PORTLAND POLICE EXECUTE MAN IN LOW-INCOME HOTEL
news/commentary by Dan Handelman

Peter Gilbaugh was killed when a Portland Police Officer put a gun to his head and shot him. The 44-year-old used-car salesman was apparently engaged in a struggle with two officers at about 3 AM on December 31. The police had come to the low-income hotel where Gilbaugh lived to investigate a complaint that he had urinated on another tenant's door.

According to the January 22 Oregonian, the female officer on the scene, Stephanie Rabey, had been “slammed into the wall at least twice during the struggle.” This was toned down from the January 1 Oregonian’s statements and video on several TV stations of broken sheet rock saying that Rabey’s head had been rammed through a wall in the hallway.

The TV news and grand jury evidence presented a muffled audio clip which is allegedly Rabey crying out “my gun!” while Gilbaugh wrestled with her. The police used this audio clip—a police radio recording which makes one wonder who was Balzer put his gun to Gilbaugh’s head and shot. He was afraid Gilbaugh was attempting to get Rabey’s gun. Balzer was cleared of criminal wrongdoing by the grand jury.

One chilling detail comes from the Oregonian’s report on the grand jury testimony—that “Balzer shouted a warning to Rabey that he was going to have to shoot Gilbaugh, who was also striking out at him...Rabey said something like 'I know. ‘'” This means the officers had time to discuss killing Gilbaugh, even if briefly. This exchange, combined with the facts that the officers are agents of the state and that the Grand Jury refused to indict Balzer (a legal license to kill), leads some of us to conclude that this was a form of execution.

Even if we are to believe that two trained police officers were unable to physically restrain one mildly intoxicated man (Gilbaugh’s toxicology report indicated an alcohol level just over the legal limit for driving), there is still that haunting phrase the police like to use—that they “have to shoot.” But there is always a choice.

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DRUG-FREE ZONES TO EXPAND

Once again the drug-free zones are being modified. There are currently four drug-free zones (DFZs) in Portland: Downtown/OldTown, the inner Eastside, Alberta and Beech. The zones in North-Northeast are in the process of expanding to include the neighborhoods of: Alameda, Arbor Lodge, Boise, Concordia, Eliot, Humbolt, Irvington, King, Overlook, Sabin, Vernon and Woodlawn. If arrested for a drug offense in a drug-free zone, you can be forced to agree to keep out of that part of town or any other DFZ for 90 days as a condition of pre-trial release (see PPR #12). This is basically a punishment for people suspected of, but who have not been convicted of, a crime. Those convicted are automatically excluded from the DFZs. Once a person is excluded from a drug-free zone, they cannot enter a DFZ for any reason unless they obtain a variance. Variances are issued at the discretion of the police and can be obtained at local police precincts, which coincidently are in the drug-free zones. Without a variance, people can be charged with criminal trespassing. Prosecuting these trespassing cases potentially costs the state thousands of dollars and fills up jails, only to release people back into the drug-free zones.

The last expansion of the drug-free zones which created the Alberta and Beech areas was in 1997 (see PPR #11). According to an article in the March 3 Portland Observer, some of the proposed drug-free zones may be reduced due in part to community opposition. Irvington and Concordia recently voted against the drug-free zones. Even the communities voting in favor of the zones are not unanimous. The Sabin

EUGENE COP'S MORE OUT OF CONTROL THAN PORTLAND?
The pepper-spray death of a mentally challenged citizen; the handcuffing of a teen’s parents for a house search prompted by a fingerprint found on a protest sign; the harassment of anarchists including the photographing of patches worn on clothing; the demanding of civilians’ social security numbers; and the second mistaken police stop of an African-American professor—all since September 1998—lead us to question if Eugene, Oregon’s police may, for now, be more out of control than those in Portland.
PORTLAND POLICE INCREASE POLITICAL REPRESSION

December 16th: As Congress began debating the impeachment of President Clinton, U.S. bombs began landing on Iraq. Portland activists responded to this situation by organizing an emergency antiwar demonstration in front of the Federal Building.

Some of the protesters marched over to a “Don’t Impeach Clinton” rally a few blocks away, causing concern, getting media attention. Afterwards, as protesters tried to leave the rally, Portland horse cops followed them through the downtown area. Several protesters were forced to walk in circles for about a half an hour before the cops finally gave up. When the cops were asked if they didn’t have something better to do with their time, they responded that they were “being paid by the hour.”

This unprofessional behavior on the part of the PPB foreshadowed their extreme overreaction to civil disobedience at the protest on the following day. As hundreds of demonstrators gathered outside of the Federal Building, several people decided to link arms and block the road. Riot cops immediately appeared on the scene. One protester was grabbed by the hair and dragged to the ground, where he was placed under arrest.

The cops began to seal off the area around the Federal Building and to bring in reinforcements. The demonstrators, feeling entrapped by the cops and desiring to make their message heard, decided to start marching, eventually heading towards Pioneer Place, the heart of the shopping district of downtown Portland. Before the cops could get there, hundreds of demonstrators entered the mall and began chanting “bombs are dropping while you’re shopping.” After about 5-10 minutes of mall occupation, the protesters returned to the street to find a hoard of cops awaiting them. The demonstration moved on to the “living room of the city,” Pioneer Courthouse Square.

As the demonstration came to an end, the police gave a dispersal order and grabbed random people who remained. It soon became clear that it didn’t matter whether the demonstrators were on the sidewalk or in the street, or whether they had done anything. Over the course of the night at least 25 people were arrested. Back in the Central Precinct, police asked protesters for information about the “leadership” of the group, as well as questions about their previous political involvement and their likely future political involvement.

The protesters were released early in the morning after being held overnight. As this article goes to press, there is some confusion over what exactly is happening with everyone’s cases. The twenty-plus lawyers who have donated their time and energy to working on this issue know of 23 cases, while the lawyers have not been in touch with the police press release states that 25 were arrested. In some of these cases the police have already dropped the charges. The lawyers have asked the judge to consolidate the remaining cases. However, at least one protester has been fined $300 for “disorderly conduct,” and the lawyers have not been in touch with this person or anyone else who has already been fined.

The violent behavior of the PPB mounted police towards protesters continues unabated. At a recent demonstration, the horse cops pushed a Peace and Justice Works activist up against the wall, but he was able to escape injury. The horses, who face extremely exploitative and cruel treatment themselves as police vehicles, are used at these demonstrations to kick people and push them around.

We must call for an end to this kind of police involvement in political repression. In theory, citizens should have every right to protest without the fear of police retaliation. These horse cops that are showing up at every single demonstration downtown should take some classes in conflict resolution and learn some respect for the people they are supposed to be “protecting,” instead of following them around, videotaping them and arresting them for nothing.

Copwatch has heard that an undocumented Malaysian woman was arrested at the protest. She may have been deported. If you have any information about the fate of this woman or any of the other arrested protesters, or if you want to support the “Portland 25” somehow, please call Peace and Justice Works at 236-3065.

Portland’s Downtown Clean & Safe patrol officers are scary, and we’re not alone saying that. The December Anodyne magazine investigates a July 1998 incident involving the dubious downtown business association’s private police force beating on skateboarders and onlookers (see PPR #15). The mostly arts-oriented ‘zine discovered dirty secrets of the downtown rent-a-cops.

Anodyne reports the Clean & Safe deputized by the Sheriff a few years ago were forced to return the badges after deputies filed a grievance. Former Portland Police Officer Barry McCain, who was fired for having sex with a stripper while on duty, was hired for patrol duties by the Clean & Safe program. (McCain is now a Milwaukee Police Officer.) Even the Portland Police Association doesn’t like the program, and feels that the private Patrol officers are not “safe.”

Apparently, the family of one of the skateboarders may sue the Association for Portland Progress, which oversees Clean & Safe. If so, it would be the first legal challenge to hit the program. Perhaps it will also prevent future abuses.

DOWNTOWN CLEAN & SAFE: A HAVEN FOR UNSAFE COPS?

Police horses crashing through lines of protesters were so alarming, not just local stations like KOIN, but even CNN carried footage of Portland’s December 17 demo.
PIIAC’S CITIZEN ADVISORS RUNNING ON “BARE BONES”

On February 10, exactly one year had passed since City Council promised to create a citizen’s panel to look at reforming the City Code which guides the Police Internal Investigations Auditing Committee (PIIAC). Copwatch secured time before Council on the 10th, and member David Lowe testified to request that they take action. Unfortunately, Mayor Vera Katz, whose office houses both PIIAC and the Police Bureau, was absent from Council that day. Nonetheless, the four Commissioners who heard the testimony seemed to get at least part of the message. We reminded them that Chief Moose has chosen to ignore their votes in two cases involving police misconduct, and recommended changes to PIIAC, outlined below.

Meanwhile, the Citizen Advisors are now depleated of any members actually schooled in law against police. The occasional case comes through PIIAC which gets its fair shake. When an African-American resident of Northeast Portland whose attorney had previously filed a complaint to PIIAC came to testify on the first of numerous appeals, the advisors and Sgt. Jeff Barker of Internal Affairs recommended looking at all the cases together, because the civilian was alleging a pattern of harassment. While other complainants have made similar claims, PIIAC has never taken them seriously. Sgt. Barker has since been promoted and transferred, perhaps leaving the case in limbo.

On the other hand, some of PIIAC’s Citizen Advisors have become defensive of themselves, the police, and clearly offended at the idea of monitoring police misconduct. In December, Monitoring Subcommittee Chair Bob Ueland criticized Copwatch for our comments in PPR #16 stating that the review body had met only two times in six months. “I really resent the way you use this group in your publication,” Ueland complained. “Using us to hammer your thoughts home, I don’t think is quite right.”

Les Frank, one of the two members of PIIAC who have a background in law enforcement, jumped on the bandwagon and demanded to speak to police when they questioned him. The man felt that they would have taken anything he said and used it against him. He explained that he had been observing the police interact with another civilian, and he had seen so much misconduct that he had learned to keep quiet from past experience. Although the officer allegedly used insults to try to get the complainant to speak to him, it wasn’t good enough for Frank or the other 5 members of PIIAC attending the February meeting. Despite the fact that they did not have a quorum (and didn’t even take a vote), they decided to uphold the Police Bureau’s finding of no misconduct. There was an exception: Internal Affairs had to send the man a new letter advising him that the officers involved had been spoken to.

Lisa Botsko has taken a one month leave of absence for personal reasons, but should be back in her office by the time you read this. Despite her absence, the four Commissioners who heard the testimony seemed to get at least part of the message. We reminded them that Chief Moose has chosen to ignore their votes in two cases involving police misconduct, and recommended changes to PIIAC, outlined below.

Lisa Botsko

In March, even Chair Charles Ford noted that the Committee was not functioning up to full capacity. Several seats remain open. If you are interested in sitting on the “review board,” call PIIAC at 823-4126 to find out which neighborhood coalitions and commissioners have openings to fill with an appointed civilian.

CURRENT:
PIIAC reviews Internal Affairs investigations
PIIAC recommends findings through Council
PIIAC is limited to IAD appeals and monitoring

COPWATCH PROPOSAL:
Review board has independent investigators
Review board’s findings are final; Chief can decide whether or not to discipline, but the finding must go on the officer’s record.
Review board investigates all use of deadly force and death in custody cases; holds hearings on policy issues.

Portland, Oregon City Council: 1220 SW 5th Ave
Mayor Vera Katz
Rm 340  Ph 823-4120, fax 823-3588
(mayorkatz@ci.portland.or.us)
Commissioner Jim Francesconi
Rm 220  Ph 823-3008, fax 823-3017
(jfrancesconi@ci.portland.or.us)
Commissioner Charlie Hales
Rm 210  Ph 823-4682, fax 823-4040
(chales@ci.portland.or.us)

Commissioner Dan Saltzman
Rm 230  Ph 823-4151, fax 823-3026
(dsaltzman@ci.portland.or.us)
Commissioner Erik Sten
Rm 240  Ph 823-3589, fax 823-3696
(Esten@ci.portland.or.us)

NEWLY Elected Police Association President Stands Firm:
NO MORE POWER FOR PIIAC
PPA President Greg Pluchos made clear that changes to PIIAC will be hard won in the January 1999 Rap Sheet: "The PIIAC citizen volunteers are again talking about changing the city ordinance to give PIIAC more power. Those people apparently do not remember the promises that PIIAC proponents made to the public to get them to vote to approve PIIAC. I remember back in the early ’80s when the voters of Portland were told that this would just be a ‘window in to the Internal Affairs process.’ It has already gone far beyond what the voters were told.

While we are busy, we will never be too busy to keep an eye and ear on what is going on with PIIAC. I am familiar with PIIAC and know what it is supposed to do. If they try to bamboozle the City Council, we will be there to keep the Council informed.”

People’s Police Report #17

April 1999
ASSAULT RIFLES IN SQUAD CARS BY AUTUMN

Try to imagine an instance in which the Portland Police Bureau would require 175 assault rifles. Well, the Oregonian (January 14) reports that with little discussion or debate, the Portland City Council unanimously approved a contract for the PPB to purchase 175 semiautomatic AR-15 assault rifles from an Arizona-based company. (The Police Bureau actually found the $100,000+ to buy the guns in their budget, so the contract approval was a mere formality. See PPRs #14&15 for background.) According to the article, the weapons will be in police squad cars sometime around fall.

The AR-15s are cousins to the military M-16, which strongly calls into question their appropriateness for an urban setting. Police respond by arguing the need to be better equipped against criminals armed with more sophisticated weapons. However, criminals that use weapons usually choose one that is easily concealable, and police rarely encounter criminals who are armed with assault rifles. Nonetheless, law enforcement including the PPB always refer to the 1997 shoot-out between the LAPD and bank robbers armed with assault weapons to illustrate that today’s police are “out-gunned.”

There are several risks to using the AR-15 in an urban setting. The police like these rifles because of their long range capabilities; but this is precisely why they should be used with more care. The .223 bullet the AR-15 fires has significantly more penetration than 9mm bullets used in the police standard issue Glock handgun. This means there is a good chance that the .223 will continue to pass through its target. This could put innocent bystanders in harm’s way. Besides, police normally operate at only a short distance when shoot-outs occur; not the hundreds of yards that this rifle allows. Another danger that comes with the new acquisition is the high capacity 20-round ammunition clips that are part of the deal. Police were first issued pump action shotguns because in high stress situations each shot had to be manually pumped into the chamber to fire the round. This would prevent police officers from unnecessarily discharging their firearms at a target that is no longer a threat. With the new weapons and clips, the policeman under stress is more likely to inflict heavy damage to suspects and bystanders without much opportunity to pause and think.

The purchase of these AR-15s is an unnecessary expenditure which poses more risks than it solves. The very idea of policing with military-style weapons tends to alienate even more those who already view the police as an occupying force in their community.

COPWATCH HAPPENINGS

Copwatch has continued its efforts to promote police accountability over the last few months. In addition to a copwatch training at Reed College, we held three “Your Rights and the Police” Seminars, one at Reed, one for bicyclists at the Activist Resource Center (see p. 8), and one at the King Neighborhood Facility in NE Portland. Portland Copwatch is currently meeting separately from Reed Copwatch at that facility.

Individuals who were coming to meetings of the coalition which formed to organize the October 24th march (“Communities United to Stop Police Repression,” or CUSPR) kept wondering why CUSPR and Copwatch were different. For the time being, the Coalition CUSPR is not active, but Copwatch continues to promote the same values expressed by that group. We hope to see the coalition come together for emergency demonstrations and, perhaps, another march this fall.
The family of Richard “Dickie” Dow, who died after eight police officers beat, pepper-sprayed, handcuffed, and piled on him, continues to hold vigils in Dickie’s memory. The vigils have occurred monthly since Dow’s death on October 20. While the family has retained an attorney and continues to remember Dickie publicly, no new information on the case has come out since the grand jury cleared the officers of criminal wrongdoing in November.

What is interesting is the sentiments of numerous Portland Police officers, who were generous enough to share their thoughts in the December issue of the Portland Police Association (PPA) newsletter, the Rap Sheet. Phil Blanchard writes “You say you love us but you don’t.” He complains that the Nov. 14 Oregonian headline read “‘Grand Jury returns no indictment in death.’” He refers to the incident as “the unfortunate death of a man who died while in police custody from positional asphyxiation, after a fight that required eight officers to arrest him.”

Blanchard feels offended that the thrust of the Oregonian article is that although they were cleared of criminal charges, the officers did something wrong, “and there was still a chance for the public to exact their revenge on them.”

Tom Mack, the Secretary Treasurer of the PPA, says he wants to “reaffirm confidence in the officers involved in the recent in-custody death which occurred in North Precinct. After the media speculation and lynx mob mentality were put to rest,” the investigation concluded the officers’ actions were justifiable, Mack notes. “Certainly we would like to find another way to control violent and uncooperative suspects that doesn’t result in death or injury, but no one seems to have come up with a viable alternative to controlling people when they are in these states of mind. The truth of the matter is that Mr. Dow and his family were always in a position to comply with officers’ directions and had they done so no harm would have come to Mr. Dow during this incident.” And if police had listened to the parents, who were explaining Dickie’s mental health condition, this wouldn’t have happened either.

Mark Romanaggi writes “Let’s really do some community policing.” In his opinion, the news coverage of Dickie Dow’s death was “sensationalized to make Dow appear as a helpless victim at the hands of the police.” His main complaint is lack of support from Mayor Katz (who said “It is extremely important that none of us—city officials, police, citizens or the media—jump to conclusions before the facts are fully known” [Oregonian, 10/21/98]) and Chief Moose (who said, “I want to stress there is no indication of any intent of malice by any officer involved” [Oregonian 10/23/99]). Romanaggi says (wrong-headedly, in our opinion) that the Chief is afraid to speak out against the Mayor for political reasons, since he is appointed by her. Anyone following police issues in this city knows that it is the Mayor who bends over backward to keep from pissing off the Chief.

In any case, Romanaggi suggests an interesting solution: A change in the city charter to hire the chief via a Police Commission, allowing the Chief to be accountable to the city as a whole. This is something worth considering, though like a police review board, it would have to be a police commission not made up primarily of people with direct ties to the police.

In summary, Tom Mack quotes a Charles Webb, Ph.D. of California State University, as saying that people hire police to “do the dirty work of protecting us...to keep the bad guys out of our businesses, cars and houses, out of our face. We just don’t want to proceed to controlling people when they are in these states of mind. The truth of the matter is that Mr. Dow and his family were always in a position to comply with officers’ directions and had they done so no harm would have come to Mr. Dow during this incident.” And if police had listened to the parents, who were explaining Dickie’s mental health condition, this wouldn’t have happened either.

The African American Police Advisory Council meets on the fourth Tuesday of every month at 5:30 PM in Northeast Precinct on Killingsworth and MLK.
ON DECEMBER 9, Clackamas County Sheriff’s Deputies shot a fleeing suspect in the back. Ikechukwu Nwaekwe, age 24, was wanted for questioning in the shooting of his former girlfriend and her mother. The shooting occurred in southeast Portland, apparently out of the jurisdiction of the deputies. The December 10 Oregonian notes that “Portland Police Bureau detectives are investigating the shooting as a case involving the use of deadly force.” The grand jury which (big surprise) cleared the deputies of criminal wrongdoing was in Multnomah County. This is unusual, though you wouldn’t know it by following the mainstream media—police officers facing possible criminal charges in another jurisdiction.

As of January 5, the Oregonian reports that Nwaekwe was recovering from the gunshot injuries to his lower back. Neither article mentions whether the suspect was armed, though the grand jury apparently found that both deputies shooting at him was “reasonable force.”

Bend Police Shoot and Kill Young Man

Bend Police shot and killed Adam Gantenbein, age 21, on Thursday, February 18. Officers Albert Campbell and Mike Hartman fired on Gantenbein after he allegedly rammed two police cars with his Jeep in an attempt to evade the officers. This attempt at evasion came at the end of a brief car chase.

While the officers might have been acting in the interest of their immediate self preservation, this is another case in which police behavior has resulted in the death of a civilian who was initially guilty of a small crime. A grand jury cleared Campbell and Hartman of wrongdoing, but Gantenbein’s parents are pursuing a private investigation. (Oregonian, 2/19/99 and 2/28/99)

Lane County Trooper Kills Elderly Man Who Pulls Rifle at Drunk Driving Stop

Sixty-four-year-old John Free of Philomath was killed by an Oregon State Trooper on Saturday, January 23, during what started as a routine traffic stop in Lane County.

Trooper James Hawkins stopped a truck driven by a woman early that morning, suspicious that the driver, Mrs. Elle Free, was intoxicated. Police found the woman was, in fact, drunk, and attempted to place her under arrest. Free’s husband then got out of the car brandishing a rifle. After being ordered to drop the weapon, Free apparently fired one round toward Hawkins, who responded by shooting him three times, at least once in the head. Hawkins was cleared by a grand jury for his actions. (Oregonian 1/24/99 & Associated Press, 1/28/99)

SHOOTER COP RE-INSTATED; PPA FIGHTS TO GET BACK-PAY

As reported in PPR #16, Sgt. Michael Barkley was acquitted on criminal charges of theft in October. Tom Mack, Secretary-Treasurer of the Portland Police Association, had a special message for the community in the December Rap Sheet: “To all of you who took part in this, I hope you feel the shame you should for the injustice you caused Sgt. Barkley and for the pain and suffering you caused his parents.” Reminder: Barkley is a shooter cop who has participated in killing at least three civilians in a hail of bullets; the judge in the case in question said that although there was not evidence to convict, it was clear that Barkley had lied to investigators and misled the family whose money he was accused of stealing.

In January’s Rap Sheet, Mack reports that the city and Barkley differ on whether he is entitled to back pay or not. The City is claiming Barkley chose “voluntary leave” while he was being investigated; Mack quotes a Police Bureau document stating “Pending the resolution of criminal proceedings, you will be placed on administrative leave without pay or benefits.” Quite frankly, we’re glad not to have footed the bill for Barkley while he was being investigated, but we hope the City is not engaging in dishonest labor practices.
ANOTHER PORTLAND POLICE SHOOTING (MAY ’98)

Last issue, we reported that Officer Rich Braskett had been called on the carpet for being involved in two police shootings within twelve months. We knew that Braskett and Officer Doug Matthews were responsible for killing Aaron Raahman on January 26, 1998, but we only recently learned that he and Officer Randy Tieg also shot at 22-year-old Danyale Gill on May 23rd.

According to the January 14, 1999 Oregonian, which reported on Gill’s criminal trial, Gill was apparently pulled over for failing to signal turns when officers “noticed crack cocaine crumbs on the seat of the car.” When they asked him to get out of the car, he refused and sped off. The police version of what happened is that Gill fired his gun at Tieg at close range (somehow missing him), shooting a total of seven shots. Braskett fired two times, Teig nine, with only one bullet hitting the suspect. The article in the Oregonian did not speak to Mr. Gill’s health except to report that a psychologist referred to him as a “psychopath with a lack of remorse.” Gill was sentenced to 44 years in prison.

The outcome of Braskett’s internal review is unknown.

FALLOUT OF STEPHEN DONS CASE

In late December, Jefferey Moore was sentenced to four years in prison for production of a controlled substance and three counts of possession of a controlled substance. This sentence is unusually heavy, but the sentence is unsurprising, considering that he was Stephen Dons’ roommate at the time that Dons allegedly killed Officer Colleen Waibel. Waibel died during a botched raid on Dons and Moore’s home, and Dons died under mysterious circumstances while in prison a month later (see PPR #14). Moore was at work when the raid occurred, so it is clear he had nothing directly to do with the officer’s death. Even the Oregonian’s report implied that it appears that he is being punished for the actions of his roommate; he was charged only after Dons died.

On January 25, the Oregonian commemorated the one-year anniversary of the killing of Officer Colleen Waibel during the botched “knock and talk” raid on Dons’ house. The article paints the officers as unwitting victims of an unprovoked attack by Dons. It cuts soap-opera-style between the incident and recollections from his husband (also a police officer) and work partners. While it is tragic that Officer Waibel died and other officers were injured, we must remember that they did so in the line of some rather dubious duty.

OFF DUTY OFFICER CLEARED IN SHOOTING AT FOOTBALL GAME

As reported in PPR #16, an off-duty Portland Police officer was involved in a shooting outside a Sandy High School football game. The December 30, 1998 Oregonian reports Officer John Keuchler has been cleared by a grand jury. “The grand jury found Officer John Keuchler used reasonable force in a dispute September 11 with Travis C. Hunt and Douglas P. Thiebault,” said Matt Mattox, Clackamas County Assistant District Attorney.

Apparently, Keuchler stated that he acted in self-defense when he tried to help other people who were being attacked. Keuchler claimed to have identified himself as a police officer but the man still turned on him. The Oregonian’s article is unclear as to whether the man was Hunt or Thiebault and what was actually happening between the individuals involved in the altercation, though it is clear Hunt ended up being shot in the neck. The real question is, what power and authority does an off-duty police officer have? If you are going to get involved in an altercation to help someone, does that mean we should carry guns and claim self-defense?

This officer was with family at a football game, and got involved in someone else’s fight, finally drawing his weapon, rather than de-escalating the fight. Could police training that placed less emphasis on the use of weapons have created a different outcome? If Keuchler had been a regular citizen and not an off-duty officer, would Hunt have been shot?

LARRY ANDERSON’S HOUSE BURNS

Larry Anderson, whose four dogs were shot in a police raid on his house last October (see PPR #16), has had another stroke of bad luck. In mid-January, his house burned beyond repair.

According to the January 14 Oregonian, firefighters arrived early in the blaze, but were unable to fight effectively after a propane tank exploded, injuring one. His house rested on land the county sought for construction of a new health clinic. The property was also where a police officer was killed in a 1979 incident ruled justifiable because the police had an invalid warrant when staging a raid on a motorcycle club.

After the fire, Anderson finally broke down in his long-standing refusal and sold the land to the county for $180,000 (Oregonian, March 9). Perhaps, now that he is moving away, the police will cease their harassment of Mr. Anderson.

(see “Rapping Back” on p. 10 for more info).
The November 27 Critical Mass ride was met with a stiff police presence that included several squad cars, bicycle police, an unmarked surveillance van and a Tri-Met bus set aside for mass arrests. The unusual police massing may have been called to protect downtown shopping from Buy Nothing Day actions going on the same day.

TARGETING DOWNTOWN BIKES

February was a bad month for downtown bicyclists, and the weather is not included as a factor. With no prior warning, police began serving $300 tickets to bikers for riding on the bus mall. Bike messengers in particular were targeted, and the harassment included such dubious offenses as walking one’s bike on the sidewalk. Because of these actions and the PPB’s behavior during Critical Mass rides, Copwatch organized a Your Rights & the Police seminar specifically for bicyclists on March 5th. About twenty people came, as well as a local attorney.

MASS ARREST DURING CRITICAL MASS RIDE

The ride began with a policeman warning the group that there would be no tolerance for law-breaking, mis-informing riders that a light was required on the rear of their bicycles. (Oregon law only requires a rear reflector. For more info, see the Bike Riders’ Bill of Rights & Responsibilities in PPR #16) As a result, the group rode over to CityBikes where dozens of riders outfitted their bikes with lights for night riding. Then the ride turned to Pioneer Square for the lighting of the Christmas Tree. The surrounding area was packed with thousands of pedestrians and gridlocked motor traffic but cyclists moved freely.

In an action that suggests that cyclists were scapegoated for a preexisting traffic clot, police arrested 18 people. Several of the arrestees were standing next to their bikes on the sidewalk at the time of their detention. Being next to a bicycle became sufficient cause for arrest. The 18 were charged with disorderly conduct, handcuffed, boarded onto a Tri-Met bus, and were released the next morning. Their bicycles were kept as evidence. Legal representation for the arrested was arranged with the help of the Liberation Collective. The lawyers got the bicycles released after one week. The District Attorney decided not to proceed with the cases, but can reinstate the charges at any time within a year, keeping the cyclists in legal limbo.

Both the Oregonian and the Willamette Week picked up the original story, and followed up with several articles. The day after the ride, the Oregonian carried the police version titled “Bicyclists snarl traffic; police arrest 18 riders.” In the article, Portland Police Lt. Greg Hendricks blamed Critical Mass for the traffic jam and also accused the cyclists of blocking passage of fire engines. There was no mention that the arrestees were handcuffed for hours and the story went to press without interviewing any of the arrestees. The next day’s Oregonian follow up was subtitled, “Police say 75 riders in the group’s excursion to Pioneer Courthouse Square were blocking traffic, but the bicyclists cite already-slow traffic.” This article was somewhat more balanced and included accounts of some of the arrestees.

The Willamette Week coverage came in two articles that filled in some details the Oregonian didn’t bother reporting. WW’s December 9 article pointed out that the police chose unusually harsh measures, namely arrest rather the more typical citation. The WW quoted Stu Sugerman, a lawyer defending some of the riders pro bono: “In civil disobedience, the cops in my experience try to disrupt the lives of the defendants as much as possible.”

Also quoted was Garret Richardson, a lawyer with Multnomah Defenders: “We’ve seen instances in the past where people have gotten arrested for quasi protests, when they got to arraignment court, the charges were usually dropped down to violations so the people wouldn’t have a right to go before a jury.”

The January Critical Mass ride went smoothly until about 90 cyclists happened upon an auto show at the convention center. The police moved in, attempting to corner bicyclists. As the ride moved away, police used their cars aggressively, hitting one rider and seriously endangering another (ironic, since one purpose of the ride is to increase visibility of cyclists to reduce the risk of being hit by cars). Several police cruisers blocked streets and pursued the riders for several blocks until the ride was stopped. No tickets were given, but in the ensuing dialogue between the 10 police present and the riders, Sgt. Schroeder made the NE precinct’s position clear: “Safety is not the issue, following the law is more important.”

Critical Mass rides are on the last Friday of each month, usually 5:30 PM at the maze under the West end of the Burnside Bridge.

Oregon: Five prison suicides in five months

The Oregon prison population of 8,500 averages three suicides per year, but in one five month period five inmates, four men and one woman, took their lives by hanging (Associated Press, January 12). Four of the five were locked up in disciplinary segregation cells. Three of the five inmates had documented histories of mental illness.

The percentage of the prison population assigned to mental health workers has grown from 13.5% to 17.2% in the last year. Gary Field, the Correction Department’s mental health administrator is perplexed by the recent rash of suicides: “Not only are we following national standards, I think we are following the most recent recommendations by experts in the field...”

Disagreeing, former inmate David Adams thinks the state is not meeting its responsibility to the mentally ill: “There are a lot of mental cases that are walking around in the general population that they are not aware of...They’re not providing proper care. And they’re being flooded with those kinds of people because there are no other facilities for them.”

While the focus on the mentally challenged is welcome (see Sheriff update on p.4), the discussion is not centering around the two people who were not diagnosed as “mentally ill,” and the fact that the rash of recent suicides marks a 400% increase in our state prison system. Copwatch has advocated for a state office to independently investigate all deaths in police custody. These deaths coming in such short succession seem to bolster that idea.

Teen gunshot death after police chase ruled suicide

The February 4 Oregonian reports that in the early morning of February 3, a patrol officer on NE 15th tried to stop a car with an expired license tag. The car, driven by 18 year old Sherman Lewis, sped away along NE Lombard and crashed east of 45th Ave. Lewis died on the scene of a gunshot wound to the head; the Multnomah County Medical Examiner reported that it was self-inflicted. Lewis had an outstanding warrant for cocaine possession after an arrest in December.

A relative of the deceased told Copwatch that Sherman was a positive young man who was turning his life around. The family questions whether Sherman Lewis would have ended his own life.

If we accept the official record of suicide, we may ask what could have driven Sherman to a terrible act of desperation? Fear of jail? Fear of the police? A life run out of hope? Even if Sherman pulled his own trigger, his death shows us that the war on drugs is really a war on people.

PDX Police volunteer imprisoned; is robbery suspect

Louie Lira Jr., a Mexican who worked as a “gang outreach worker” in Portland and as a volunteer for the Portland Police Bureau, was sentenced to 30 months in federal prison this March for violating immigration laws in the ’80s. Mr. Lira’s other alleged crime is more interesting: Federal authorities say he used a police scanner (given to him as part of his volunteer duties) to “act as a lookout” while his brother robbed a bank in November. The March 17 Oregonian noted that “in the wake of Lira’s arrest and the federal allegations, Portland Police Chief Charles Moose posted a reminder to staff that background investigations must be conducted on all civilian volunteers before they are allowed to work for the bureau.”
Here’s some background on the cases we just mentioned:

On September 30, Richard Dennis Lee, age 34, suffered heart failure after being pepper-sprayed by Eugene Police. Lee lapsed into a coma and died a week later. Piecing together parts of the story from the Eugene Register-Guard (10/1 & 10/15/98), it is difficult to tell whether Lee’s heart failure was in part brought on from positional asphyxia, that is, being laid on his chest after being sprayed, thus restricting his breathing. As reported in PPR #16, it is likely this is what caused Dickie Dow’s death, as well as over 25 deaths in the state of California.

Lee was apparently screaming and banging his head against the sidewalk in mid-day, and “became combative with three officers who attempted to subdue him...The initial autopsy showed that Lee was not under the influence of cocaine, heroin or methamphetamine.”

The story is somewhat familiar, and while Eugene is reviewing their policies in the wake of Lee’s death, we cannot stress enough the importance of taking pepper spray out of the hands of police and finding different non-lethal restraints.

**Black Professor stopped for “looking like a robbery suspect”**

John Gainer, a 44-year-old University of Oregon music professor, was stopped and questioned in December as police sought a suspect in a robbery, based on a grainy photocopy of the actual suspect’s photo. Gainer, who is African-American, was also stopped by Eugene police in April, 1997 in a mistaken-identity stop. According to the Associated Press (12/29/98), Gainer is an ordained minister who works part-time in the shopping mall where a security guard picked him out as the suspect.

Over 50 activists attended a rally opposing the apparent racist behavior of the Eugene Police. The leader of Eugene’s NAACP is quoted in the Dec. 31 Register-Guard saying the Valley River Mall “basically said it’s OK for their security to stop a person of color, whether they meet the description or not.” Police Capt. Roy Brown, who is African-American, defended the two officers who stopped Gainer in December, one white, one black: “I found no indication that it was a case of racism,” he said (Oregonian, 12/31/98).

**Anarchists targeted**

A mid-October demonstration against the labor practices of Oregon-based corporate giant NIKE left the Eugene NIKEtown and its surrounding mall with some mild disarray and property damage. Since many of the protesters came with their faces obscured, the police had a difficult time tracking down suspects. They found a fingerprint on one protest sign that was left behind in the store which led them to 15-year-old Brenton Gicker. Apparently, people involved in Eugene’s Copwatch program happened by the Gicker house when the police conducted a search there. For several hours, the boy’s parents were handcuffed and held at gunpoint. Police seized the mother’s computer (which she used for her business), Brenton’s high school textbooks, CDs, books, anarchist literature, and a novel called The Good Terrorist.

**Portland Pays $87,000 in Civil Rights Violation**

According to the March 8, 1999 Oregonian, the City of Portland has agreed to pay $87,000 out of court in a federal civil rights lawsuit.

In October, 1997, a call to 911 about a kidnapping and robbery prompted police to respond to a NE Portland address. Two officers fired shots at a man who emerged from the house, missing him. They were looking for Robert Acelar, but took his older brother Dale into custody. It seems that when the police arrived, the victim immediately stated that Dale was not responsible for the alleged crimes, but the police still held him for thirteen hours. The police also taped off the area and shot pepper gas into the house, causing damage to the home.

Spencer Neal, the attorney for Dale Acelar and his parents, told the Oregonian a settlement was reached in December, on the eve of going to trial.
War-Like Community Police (continued)

“Community policing advocates need somehow to incorporate the warlike atmosphere of police work into their mantra so the public can more easily grasp the horrific changes in context that police endure... As (community policing) is weaned off the last federal sow, and as the tongue wagging sycophants fade off into the sunset, its ascendency to a law enforcement tool will be replaced by new strategies on how to rid ourselves of what matters the most, [the more serious crimes].”

On the other hand, a keynote speaker at Portland’s near-annual National Community Policing Conference has a different view of the role of police. Jane Braaten, a police staffer who organizes the conferences, wrote a letter to the January Rap Sheet defending comments made by “Former Superintendent Chris Braiden” which were reported in the Oregonian.

Apparently, Braiden said, “Peace is a destination, the law is one of my tools.” He then quoted a Los Angeles sergeant who said “I am in law enforcement, and the key word is force.” Braiden took issue with the sergeant, stating, “I was a peace officer and the key word was peace. I have used force many times to gain peace, but force is a function and peace is a destination.”

The words seem right—an emphasis on peace, but to use force to gain peace? We’re sure the people who have been beaten, sprayed, and shot by police will appreciate that they attained peace through state-sanctioned violence.

POLICE CHARIITY FOR CORPORATIONS: McCOP NIGHT AND RED LOBSTER TIPS FOR SHERIFFS

In February, two of the largest restaurant chains in the world got free publicity by “helping” Portland-area police agencies raise money for charity.

On February 3, Portland Police helped “sling burgers” at the McDonald’s on SE Powell Boulevard, ostensibly to raise money for several charities including the Police Athletic League. Putting aside the inherent endorsement of meat-eating (many of us at Copwatch are vegetarians), the sight of Portland’s finest running around a fast-food restaurant made for great public relations. But the logos and practices of the charities (who were to receive 10% of the money earned at that one restaurant in the few-hour period) were nowhere to be seen. Only McDonald’s and the cops made it onto TV, making people feel that giving money to the largest chain in the world is good for society. McDonald’s reports that the cash generated from their 1998 operations totaled $2.8 billion; their website boasts that they are “the world’s largest global foodservice retailer, with nearly 25,000 restaurants serving over 40 million people each day in 115 countries.”

In a similar program, Red Lobster had Multnomah County Sheriff’s deputies busing tables to raise money as part of their “Tip-A-Cop” program, which raises money for the special Olympics. In this case, the charity itself is thankfully not police-related—but the focus of the piece we saw on KPTV-12 was Red Lobster. Red Lobster’s website pronounces that they are the “largest full-service dinnerhouse chain” in North America, with “sales for the fiscal year ending May 25, 1998, exceed[ing] $1.9 billion.”

It’s bad enough that on-duty, it is the function of police in this society to further the interests of multinational corporations; it’s too bad that when they want to try doing some good for their community as volunteers, they still fulfill that function.

For more about McDonald’s and other corporate ties to law enforcement, see People’s Police Reports # 10-13
POLICE BRUTALITY ACROSS THE NATION

Activists, Executive Branch express concern

A coalition of minority and religious leaders have asked President Clinton to take action against police brutality. Routine harassment of minorities, discriminatory policies such as racial profiling at borders, customs or on streets, and improper use of deadly force by police are special problems cited (Reuters, 2/25/99).

The coalition called for investigative panels with subpoena powers, more detailed background checks, civilian review boards at state and local levels and withholding federal funds from departments with high rates of police violence.

Janet Reno plans to meet with the coalition, and has said that she sees this as “a very serious problem” (Associated Press, 2/26/99). However, during her tenure as DA in Miami, she only prosecuted one officer for a racist killing. Similarly, although it is important to raise this issue, expecting Clinton to do something concrete about it is perhaps shortsighted, given his record. Michael Novick of People Against Racist Terror in Los Angeles points out that Clinton’s policies are responsible for hiring 100,000 new officers, militarizing the Mexican border, using military forces in the domestic “drug war”, providing military equipment to police forces, and deferring to the interests of police unions.

In President Clinton’s March 13 radio address, he claimed that “police officers who break the law should be prosecuted.” While we fully agree, Clinton’s posturing relies on the “few bad apples” argument and ignores that it is the function of police in society to protect the racist upper classes, and therefore violence against people of color and the poor is systemic rather than aberrant. While the coalition emphasizes brutality is a national problem, the demands come in the wake of recent incidents of unarmed minorities being killed by police in Riverside, Pittsburgh and New York.

Detroit has also seen numerous deaths. In late 1998, members of the community demanded and were granted a public City Council hearing on police brutality (Pan-African News Wire, 12/13/98). We have no word on the Council’s promised February response.

The Center for Constitutional Rights plans a national rally April 3 in Washington, DC.

COPS VERSUS NEWS COPTERS

On February 4, four plain-clothes officers in New York killed an unarmed Guinean immigrant, Amadou Diallo. Two officers emptied 16 shot semiautomatic pistols, and the other two officers fired four and five times, totalling 41 bullets fired in a few seconds, 19 of which hit. The officers said they feared Diallo was wearing a bulletproof vest.

This does not explain why they opened fire in the first place, as Diallo was merely standing in the doorway of his apartment building. One official speculated that the officers thought Diallo’s pager was a weapon. The four officers were all part of the Street Crimes unit, and part of a department in which 90% of all officers never fire their weapons. However, three of these officers have been involved in previous shootings, one of which is still under investigation.

Diallo, 22, was described as a pious Muslim and hardworking street salesman. (New York Times, 2/5/99). Former Mayor David Dinkins, Congressman Charles Rangel, other notable intellectuals, and scores of activists have been arrested at protests over Diallo’s killing, which have been going on nearly every day.

NATIONAL LAW, STATE-WIDE BILL SUPPORT OFFICER FAMILIES AFTER ON-DUTY DEATHS

Two pieces of legislation, one national and one local, seek to help the families of police officers who die in the line of duty.

The national bill, passed in November 1998, makes “spouses and children of slain police, firefighters, correctional officers and rescue workers...eligible for college scholarships of about $4,800 a year” (Associated Press, 11/13/98). The legislation expands a 1996 law which gave benefits to families of federal law enforcement officers who died doing their jobs.

Closer to home, Vicki Jeffries, whose husband Officer Thomas Jeffries was killed by a fleeing suspect in 1997 (see PPR #12), testified before the Oregon State Legislature on February 2 in favor of a similar bill. According to the February 3 Oregonian, House Bill 2391, the “Fallen Officer Bill,” would establish a Public Safety Memorial Fund by adding $2 to each fee imposed on convicted felons. They estimate the fund will generate a half million dollars a year. “Benefits for surviving spouses and children would include a one-time $25,000 cash payment within three days of the death, paid health and dental insurance premiums and four-year college scholarships. The fund would pay off mortgages if no insurance exists. Benefits also would go to families of officers who are seriously injured and unable to work.”

We have no problem with the idea of society pitching in to help people who have lost family members. We wonder, though, what sort of support will be offered to the families of police shooting victims.

For more info on victims of police violence, check out the Stolen Lives Project: October 22nd Coalition c/o KHL inc., Box 124, 160 First Ave, New York, NY 10009; (212) 477-8062.

The “Your Rights and the Police” card will return in our next issue
POLICE ASSOCIATION: COP OFFENDERS PUNISHED DIFFERENTLY—IS IT RACIAL?

In the January issue of the Portland Police Association (PPA)’s newsletter, the Rap Sheet, Secretary-Treasurer Tom Mack expresses his opinion that the Chief’s office is inconsistent at doling out punishment.

For instance, Officer Rodriguez (who is not named by Mack) was almost terminated for being untruthful, but he was reinstated after the PPA stepped in. (Our understanding is that Officer Rodriguez radioed in as unavailable while he was visiting a strip club.) However, Mack says two other such incidents have occurred and there’s been no action from the police. A reporter tells us he may be referring in one instance to the case of an officer Ellison, who we understand claimed to have been hit by a civilian car in a hit-and-run when he actually backed his car into a light pole. The fact that Ellison is African-American makes us think Mack is implying Moose is lenient on black officers.

Mack goes on to complain about: “use-of-force complaints generated by the bureau, not a citizen, with one member being criminally investigated while another is not; horseplay among grown men resulting in [job schedule changes] for one and comments from the chief challenging the truthfulness of the witness statements given; allegations from career criminals against officers resulting in criminal investigations; allegations from intoxicated suspects which are clearly lies, resulting in lengthy investigations which cleared the members of any wrongdoing and also invaded our members family’s privacy [sic].” We’re still trying to figure out what these cases are all about, especially the criminal investigations. (We are also told that one of the officers not punished for the “horseplay” incident, whatever that was, was also black.)

While we won’t comment on the racial disparity subtext, we will commend Mack for his analysis: “This current regime has several lawsuits pending against it, has settled others, and seems to have more on the way. Doesn’t this concern city commissioners or the taxpayers?” Of course it does, Tom. That’s why we hope officers will stop acting in such a way as to bring these lawsuits upon the city.

COMMUNITY POLICING: WAR AND PEACE

In the December Rap Sheet, retired officer Duke Smith writes on “Flower Power in the Crime War.” Duke’s thrust is that Community Oriented Policing (COP) focuses too much on getting the car and doing something. He goes on to defend how much of police work has to be done from behind the wheel of a police car, from traffic stops to preventing accidents.

He thinks that Community meetings focus on petty crimes and that crimes like murder, rape, robbery and arson are ignored. Duke’s proposed solution:

(continued on p. 10)