Portland’s police oversight system, specifically the nine-member civilian panel of the Independent Police Review Division (IPR), is becoming more assertive, challenging Police Bureau findings in one high-profile case and demanding to review another. Richard Rosenthal, the Director of the IPR, is working to prevent both cases from moving ahead. His lack of support comes in spite of his efforts to encourage the panel, known as the Citizen Review Committee (CRC), to sustain a misconduct allegation in a different case.

One of the major cases was the beating of José Santos Mejía Poot (Case #02-21). Mejía was a Mexican national who suffered from epilepsy and was shot by Portland Police in a psychiatric hospital in April, 2001 (see PPR #24). Two days before the shooting, Mejía was beaten by police when an altercation that started over 20 cents of bus fare escalated. Two citizens filed a complaint with the Internal Affairs Division and one filed a subsequent appeal with the IPR. That citizen died a few months after the IPR denied the appeal in July, 2002. The only public recognition that the appeal was denied came in a short announcement during the “Director’s Report” at a CRC meeting, lasting less than a minute.

The surviving complainant, along with community members who also weren’t informed when the appeal was denied, wrote a letter to the CRC and asked that they review the case. The findings were that a female officer did not strike Mejía with a flashlight (although she was, apparently, holding the flashlight while trying to restrain him) and that a male officer did not use excessive force by beating him (IAD stressed that Mejía had resisted the police, leading to the escalated use of force).

The CRC discussed the idea of bringing the case back for a pre-hearing. City Auditor Gary Blackmer, who oversees the IPR, tried to convince the CRC to sustain a misconduct allegation in a different case.

Legislative Bills Would Create New Crime of Terrorism, Eliminate 181 Laws

Proposals Also Allow Police to Spy and Act as Local INS Agents

There are several bills before the Oregon Legislature which, if passed, would create a new crime of terrorism, so broadly defined it could include almost any act of non-violent civil disobedience. They would also eliminate Oregon’s 181 laws which protect Oregon residents from spying by the police (see PPR #19) and prevent the police from acting as local INS agents. Senate Bill 742 (introduced by Sen. John Minnis R-Fairview), House Bill 2539 (Rep. Betsy Close, R-Albany), House Bill 2554 (Rep. Donna Nelson, R-McMinville), and HB 2051 (created by the Interim Judiciary Committee) are currently being considered by the Oregon Legislature.

Senate Bill 742 creates a new crime of “terrorism,” punishable by life in prison. It broadly includes any act, in which a

The March 28 Portland Tribune showed a picture of double-fisted Officer Joseph Hanousek (#10230) using 2 canisters of pepper spray against unarmed activists.

Cops get ‘deadly serious’ with protesters

When a war rages overseas, it is common for police to step up their tactics back home. Rodney King was beaten by Los Angeles Police just days after the end of the “Gulf War” in 1991. Here in Portland, the police reacted with mixed responses to anti-war demonstrations beginning before the first major assault on Iraq on March 19.

At a march on February 15 (which did not have a permit), police attacked a line of protestors who were blocking traffic in front of the Portland Center for the Performing Arts (PCPA) downtown. (continued on p. 4)

The People's Police Report
Published three times a year by PORTLAND COPWATCH

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POLICE REVIEW BOARD CHALLENGES SYSTEM
Citizen Committee takes firm stands on Mejia and Bonneau cases
First-ever case heads to City Council

PORTLAND’S POLICE OVERSIGHT SYSTEM, SPECIFICALLY THE NINE-MEMBER CIVILIAN PANEL OF THE INDEPENDENT POLICE REVIEW DIVISION (IPR), IS BECOMING MORE ASSERTIVE, CHALLENGING POLICE BUREAU FINDINGS IN ONE HIGH-PROFILE CASE AND DEMANDING TO REVIEW ANOTHER. RICHARD ROSENTHAL, THE DIRECTOR OF THE IPR, IS WORKING TO PREVENT BOTH CASES FROM MOVING AHEAD. HIS LACK OF SUPPORT COMES IN SPITE OF HIS EFFORTS TO ENCOURAGE THE PANEL, KNOWN AS THE CITIZEN REVIEW COMMITTEE (CRC), TO SUSTAIN A MISCONDUCT ALLEGATION IN A DIFFERENT CASE.


THE CRC DISCUSSED THE IDEA OF BRINGING THE CASE BACK FOR A PRE-HEARING. CITY AUDITOR GARY BLACKMER, WHO OVERSEES THE IPR, TRIED TO CONVINCE THE CRC TO SUSTAIN A MISCONDUCT ALLEGATION IN A DIFFERENT CASE.

www.portlandcopwatch.org
So far this year, Portland Police have shot and wounded only one person in a deadly force incident. There have also been incidents involving “less lethal” devices like Tasers, “bean bag” guns and pepper spray, any of which could have deadly consequences.

A man who was seen running around Portland’s East Side Industrial District with a sharp object was shot by officers Craig Mendenhall (#32939) and Paul Park (#32952) on March 2. Police spokesperson Henry Groeppler claimed that the officers on the scene called for “less lethal” weapons but they fired numerous shots at 28-year-old Steffen Wesley Redincer before those weapons could arrive (Associated Press, March 3). Redincer was put in the hospital in critical condition. Since he was described in the papers as a “transient,” he may not have any family to follow up on his condition. The media frequently fails to do so in police shooting cases, so Redincer’s current condition is unknown.

In Clackamas County, Sheriff’s Deputy Sergeant and spokesperson Damon Coates was shot in the head by a 15-year-old suspect he was taking in for a mental evaluation. The teen, Nick Teixeira, was shot in the chest and arm after he shot Coates (although it is unclear whether that officer was Mark Fresh, Christopher Cheek, Steven Van Metre or Bryan Lavigne—Oregonian, January 12). Coates was well-liked in the community and has received enormous public attention. At PPR press time, he was recovering well. It is refreshing to hear his family express their willingness to forgive Teixeira in a world full of revenge-tensions between citizens and police without abridging civil liberties.

“DO THE RIGHT THING” 2003

A few years ago we initiated “Spike Lee Do the Right Thing Awards” to officers who stood up for civil rights (see PPR #21). At the November awards ceremony where the police involved in shooting civilians (including José Mejía Poot and Byron Hammick) were given medals, officers who actually appear to have saved lives were also honored.

Please note that we do not know all of the circumstances around these incidents, but knowing nobody was harmed deems these officers’ actions commendable. We do want to encourage the Bureau to train more officers for the Crisis Intervention Team (CIT), which encourages using words and empathy instead of violence. Here are quick lowdowns on five incidents in which police did not use deadly force on possibly suicidal civilians:

Officer Rian Hamby, who has CIT training, tried to talk a woman out of suicide on top of a parking garage. He and Thomas Powell (who received a Copwatch “Do the Right Thing” Award in 2000 for refusing to fire “beanbags” at unarmed protesters) pulled her back. They both received the Police Medal, the same tribute awarded to the police in the Mejía case. They were assisted by Ryan Coffey and Troy Pahlke, who got Life Saving Medals.

Officers Jason Jones helped Officer Nathan Wollstein, who nearly fell himself while pulling a man from the Fremont Bridge. Jones received a Life Saving Medal. Wollstein was nominated for a Medal of Valor, “the most distinguished award presented to a Bureau member” (Directive 210.90). It is unclear whether Wollstein was given the award. (Source: The Rap Sheet, February 2003.)
them that this was really a shooting case and they should let it be reviewed by the

independent researchers currently looking at shootings that occurred between 1997 and 2000. But the community and the board recognized that the beating was an entirely separate incident. It is not even included in the civil rights lawsuit filed against the City by Mejía’s estate in mid-March. The CRC voted 7-1 to hear the case.

Director Rosenthal has since attempted to dissuade the committee by having Deputy City Attorney Linly Rees present certain interpretations of case law and other regulations implying it might be beyond a legal time limit to review the case. That did not work either. At the April 1 meeting, the Citizens agreed to write up their own summary case file for the incident when Rosenthal announced he and the IPR staff refused to do so.

The other case, #02-17, involves Merrick Bonneau, a man of mixed race who was mistaken for his larger, white half-brother and roughed up during an arrest. As reported in PPR #28, the CRC voted to send Bonneau’s case back to have his complaints recategorized. The initial result was a list of 10 allegations in which all police actions were found justified (“Exonerated”) or the allegations without merit (“Unfounded”). The CRC, in particular member Mia Butzbaugh, an attorney, reviewed the allegations one by one and voted to recommend two major allegations be “sustained”—that officers unreasonably arrested Bonneau in September, 1999 and failed to file full reports on the incident, which included use of physical force. They voted to move five other allegations from “Exonerated” to “Insufficient Evidence,” meaning that there isn’t enough evidence to prove or disprove the allegations. This finding is more serious as it implies the officer may have committed misconduct.

Early in 2002, Rosenthal invented an extra bureaucratic meeting (the “conference committee”) to avoid bringing any cases to City Council. While City Code provides for Council to be the final stop for CRC cases, both Rosenthal and City Auditor Gary Blackmer seem intent on preventing this from happening. The conference committee allows the Police Bureau’s higher-ups to explain why they disagree with the CRC’s findings. At the April 1 meeting, when one CRC member suggested that such meetings were attempts to change the Citizens’ minds, Rosenthal denied it. But when Vice Chair Denise Stone suggested that the CRC just listen to the Bureau without voting, Rosenthal became agitated and stated the police wouldn’t show up if the CRC wouldn’t vote. Despite the fact that he had been caught trying to mislead the Citizens, Rosenthal insisted that the “conference committee” regarding Bonneau go ahead anyway.

On April 15, Assistant Chief Derrick Foxworth met with the CRC. He tried to excuse the police’s mistakenly arresting Bonneau by stating that descriptions given over the radio are often faulty, and citing a disputed fact—a claim by police that Bonneau came to the door that night holding a butter knife. Foxworth also explained that the officers, in his opinion, didn’t need to identify the witnesses to the arrest because none of them could have seen the arrest as well as the officers did. But since the officers didn’t question the witnesses that night, there was no way for them to know that. The CRC voted unanimously to send the case to Council.

While looking like an apologist for police misconduct in these high-profile cases, Rosenthal received some positive press from a case in which he appeared to act independently. This case involved an officer acting rudely toward a woman being taken in on a civil custody hold (#03-01). While disturbing, this case hardly rises to the level of seriousness of the other two. This is significant as it “marks the first time that the IPR director has found the complaint justified based on witness accounts and found the police ruling of ‘insufficient evidence’ unreasonable” (Oregonian, January 17). Rosenthal urged the CRC in his summary case file to change the finding to “sustained” (independent witnesses including an EMT had heard the officer being rude). In February, the CRC did vote as Rosenthal urged; the Bureau agreed to sustain the finding.

Another serious case heard by CRC (#02-27) involved a man whose arm was broken when police shot a “less lethal” lead pellet bag at him. The man had allegedly robbed a store at Lloyd Center and was hiding under a table in a restaurant. The appellant (who was in jail and thus not at the pre-hearing) says he had his arms out to surrender. The police say he refused to comply with their commands so they shot him, according to their reports, from ten feet away. The “bean bags,” which hit with the impact of a line-drive baseball, are only supposed to stun a person; the manufacturer recommends not using them from within 10 feet because the bags can break bones or even kill people if used from a short distance. Unfortunately, the CRC upheld the Bureau’s findings and declined to hold a full hearing on this case.

The CRC heard a number of other cases raising recurring issues such as: are the police responsible for securing an apartment after an arrest? (Doors were left unlocked, cooking devices left burning, etc.) They discussed a number of large protocols, including how to replace CRC members who leave mid-term (Bryan Pollard was replaced by Doug Montgomery in January). They are also pondering the maximum time period within which a decision can be reconsidered by the board.

For more information contact the IPR at 503-823-0146. CRC meetings are held on the third (and often the first) Tuesday of each month at 5:30 PM, usually at City Hall, 1221 SW 4th.

For information on the José Mejía Poot case contact the AFSC at 503-230-9427.

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[Photo: At one point while being challenged for creating processes outside of the City Code, Director Richard Rosenthal (2nd from R) snapped at Citizen Review Committee member Mia Butzbaugh (far L), “You know what? YOU!....well, I’m not going there” (April 1 CRC meeting).]
The city claims they spent $1 million in overtime policing the protests, but no reporters pointed out that the cops ’12-hour shifts were due to the “Orange Terror Alert,” not the demonstrations.

KROEKER’S CORNER

Portland’s Police Chief Learns Lessons at Home and Abroad

Kroeker Picks Up Policing Tips in Israel and Mexico

In January, Portland Police Chief Mark Kroeker went to Israel for a four-day police conference on terrorism. The visit included meetings with Israeli police commanders and Prime Minister Ariel Sharon, as well as memorial events for Israelis killed by Palestinians. (He had no meetings with Palestinians.) Kroeker praised Israeli use of surveillance cameras in public places, as well their tactics for increasing community involvement in police activity (Oregonian, January 24).

The trip sparked anger in the local Arab/Muslim community and others opposed to Israeli occupation of the West Bank and Gaza Strip. The flight to Israel, which cost a little over $900, was originally paid for by the City. After community outcry, Citizens Crime Commission, an affiliate of the Portland Business Alliance, picked up the tab.

A couple of weeks later, Kroeker flew to Oaxaca, a city in southern Mexico, with seven Portland police officers and one sergeant. He told the Chief’s Forum on March 3 that the 10-day Spanish immersion program was intended to “open up our police organization to understanding the Spanish-speaking community, the immigrant community, and increasingly those who are from Oaxaca who are right here in our midst.”

Jack Corbett, a PSU professor who helped organize the event, said the trip, which included residing with host families, will teach the officers what it’s like being in a strange land so they can better empathize with Mexican immigrants who don’t speak English or know U.S. laws (Oregonian, January 29).

The Police Foundation, a private “grant funding” organization founded by Portland Tribune publisher Bob Pamplin, paid the estimated $2,000 per participant. This brings the private funds for these two events to nearly $19,000, which may indicate a trend toward police serving these groups’ interests rather than the public’s.

Community Policing Examined

Kroeker wrote in a January 14 Portland Tribune opinion piece that “community policing is here and it is vibrant.” Though he doesn’t clearly define community policing, he does say it includes “police listening to the needs of the communities.”

In agreement with Kroeker’s assessment, North-Northwest and downtown business representatives said at an advisory meeting with Kroeker that their relationship with the police was good. This positive view is not shared by all. Richard Brown, who represents Northeast Portland, said the relationship between police and community members is “awful.” And Latino community representative Carlos Rivera, said there has been progress but much more needs to be done.

Police Violence at Anti-War Marches (continued from p. 1)

On March 20, the night after the U.S. began its attack on Iraq, police clashed with demonstrators a number of times. Some reports showed a few demonstrators throwing objects at police and damaging property, but compared to the size of the original crowd (over 7000 people) these were isolated incidents. The media also noted that some demonstrators blocked traffic, but such actions were non-violent. Although some business representatives and people in the community criticized the police for being too relaxed on this evening, there were also numerous complaints of misconduct. The final showdown occurred with a group of nearly 100 protestors at a sit-in near the Burnside Bridge where police removed people from the crowd with little violence and no chemical weapons. Individuals who chose to leave voluntarily were generally allowed to go until one transgendered woman was taken into custody. Her story is posted on indymedia (www.portland.indymedia.org). She describes harassment and humiliation at the hands of the police in front of numerous witnesses, in apparent violation of Portland’s non-discrimination laws which protect transgendered individuals. Her accusations include police making demeaning comments and touching her crotch area.

The following day, after pressure from the Portland Business Alliance (a downtown business consortium) to squelch demonstrations, the Police Bureau came out ready to fight. Although the weekly Portland Peaceful Response Coalition march was unharmed, riot police lined up in front of numerous buildings, including the PCPA. After that event, a small group attempted to march in the streets and were immediately met with police pepper spray and arrests.

Over the next week, police began throwing people to the ground merely for stepping off the sidewalk. (Nordstrom’s shoppers were, of course, spared.) A Unitarian minister was arrested for “interfering with a police officer” when he refused to identify himself. The same man had, one day earlier, been pushed back by an officer’s baton while he was wearing his ministerial robe.

Many people who might not formerly have known about such police conduct may have been shocked by such activity directed at people expressing their political views. People will need to speak out as local and national legislation moves forward to suppress dissent.

On April 17, National Lawyers Guild attorney Alan Graf filed suit about the recent actions—including an attack on a KATU (Channel 2) engineer—in addition to his ongoing lawsuit regarding the August 22, 2002 anti-George Bush protest (see PPR #28).

For lawsuit info or if you have evidence of misconduct at a rally, call 503-452-2375.

The Police Accountability Campaign (www.policeaccountabilitycampaign.org) has also been collecting information on incidents at the demonstrations including verbal abuse, use of pepper spray, property confiscation and excessive force.

To get a “Protestors’ Police Conduct Documentation Form” contact PAC at 503-287-2255.

In other news, Detective Peter Simpson, editor of the Portland Police Association newsletter the Rap Sheet, has now been transferred to the Tactical Operations Division, meaning he is likely involved in planning of responses to peace demonstrations. This is worrisome as his attitude toward those who were fit with rubber pellet projectiles and chemical agents was reflected in the February issue: “Being pepper sprayed, shot with less lethal munitions or arrested is simply the cost of doing business and they should go quietly into that good night.”

The young woman cowering between a traffic sign and a newspaper box was hit repeatedly with pepper spray by Officer Hanousek and Officer Mark Kruger (#28044) in actions caught by independent videographers (she also appears on p.1 holding the sign in the lower front of the Portland Tribune photo). This still is from Portland indymedia.
Off-Duty Beating Whistleblower Punished

In the case involving two off-duty officers who beat a man in a street fight (see PPR #27), an investigation into officers’ actions to cover up the criminal act has resulted in discipline—including a five-day suspension for the whistleblower who brought the whole thing to light. Sgt. Dirk Anderson, according to a revealing front-page March 8th Oregonian article, went to great lengths to remain anonymous when filling his complaint with the Independent Police Review Division (IPR). This included purposefully spelling words wrong, calling the police names, and never touching the paper so as to avoid leaving fingerprints.

It is a common misperception that the IPR will conduct independent investigations. However, every single case it has handled since its inception in January 2002 has been turned over to Police Internal Affairs detectives for scrutiny. IPR Director Richard Rosenthal did “sit in” on this investigation (which was first treated as a criminal investigation resulting in the prosecution and resignation of the officers, Bailey and Hampton), but he probably couldn’t have handled the case himself once Anderson’s identity became known. The IPR cannot, by City Ordinance, accept complaints from Bureau members.

The Oregonian states that after Anderson, a 22-year veteran of the force, fessed up, he was transferred out of Central Precinct for protection. Nonetheless, his name got out and “officers began to shun him.”

The discipline is being imposed because Anderson did not challenge his supervisor, Lt. Gabe Kalmanek, when the Lieutenant asked officers not to write reports, but only to record the incident in their notebooks the night it happened. In February last year, the PPB also proposed discipline on Officer Liani Reyna, who blew the whistle on sexual misconduct in the SERT unit (see PPR #26). Perhaps the time has come for the City to consider a whistleblowers’ protection ordinance.

Altered Records Draw More Attention in Officer Domestic Dispute Case

Secret File Cabinet Revealed

An internal investigation continues after a criminal investigation cleared the civilian Police Bureau employee who altered a file to downgrade Officer Michael Pimentel’s domestic dispute to a “noise disturbance” (see PPR #28). Deborah Haugen, who changed the file after being pressured by Sergeant Charles Brown and by Pimentel himself, told detectives she “forgot” to note that she had changed the file, and had done so because the alleged victim, Pimentel’s girlfriend, had called the incident “a big nothing.” Pimentel blocked the woman from exiting a car during an argument and flashed his badge to keep bystanders from observing the scuffle.

A careful reading of the January 24 Oregonian story on this development revealed to Portland Copwatch a new layer of secrecy in the Bureau: a locked filing cabinet which holds information about alleged misconduct by officers. It is unclear whether the “Independent” Police Review Division has access to this cabinet.

As to the nervous calls from Brown and Pimentel to reclassify the incident, Haugen attributed them to “paranoia” about being listed in any investigative file. Stacy Heyworth from the D.A.’s office wrote off the involvement of Haugen and other Bureau members as “mistakes.” We wonder if the perpetrator had not been a Police Bureau employee if such “mistakes” would have been considered negligible, since state employees in the family services division seem to be getting fired for incidents involving errors– as opposed to what could be considered active cover-ups.

PPB Expands Arsenal of Tasers

After a six-month pilot program in which the PPB itself evaluated the “effectiveness” of Taser use among Portland police officers, the Bureau decided to acquire 40 more less-than-lethal “electric guns,” at a cost of $399 each. At the March 3 meeting of the “Chief’s Forum: A Citizen and Police Committee Advising the Portland Chief of Police,” Chief Kroeker introduced the decision as “the latest expansion of Portland tools available to police officers out there on the streets.” This decision was reached without prior public debate–or input from the Forum itself.

Tasers are “conducted energy weapons” manufactured by Taser International (see PPRs #27 & 28). Officer Tom Forsyth described the weapon as “proven to be non-injurious, but has a profound psychological and physiological effect ...because it interrupts the central nervous system.” The weapon, which has grown from a 7 watt device to 26 watts (50,000 volts/.162 amps, says Forsyth) in order to paralyze “deeper skeletal muscles,” supposedly leaves only a small inflamed wound “that looks like a bee sting.”

When questioned about possible deaths of people shot with Tasers, Forsyth said none were “attributed to the use of the Taser.” Without explaining the distinction, he said this conclusion was stated in a “report” and not necessarily arrived at after “studies.”

The Bureau reports that there have been four Internal Affairs complaints about the use of Tasers out of 122 uses. Only 55 percent of total incidents were against caucasian suspects in a city that is 77% white.

Police guidelines allow officers to use Tasers on people who engage in or display the intent to engage in 1) violent, aggressive actions, 2) suicidal behavior, or 3) physical resistance to lawful police action. The second scenario may be an inhumane criterion. The last scenario is broad enough to mean police can use it on any person engaged in civil disobedience.

Forsyth said this is a technology that will allow officers to “resolve situations out on the street.” He said the police “would like to have every officer have a Taser.” Since Tasers are not supposed to be used either against people with epilepsy (like José Mejía, whose death prompted their use in Portland!) or as torture devices (there have been several reports of multiple uses on a single suspect), we hope this does not come to pass.

*Both Kroeker and Forsyth used the term “out on the street,” perhaps to reinforce the perceived dangers that are being used to justify the use of Tasers.

Cedar Mill Man Suffering from Diabetes Hit with Beanbags and Tasers Lives to Tell the Tale

In January, police from Portland and Beaverton chased a man suffering from another form of physiological disorder, in this case diabetes. They rammed his truck, shot at his windows with a lead-pellet “bean bag” gun, hit him with 25 pepper balls (exploding projectiles packed with pepper spray) and tasered him before he got out of his vehicle. It turned out he was having a diabetic reaction with a blood sugar count 25% below the lowest safe level (Oregonian, January 22). It is amazing that the man, Glenn Allen Roberts, was not seriously injured. This is another example of why the Taser and other “less-lethals” should be used more discerningly. Each time one of these potentially lethal “tools” has been introduced, they seem to be over-used, as Portland Copwatch has predicted. More talk, more patience, and less action–and reaction–may often be needed.
—In late March, federal agents arrested Mike Hawash, a Palestinian-American citizen and an employee of computer giant Intel, to hold him in custody as a “material witness.” Hawash’s friends and family protested his secret detention, part of a pattern since 9/11 of Middle Eastern men being held without being charged or allowed to see attorneys. What made his case different was that many of his friends are employees at Intel, one of Oregon’s largest employers, and many media outlets actually picked up on the case. Senator Ron Wyden has requested a private hearing on the matter.

—In early November, Chief Kroeker called a meeting of Portlanders and created the Arab and Muslim Police Advisory Council. In its first meeting, residents expressed concerns about the Portland Joint Terrorism Task Force (PJTTF), security issues, and civil rights matters. In their second meeting, they asked whether members of their community were under surveillance. PJTTF point man Lieutenant Randy Kane assured them they were not (The Skanner, December 11).

—The Portland Tribune, which ran a long story on police spy files unearthed from the 1980s, used portraits of 11 activists in ad promoting the paper (December 13). This was the first such multi-part story on police accountability issues in the Tribune since the shooting of José Mejía Poot in 2001. It would be great to see more substantive journalism on current matters.

In a follow-up story on January 14, the Tribune reported that a couple from Portland who now live in Connecticut discovered that a Portland Police informant infiltrated their chapter of the Revolutionary Communist Party back in the 70s. The informant “didn’t just infiltrate their group to befriend them. He also tried to provoke them into illegal acts.”

—In the case of the “Portland Six,” six Muslims accused of being a “sleeper cell” for Al Qaeda (specifically, conspiring to wage war against the United States), will face trial later this year. While lawyers are working on their behalf and trying to provide legal counsel to witnesses, the federal government seems to be trying to expand the case to include other defendants (Tribune, January 10).

—Sheikh Mohammed Kariye pleaded guilty to minor charges of fraud. While he had been detained originally as a potential terrorist because of suspected TNT traces in his brother’s luggage (see PPR #28), it turned out his worst crimes involved “lying about his income to qualify for Oregon Health Plan benefits and using a false Social Security card to obtain those benefits” (Oregonian, March 4).

—A federal magistrate dismissed the case Peace and Justice Works (Portland Copwatch’s parent group) brought against the City of Portland for keeping files on its political activity in apparent violation of ORS 181.575 (see article, below). The magistrate agreed with the City’s contention that PJW filed the lawsuit too late (although it was within a two-year statute of limitations) because they should have known about documents the Bureau handed over to the City Attorney’s office prior to July, 2000—when the documents were first mentioned in a City brief. PJW is appealing the decision.

**YOUR RIGHTS AND THE POLICE:**

**DETAILS ON RIGHTS TO LEGAL COUNSEL PRIOR TO TAKING A BREATH TEST**

In a recent decision by the Oregon Supreme Court decided February 13, 2003, the court ruled that a person arrested for driving under the influence of intoxicants (DUII) has not only the right to obtain legal counsel prior to submitting to a breath test, but also the right to speak with the lawyer in private, without an officer being able to overhear the conversation.

In *State v Durbin*, (Croc County Case No. R98010; Supreme Ct. Case No. S48501), the Oregon Supreme Court reversed a decision by the Oregon Court of Appeals and ruled that a defendant’s constitutional right to counsel was violated when the phone call to the lawyer was made within earshot of the arresting officer. The Court first restated its 1988 ruling announced in *State v. Spencer*, 305 Or 59, 74 (1988) that “the right to counsel entitles the arrested driver, upon request, to a ‘reasonable opportunity to obtain legal advice before deciding whether to submit to a breath test’” (emphasis added). Following from this, the Supreme Court then concluded that the right to confer with counsel presumes that this conversation must be private.

Therefore, a person arrested for DUII, before having to decide whether to submit to a breath test, has a constitutional right to first seek the advice of a lawyer, and then that conversation must be held in private. In order to trigger the constitutional safeguard of the right to counsel, it is important that the defendant must specifically request an opportunity to try to reach a lawyer.
New PPB/Federal Task Force Lacks Oversight

On January 29, Portland’s City Council quietly approved an ordinance creating the Drug Enforcement Administration Portland Task Force (DEAPTF). Although Commissioners Jim Francesconi and Dan Saltzman both recognized that oversight of this new federal-local hybrid unit is just as important as it is for the Portland Joint Terrorism Task Force (PJJTTF), no specific steps were taken to ensure such oversight.

During Council hearings last fall for the renewal of the ordinance for the PJJTF (see PPR #28), testimony and subsequent reporting clarified that officials, including Mayor Katz, Chief Kroeker and even U.S. Senator Ron Wyden, would not be able to monitor the investigations of any local federal task force. While Council suggested the Portland Police on the Task Force would follow local laws restricting investigations to criminal suspects, the DEAPTF agreement indicates that the officers “failure to adhere to DEA policies and procedures shall be grounds for dismissal from the Task Force.” The fact that Portland officers have been deputized as federal agents further exacerbates doubts that local law will be heeded.

While the agreement makes reference to the PPB having its records ready for examination, the reviewing agencies listed are “the DEA, the United States Department of Justice, the Comptroller General of the United States, and any of their duly authorized agents and representatives,” all of whom are part of the federal government and hardly qualify as independent civilian reviewers.

Copwatch News from the Southwest

Copwatch is not a franchise, but a movement. Each group promotes police accountability in its own way, with at least part of the organizations’ focus on observing police in action. Two different Copwatch groups have reported recent possible retaliation by the authorities.

One of the more newly formed organizations, Houston Copwatch (HCW), reports that police towed the car belonging to one of their members with insufficient warning. Whereas the City requires three tickets before towing, this young man’s car—which, according to HCW was registered in his mother’s name and was parked in front of her house—was towed with only one ticket on it.

Houston Copwatch is very careful about how they approach their work. Their website cautions “Do NOT join Copwatch if you are a hothead, seeking revenge on a cop, or want to fight with police.”

One day earlier, a member of a slightly longer-term group, Phoenix Copwatch (PhxCW), was taken into custody by the Bureau of Alcohol, Tobacco and Firearms for allegedly building an “improved grenade” (Arizona Republic, March 5). Past and current members of PhxCW describe the man, Laro Nicol, a military veteran and former editor of a peace and justice newspaper, as “squaky-clean” and are convinced the arrest was meant to intimidate those who challenge government authority.

For more information write Houston Copwatch at PO Box 667040, Houston TX 77266, or visit the (groovy) website at www.houstoncopwatch.org.

Phoenix Copwatch can be located via www.phoenixcopwatch.org.

New Copwatch Group Formed in Portland
guest column by Rose City Copwatch

A group of Portlanders angry about the Police Bureau’s racism, brutality, and cover-ups has started a community organization to do something about it: Rose City Copwatch. Since forming the new group, Rose City Copwatchers have conducted “Your Rights and the Police” and “How to Copwatch” trainings for high school students and homeless youth.

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Contact Rose City Copwatch at 503-993-9464 or info@rosecitycopwatch.org.

Sheriff Uses Fear to Get More Funds

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The Sheriff, however, reserved empty beds and jail space for protesters arrested in April’s anti-war demonstrations (see p.1). He says he can’t keep dangerous criminals off the streets, but he can apparently accommodate protesters, even peaceful protesters. How is this going to make the community safer? When nearly all agencies in the state of Oregon are experiencing budget cuts, it seems disingenuous to use scare-tactics and the public humiliation of prisoners to get more public money for your agency.

Contact County Chair Diane Linn (mult.chair@co.multnomah.or.us) to give your opinion about priorities for spending.

MOOSE CAN’T WRITE SNIPER BOOK

A Maryland ethics committee refused to allow Montgomery County Police Chief Charles Moose to write a book or make movie deals based on his investigation of the Fall 2002 sniper killings in the area. The former Portland Police Chief was told he cannot profit from on-duty events or the prestige of his position. Moose has appealed that decision (CNN, April 14).

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For back issues, send $1.00 per copy to Portland Copwatch, PO Box 42456, Portland, OR 97242. Many past articles are available online at our website: http://www.portlandcopwatch.org. Subscribe to the PPR for $10 a year.

Letters/submissions welcome.

Web version created 6/24/2015

Call us at (503) 236-3065 for more info; report incidents with the police or Sheriff’s deputies to the Portland Copwatch Incident Report Line at (503) 321-5120.

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For more information write Houston Copwatch at PO Box 667040, Houston TX 77266, or visit the (groovy) website at www.houstoncopwatch.org.

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Rap Sheet editor Detective Peter Simpson used his “Blue Light Special” column in the February issue of the Portland Police Association’s newsletter to critique the recent cutbacks in the criminal justice system. He mourns that “Joey Dopedealer and Tommy Shoplifter” will be released from jail—or never get prosecuted.

Simpson suggests that to react to the cutbacks, police should only do what is most important. To street cops, he suggests, “continue to aggressively enforce the laws on those street-level thugs that cause so much damage to community safety. Get in their pockets and take their weapons and dope. Keep letting them know that you are going to jack them up when they are out of pocket.”

(Side note: Comparing police to UN observers in Bosnia, Simpson wrote, “Hell, if Copwatch in Bosnia, Simpson wrote, “Hell, if Copwatch had their way, we’d be unarmed observers!”)

Taps: Eternal Affairs Goes to the Hereafter

For those of you who follow this column or read the Rap Sheet, you know that Sgt. Steve Morrow, formerly of Internal Affairs, wrote a regular piece for the PPA titled “A Word from Eternal Affairs,” which mixed police advice with copious biblical quotes. In March’s issue, editor Simpson notes that he decided to pull “Eternal Affairs” after receiving the only verbal complaints he’s gotten about the Rap Sheet. These comments focused on the “appropriateness of an overtly religious column” in the Rap Sheet. Simpson justifies this because the Rap Sheet is “a police labor newspaper, supported by advertisers who believe in the work done by the men and women of the Portland Police Bureau.” Simpson’s quote shows that the folks at the Rap Sheet are concerned about offending their business supporters.

Reasonable Suspicion and Safe Communities

In his March “Poyntblanck Perspective” column, Officer Rob Blanck notes what he sees as a discrepancy in Police Directives, confusing domestic violence rules with other specific civil liberties protections. He relates the story of a disgruntled ex who called in a false complaint of his former wife fighting with her new lover. Police showed up to a serene scene. In alleged domestic abuse cases, police are required to take reports including the names of the citizens, family members and activities, which are then sent to “government assistance agencies.”

Blanck contrasts this to the PPB’s refusal to interview 23 Arab men after 9-11 because of Oregon’s laws prohibiting collecting information on those not suspected of a crime. “Partisan politics were alive and well in Portland as the left-leaning, liberal leaders wrapped themselves in the loophole...They paraded our police chief on national television standing tall with the American Civil Liberties Union applauding the stance against John Ashcroft’s Justice Department...You would think Ashcroft was the ‘Emperor of Evil.’”

He references Directives 825.00—DV Special Reports and 640.30—Child Abuse Investigations, stating this process is “borderline an outright violation of Constitutional rights.” However, the “181” statutes, which prohibit officers from gathering information when there is no suspected crime, have to do with “social, political and religious” views and immigration status (see p. 1), unlike in possible domestic situations where violent criminal activity is allegedly taking place, and reasonable precautions need to be taken. As with cases which fall under Oregon’s “181” laws these domestic violence files could be reviewed for accuracy and legitimacy before being permanently put into any records. Methinks Officer Blanck doth protest too much.