DEPT. OF JUSTICE FORCE AGREEMENT:
JUDGE HEARS PROGRESS REPORTS,
PAID PARTICIPANTS FOMENT TENSION

Another Community Board Member Quits Even As Useful Recommendations Move Forward

The tumult surrounding the Community Oversight Advisory Board (COAB) has continued despite actions designed to calm the waters (PPR #66). The COAB is a body charged with “independent assessment” of the progress implementing the City’s Settlement Agreement with the US Department of Justice (DOJ) regarding police use of force.

Less than nine months into the process, six of the original community members left the board, while a Portland Police officer advisory member filed complaints against three community COAB members. These actions prompted publicity focusing on the tumult rather than the considerably progressive recommendations being made by the group. Heavy-handed facilitation by local Compliance Officer/Community Liaison (COCL) Kathleen Saadat has led to additional problems. In September, the DOJ, plaintiffs in the suit that led to the Agreement, released a one-year “report card” revealing serious deficiencies in the City’s compliance, followed by a similar second quarterly report from the COCL. The DOJ, COCL, COAB, the City, and the Albina Ministerial Alliance Coalition for Justice and Police Reform (AMAC) all presented updates to Federal Judge Michael Simon in October.

While Simon had originally envisioned annual hearings in which parties could present evidence, the City filed a complaint claiming Simon was overstepping his bounds, which resulted in a compromise downgrading the gatherings to “status conferences.” Simon’s more limited role led to a mostly subdued three hour gathering. The Judge stated he understood his role in the Settlement is

MAN IN CRISIS KILLED BY PORTLAND POLICE;
MEDICAL EXAMINER CALLS IT “SUICIDE”
Plus: Cops Inappropriately Viewed Footage in June Shooting

In November, the Portland Police shot and killed a man in mental health crisis outside Good Samaritan hospital in NW Portland, marking the sixth shooting of 2015 and at least the fifth fatal shooting of someone in mental health crisis since the report by the US Department of Justice (DOJ) called out a pattern and practice of excessive force in late 2012. Despite textbook and legal definitions that one person taking another’s life is a “homicide,” the Oregon State Medical Examiner declared the November 6 shooting of Michael Johnson a “suicide.” Meanwhile, new information surfaced on the investigation into the Portland Police Bureau (PPB) shooting of Allen Bellew in June (PPR #66), revealing the officers were allowed to review security camera footage before being interviewed.

Details are still murky around the shooting of 51-year-old Johnson, but it appears numerous officers, including the Special Emergency Response Team (SERT), showed up trying to negotiate with the man, who appeared to be suicidal. Johnson allegedly fired two shots, at least one into the ground (Oregonlive, November 6), before Officers Russ Corno (#26712) and Chad Daul (#25075) shot and killed him. This marks an astounding third shooting for Corno, tying the record for most shootings in the last 23 years with Sgt. Leo Besner (according to our files). Corno shot and wounded Osmar Lovaina-Bermudez in 2009, firing his AR-15 rifle through a fence, bringing criticism from the group that analyzes PPB shootings (PPR #60). Corno’s prior shooting was just over a year earlier when he shot under a car to try to kill Derek Coady, but Coady allegedly was not hit and committed suicide with his own gun (PPR #45). For his part, Daul was involved in the bizarre effort to capture Russell Stoneking in 2002, in which Daul fired “bean bag” rounds while another officer’s live rounds missed the suspect (PPR #35).

“INDEPENDENT” POLICE REVIEW DIVISION ANNUAL REPORT SHOWS DISINTEREST IN ACCOUNTABILITY

Except for two years when the “Independent” Police Review Division (IPR) did not release an annual report,* the 2014 report broke two records: latest report (released on November 12), and shortest report (just 15 pages). While many details were included in separate charts on IPR’s website, the way the information is presented and the overall content reflect a system still biased in favor of police. Though the US Department of Justice (DOJ) asked IPR to produce the report no later than March 31, IPR missed that deadline by almost eight months, and included scant information about force and mental health issues—the key elements of the DOJ’s Settlement Agreement with the City. IPR didn’t even mention the OIR Group’s report on deadly force incidents, the Citizen Review Committee (CRC)’s proposals around Crowd Control, or even IPR’s own analysis of the Bureau’s interaction with the Hip Hop community (all in PPR #64).

PEOPLE’S POLICE REPORT #67 JANUARY 2016
Two historic moments in Portland’s oversight system transpired recently when the Citizen Review Committee (CRC) sent back one misconduct case for more investigation, and considered two appeals regarding cases investigated “independently” by the board’s civilian staff. The “Independent” Police Review Division (IPR) continues to lack authority to compel officer testimony, perhaps leading to the disappointing investigative outcomes in the two cases—both involved protest actions. Meanwhile, though IPR released its annual report in November (p. 1), it was not brought to CRC for review in December, nor were modifications to operating rules for IPR and CRC.

Case #2015-X-0002: Man with Mental Health Issues is Tasered Up to Six Times; CRC Demands More Info

At the October CRC meeting, CRC heard the Case File Review in case #2015-x-0002, in which Matthew Klug, a man who has diagnosed mental illness and a brain injury, was hit as many as six times by police Tasers. Klug was allegedly circling a woman’s car and shining a flashlight in his eyes. The finding attached to this by Captain Kelli Sheffer of the Traffic Division was “Unfounded,” which means 1/8-inch unbent fishhooks were fired into his skin to deliver a full 5 second long blast. As part of the Settlement Agreement with the US Department of Justice (DOJ), the Bureau began conducting on-scene investigations of all Use of Force incidents in 2013, under Directive 940.00. After Action Reports, known as 940 investigations. Portland Copwatch (PCW) has expressed concern that the 940 investigations are done by the officers’ supervisors, and thus are likely to be biased and incomplete. This case shows our concerns are valid, as the Sergeant who showed up to investigate the incident knew the appellant from the past and referred to him as being “intoxicated and aggressive.” CRC member Kiosha Ford expressed concerns that the past contact may have “clouded the judgment” of the investigator. The vote is historic because City Council gave CRC the authority to require such investigation back in May (PPR #66), so this was their first chance to test their only real power to obligate action by the Bureau.

Case #2015-X-0003: Pushing a Protestor as a Defensive Action is Not Use of Force?

At their November meeting, CRC held a hearing that lasted roughly 4.5 hours for an appeal derived from a December 2014 Prayer Vigil hosted by the Albina Ministerial Alliance Coalition for Justice and Police Reform. That event ended on the Skidmore overpass where Kendra James was killed by police in 2003 (PPR #30). One demonstrator, Jake Dockter, alleged that Sgt. Erin Smith (#29991) pushed activist Teressa Raiford while Raiford was acting as a “marshalling” trying to direct traffic around protestors who were gathered in the street. Dockter also complained that Raiford asked for, but never received Smith’s business card, and that Smith and Sgt. Robert Brown (#36496) refused to help when motorists were aggressively trying to pass the marshals, endangering the protestors.

The 940 investigation included four civilian witnesses, one of whom was a security guard. After Klug filed his appeal, Internal Affairs (IA) decided to re-interview only one of the four civilians—the security guard. The others testimony was considered “vague” and “emotional.” Acting Captain Erica Hurley of the Professional Standards Division said it was not worth going back months later to re-interview the others with whom the Sergeant already talked. TJ Browning, a former CRC member acting as Klug’s Appeals Process Advisor, noted that the same amount of time passed for the Security Guard, and that he was the only witness describing Klug as a threat. CRC agreed and insisted on IA conducting more investigation in a 7-0 vote, deciding the case was not ready to move to a full appeal hearing.

The Professional Standards Division Captain also reviewed findings and can “controversy” them.

To their credit, the CRC voted that the finding was not supported by the evidence (defined as “a reasonable person could not come to that finding”) on an 8-0 vote: then voted 6-2 to propose it be changed to “Not Sustained,” meaning there is not enough evidence to prove or disprove it. Vice Chair Bridget Donegan and member Kristin Malone both felt the finding should have been “Sustained,” which makes sense since the officer admitted to physically interfering with Raiford when he was not trying to arrest her and she was not threatening him.

IPR does not make findings, but they are required to sign off on the Bureau’s recommendations, or else there was no use of force because in her reading of the Bureau’s Directive, force is defined as “mechanical intervention against power to obligate action by the Bureau.

They upheld the finding that Smith was “Exonerated” (in policy) for failure to identify himself, because even though he refused to give a business card to Raiford (who was subjected to a use of force), he eventually gave his card to Dockter. That vote was 6-2, with Malone again thinking it should have been “Sustained,” this time joined by member Julie Falk. CRC’s splitting their vote to challenge a Bureau finding into two parts—that it is not supported by the evidence and then what the finding should be—never happened before the current Committee was seated in February, but now has happened twice, the first time in June (PPR #66).

In a move they have only taken once since 2010 (PPR #64), CRC asked the Bureau to add a “debriefing” to the finding the officers were within policy when they did not assist the marchers who asked for help. Capt. Sheffer insisted the complaint had no validity because the officers had helped the protestors march from NE 8th to the overpass. Moreover, officers have the discretion to decide not to act, and described themselves as “outnumbered” and Raiford’s insistence on being given a business card “hostile.” The vote to add debriefings was 7-1, with CRC member Angelo Turner saying he felt CRC had already expressed their concern about the officers.
On November 19, the Chief wrote a letter accepting CRC’s proposed changes. A few other things about this hearing:

a) it was the first time under the new ordinance that the CRC held the Case File Review and the Appeal Hearing in one meeting; while the goal is to speed up the process to appease the DOJ, PCW continues to object to this concept.

b) Dockter also alleged the officers made disparaging remarks about the prayer vigil and about Dr. Martin Luther King. and that Smith pushed the business card at his face aggressively. Unfortunately, he didn’t pursue these rudeness complaints because they were “he said/she said.” However, the overall attitude of the Sergeants and supervisors make it seem there was bias because the event was about police accountability and organizers chose not to get a permit. Acting Captain Larry Graham made his decision about the refusal to assist being within policy because the marchers were in the street “illegally.”

c) 20 minutes were eaten up by a debate about whether CRC can hear from witnesses who weren’t interviewed by IPR or IA. They can, but if they want to consider the testimony when challenging a Commander’s findings they have to send the case back for more investigation.

d) Raiford, who is African American, expressed thanks that Dockter, who is white, was able to use his white privilege to allow her to be part of the appeal process. Referring to whether Sgt. Smith used force against her for “resisting,” she said, “I know not to resist, Kendra was killed right there.”

**Case # 2015-X-0004: Officers Kettle Protesters at Ferguson Demonstration; Unprosecuted Arrests Found “In Policy”**

At their December meeting, CRC held a Case File Review (CFR) to determine whether two supervisors violated Bureau policy by ordering that protestors be “kettled” (boxed in) and arrested during a post-Ferguson verdict demonstration in late 2014 (case #2015-x-0004). Police also used “flash-bangs” and pepper spray during the same protest, but when IPR processed the nine complaints they received about that evening’s events, they split those force issues into a separate investigation. IPR’s (combined) case summary report indicates officers gave conflicting directions to protestors (e.g. “get on the sidewalk/get off the sidewalk into the street”), and arrested someone on the sidewalk for standing on the street and another person who was trying to leave. However, IPR decided to only focus on whether the Commander and Sergeant who ordered the arrests were out of policy. During the meeting IPR Director Constantin Severe stated that the kettle—where officers moved in from all four surrounding streets to block exit routes—(a) had never been done before and (b) was not against Bureau policy.

A few people who were part of that protest spoke to the Committee and expressed displeasure at the decisions being made by both the commanders and individual officers. CRC members seemed frustrated by the fact that the District Attorney had failed to pursue the charges (of “Interfering with a Police Officer” and “ Disorderly Conduct”), probably because it indicates the cops were just arresting people to break up the protest. Despite the lingering questions, CRC decided there was enough information to move forward with a full hearing. Chair Mae Wilson had decided if the CFR were longer than one hour, the appeal hearing would be held at a later date; it lasted two hours. For the record, of three appeals to CRC hold a community meeting at a police precinct. Fortunately, Ms. Donegan countered that would create the appearance of a conflict of interest, nixing the idea.

For her part, Turner’s fellow Outreach Work Group member Julie Ramos reported that she went on an uneventful ride along with the Gang Enforcement Team (GET). It seems if the CRC is going to reach out to the GET, they should carry forth a list of community concerns about racial profiling, pat-downs of young African American men, and the death of Keaton Otis (PPR #51).

In CRC’s game of musical chairs (by our count, 27 of the 46 previous members resigned), David Green left in November, replaced by youth mental health and addictions counselor Michael Luna.
Police Shoot Another Man in Crisis

(continued from p. 1)

Corno, who’s with the Gang Enforcement Team, told the group looking at the City’s gun ordinance in 2012 he didn’t want to stop referring to “black-style gangs” because it is an “industry term” (PPR #58) and in 2009, told Willamette Week he’s “not afraid” of the word “profiling,” in the context of the cops being called racist. The issue of the Medical Examiner calling the death a suicide is not new; we’ve noted for years how this office, funded by the State Police, tilts its reports to favor police narratives (PPRs #14 & 38, for example). Never mind that the state statute allows them to declare “legal intervention” as a cause of death, presuming they were able to determine whether the shooting was justifiable under the law.

By reaching six deadly force incidents this year, the PBP has gone back to its peak high since 2006, also achieved in 2010 and 2012. An op-ed by the Mental Health Association of Portland in the November 15 Oregonian pointed out that (a) three people per year have been killed on average over a long period of time, (b) the presence of the DOJ hasn’t reduced such force being used, especially against people in mental health crisis (the main focus of DOJ’s analysis), and (c) “death by a cop should never be an expectation, and no police officer should assist a suicide by pulling the trigger of his service weapon.” Meanwhile, the DOJ’s assessment report on the Bureau’s progress with the terms of the Settlement Agreement (p. 1) included information about the officers’ viewing surveillance footage of Bellew’s shooting. When Chief Larry O’Dea learned the Internal Affairs or the “Independent” Police Review Division until 2-1/2 hours after the shooting, although Bureau protocols require notification to happen immediately.

Klamath Sheriff Arrested on Three Force Charges

Although no Portland Police officer has ever been prosecuted for on-duty use of force, it is possible another Oregon agency may be headed to doing just that—and in this case the highest-ranking cop in a Southern Oregon county is under scrutiny. Klamath County Sheriff Frank Skrah was indicted on nine charges, including two counts of assault and one of strangulation. He was booked and released from jail on September 14 (KOBI-5 TV, September 14). Skrah is charged with hitting one man, holding a flashlight to another man’s throat, and choking a third man between 2013 and 2015. The Oregon Department of Justice is prosecuting Skrah based on complaints made by several of his deputies (Oregonian, September 12), showing that the thin blue line isn’t always engaged in “support the police right or wrong” thinking. Fearful of retaliation, seven of the deputies were put on leave at their own request through the Klamath County Peace Officer Association (Oregonian, August 26). We hope the Portland Police are paying attention.

Klamath County Sheriff Frank Skrah is charged with hitting one man, holding a flashlight to another man’s throat, and choking a third man between 2013 and 2015. The Oregon Department of Justice is prosecuting Skrah based on complaints made by several of his deputies.

PCW found 4 more incidents in 2013-14, bringing the 5-year total up from our previously reported 111 to 115.

**Oregon Police Continuation Pattern of Shootings**

While two newspapers continue to tally up officer involved deaths of civilians in the US (the Washington Post and the Guardian—PPR #66), Portland Copwatch continues to track fatal and non-fatal incidents here in the state of Oregon. Here are ones that happened since we last went to press:

—On December 9, Newport police shot and wounded Nantharath Thilavans, 53, allegedly armed with a hammer (Newport News-Times, December 10). The man was hanging around at an RV park; the park’s manager told Oregonian “I called police because I wanted him removed... now I’m wondering if I did the right thing or not.”

—A Klamath County deputy killed Matthew Stephen Colligan, 28, when he smashed his truck into Colligan’s during a November 2 chase (Oregonian, November 2).

—On October 28, Oregon State Police Trooper Jason Perizo shot and killed Jasper Levi Adams, 35, on the freeway near Salem when Adams allegedly pointed a gun at them after his SUV went off the road at the end of a chase (Oregonian, October 30).

—Also on October 28, Oregon State Police and/or US Marshals shot and wounded 36-year-old Andrew DeHart, who was wanted on attempted murder charges in Vancouver and had been chased from Seaside into Washington County. The Medical Examiner says DeHart, who allegedly “disabled” a police car in a gunbattle, died of a self-inflicted gunshot wound (Oregonlive, October 29 and KGW-TV, November 3).

—Weeks earlier, Phyllis Illene Jepsen, 55, died of her injuries after Washington County Deputies Dennis Strange, John McCullough and Matt Humphrey shot her on October 2. Jepsen was allegedly armed with a knife and suicidal; she was hit by both “less-than lethal” and lethal rounds (Portland Tribune, October 3 and Oregonian, October 9).

—In a highly visible incident, Roseburg Detectives Joe Kaney and Todd Spingath fired their weapons at Christopher Harper-Mercer, 26, who had shot, wounded and killed a number of people at Umpqua Community College. According to reports, Harper-Mercer, the white, discharged US Army, member, committed suicide (Oregonian, October 3 and 7).

This brings the total deadly force incidents for 2015 in Oregon to at least 25, higher than the five-year average of 23* for 2010-2014 (PPR #65).

Meanwhile, on the national scene:

• Four prominent cases ended in settlements totaling almost $24 million: Eric Garner’s family agreed to a $5.9 million settlement for his chokehold death in New York; Freddie Gray’s family will be compensated with $6.4 million for his death by battery in a Baltimore police van; Walter Scott’s death in North Charleston, South Carolina ended with a $6.5 million settlement; and James Boyd, a homeless man with mental illness killed by Albuquerque police in police in compensation go to his survivors (LA Times, October 10).

• USUncut.com reported on September 7 that while killings of police are at a 20-year low, police killings of civilians is at a 40-year high. Statistics show 200 fewer officers have died since Barack Obama was elected than in the 8 year term of Ronald Reagan (1981-88), while “at least 928 people have been killed by police annually over the last eight years.” The article says in 2014, 4600 Americans died on the job, but only 79 police, putting them “outside of the top 15 most dangerous jobs, behind garage collectors, taxi drivers and bartenders.” The Washington Post carried a similar piece on September 10 in which Radley Balko debunks the idea of a “war on cops,” calling such notions “nonsensical” and pointing out that even if it were true, making officers overly nervous to do their jobs is “dangerous and counterproductive” (also see “Rapping Back”).

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Portland’s Police Relations Committee Running on Fumes; Quarterly Data Consistently Grim

As part of the effort to implement HB 2002, Oregon’s new law banning police profiling (PPR #66), Attorney General Ellen Rosenblum and members of a special task force held a forum in Portland, bringing out a diversity of voices telling stories of mistreatment by police. Two weeks later, news broke that Rosenblum’s office was tracking Oregonians using the Twitter hashtag #BlackLivesMatter, including the Director of her own Civil Rights Division—in apparent violation of Oregon law—and falsely associating support for African American justice with criminality. In Portland, the Community/Police Relations Committee (CPRC) only met once in the fall, rehashing old ideas, and lost most of its civilian membership. Meanwhile, the Portland Police Bureau (PPB) continues to put out data on traffic and pedestrian stops showing African Americans are stopped more frequently than their representation in the population.

The Law Enforcement Profiling Working Group was established to advise the State on how to implement HB 2002, and includes representatives from Center for Intercultural Organizing, Oregon’s ACLU, Portland’s “Independent” Police Review Division (IPR), and others including a few law enforcement personnel. The October 27 listening session in Portland attracted roughly 100 people, and testimony ranged from African American men talking about police in outlying counties profiling them to horrifying mistreatment of transgender men and women, mostly by the PPB. Several homeless people talked about PPB harassment based on their housing status, something prohibited by the new law. Portland Copwatch testified to the weakness of the bill’s language, which prohibits police targeting people “solely” based on noticeable characteristics (but should address if the cops do so “inappropriately”), and asks the agency collecting complaints statewide to turn them over to the police (but should allow filing with civilian investigators). The agency collecting complaints is the Portland State University-housed Law Enforcement Contacts Policy and Data Review Committee (LECC); they are accepting complaints at: <http://www.pdx.edu/cjpri/profiling-complaints>.

Poking a hole in the balloon of optimism generated by the bill, the revelation that the Oregon Department of Justice was spying on, among others, Civil Rights Division Director Ereioh Johnson, came as a shocking insult to African Americans, activists, and the Oregonian, which expressed outrage in a November 14 editorial. A deputy AG in Rosenblum’s office told her that investigator James Williams was using a computer program in Oregon’s “Fusion Center” to track people (Willamette Week, November 18). Rosenblum said “they were looking for... potential threats to police” (Oregonian, November 11). Williams is currently on leave and under investigation. However, as PCW knows, since our organization has been spied on at least twice by the PPB (PPR #19), the state statute prohibiting law enforcement from “collecting or maintaining information about... political, religious or social associations” without suspicion of criminal conduct (ORS 181.575) does not describe any criminal penalties. A collection of community groups led by the Urban League (whose Director, Nkenge Harmon Johnson, is married to Ereioh Johnson) sent a letter to Rosenblum concerned the “threat assessment” being conducted will “create a chilling effect on social justice advocates.” Rosenblum promised to get to the bottom of the issue, yet hired a law firm which doesn’t specialize in civil rights law, leaving many in the community worried that justice will be derailed.

CPRC’s only recent meeting, held in September, included a long discussion led by the Training Division on “respectful policing,” which CPRC member Lt. Larry Graham insists on calling “customer service.” The Bureau claims that “respectful policing” is a part of all training and thus CPRC’s proposal to conduct a special training is unnecessary. They are mistaken. Police past practices and citizen complaints are evidence of the need for training in Bias-Free policing (as is done in Seattle) as well as compliance with HB 2002. In addition, rudeness continues to be the #1 complaint filed with IPR (p. 1), so either the police are lying or they are simply using different words. CPRC also talked about requesting the Bureau collect stop data on “mere conversations” along with its pedestrian and traffic data. However, it seems the police have a different idea of what “mere conversation” means than community members. Considering that he is still showing signs of bias when it comes to individual officer accountability (see PPR #56 and p. 2), it’s unsettling that Graham is the person with the strongest and most reasonable ideas at the Committee meetings. Part of the reason may be that there were only three of five Human Rights Commissioners left on CPRC (and one more, Chair Sam Sachs, has since resigned), and only two of five “at large” community members (Antonio Chimuku and Patricia Ford). Most of the officers, including Assistant Chief Mike Crebs, have also stopped attending regularly.

As noted previously, CPRC has a crucial role in the US Department of Justice Settlement Agreement with the City. They are supposed to track both implementation of the 2009 Plan to Address Racial Profiling and profiling data. Though such data are now published quarterly, the CPRC’s lack of interest and their intermittent meeting schedule have left these reports out of the public eye. A quick look at the 2nd and 3rd Quarter data shows that African Americans continue to be stopped disproportionately, making up an average of 12% of pedestrian and 13% of traffic stops. The traffic division itself seems to stop people at a less unreasonable rate (9% of stops African American) but the Patrol officers continue to be the #1 complaint filed with IPR (p. 1), so either the police are lying or they are simply using different words. CPRC’s lack of interest and their intermittent meeting schedule have left these reports out of the public eye.

The issue of racial profiling also came up in an October 30 Street Roots article called “Dear White Portland,” in which African American youth described police conducting “sweeps” in their neighborhood: “They come through and they search only black kids for weapons... they say it’s a mandatory search they can do this time of year and they’re looking for guns.” One youth says he tried to refuse a search but the officer (wrongly) told him he could not refuse because he was a juvenile. Another describes being fearful of a violent attack being planned against a friend, but thought “If I call the cops, they’re going to come kill him and the person that’s coming to get him.” ■
DOJ Agreement: Authorities Stifle Community Participation (continued from p. 1)

limited to resolving conflicts when the DOJ thinks the City is not in compliance. Simon did express concern after the AMAC’s Dr. T. Allen Bethel reported how the City had been unable to track its use of force data since April due to computer issues, and hearing from DOJ that waiting 48 hours to interview officers after shootings is not consistent with “best practices.” Also, even though body cameras are not part of the Agreement and the community is not of one mind about their usefulness, Simon pushed the City to obtain them (see p. 11).

The City, as usual, mostly did a public relations presentation on what they consider to be their own achievements, though they did admit that much work needs to be done. The Portland Police Association, included as a co-defendant since the Agreement affects their “union” contract, made a short presentation of little substance. COAB Executive Committee Chair Bud Feuless gave a good snapshot of the trials and tribulations of COAB while foregrounding the recommendations they’d made. Dr. Dennis Rosenbaum and Dr. Amy Watson of the Chicago COCL team spent a lot of time talking about the Crisis Intervention Team. In a counterpoint to the Judge asking whether the City’s pledge of $500,000 to the “Unity Center” is enough, the COCLs noted that the proposed mental health hospital doesn’t necessarily meet the needs of the Agreement’s “walk-in/drop-off” center for people in crisis.

Just prior to the Status Conference, COAB member Sharon Maxwell tendered her resignation in a public letter, saying she felt COAB was not being adequately supported and speculating it was set up to fail. In an unusual move, Judge Simon added her letter to the Court record. Her resignation allowed the final appointed alternate, Mireaya Medina, to step up as a voting member. This means six original COAB members were no longer involved by the time the group reached its 9-month anniversary, as noted in a two-page article in the October 16 Street Roots. The fact that nobody has named more alternates is of great concern, as more roster changes are likely, if not from resignations then from heavy-handed manipulations by the police and COCL Saadat. At the October 22 meeting, COAB member Tom Steenon presented Force policy recommendations of the Data Systems, Use of Force and Compliance Subcommittee (DSUFCS) for consideration by the Board. The eight proposals had already gone through the convoluted process instituted unilaterally by Saadat, calling for each one to be presented on its own form with supporting documentation including “pros” and “cons.” Officer Paul Meyer interrupted the meeting to complain his “con” statements, although summarized and incorporated with the recommendations, were not reprinted word-for-word. And, even though Saadat knew about this concern days before the meeting, she allowed his unreasonable complaint (the officers do not have a vote) to derail the process, aided by the too-ready-to-defer-to-authority DOJ. Meyer then filed complaints against Steenon and his fellow DSUFCS members Dr. Rochelle Silver and Philip Wolfe, implying he wants to see them removed for misconduct. When Saadat denied Steenon’s request to let COAB set up a process to resolve internal complaints, he filed a counter-complaint, leading to a November 25 Portland Mercury article. Saadat is also working behind the scenes to remove Myrlaviani Rivier, perhaps the last remaining member of COAB appointed because of lived experience with mental health issues. So, the experimental goal of having community members help guide major changes to a City’s police department now seems more distant.

That said, the DSUFCS also made eight significant recommendations about the Bureau’s Bias Based Policing Directive, which all passed at the October 8 meeting with little pushback from the cops. They included suggestions to collect data on police stops that involve any information gathering, and to prohibit or track “pretext stops” and “consent searches.” In September, COAB recommendations about the Bureau’s Directive on Training also passed, though the Board took half an hour to formulate and vote on a simple added proposal from Portland Copwatch that the Bureau’s training should match its policies.

The first half of the October 22 meeting was set aside as a “community forum” on the COCL’s second quarterly report. About 12 community members gave testimony, while six uniformed officers sat in the audience to observe. Not until after the forum portion ended did the officers identify themselves. It turns out three of them were involved in controversial killings: Lt. Jeffrey Kaer, who killed Dennis Young in 2006 (PPR #38), Sgt. Leo Besner, who shot and killed Raymond Gwerder with a sniper rifle in 2005 (PPR #57), and Bret Burton, the former Multnomah Deputy turned PPB officer, who was one of the cops who beat James Chasse, Jr to death in 2006 (PPR #40). Sure, these officers have the right to be at a community meeting about ending police violence, particularly against people in mental health crisis, but maybe it would have been wise to think about the balance of who was there, and have them come without guns. Each of the cases was settled by the City—Young for $200,000, Gwerder for $500,000 and Chasse for $1.6 million—but the cops were never held accountable.

In early November, COAB’s new Accountability Subcommittee scheduled a meeting at which Portland Copwatch’s Dan Handelman was to speak about the oversight system, followed by officers explaining the Bureau’s Employee Information System (EIS). COAB set the meeting for a community location ten days early, but eight days after the announcement and two days before the meeting, Saadat declared the meeting would take place at East Precinct, to allow the cops to physically interact with the database. She also requested that all 15 COAB members and 5 police advisory members attend. When PCW objected to making a community presentation in a police precinct, the Accountability Subcommittee went forward with their meeting as originally planned. Both meetings took place with four COAB members attending each, but no police officers were among the 40 people who came to hear Handelman talk. (It’s not clear if police stayed away because the meeting was held in Augustana Lutheran Church, which has a “no weapons” policy, or lack of interest.)

Saadat made a statement at the beginning of the November 12 COAB meeting, asserting “I’m sorry not for what I did, but for how I did it.” Her declaration then went on to stress the importance of officers to the process, ignoring the fact that the cops could easily have made a powerpoint show based on the EIS database and shown it at the Church.

Also at the November meeting, COAB voted on a number of their own recommendations about the COCL’s quarterly report, though those ideas weren’t vetted in the same way that Saadat insisted the Force recommendations be done. The DOJ and City Attorney Ellen Osoinach each offered opinions, with the DOJ hinting that COAB can vote on anything as long as it’s consistent with their bylaws... yet Saadat’s “vetting” process is not part of the bylaws. Osoinach, however, suggested COAB members failing to use the process would have to submit recommendations to the COCL as community members, not COAB members.

The second half of the November 12 meeting and almost the entirety of the November 19 meeting were taken up by the police, using their usual tactic of running out the clock. The first was a presentation about the Behavioral Health Unit (BHU), (continued on p. 7)
Since TAC already spent considerable time rebooting after creating its initial structure, the Bureau’s Training Directive in September. However, they spent nearly their entire November meeting looking at timelines and structures to formulate implementation of reforms, noted there was no evidence the TAC had made COAB generally meets 2nd and 4th Thursdays of the month, check <cocl-coab.org> for info.

In part due to the police continuing to sow confusion, COAB was only able to consider 4 of the 18 proposals—passing them all with the needed super-majority of over 8 members. In particular, the police tried to get COAB to consider the PPB adopt a “force continuum” to outline which types of force are considered more serious than others. The officers tried to paint this as going from a “totality of the circumstances” model (the constitutional test) to a “mechanical” model (”tit-for-tat”). However, Board member Sah-dom Edmo, who is not on the DSUFCS, understood the need to explain levels of force more clearly, and helped usher in the 9-2-1 passing vote.

In short, without a Truth and Reconciliation process—and accountability for officers doing harm to civilians—we may never be able to build a Bureau that doesn’t use excessive force, or a community that trusts its police.

See PCW’s comments on COCL 2nd Quarter report: <portlandcopwatch.org/COCL2015q2.pdf >. COCL generally meets 2nd and 4th Thursdays of the month, check <cocl-coab.org> for info.

Police “Union,” Housed Community Members Continue to Devalue Houseless Lives

Just after Portland Mayor Charlie Hales declared a “housing emergency” and acted to open more shelter space, the Portland Tribune ran an article declaring, “Police Passive With Homeless Population” (October 15). In the article, Portland Police Association President Daryl Turner said, “city officials refuse to provide the police with clear directions and support in dealing with... homeless people who violate city ordinances.” Although PCW is still hearing stories of camp sweeps, rude awakenings, seized belongings and other mistreatment on the streets, Turner claims city policy changed in part because of the US Department of Justice (DOJ) lawsuit calling to reduce use of force against people with mental illness. He claims the cops won’t reach down to help a “squatter” get up from the sidewalk because they have to write a Use of Force report if they do.

The Tribune checked Turner’s allegation with Assistant Chief Bob Day, who noted it would only be a Use of Force if there were a struggle. Unnamed Bureau officials said “prior to the DOJ settlement, an officer could go as far as taking a person to the ground and not have to file a [Force] report.”

Ibrahim Mubarak of rest area Right 2 Dream Too (R2DToo) suggests it is likely police are backing off and turning a blind eye to human rights violations committed by private security, including the Portland Business Alliance (PBA)’s “Clean and Safe” officers.

The article’s timing was odd, as a large gathering of houseless folks who had been staying in the North Park Blocks, an area surrounded by expensive condos, had been swept out by the Portland Police in September after loud complaints from neighbors.

Meanwhile, under Hales’ new plan, a small percentage of folks, particularly veterans, are getting housed. Not everyone is happy; on November 18, the Portland Mercury reported about a meeting with the PBA, Hales and the County Chair at which real estate bigwig J. Clayton Hering said the City should take away homeless people’s shoes and give them one way tickets to Hawaii. In a KOIN-TV story announcing the opening of a new Portland homeless shelter for women at a recommissioned Army Reserve Center, remarks were made equating homelessness and crime, and calling the shelter a recipe for disaster (November 28).

R2DToo remains on 4th and Burnside. However, in early December property owner Michael Wright said he may evict PCW is still hearing stories of camp sweeps, rude awakenings, seized belongings and other mistreatment on the streets, Turner claims city policy changed in part because of the US Department of Justice (DOJ) lawsuit calling to reduce use of force against people with mental illness. He claims the cops won’t reach down to help a “squatter” get up from the sidewalk because they have to write a Use of Force report if they do.

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R2DToo remains on 4th and Burnside. However, in early December property owner Michael Wright said he may evict the folks living there before they finalize plans to move to city property near SE Water Ave (Tribune, December 3). When a new camp, Hazelnut Grove, popped up on land owned by Union Pacific Railroad, Oregon Department of Transportation and the City near Overlook Park, the first two entities swept homeless people away. The camp is now just on the city owned portion. Despite backlash from the neighborhood coalition when the camp grew from 25 to 60 residents, Mayor Hales said they could stay while Council works on a new policy to allow more homeless camps.

Training Advisory Council Opens Up, But Focuses More on Process than Policies or Force Statistics

The Training Advisory Council (TAC), a multi-member group advising the Bureau, is required by the Settlement Agreement with the US Department of Justice (DOJ) to review quarterly data on Use of Force to make recommendations. The DOJ, in its first annual assessment of the implementation of reforms, noted there was no evidence the TAC had made any recommendations to the Bureau in its three year existence, and their only contribution seemed to be recruiting community members to role play during training scenarios. In addition, the Bureau’s new REGJIN database crashed in April, and no Force statistics were released between then and November. So, the TAC did not discuss Force at all during its September or November meetings. On the other hand, responding in part to DOJ criticisms, they sent email notification of the November meeting (albeit one day in advance), and allowed public comment during that meeting. PCW’s Dan Handelman was the only non-TAC community member present, and therefore the first and only one to use that time.

To be fair, the TAC made a few mild recommendations around the Bureau’s Training Directive in September. However, they spent nearly their entire November meeting looking at timelines and structures to formulate recommendations once per year to coincide with the Bureau’s training cycle. Since TAC already spent considerable time rebooting after creating its initial structure (PPR #61), it all seems a waste of time.

The next TAC meeting, if you care, is Wednesday, January 13.
By our count at the end of November, Portland Copwatch (PCW) had made comments on 68 unique police general orders (“Directives”), some of them more than one time. This work has not been directly acknowledged by the Bureau. Some of the most important Directives, on Use of Force and Tasers, came up for a third round of public review, and other issues that have led to past recommendations by outside experts (such as the Foot Pursuit Directive) continue to indicate that the Bureau isn’t listening to the advice it allegedly seeks.

In November, PCW’s comments on the Use of Force (1010.00), Taser (1051.00) and Satisfactory Performance (315.30) Directives mostly repeated previous comments, such as asking the Bureau to stop saying that officers may be “required” to use force or deadly force. We asked (again) that Tasers be tracked when officers use the laser sight to signal their intent to shock someone with 50,000 volts. The Bureau also asked for input into policies on various other specific weapons: Firearms (1020.00), “Less-lethal” Munitions (1050.00), Pepper Spray (1040.00), and Batons (1030.00). PCW continues to ask the Bureau to create a chart so that officers and the public know where the various weapons fall along the levels of force options offered to police. Also, we wondered why the policies allow officers to use other objects, such as flashlights, to strike subjects yet doesn’t mention the potential that they (as well as pepper spray) can be potentially lethal, even though that concern is noted about “less lethal” shotguns.

We particularly focused on the section of the Force Directive that led to a Police Captain believing an officer moving his arm to swipe a protestor’s flashlight away (or, pushing her, depending whose story you go by) was not a use of force (p. 2).

In October, we commented on the Foot Pursuit Directive (630.15), invoking the memory of James Chasse (PPR #40) and noting that in 2013, the OIR Group “indicated that by initiating foot pursuits, officers increase the likelihood of using force/deadly force.” The proposed Directive didn’t include a prohibition on running with a shotgun or rifle, but instead suggested that reasons to pursue someone might include if they look back at the officer or hold onto their clothing “to keep a weapon in.” That month we also commented on the Directives about Child Abuse Investigations (640.30), Sexual Abuse Investigations (640.20) and Bias Crime Reporting (640.80), which includes a strange part of the state statute requiring police to report on (but not make arrests based on) bias for or against a labor organization.

We also had recommendations in September around the Bureau’s policies on officer-involved domestic violence (825.10), domestic violence among community members (825.00), and civilian cop programs (Reserve Officers-630.23 and Cadets-630.25). We were particularly concerned that the Bureau not re-traumatize survivors of violence, and that Reserve officers not continue to be given awards for firearms proficiency.

The August Directives included the elusive “Gang Affiliation Designation” policy (640.05) which defines that term but not “gang-related,” which is being used to pump up numbers and justify asking for more cops in general and in particular on the Gang Enforcement Team (p. 9). We called for the policy to include cautions about imposing institutional racism on “gang” investigations. We called for the Training Directive (1500.00) to explicitly state that training and policy match one another. This suggestion was picked up by the Community Oversight Advisory Board (COAB) at its September meeting (p. 1). We also commented on 630.05-Vehicle Pursuits and other policies too numerous to list here. If you want to receive our commentaries (and other information), send us an email requesting to be added to our bulk list: <copwatch@portlandcopwatch.org>

One final note: PCW, the Citizen Review Committee, the COAB, and even the Compliance Officer/Community Liaison have now asked that the Bureau provide “red-line” versions of the Directives so that people can see what is being proposed or what has changed, yet the Bureau continues to post their proposals without any hints to figure that out.

The PPB posts its monthly Directives updates at <http://www.portlandoregon.gov/police/59757>.

In our analysis of the report, Portland Copwatch (PCW) found that as in the past, IPR failed to investigate racial profiling complaints and exaggerated the rates of “Sustained” (out of policy) findings, including Use of Force findings, even though they were at a new high this year. IPR states 66% of investigated cases ended with at least one allegation “Sustained,” but only 42 of 789 allegations filed, or 5%, were sustained; this means community members have a one in twenty chance to have a...
Young Man Entrapped by FBI Files Appeal as Oregon Gets Award for Prosecution

Even though the Ninth Circuit Court of Appeals accepted an appeal of the conviction of Mohammed Mohamud, who was set up by the FBI (with help from the Portland Police) in a convoluted fake bomb plot in 2010 (PPR #52), Oregon’s US Attorney’s office was given an award for Mohamud’s “successful” prosecution. On September 24, the Court accepted the 202-page appeal based on violations of Mohamud’s fourth amendment rights, which notes he was illegally spied on as part of the sting operation (Oregonian, September 26). The “Attorney General’s Award for Furthering the Interests of National Security” was given to Billy Williams and other members of Portland’s local Department of Justice (DOJ) office on October 21, the same day the DOJ was reporting to the local federal court on its efforts to hold Portland Police accountable (Oregonian, October 25). Forgive us for being cynical about working with the same agency which funded Mohamud, gave him the fake explosives, and put the then-19-year-old (now 24) into a California prison.

“Arresting Power” DVDs Now Available

The documentary “Arresting Power: Resisting Police Violence in Portland, Oregon” which was first screened in early 2015 (PPR #65) played at the NW Filmmakers’ festival in November. The Portland Mercury wrote that the movie “should be mandatory viewing for all citizens of this city, especially those only foggily aware of its history of racial struggle” (November 11). DVDs are available from Portland Copwatch for $20.

More info: <arrestingpower.com>

PPB Continues to Label Incidents “Gang-Related” with No Criteria

Even though the Portland Police Bureau (PPB) still has not created a definition of the term “gang-related,” they continue to use that label for just about any crime in which African Americans are involved (PPR #66). On September 15, PPB spokesperson Sergeant Pete Simpson told the Skanner: “That term doesn’t have a universal definition. Instead, police use a working description of gang membership... every city that documents gang activity still has ‘gray areas.’” Yet by that time in 2015, the number of such incidents logged by the Bureau was 150. Buried deep in the article, Simpson says “We cannot arrest our way out of this problem.”

By November 13, the Oregonian reported the Bureau had listed 166 such incidents, but doesn’t say how many of the City’s 32 homicides were considered “gang-related.” Adding two deaths they report happened that week to eight listed in the Oregonian’s on-line database published November 5, that means 10 or 31% of homicides in 2015 are considered “gang-related.” The Nov. 13 article also notes at the end that three of the 32 homicides were from officer-involved shootings (that’s almost 10%).

Since the perceived “epidemic” of “gang violence” is being used to justify calls for more police being hired (see Rapping Back—again), it would be good for an unbiased third party to create and impose a standard definition and conduct a meaningful analysis, rather than perpetuating fear and an excuse for the cops to overpolice Portland’s black population.

0Deas of our Lives

Chief manages to get rid of controversial “48-hour rule”—for Lieutenants—with loopholes

For years, many in the community have demanded the City remove the “48-hour rule” from collective bargaining contracts with Portland Police (PPR #61, for example), so officers would no longer be given two days to get their stories straight before being compelled to answer questions about shootings and other high profile incidents. Chief Larry O’Dea and the city made a step towards getting rid of that provision when, on October 28, City Council approved the new contract for the Portland Police Commanding Officers Association (PPCOA), which is comprised solely of 31 Lieutenants. The new contract removes the 48-hour rule language and offers 2% raises and education-related incentives; however, they left intact sections that say administrative interviews will take place in a police facility and the Lts. will be given the name and rank of the officer who will interview them. This implies the “Independent” Police Review Division (IPR), which has been conducting investigations into misconduct allegations for the last year or so, technically can’t do so unless they go to a precinct and have an officer ask questions. When Portland Copwatch (PCW) raised this concern at Council, the head of the Bureau of Human Resources brushed aside the criticism, saying that the City Code guiding IPR provides for civilian investigators to interview cops. In fact, it says IPR has to follow whatever is written in the bargaining agreement.

Moreover, the City Attorney, discussing the rule at the status conference on the US Department of Justice (DOJ) Agreement with the City (p. 1), indicated the 48-hour rule never applied to shooting incidents anyway, since there is an exception for when there is a criminal investigation. (PCW came to that conclusion years ago, but nobody from the City would respond to our concerns.) Moreover, because officers are voluntarily giving statements, the rule actually hasn’t been invoked because it only applies to statements when officers are ordered to testify under threat of discipline. The DOJ indicated that in at least two of the five shootings this year, officers were interviewed more than 48 hours after the incident.

So while the Chief may score some political points for removing the clause— which is a good thing— ultimately, it may not have as much of an effect as the community expected. Beyond that, only one Lieutenant has been involved in a shooting in recent years, so the 48-hour rule also needs to come out of the Portland Police Association contract, affecting line officers and Sergeants. The PPA contract similarly implies that only police can run investigations, and specifically says IPR should not be involved in deadly force investigations. Negotiations will likely start sometime in 2016.

Sex Assault Kits: “No, Really, You Gotta Believe Me This Time”

The Oregonian published a blistering investigation on September 13, revealing the Bureau failed to test over 2000 rape kits even after the City Auditor called attention to inadequate investigations in 2007, prompting then-Chief Sizer to supposedly take action to remedy the problem. Chief O’Dea wrote a lengthy op-ed piece two weeks later explaining changes that the Bureau made, starting when he became Chief in January 2015. However, since lack of resources was one of the excuses the Bureau gave for its past inaction (another was “discretion left to investigator, due to no mandatory submission policy”), and the Bureau did not receive a $1.2 million federal grant until September, it remains to be seen whether this commitment to justice is real or just another empty promise.

Chief O’Dea still has not replied to PCW about our February meeting follow-up letter, May Day concerns and more. Keep calling 503-823-0000 to ask him to get back to us.
through tough times because of media coverage, especially when they don’t have a Public Information Officer who is good at positive messaging. He advises patrol officers to think about the two types of police power: control and influence.

“We can control a situation, a person, even a neighborhood,” but don’t use that power to influence opinion. A few of Born’s suggestions are good ideas for building trust, not just public relations: explain to people what’s going on, and when someone knows you, “smile politely and listen to what the person has to say.” Unfortunately, Born undercuts this idea by adding that while listening, the officer should be “quietly making your own judgments... in your head.”

Born encourages more contact with civilians that include saying hello and smiling, especially he says, at children (who of course have no idea how to analyze the power imbalance of the armed, licensed-to-kill state agents making friends with them). He notes that community contact is part of the basis of DARE (the drug resistance program proven to be ineffective—PPR#16), “basically saying that cops are not jerks.”

He warns officers not to explain away police actions by saying “It’s a cop thing,” which “promotes an ‘us against them’ syndrome.” Doing so, says Born, costs public support, so money stops flowing, and people can’t look at shootings with an open mind.

The other article, by Melissa Littles of thepolicewefelieblog.com, talks about her role as a police officer’s wife, referring to the national climate and saying current events make law enforcement spouses protective. She relates previously being married to an abusive cop, noting officers use their badges as weapons:

“The problem is, abusive cops have a sense of power and that complicates the situation.” However, she also goes on about how an officer’s wife has one main concern: all that matters is he comes home alive. This leads to a disturbing part of the basis of DARE (the drug resistance program proven to be ineffective—PPR#16), “basically saying that cops are not jerks.”

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“The problem is, abusive cops have a sense of power and that complicates the situation.” However, she also goes on about how an officer’s wife has one main concern: all that matters is he comes home alive. This leads to a disturbing moral relativism as it ignores the families of those who have been harmed or killed by the police.

Of course, this is someone who adds in this advice column that her mantra is “It’s not my job to blow smoke up your ass,” and that her husband’s outlook on his job is that “stupidity and haters equals job security.”

Another article posted in the Rap Sheet in September echoes this idea. Chief Kenneth Berkowitz of Canton, MA writes about ending the negative perception of cops. He claims his officers had a good relationship with the community because they held anti-bias trainings before “the anti-police protests spread nationwide.” They held meetings titled “Black and Blue: All Lives Matter” and “Black and Blue: Teen Lives Matter, too.” This co-optation of the Black Lives Matter slogan proves that Berkowitz’s anti-bias trainings didn’t do deep enough analysis (more on this below). Again missing the point that the police wield the power of the state and take lives without being held accountable, he writes: “If the mission is to pursue peace, justice and tolerance for all, isn’t it hypocritical to lump 800,000+ American cops into a single, negative identity?”

Berkowitz relates a story of seeing an African American stop near a patrol officer and put his hands up, which startled him, but to which the cop said “Since Ferguson, I get that a couple of times a week.” He writes to address that motorist, saying not to paint officers with a broad brush, but rather to ask yourself if you are making the “world a better, safer, more tolerant place.” He says that cops make right decision most of the time, and that of millions of interactions, the public only hears about 1 in 100,000. (That’s in 10 in a million... which is not insignificant in this context.)

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OFFICER BENCHED FOR DISPARAGING PROTESTERS

When Don’t Shoot Portland called for a “Black Lives Matter Friday” protest at the Lloyd Center, Portland Officer John Hurlman posted on Twitter: “Oh, joy, stuck late again at work to babysit these fools.” For his sensitivity, Assistant Chief Donna Henderson placed Hurlman on desk duty, distancing the PPB from the comments (MercuryBlog, November 24). Our readers know Hurlman for when he shot and killed George, a Labrador Retriever, in 1997 and was indicted on misdemeanor animal abuse charges (PPR#13). Hurlman also challenged the 2012 US Department of Justice findings about excessive use of force in Portland (though required by the state law).

AFRICAN AMERICAN WOMAN MISTAKEN FOR TALLER LATINO MAN SUES, JURY DEADLOCKS

Lisa Haynes, a 4’-10” African American woman who police mistook for a 5’-4” Latino male suspect in 2012 (PPRs #59-61), sued the officers for violating her rights. It came out in trial that Officer Greg Baldwin, the senior officer on scene, radioed dispatch to be sure they were looking for a Latino man and not a black woman, meaning he knew she didn’t match the description. Baldwin told the court he asked Haynes if he could check her backpack for identification even though he knew he had no constitutional authority to do so, then used her reaching to pick it up as probable cause to arrest her and search it. The federal jury considering Haynes’ lawsuit could use her reaching to pick it up as probable cause to arrest her.

Finally, the purpose of videoing must be clear. These recordings should never be used to track people’s lawful activities, nor should they be used to prosecute people in mental health crisis beyond requiring their consent to release footage. We do think the PPB should require cameras be on as much as possible when police interact with the public, even if it is just a conversation being used to obtain information. PPB stated at the meetings that officers will be subject to disciplinary action for failing to turn on cameras.

Other policies should include:

- prohibiting officers from viewing tapes before giving statements to prevent them from changing their stories (see shootings article, p. 1);
- ensuring officers inform civilians of the videoing and advise them of their rights.

Bodycams are for accountability, not public relations for the police

Regarding the actual video footage, the City must find a system that ensures secure access and integrity of the footage. It must have a policy that ensures timely access to people who are the subject of force. PCW believes that if the subjects of the video approve, it can be publicly released and that faces don’t have to be blurred (though required by the state law).

In October, the Portland Police Bureau (PPB) held two public meetings to seek input on policies for the use of body cameras. In 2015, the Oregon legislature passed a law outlining requirements for their use (PPR #66), allowing the PPB to pursue the technology. The police held these meetings to get community feedback on such questions as when cameras should be turned on and whether cameras should tape interactions with rape victims, domestic violence survivors or people with mental illness. (A third, poorly publicized meeting was held in December.) While the meetings were sparsely attended, audience members, including several Portland Copwatch (PCW) members, had many comments and questions about how the footage would be used.

According to the Oregonian (October 19), the cost to equip all patrol officers and sergeants would be around $5 million, which the Bureau hopes to accomplish by spring. But before they start using cop cams, they must develop policies, preferably with the approval of City Council. Privacy issues came to light in a September 13 Skanner article about a Seattle man who was arrested during a January demonstration to protest police violence. Though he was not charged, his arrest—captured on police body camera, along with his name, address, phone number and birthdate— is public record. On the flip side, the Chicago police refused to release dash-cam footage of the deadly police shooting of teen Laquan McDonald for over a year, leading to angry protests, the ousting of the Police Commissioner, and indictment of the officers once it was released.

As noted previously, PCW has remained neutral on the issue of body cameras because there are too many unanswered questions on their effects on privacy and Miranda rights. PCW is concerned the video will be used more to support convictions than to prove misconduct. PCW has urged the PPB to conduct an in-depth best practices study of what policies other cities are using, then share their findings at public meetings so the public can better understand these issues. In addition, we recommended the Bureau give the Citizen Review Committee a similar group oversight of these policies.

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OFFICER BENCHED FOR DISPARAGING PROTESTERS

When Don’t Shoot Portland called for a “Black Lives Matter Friday” protest at the Lloyd Center, Portland Officer John Hurlman posted on Twitter: “Oh, joy, stuck late again at work to babysit these fools.” For his sensitivity, Assistant Chief Donna Henderson placed Hurlman on desk duty, distancing the PPB from the comments (MercuryBlog, November 24). Our readers know Hurlman for when he shot and killed George, a Labrador Retriever, in 1997 and was indicted on misdemeanor animal abuse charges (PPR#13). Hurlman also challenged the 2012 US Department of Justice findings about excessive force, saying the investigators had no law enforcement experience and texting fellow officers, “this is the same DOJ or people who created Waco and Ruby Ridge” (Oregonian, September 14, 2012).

AFRICAN AMERICAN WOMAN MISTAKEN FOR TALLER LATINO MAN SUES, JURY DEADLOCKS

Lisa Haynes, a 4’-10” African American woman who police mistook for a 5’-4” Latino male suspect in 2012 (PPRs #59-61), sued the officers for violating her rights. It came out in trial that Officer Greg Baldwin, the senior officer on scene, radioed dispatch to be sure they were looking for a Latino man and not a black woman, meaning he knew she didn’t match the description. Baldwin told the court he asked Haynes if he could check her backpack for identification even though he knew he had no constitutional authority to do so, then used her reaching to pick it up as probable cause to arrest her and search it. The federal jury considering Haynes’ lawsuit could use her reaching to pick it up as probable cause to arrest her.

Finally, the purpose of videoing must be clear. These recordings should never be used to track people’s lawful activities, nor should they be used to prosecute people in mental health crisis beyond requiring their consent to release footage. We do think the PPB should require cameras be on as much as possible when police interact with the public, even if it is just a conversation being used to obtain information. PPB stated at the meetings that officers will be subject to disciplinary action for failing to turn on cameras.

Other policies should include:

- prohibiting officers from viewing tapes before giving statements to prevent them from changing their stories (see shootings article, p. 1); and
- ensuring officers inform civilians of the videoing and advise them of their rights.

Finally, the purpose of videoing must be clear. These recordings should never be used to track people’s lawful activities, nor should they be used to prosecute community members for minor misdemeanors or infractions current or historical. Footage should be used primarily to hold police accountable for misconduct or criminal conduct and, when the subject has given a release, to improve training and policy. Only when the PPB has implemented strong privacy protections and clear directions to its officers should they consider using cop cams.

See PCW’s full proposal at <portlandoregon.gov/police/article/521411#comment-12414>
Whining and Whinging: War on Watchmen; “We Want Workers”

Lesson Learned from Outrage Over Racist Police Shootings: There’s a “War on Cops”

The Portland Police Association (PPA) seems to be taking its cues from the ignorant backlash after Mike Brown’s death in Ferguson caused many Americans to call out for the end of police shootings of unarmed African Americans. In this narrative, the cries for justice are equivalent to a “war on cops.” From August to November, at least 8 of 19 articles posted on the PPA’s newsletter site, the Rap Sheet, reflect this concept.

In a piece posted in October from PoliceOne.com, editor Doug Wyllie focuses on the “Pulse of Policing,” denying such a war exists, but ignoring that the protests are calls for accountability. He says officers feel that a “majority of Americans are at war with their police. This is not true, of course...but the national narrative in the press and public protests—fomented by a small fraction of the population—is unambiguously anti-police.” He says as a result, cops feel “dejected” so they are hesitant to do their job.

An article in August fails to contextualize its rallying cry to make “Birmingham” a meaningful city name like Ferguson. Apparently, a detective there who conducted a traffic stop ended up having his gun stolen and was pistol-whipped by the suspect, with the narrative including that the cop hesitated because he was afraid to shoot. The Rap Sheet article, reprinted from PoliceOne.com, says many cops now won’t use “justifiable” force because they are afraid of being called “a racist or a fascist.” It asserts officers won’t take action or will end up “in court, in jail, or in the grave.” It envisions a future in which “demotivated” cops show up late and write a report, then hide until the next call.

The article then argues criminals are emboldened, citing statistics from the National Review that homicides are up 18% in 35 cities, with most victims and perpetrators being black. “When police back off, it is residents of poor inner-city neighborhoods who pay with their lives.” Conversely, we note, when officers get “pro-active,” those same residents pay with their lives. The article claims “a society that makes war with its police must learn to make peace with criminals.”

The author urges officers to reclaim their own history, not allow any “broken windows” on their watch (a code word for over-enforcement of so-called quality of life crimes which disproportionately targets people of color) and not to let hesitation be the result of the “false narrative of ‘hands up, don’t shoot.’”

Another article from September is clearly a reprint of something written before commentator Paul Harvey died in 2009, in which Harvey asks “What is a Policeman?” This piece asserts that “Collected statistics wave the fan over stinkers, underscoring instances of dishonesty and brutality because they are news.” Harvey insists that they are news because they are not commonplace. He talks about how an officer’s instant decisions are something a lawyer takes months to make, and how an officer who fails to give medical aid has to “expect to be sued.” Continuing to ignore the power imbalance, he says of the generic policeman: “If you hit him, he’s a coward, if he hits you, he’s a bully.” Actually, if you hit him, you’re a felon, if he hits you, he gets promoted.

Counter-Measures in the Non-Existent War: Pro-Police Propaganda

Rather than examine the underlying power dynamic that led to the Black Lives Matter movement, the police (if you believe the Rap Sheet) decided the solution is to put a better spin on the role of law enforcement. Two articles posted in October actually touch on that power dynamic, but back away from advocating change.

One of the articles on “Street PR,” written by seasoned cop/author James Born, says officers are suffering