copwatch also contributed money to bring a Mexican labor organizer to speak at Reed as part of the campus-wide “Joy of Struggle” symposium. Possible uses for the remainder of our funds include printing stickers with the Copwatch Incident Report Line number on them and hiring Dan Handelman to give a report on his journey to Iraq. So far, the existence of Reed Copwatch has helped increase awareness of and participation in Portland Copwatch. It has also played an important role in educating the Reed community about police-related issues. We are currently planning a series of workshops in late January which will help us continue to positively impact the Reed campus.
WHICH SIDE ARE YOU ON?  COPS AND CLASS  by Kristian Williams

Tuesday, November 4: over forty demonstrators occupied the lobby of the Wells Fargo Center in downtown Portland to support 1100 striking steel workers in Pueblo, Colorado because of Wells Fargo’s connection to the steel company. After less than an hour, the police arrived and demanded we leave. Most of us did, but a few refused and were arrested.

After the police ordered us from the lobby, most of the activists gathered outside to watch as police led about twenty of our comrades, starting with the clergy, out to their vans and off to jail. After the chanting, singing, and speechifying was virtually exhausted, I began to tire of watching police do the bidding of the corporations, and someone suggested I take the bullhorn and say so.

What I said, more or less, was this: “As I’m sure everybody’s noticed, there’s this group of people down here in blue uniforms, every one of them working class. They have a union. But the minute this bank calls them out here to cart us off, here they are, with no regard for their class interest.”

I could have argued that the function of police in our society is to defend the interests of the powerful and the privileged, to preserve existing injustices and stabilize an oppressive social system. I could have explained that cops are just hired thugs for the elites, armed enforcers of state policy. I could have called them traitors to their class, worse than scabs.

Instead, I considered the point sufficiently made, and handed the megaphone back to the speaker before me, a middle aged man in a gray suit, who I presume to be some big shot in the Steelworkers’ union. What he said to me was this: “We don’t want to bother those guys [the cops]. We have a deal with them.” And, at the end of the rally, the same gray suit thanked everyone who came, thanked the unions who mobilized their members, and thanked — absurdly — the Portland Police Bureau. “They did a great job,” he said.

I wondered what sort of deal they had made. It was probably something along these lines: “Give us half an hour inside and then ask us to leave. Most of us will leave then, and the rest will be arrested peacefully. No one will give you any trouble.” It strikes me as disgraceful that the union leaders negotiated these arrests, and were unwilling to criticize the cops for enforcing the system of boss rule.

Perhaps my attitude towards this is colored by my own experiences with the police. As a member of Copwatch, I talk regularly with people who have suffered various degrees of abuse at the hands of the cops. The possibility of forming allegiances, of making deals, with the same organizations responsible for such atrocities seems unconscionable. The idea of praising the people arresting your comrades seems absurd.

This much I know: you can sing “Which side are you on?” all day, but it doesn’t mean a thing if you can’t tell your friends from your enemies. If the police were on our side would they be making those arrests? If they were on our side would there be such long lists of union martyrs? If the individual officers were on our side, if they were anything other than mercenaries for the bosses and the state, would they even be cops?

FREE MUMIA ABU-JAMAL!! by Clayton Szczech

Copwatch joined thousands of people worldwide on December 6th to demand the release of political prisoner Mumia Abu-Jamal, an outspoken critic of police abuse accused of killing a police officer nearly 20 years ago. The day was an International Day of Mobilization highlighted by a People’s Tribunal in Philadelphia.

Locally, over 100 demonstrators convened at Irving Park in Northeast Portland and spiritedly marched to Holladay Park near the Lloyd Center. Hundreds of flyers with information on Mumia’s case were distributed, and the community response was positive. Copwatch was present with video and photo equipment to keep an eye out for police disturbances. The police were very well-behaved and presented no obstacles to the people’s right to assemble on this particular day. There were minor incidents of harassment involving private security guards at Lloyd Center, who at one point locked the marchers out of the mall.

For more information on Mumia’s case or the ongoing local support of political prisoners, contact the Dec. 6 Mobilization Committee to Free Mumia Abu-Jamal at 725-9044.
PEPPER SPRAY: EFFECTIVE...FOR TORTURE

Police departments across the continent continue to use Oleoresin Capsicum (OC) pepper spray as a weapon against both violent criminal suspects and the general populace, despite pleas for a ban from civilians, the scientific community and human rights groups. In California, where police use of the spray has taken nearly 40 lives since 1993, several cases have generated nationwide fervor in the last few months.

On June 14 corrections officers at San Quentin repeatedly sprayed prisoner Sammy Marshall as he hid behind his mattress. They proceeded to spray his toilet and sink with the toxic substance, so he would not be able to wash it off. When Marshall was finally seen by a doctor an hour and a half later, he was dead.

A study jointly undertaken for the Modern Warrior Defensive Tactics Institute and the American Women’s Self Defense Association concluded that OC spray is largely ineffective in deterring “a determined, goal-oriented attacker.” That may be the case, but the chemical weapon is gaining favor among police as a deterrent and implement of torture for peaceful protesters.

The Humboldt County Sheriff’s and Eureka Police Departments are being sued for civil rights violations by nine women and men who had pepper spray methodically applied to their eyes while peacefully protesting the continued logging of the Headwaters redwood forest in Northern California. Seven people sat-in at Pacific Lumber’s Scotia offices on Sept. 25. When they repeatedly refused to disband, the Sheriff’s Deputies pulled their heads back, pried their eyes open, and applied pepper spray with cotton swabs. One of the protesters was 17 years old. Deputies reportedly told the protesters that if they complied, they would receive water and medical treatment. One week later, three women sitting in at the office of Rep. Frank Riggs received the same treatment at the hands of Eureka cops.

The civil suit seeks to demonstrate that the use of pepper spray on peaceful protesters is a civil rights violation and requests a permanent ban on the police applying the weapon in non-violent situations.

Humboldt County Sheriff Dennis Lewis has continued to defend the use of pepper spray on peaceful protesters as the “safest tactic” possible.

“I have a job to do. When someone asks us to remove demonstrators from their private property or offices, we have no choice. It has to be done,” Lewis said to the Santa Rosa Press-Democrat.

The international human rights organization Amnesty International disagrees. AI issued a global press release on November 4 calling the actions in Humboldt and Eureka “tantamount to torture.”

“In this instance, the spray was clearly abusive as it was not used to protect officers or others but was applied in a calculated and deliberate way to inflict pain as a way of gaining compliance in cases of demonstrators who posed no threat,” the organization said.

AI also stated that given the lack of scientific testing on OC spray, its use under any circumstances is questionable. They are calling for the immediate cessation of pepper spray use on peaceful protesters, as they did in the wake of police repression in Eugene, OR in June (see PPR #12).

For more information on Pepper Spray also see “Pepper Spray and U.” in PPR #10 and info on Berkeley’s efforts to ban OC in PPR #12.

SPECIAL DUTY UPDATE:

Portland Police Association Secretary-Treasurer Tom Mack updates the “Special Duty” program in October’s Rap Sheet. That’s the program that gives police off-duty contracts as private security. Apparently, 52 contracts have been filled since this after-hours program for cops began. That’s about 7 a month. An example Mack cites is one weekend in which 23 cops earned a total of $7400 working 204 hours. Quick math tells us at the PPR that these officers were earning $36 an hour!

DOUBLE BUNKING UPDATE

In early November, Williamette Week reported that the Multnomah County Sheriff’s Office (MCSO) successfully petitioned the US Federal Court to lift the order preventing double-bunking in the Justice Center downtown. Lucky for Sheriff Noelle, since he had already started building the extra bunks before the order had cleared! We at Copwatch were quite hopeful when the judge ordered Noelle to stop building the extra beds. Unfortunately, the federal decision came down to lift the order preventing double-bunking, creating a more dangerous situation in the jails, and an essential green light to “warehousing” people.

The lawyers who brought the original lawsuit against the MCSO are filing an appeal. Angela Hart of Rieke and Savage tells Copwatch that the MCSO was warned by the International Association of Chiefs of Police in Washington, DC that double bunking was not only ineffective as a cost control measure but dangerous to officers, inmates, and the public. Because the Justice Center was designed for individual cells, it could be locked down and patrolled by a minimum staff. But with two people per cell, they will need 24-hour-a-day surveillance with an increased staff!

The Sheriff was warned. The Sheriff was sued. And yet, the Sheriff went ahead with a “tough on crime” policy that will win him favor in the short run, but may eventually come back to haunt him.

For background info, see PPR #12. To contact the Sheriff’s office call 251-2400.
EUGENE: CIVILIAN OVERSIGHT MAY BECOME A REALITY

Lengthy front page stories in the November 9-10 Register-Guard covered Portland’s “police review board” PIJAC and Eugene’s efforts to create their own civilian oversight system.

Following the heavy doses of pepper-spray and police batons used during a raid on protesters trying to protect trees in June (see PPR #12), members of Eugene CopWatch and other progressive activists were able to help form an “External Review Advisory Committee.” The activists have to struggle with more conservative members of the Advisory Committee who are advocating for the least civilian oversight they can manage.

Meanwhile, according to the Register-Guard, Charles Dalton, a leader of the Eugene NAACP has concerns that “It took the police whumping a couple hundred white kids to bring this to the front burner.” It is clear from his statements and others that people of color, including Eugene’s substantial Latino immigrant community, have known many of the problems with some of Eugene’s finest for a long time.

National civilian review expert Dr. Sam Walker went to Eugene following a visit to check out Portland’s PIJAC in action in late October. He seems to be advocating that Eugene adopt an auditing model such as Portland’s, in which citizens can look at Internal Affairs files, return appealed cases for further investigation and suggest policy changes, but not conduct any investigations themselves. Walker cites funding as the key reason not to ask for a full-blown citizen review board — estimating the costs for a city the size of Eugene to be about $200,000 a year.

We in Portland encourage Eugene CopWatch and other activists to hold out — how much money does Eugene pay out every year in lawsuits currently? That money can be found. While an auditing model is less likely to meet with police resistance, it still leaves the initial investigation of police misconduct to the police.

For info, call Ellen Klowden of Eugene CopWatch (541) 484-4390 or check out the info on the Eugene External Review Advisory Committee on the web at www.ci.eugene.or.us/hr-erac/eracsite/erachome.htm

INS RAIDS DECLINE; STATE MAKES SPECIAL COMPLAINT FORMS FOR RACIAL HARASSMENT

Following the highly visible protest in June (see PPR #12), continuing vigilance by the Workers’ Organizing Center and others has helped decrease the number of INS raids on immigrants looking for work in Portland. In addition to MigraWatch activities, WOC helped organize a public forum on November 5th featuring victims of police harassment, organizers, and state representative JoAnn Bowman.

Bowman said HB 2433, which passed during the 1997 session, would lead to an increase in “Driving While Hispanic” and “Driving While African-American” stops by police. She announced that in an effort to counter the effects of the bill, the state is preparing special complaint forms that should be available in the spring of 1998.

For more information call WOC at 284-3856.

WINTER SHELTERS NOT OPEN YET? LET’S SWEEP HOMELESS CAMPS AGAIN!

On Saturday, October 25, twenty-one homeless men and women were rousted from the places they had been sleeping, arrested, and most were set back out on the streets with nowhere to go. In what seems to be becoming an annual event, the Portland Police conducted a homeless camps sweep just days before the opening of the winter shelters. Police alerted city officials and the camp residents before conducting the “clean-ups,” as required by an agreement with the city. One condition they are supposed to meet is to be sure there are a suitable number of beds available in shelters before they displace homeless folks.

The October 26 Oregonian article on the arrest focuses on the fact that 19 of the 21 arrested were on felony parole or probation. Officer Ryan Hamby is quoted as saying this fact proves that “these are not nice people.” But hey, won’t some of his fellow officers be on felony parole and probation pretty soon?

In an article on the sweeps in the November Burnside Cadillac, written by and about the homeless, mentions that “It has never, at any time, mattered to me whether or not a homeless person is, or has been, criminal. The way I view life, all societies should ensure all members receive adequate food, clothing, shelter and medical care.”

The Cadillac article also includes an interesting interpretation of what was probably meant to be a critique of fecal matter found in the camps, taking the Oregonian task for referring to the campers as “unsightly human waste.” While this is probably not the meaning they had in mind, it does reflect a certain attitude from Portland’s only daily paper. “Recent Oregonian stories have informed readers about the arrests of a police officer; a deputy district attorney, and the son of Chief Moose, all on drug-related charges. But no story about these people had the words ‘unsightly human waste’ attached to them.”

For more information on camp sweeps call the Homeless Persons Legal Issues Task Force c/o Legal Aid 224-4086.

For other information on Portland’s homeless and the police, see PPR #8,10, and 11.

MCDONALD’S & OTHER PRIVATE COP HANGOUTS

The November 5 Milwaukee (Wisconsin) Sentinel-Journal reported that Police Chief Arthur Jones ordered his officers not to eat their meals in the station-house. They are required to eat out in their assigned beat areas. The police union filed a grievance, citing this order as a hardship. But other motivating factors may be involved: Jones announced plans to set up substations in McDonald’s restaurants.

From the Sentinel-Journal: “Cops privately grumble that a McChicken sandwich can’t stack up against the crispy wings at Gold Rush or a juicy reuben sandwich at Jake’s. Now, if he’d do that at Hooters, then we’d have a plan,” joked one arson squad officer of the restaurant chain that dresses its waitresses in short shorts and tight T-shirts.”

The article also mentions a diner where cops usually hang out, and the mom-and-pop owners ask why the police didn’t just set up a substation there to begin with.

In other privatization of public police news, Safeway, Bell Atlantic, and the Washington, DC Metropolitan Police announced the creation of nineteen Police Community Work Stations in Safeway markets.

For other info on private corporate influence of public police practices, see PPR #11 and 12.
M-16s/Beanbags (continued from p.12)

An article elsewhere in the Rap Sheet reports that army surplus M-16s being transferred to the Los Angeles PD. Christensen quotes a Portland officer, who complains: “Hey, L.A. gets ... M-16s, we get beanbag guns.”

Christensen hopes that someone is considering getting more sophisticated firepower. “Of course we will have to contend with the sniveling from the cop watchers. And snivel they will, from their nice safe abodes, while outside on the mean streets, Portland officers will maintain vigil to keep them safe.”

REHABILITATION IS POSSIBLE FOR “CAREER CRIMINALS”

In a bizarre, lengthy article beginning on the cover of the August Rap Sheet, a man who was paralyzed by a Portland police bullet in 1985 ends up being thankful that his spine was shattered by Portland Police Officer Herschel Lange. Six years after the incident, he was able to enter rehab and get off of drugs. The article ends with a reunion between the man and the officer who shot him. The article is called “I’m better off now without my legs!” Author Loren Christensen, who also edits the Rap Sheet, usually has no kind words for “career criminals.”

But maybe there is hope for those convicted of crimes. Christensen reprinted — in both the August and September issues — information from a poll regarding the recent domestic violence gun law. The law prohibits anyone convicted of misdemeanor domestic violence offenses from carrying a gun, including military and police. The poll cited in the Rap Sheet was paid for by the National Association of Police Organizations (NAPO) and, surprise, shows that 61% of people favor an “official use” exception to the law. (There is no indication of exactly how the question was phrased.) The argument given by William Johnson, General Counsel to NAPO, is that the law “makes no allowance for rehabilitation or reconciliation.”

Hmm. If we’re going to apply this philosophy to gun-carrying agents of the government — who have the ability to choose who lives and who dies, and who have previous histories of doing violent harm to their immediate loved ones — surely there can be more slack cut for non-violent offenders of civilian persuasion.

WHATEVER HAPPENED TO... SGT. MICHAEL BARKLEY?

In PPR # 8 (Spring 1996), we wrote about Sgt. Michael Barkley, a multiple shooter cop who was indicted on charges involving missing money. PPA Secretary Treasurer and fellow shooter cop Tom Mack wrote in the October Rap Sheet that Barkley was being “thrown to the wolves,” not having had a trial since May, 1996. Barkley, accused of a crime but not convicted, has been on leave without pay this whole time.

Wagging a figurative finger at the courts, the public, and some members of the bureau, Mack writes, “You should be ashamed for having taken part in this.”

Well, let’s not get too sanctimonious about people whose lives are ruined by mere accusations of a crime. This is something that happens on a daily basis in my neighborhood to poor, working class men, usually people of color.

“What is so scary is that [the DA and the courts] are the very organizations/bodies whose purpose is to enforce the constitution and protect the rights of all people.” Yup. We still think a little push in the right direction and Tom Mack would be a great civil rights activist.

DEADLY FORCE ENCOUNTERS PREPARES POLICE

In October, Jeff Barker, former PPA president and Rap Sheet editor, and current Sergeant with Internal Affairs, reviewed a book co-authored by current Rap Sheet editor Loren Christensen. Christensen teamed up with psychologist Alexis Artwohl to write Deadly Force Encounters, a primer for police on the stresses and practical services related to officer-related shootings. Apparently, the book actually talks about less traumatic incidents which can build up to a psychological problem if not dealt with.

The review also points out that before psychological support was available, officers would often quit the force within 5 years after a shooting incident.

Barker adds a new twist to the police mantra that shooting civilians in deadly force situations is necessary, concluding with the thought that an officer “might be called upon by circumstances beyond your control to shoot someone in the line of duty.”

He explains that it is only one small chapter that deals with “blowing things up” and the rest has to do with surviving in this society. The book was written 25 years ago and is still a good seller, he points out.

Nonetheless, since Copwatch is an organization devoted to using non-violent tactics, and since rumors abound that the Anarchist Cookbook may actually have been penned by someone sympathetic to or inside of the government in hopes that “violent revolutionaries” would bring harm upon themselves, we’re sad to say that the dweebs here at Copwatch can only hope for reviews of more enlightening materials in future issues, such as The Joy of Cooking.

SHOOTER COP INDICTED

Michael Barkley, one of the above-referenced shooter cops, might up his charges of $10,000 after it is found that the Portland Police helpred the L.A. gangsters against their own. Barkley, a multiple shooter cop who was indicted on charges of missing money. PPA Secretary Treasurer and fellow cop with Internal Affairs, reviewed a book co-authored by current Rap Sheet editor Loren Christensen. Christensen teamed up with psychologist Alexis Artwohl to write Deadly Force Encounters, a primer for police on the stresses and practical services related to officer-related shootings. Apparently, the book actually talks about less traumatic incidents which can build up to a psychological problem if not dealt with.

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The Rap Sheet can be obtained from the Portland Police Association, 1213 NW 19th, Portland, OR 97209.
COP CAR STRIKES, DISABLES PEDESTRIAN

Officer Erick Kammerer hit southeast Portland resident Mark Meddaugh with his squad car while driving to a crime scene in the early hours of October 3. That day’s Oregonian reports that the officer was driving to a crime scene without emergency lights or sirens on, and the Police Bureau claims he was driving the posted speed limit of 35 miles per hour. The critically injured man is currently in rehabilitation, having lost part of one leg in the accident.

While it is certainly possible that there was no wrongdoing on the part of this officer, there has also been no investigation into the matter, at least not any that the public has been made aware of. The Police have been quick to insist that the officer was obeying the posted speed and also claim that the victim was jaywalking when he was hit. Even if true (which certainly cannot be assumed), we’re not sure that either of these statements would be an adequate defense for a civilian charged with this person’s injuries. (-cjs)

RARE MENTAL ILLNESS CAUSES INMATE’S DEATH

On October 11th 1997, crime suspect Reginald B. Gafford was in custody at Multnomah County Justice Center. Gafford was being moved from a security cell to a “more comfortable” cell. News reports say that he became agitated and a struggle broke out between Gafford and five deputies. In the Oregonian, one article stated that Gafford was restrained to a backboard, then given a shot of ativan, an anti-anxiety mild sedative, from a nurse. Then he stopped breathing.

In a more recent article, the Oregonian shows that there is a lot of confusion on what really took place that night. Dr. Ed Wilson, the country coroner, stated that “the cause of death was a rare combination of forcible restraint, physical combat and mental illness.”

In the original article, it was stated that the struggle between Gafford and the Sheriff’s deputies took four to six minutes, yet the more recent article now says it lasted ten minutes. The second article informs us that the deputies had to “loosely” hog tie Gafford before restraining him to the backboard. Wilson stated that the only thing he could not rule out was the possibility that Gafford was in a position where he could not breathe.

It’s very strange how the information has been given out in this situation—and that there is a mental illness that causes you to go into cardiopulmonary arrest and die. Did we mention that Gafford was 29 and very healthy?

Sheriff Dan Noelle sums up the law enforcement perspective: “A significant battle took place. It’s important to remember that the possibility of our people getting hit and hurt was very high.” Indeed, it was found that there were scratches and a blow to Mr. Gafford’s mouth. Do you believe that this had nothing to do with his death, and that the deputies did everything according to training?? (-nw)
Portland Copwatch analyzes info in the Police Union Newsletter, the Rap Sheet
Searching for Nuggets of Wisdom in the Mountains of Portland Police Officers’ Writings

COULD THE CONTRACT BE PART OF THE PROBLEM? (Contractual Constipation)

On the front of the November Rap Sheet, Portland Police Association (PPA) President Leo Painton complains about the Police Bureau’s doling out of discipline. He points to a 5-part memo from Chief Moose which is now four years old explaining that the General Order regarding discipline is being rewritten. The five points are: (1) The chief sets the standards for discipline; (2) The General Order (GO), once written, will go through the proper channels; (3) Discipline will not be based on previous Chiefs’ use of discipline; (4) “Serious discipline” will result from violations of the Standards of Conduct concerning “conformance to laws, truthfulness, use of force, discrimination and sexual harassment;” and (5) The new GO will not affect cases already processed. Painton sarcastically points out that no case has been pending for four years, and also explains that discipline seems to be handed out differently depending on who you are. He wonders if that is why the rank and file looks at policing as “just a job.”

However, Painton’s glib analysis fails to consider that all Police GOs, particularly those dealing with discipline, have to be run by the PPA and conform to the police union contract. Since this contract has very strict provisions regarding release of information on discipline, allowing for union and legal representation, and limiting the powers of City Council and PIIAC (see related stories in this issue), it is possible that Painton’s own hard-line approach is part of the difficulty in rewriting the GO.

M-16s OR BANANA GUNS

In his November monthly column, this time titled “M-16s or Bean Bags,” Rap Sheet editor Loren Christensen jumps right at us with a criticism of our last newsletter (“Portland Police Patrols Get Bananas,” PPR #12). In our newsletter, we pointed out that the supposedly less-than-lethal beanbag guns, meant to knock down suspects, could be deadly if used improperly. “Remember all the whining those cop watchers did a couple of years ago about police departments getting enhanced firepower to keep up with the criminals sophisticated weapons? In spite of the fact that we were recovering all kinds of high-tech automatic weapons off gang-banger and hard core criminals, the frowning, hand-wringing cop watchers were claiming that statistics didn’t support our need for improved weapon technology.”

(continued on p. 10)