LAW TO SHIELD SHOOTER COPS’ NAMES DEFEATED; FIRED COP REINSTATED

New Reports Highlight Past PPB Deadly Force, One Asks to Stop Using Term “Suicide by Cop”

P ortland has had no officer-involved shootings since November, yet the issue of police use of deadly force and its related injustices were front and center for much of the interim time. Foremost was the late December decision by the Oregon Court of Appeals that the City of Portland had to re-hire Officer Ron Frashour, the man who killed Aaron Campbell in 2010 (PPR #50). Beyond that, a shooting in eastern Oregon by a State Trooper (p. 7) prompted the legislature to try keeping the names of officers hidden from the public in “some circumstances”; despite swift momentum, the bill died in committee. In January, two reports were released—the fourth Portland Police Bureau (PPB) shootings analysis by the OIR Group of Los Angeles and the semi-annual Police Review Board report, each of which revealed more information (in different ways) about these most serious uses of force.

The Frashour decision was handed down on December 30, perhaps to minimize response at holiday time. Nonetheless, the Albina Ministerial Alliance (AMA) Coalition for Justice and Police Reform mobilized dozens of people to protest at City Hall the next day, receiving coverage in just (continued on p.6)

Status of Community Board’s Input Unclear After a Year Overseeing Use of Force Agreement

Department of Justice, Police Bureau Can’t Say Whether Recommendations Incorporated, Board Holds Private Retreat

The Community Oversight Advisory Board (COAB), created as part of the US Department of Justice (DOJ) Settlement Agreement with the City of Portland to address a pattern of excessive Use of Force, has not yet heard whether any of its several dozen recommendations on policy have been implemented. The Portland Police Bureau (PPB) assigned Captain Mike Marshman to be the “Compliance Coordinator” for the Agreement. At the March 25 COAB meeting, Marshman was unable to say whether the Board’s suggestions were in any revised “Directives,” though on April 14, a DOJ representative promised feedback is forthcoming. Meanwhile, in part to address tensions that boiled over into complaints from a police advisor against community COAB members, the Board, which was set up to increase the transparency of this process, held a retreat out of the public eye in January. Their February meeting marked one year of the COAB’s operation. Among other things, they had still not held either of the two meetings per year the Agreement requires them to have with the Chief and the Police Commissioner.

On the bright side, recommendations around Use of Force and specific weapons, policies which originally had been presented in October and November, were finally approved by the end of March. The pattern, especially for recommendations coming from COAB’s Data Systems, Use of Force and Compliance Subcommittee (DSUFCS), has been for the officer advisors to jump in with wild discussions about the heart of one of the scandals: Staton apparently ordered background checks on anyone recommending his job be changed to an appointed position, threatening people on a committee considering the change with retaliation (Willamette Week, February 10). He also settled a lawsuit (continued on p. 5)

THIRD SHERIFF IN A ROW ROCKED BY SCANDALS, MAY RESIGN

Accusations of Sexism, Racism, and Political Intimidation Hit Staton

M ultnomah County Sheriff Dan Staton sailed into office after his two predecessors, Bernie Giusto and Bob Skipper, were forced to resign due to incompetence and the inability to pass state certification, respectively (PPRs #45 and 48). Now Staton is facing his own set of scandals, telling the Portland Tribune on April 19 he may resign and turn his post over to former PPB Chief Mike Reese. Staton’s actions have revived discussions about whether the Sheriff should be appointed by County Commissioners rather than elected. Ironically, that question is at the heart of one of the scandals: Staton was found unproven (CityNet 30). Now one of the Sheriff’s former PPB Advisors, Speaker’s Bureau, is facing a lawsuit. On February 3, the Willamette Week ran this profile on Staton and a number of people who accused him of misconduct, and/or women about whom he’d allegedly made inappropriate remarks.

On February 3, the Willamette Week ran this profile on Staton and a number of people who accused him of misconduct, and/or women about whom he’d allegedly made inappropriate remarks.
The Oregon Law Enforcement Profiling Work Group, created to advise implementation of the 2015 state bill banning police profiling (HB 2002), had its work extended to the end of 2016 by a February bill passed in the Legislature. In April, the scandal involving criminal investigations of people using the hashtag “#BlackLivesMatter” by Oregon’s Justice Department (state DOJ) was blamed on cultural ignorance—mistaking, for example, the logo of the rap group Public Enemy as a threat to police. Paperwork revealed the state told investigators to “be creative” (ORS 181.575) to access information that may violate the law prohibiting investigations without suspicion of a crime (ACLU, April 14). Meanwhile, the Community/Police Relations Committee (CPRC), which had not held a meeting since September 2015 (PPR #67), convened in March only to be told to wait for direction from the Human Rights Commission (HRC) before doing any work. And, the most recent profiling and force data from the Police Bureau show disproportionate policing (aka racial profiling) is still going on despite years of talk and the Bureau’s “Equity Manager” being on the job for about a year.

The Profiling Work Group, which includes the ACLU, Center for Intercultural Organizing (CIO), and the lawyer for the Portland Police Association (and its statewide lobbying arm, the Oregon Coalition of Police and Sheriffs) met in March to discuss ways to improve HB 2002. One idea is to require that police explain a person does not have to consent to a search (as is law in Colorado). The group also discussed training officers statewide to investigate profiling allegations and how the state DOJ might oversee complaints.

The Urban League held a discussion on the spy scandal on March 9 which included NAACP Portland President JoAnn Hardesty, Kayse Jama of the CIO and Adrienne Cabouet of Black Lives Matter Portland. They were not surprised the state seemed to be violating 181.575. Hardesty and Jama called for patience as the state DOJ is paid to be at the table and the Bureau’s “Equity Manager” being on the job for about a year.

CPRC Put on Hold... Again

The CPRC’s meeting was a subdued and mostly internally focused discussion. HRC Chair Chabre Vickers, who suggested suspending the group last July (PPR #66), told CPRC not to take any action until the Commission holds a retreat to dole out work. Vickers revealed she held one-on-one meetings with the Chief and the US Department of Justice (DOJ), which other HRC commissioners did not seem to know about.

This is a continuation of the dismantling of CPRC, even though the Committee has a clear mission statement and items in the DOJ Agreement to attend to. CPRC launched the institutional racism training which was given to the command staff and sergeants (PPRs #58 and 62), and is supposed to be rolling out to the rank and file this spring. The lack of action is in part because it’s not clear who’s running CPRC. No one replaced former Chair Sam Sachs when he resigned (he testified at the March meeting his resignation was under pressure from the Office of Equity and Human Rights), and three empty seats for community members have not been filled.

Not counting Vickers, only two of five HRC positions are occupied (Allan Lazo and Marcia Suttonsberg) and two at-large seats (Antonio Chimuiku and Patricia Ford—who hasn’t been to a meeting in over a year). Vickers declared there would be no meeting until May while the HRC creates a body to look at the broader criminal justice system. The idea of a broader look is important (especially in light of reports about bias in Multnomah County’s jails—p. 1), but CPRC should continue to focus on Portland Police and reducing the amount of profiling.

CPRC is supposed to be analyzing the Bureau’s quarterly force, traffic and pedestrian stop data. The force data are hard to determine, as the PPB has stopped publishing the percentage of African Americans subjected to force; that number appears to be 27% for the quarter of 2015, about average but still alarming for a city that is 6% black. The most recent stops data (released in February) show that the percentage of African American drivers pulled over by police went up slightly to 14%, while the percentage of black pedestrian stops was allegedly down slightly to 11%. The Bureau redefined what constitutes a “stop” several years ago, dropping the numbers from over 1000 stops every three months to just 84.

CPRC was planning to address the issue of defining “mere conversation” vs. “stop,” with a strong push from CPRC member Lt. Larry Graham. (Of the five officers assigned to CPRC, only Graham, Assistant Chief Mike Crebs and Officer Jessica Brainard showed up in March, with Capt. Chris Uehara and Officer Tim Evans absent.) One divisive issue between CPRC and the HRC is the idea of creating a video explaining your rights when stopped by police. The police want to co-script and appear in the video, while many HRC members understand that the Bureau’s goals (get someone to submit willingly to consent interviews and searches) are different from the community’s (assert and maintain Constitutional rights against self-incrimination and unwarranted searches).

The Willamette Week ran this graphic showing African Americans (who make up 20% of our jails) have 33% of force and 44% of Taser shots used against them (February 24).

The head of the state DOJ’s criminal division, Darin Tweed, was demoted from his role as chief counsel (Oregonian, January 24).

Graham also surprised PCW by overly stating he is paid to be at CPRC meetings, while community members are not.

The reported percentage of people with mental illness stopped by police was just 1.1%.

Second Trial Exonerates Cops Profiling Black Woman as Latino Man

Following the mistrial in her lawsuit against the Portland Police in December (PPR #67), Lisa Haynes lost the re-trial that was held in January. Haynes had been stopped by Officers Greg Baldwin and Justin Winkel on suspicion that she was a five-foot-four inch Latino male suspect who’d been wiring through mailboxes, even though she is a four-foot-ten inch African American woman. According to the Oregonian (January 23), Haynes plans to appeal her case and the HRC is the idea of creating a video explaining your rights when stopped by police. The police want to co-script and appear in the video, while many HRC members understand that the Bureau’s goals (get someone to submit willingly to consent interviews and searches) are different from the community’s (assert and maintain Constitutional rights against self-incrimination and unwarranted searches).

Minneapolis Copwatching Group Helps Put Individual Officer Insurance on the Ballot

As communities United Against Police Brutality, a copwatching organization in Minneapolis, MN, will have a measure on the ballot in November to require officers to carry professional liability insurance. This is a great idea because cops who cause the most harm would eventually become uninsurable. Their campaign website is www.insurethepolice.org.©

Portland Mayor’s Race Brings Police Issues to the Forefront

Since the Mayor of Portland usually takes on the role of Police Commissioner, the issue of police accountability has come up repeatedly on the campaign trail this year. Some candidates are talking about hiring more cops than necessary (see “Ramping Back”), some explicitly want to get rid of the “48-hour rule” and some are not. There are too many candidates on the May ballot for PCW to sum up all their positions.
The case went to the Police Review Board because Director Severe “controverted” the findings, saying Officer A’s unprofessional behavior within policy (“Exonerated”), while the other allegations were “Not Sustained”— there wasn’t enough evidence to prove or disprove them.

PEOPLE’S POLICE REPORT #68

but in February IPR said they tried but couldn’t find the witness. The appeal is still pending, postponed from April 6 (see below).

allegation should be Sustained since he admitted to making disparaging remarks. The PRB and/or the Chief appear to have disagreed.

the lines of “you must not be a very good lawyer.” Officer A was also accused of using profanity (“no fucking way you’re a defense called a “control hold”), and (3) after hearing her advise the arrestee she did not have to talk to the police, both officers said something along

x-0001) included allegations that (1) Officer B dragged the woman out of her car by the hair, (2) Officer A pushed Foroshani (which IPR

street for 4.5 minutes and then leave, but protestors didn’t get the chance because the cops boxed them in. After hearing from Raiford and

January 6 hearing, Teressa Raiford of Don’t Shoot Portland, who helped organize the protest, testified the plan was to have a “die-in” in the

individual cops who violated people’s rights, he asked whether the supervisors who ordered arrests to begin were out of policy. At the

found no wrongdoing. That decision relied on how IPR Director Constantin Severe formulated the allegations— rather than focusing on the

On February 2, CRC held a Case File Review to consider the appeal of Warren, a young African American man who had been approached by police for allegedly not using a turn signal (case #2016-x-0002). Warren argued with officers about whether he’d used the signal and refused to show his license because he felt they had no reason to stop him. After about five minutes, three officers grabbed his arms, pined him against the trunk of the police car, cuffed him, and Officer B put a wrist lock on him. Warren said when he complained about the pain (his arm had previously been injured by law enforcement), the officer said he “didn’t give a fuck.” Warren’s father arrived on scene and gave police information so they could check the son’s record. They thought he was a person who’d recently driven the same car, received a DUII and had his license suspended. He wasn’t, so the cops let the young man go without charges. (continued on p. 4)

*Note: The IPR report identified Officer B as “Officer Balso,” but our records show no PPB employee by that name.
In his interview, Warren described being afraid he was going to be killed, being unsure the people who pulled him over were actually police, and wondering why they asked if he was “Mario.” Officer A said Warren expressed fear of being shot by the cops while unarmed, and Warren called him a racist. In the totality of the circumstances, it’s not clear why IPR and Internal Affairs did not flag this incident as racial profiling. Officer A saw the car and ran a record check even though there was no suspected criminal activity—Warren just “stopped at a flashing red light for an extended period of time.” They then waited until he (allegedly) failed to signal a turn to pull him over.

Because Officer B did not remember using profanity but did not deny swearing, the “courtesy” allegation was “Not Sustained.” However, even though Warren thought officers used excessive force, IPR categorized his handcuffing as a “control hold” and the Bureau “Exonerated” their actions. With the case where officers allegedly shoved Teresa Raiford and Ms. Foroshani’s case, this makes three recent cases where force allegations were downplayed or not investigated for force. Despite the questions raised, CRC voted to hold an appeal once the officer’s Lieutenant was available (apparently nobody confirmed the Lt. was available for the Case File Review).

**Case 2016-X-0003: Grabbing a Woman Over a $1.25 Transit Fare**

At their March 2 meeting, CRC heard the Case File Review and Appeal of Michelle, a woman with diabetes who was yanked around by her shoulder bag by an officer questioning the validity of her “Honored Citizen” Trimet pass. Michelle was waiting for a MAX train when the officer asked to see her fare and ID. She says she showed him both, which she keeps visible in her wallet to make that process go faster. The cop felt she did not sufficiently display her identification, so when she walked away to try to read the display board about next arrivals, he yelled out to her but she didn’t respond. Michelle explained she knew she’d shown her information and didn’t think he would be calling to her. When he grabbed her shoulder bag, it spun her around. She says he also put his hands on her arm, but he doesn’t remember doing so and there are no surveillance cameras at that part of the train platform. Either way, it was considered a use of force.

Commander Mike Leloff admitted a $2.50 train ticket is not a significant governmental interest to use force. (Actually, an honored citizen ticket is $1.25.) He jumped into a discussion of how police check fares on everyone getting on and off public transit to plug an $11 million shortfall from those who don’t pay. On balance, he exonerated the officer for his use of force but was going to de brief him for failing to report the grab as a use of force (the definition of force changed recently).

Michelle and her Appeals Process Advisor TJ Browning explained in great detail the trauma of the experience. Michelle had previously had a run-in with police and expressed having psychological problems in the wake of this new incident. Portland Copwatch also pointed out that any woman having a man come up behind and grab her bag would probably feel violated. After Leloff agreed to discuss the impact of the use of force when he de briefs the officer, CRC voted 7-0 to uphold the original finding.

**Case 2016-X-0004: Interference with Video; Cop Calls Complaint “Petifoggging”**

On March 30, the CRC heard the Case File Review and appeal of Robert West, an activist with Film the Police 911 who tapes public interactions of cops. While West was video-ing outside Central Precinct in October, Officer Scott Groshong (#27445) drove up in an unmarked SUV, got out, put his hand on the camera’s lens, said “oh, it’s you,” then got back in the vehicle and left.

West filed a complaint and the officer’s commander— (former?) neo-Nazi Capt. Mark Kruger (PPR #52)— said there wasn’t enough evidence to prove or disprove the allegation (“Not Sustained”). Both the head of the Professional Standards Division (PSD) and IPR Director Severe “contravened” Kruger, suggesting the finding be “Sustained” since there’s evidence the officer acted in an unprofessional way.

This dispute automatically meant the case went to the (secret) Police Review Board, which includes: an Assistant Chief, a peer officer, Severe, a community member, and... Capt Kruger. (We’ve complained about allowing the commander to vote on his/her own finding many times.) The Board voted 4-1 to uphold Kruger’s finding, and according to a letter from Severe, Kruger called the complaint “petifoggting” (a waste of time over nothing). Severe triggered a never-used provision of the PRB City Code to forward the case for an expedited CRC appeal; Portland Police Association President Daryl Turner, who attended to speak on Groshong’s behalf, questioned whether Severe read the code properly. He may be right—though it’s moot since West filed his own appeal.

Some CRC members focused more on why West was video-ing police cars than whether the cop was guilty of misconduct, with new member Michael Luna taking time during his vote to caution West not to reveal the identities of undercover officers like Groshong. In a fascinating revelation, PSD Captain Derek Rodrigues called out Kruger for having the video broken down frame-by-frame to make his finding—information PSD did not include as part of the investigation. Kruger claimed he couldn’t sustain the complaint because the allegation used the word “grabbed,” and the officer putting his hand on the camera’s lens didn’t fit the dictionary definition. Fortunately, most of the CRC found Kruger’s decision unreasonable, meaning under City Code they could recommend a different outcome—suggesting in a 5-2 vote to Sustain the allegation (Jim Young and Julie Ramos voted no).

For the record, this was only the third time out of seven cases in which CRC heard the full appeal immediately after the Case File Review since City Code was changed to speed up the process.

At the end of this meeting, an audience member tossed a cup of water on one CRC member, prompting the Chair to adjourn the meeting. Chief O’Dea and Daryl Turner each warned CRC they would not send officers to CRC meetings unless security measures were undertaken. Despite the fact that they could have subpoenaed PSD and the Commander to the hearing, CRC cancelled their April 6 meeting.

**New Leadership, New Structure**

In February, the CRC elected Kristen Malone as Chair and Julie Ramos as Vice Chair. They then created an Executive Committee including the Work Group chairs for Outreach, Recurring Audit, and newly-named Policy and Procedure.

CRC came up with this plan between their third January meeting—which involved all 11 members—and the beginning of March, with no public discussion. The January 25 meeting mostly focused on breaking into small groups to hold hearings. The Executive Committee will include at least five CRC members—a quorum under City Code—so those meetings will have to be public.
The City of Portland continues to wage war on its houseless population, continuing to confiscate property and break up encampments while simultaneously relaxing some rules. The business community ignores the former and cries out against the latter.

On February 25, Portland police cleared a homeless group of up to 60 people that had been camped at the west end of the Steel Bridge. A resident said officers told him they were clearing the camp because they found weapons in some of the tents. Sgt. Pete Simpson, police spin doctor, said, “We are assiting for public safety reasons due to the criminal element that exists” (Oregonian, February 26). A spokesperson for Mayor Charlie Hales said the City received 49 complaints about the camp within a month through the City’s One Point of Contact Campsite Reporting System, a phone, website and email dedicated solely to complaints about tent camps.

Another resident who had met with the mayor and his staff about maintaining the encampment said they felt betrayed and received only a 15 minute warning to leave their site on the morning of the sweep. Items they were unable to take away were thrown out.

Ironically, the cleared site sits next to a recently installed 52-foot, retrofitted cargo container designed for homeless people to store their belongings during the day. The container also has two bathrooms, secure trash bins for needles, and information kiosks.

The container was not open at the time due to confusion over operations, but began serving people a few weeks later.

This raid came a few weeks after Mayor Hales announced a four part strategy on homelessness, including limited overnight tent camping. This plan Oregonlive called “controversial” (February 8, though the Feb. 10 print copy of the Oregonian removed that word) focuses only on short-term fixes that can be evaluated for six months and is separate from broader efforts to build more affordable housing.

The City’s new rules state that overnight sleeping on city sidewalks will be allowed, provided that houseless Portlanders use only a sleeping bag and tarp, do not block the sidewalk, and do not exceed six sleepers in one location. Tents are not allowed on sidewalks. But tents will be allowed from 9 PM to 7 AM in certain locations, such as City-owned property that is not a sidewalk. The City plans to release examples of property where overnight-only camping would be allowed. The Mayor’s plan includes the establishment of several City-sanctioned campsites that must be linked to a non-profit service provider. The City would designate property such as church parking lots where homeless Portlanders could legally camp in cars or RVs. Finally, the City is looking at three or four locations in the hopes of securing more temporary shelter space.

Mayor Hales’ Chief of Staff Josh Alpert says the City’s old strategy of conducting 15 to 20 daily sweeps hasn’t been effective. By offering four clear options for where people can sleep each night, they think police can conduct more targeted enforcement.

But Portland Copwatch has talked with homeless people who either don’t know the new policy or don’t know where to go. To counter this, city interns are handing out cards titled “Portland Safe Sleep Guidelines” with the new regulations on them. But people still don’t know where remnant city property is located. The City intends to develop a map.

On March 23 police raided an encampment at NE 7th and Flanders, with one officer wearing a ski mask. On April 1, following a shooting that resulted from a dispute between two houseless persons, police broke up another camp near SE 12th and Pine.

According to a March 16 Willamette Week piece, Portland is not the only city on the west coast grappling with how to deal with tent camps. In Eugene, city officials have permitted two houseless persons, police broke up another camp near SE 12th and Pine.

Sweeps Continue Even As City Unveils More Relaxed Rules for Houseless Campers

The Multnomah County Sheriff was an appointed position from 1967 to 1962.

The Multnomah County Sheriff was an appointed position from 1967 to 1962.

Another former Sheriff’s Office personnel say he fired analyst Amanda Lamb in retaliation. Lamb released an audit showing African Americans make up 27% of people in the County’s jails, but are subjected to 40% of the force used by deputies/corrections officers (Willamette Week, February 24 and Tribune, February 16).* Another person who worked on the report, Lt. Brent Ritchie, filed suit against Staton in February citing a hostile workplace and saying his job was seriously downgraded after the audit was released (Oregonian, February 27). The Oregon Attorney General has opened an official investigation into Staton’s actions around creating a hostile work environment, making “violent threats” against those who wanted to create an appointed sheriff, and the unnecessary background checks (Oregonian, February 6). The civil settlement with Yankee, which totaled almost $300,000, doesn’t affect the criminal investigation. In an unrelated matter, Sgt. Rob Edwards received $50,000 because Staton failed to consider his veteran status when making promotions (Tribune, April 14).

The Willamette Week also blasted Staton for missing more days in his office than any of the County Commissioners, saying he only logged in at work 47 weeks over the course of two years (February 17). To be fair, he does have debilitating health problems; on the other hand, that doesn’t excuse the other shenanigans. It’s likely he will be moving along like Giusto and Skipper, as even the 400-member state Fraternal Order of Police turned their backs on him, calling out his “inappropriate behavior” and asking how much money taxpayers want to spend on lawsuits (Willamette Week on line, February 29).

Staton’s not alone being under the magnifying glass: the Sheriff is apparently investigating someone who conducts trainings for his Office who “was observed dehumanizing and mocking both inmates and citizens who come into contact with employees” (Tribune). The trainer told corrections officers they could choose one inmate each week to take outside and “put a bullet in the back of their head.”
about every news outlet in town. The main message: Even though the state says you have to hire him back, assign Frashour to a desk job and keep him away from harming the community. While the Court (unfortunately) agreed with the decision made by the arbitrator that Frashour was within policy and training, their decision was based on the contract between the Portland Police Association (PPA) and the City, which says whatever the arbitrator decides is final. It seems the community needs to focus on this aspect of the contract as it comes up for renewal in June 2017 (also see 48-hour rule, below). The AMA Coalition also turned out about 50 people to remember Campbell on January 29, the 6th anniversary of his death. A speech by his mother Marva Davis was the highlight of the prayer vigil, which also acted as a call to action.

In PPR #66 we named three Oregon legislators who are former cops: Barker, former Gresham Chief Carl Frashour; and former Oregon State Police officer Andy Olson. Other legislators with law enforcement backgrounds include Carl Wilson, a former reserve deputy who voted against HB 4087; Chris Gorsek, another former PPB cop, Wayne Krieger, former Oregon State Police officer, and Sherri Sprenger, former Benton/Grant deputy sheriff. This makes 7 of 60 house members, or 12% of the lower chamber, who often convince the other legislators to vote in ways that do not support accountability and civil rights.

The OIR Group’s report, which is supposed to be an annual publication under the City Code creating the “Independent” Police Review Division (IPR), was the first since 2014 (PPR #64). It covered incidents from 2011-2013, meaning the most recent shooting analyzed was nearly three years prior to the report’s release. Much to their credit, OIR called for the Bureau to stop using the term “suicide by cop” because it presupposes the outcome of a confrontation with a person intent on provoking police to shoot them is for police to accommodate that desire. OIR seemed more emboldened in the post-Ferguson era to be more critical of the Bureau in the 11 incidents they reviewed. On the other hand, they did not say anything about the fact that four of the 11 cases involved people of color being shot/shot at. Portland Copwatch, in our analysis, suggested that detectives always ask the question “Did the suspect’s ongoing scrutiny of the US Department of Justice for the PPB’s excessive force against those with mental illness (p. 1).”

A few days earlier, Oregon State Police and FBI agents shot and killed LaVoy Finicum, one of the armed militants who’d been occupying a wildlife refuge in eastern Oregon. Someone from the State Police contacted Jeff Barker, former head of the PPA and now a state Representative in charge of the judiciary committee, claiming the trooper and his family were being threatened by supporters of the militants. This prompted Barker to “gut and stuff” a bill that was in the pipeline, creating HB4087, which ostensibly would shield officers’ names after deadly force incidents only if a judge ruled there was a serious threat of harm against the cop. However, as Portland Copwatch (PCW) and many in the community noted, officers seeing protests about unjust shootings would claim they felt threatened and we might never learn their names. Even if a judge dismissed such a notion, the officer likely would be able to appeal that finding. The bill was headed like an unstoppable train through the Legislature, passing the house on a 55-3 vote on February 17. However, as the community mobilized to call attention to the unintended consequences, the Senate Rules Committee sat on the bill long enough to prevent its moving to a vote in the Senate.

OIR Report Exposes Issues with PPB Shootings from 3-5 Years Ago

The OIR Group once again called for the City to remove the “48 hour rule” from the PPA contract, which allows two days before officers can be compelled to testify in an administrative investigation. For the first time since PARC released the first of these reports in 2003, OIR included a table and statistics about the shootings under review, showing that 29% of the people subjected to deadly force in the 35 cases they reviewed were African American, 57% were people in mental health crisis, and 26% were unarmed. In the incident involving an African American teenager shot in 2012 (PPR #57), they called out the PPB for bias in describing the teen’s movements as “shook and jive.” In that same case, the police released a dog to chase the suspect, and the K-9 then bit another passenger in the car that the suspect had run from—the wrong person.

They also revealed that even though Officer Jason Lile held a Taser in one hand and a gun in the other when he shot and killed Thomas Higginbotham in 2011 (PPR #53), he was not disciplined. Detective Michael Fields’ bullet hit a kitchen doorway and barely missed hitting the female cousin of Michael Tate when he mistook Tate’s cell phone for a gun in 2012 (PPR #57); Tate and his cousin are Latino. OIR wisely told the Bureau to look at parallels between deadly force scenarios, especially those involving the same officers, such as Sgt. Nathan Voeller’s part in shooting Merle Hatch in a fenced in parking lot in 2013 (PPR #59) which was very similar to his shooting David Hughes in 2006 (PPR #40).

The Police Review Board (PRB) report was released once again with no announcement by the Bureau, and Copwatch reported on it before the news media. (See p. 7 for non-deadly force related information.) City code expanding the information to be contained in the reports was passed in 2014 (PPR #62), yet the summaries of PRB hearings on the three 2015 police shootings are so vague, PCW had to guess which incident was being referred to in one case. In that case, David Ellis allegedly stabbed Officer Jose Jiminez and was then wounded by a police bullet. There was no scrutiny of Jiminez’ role in the incident, in which he tripped and fell over while backing up (PPR #66). As PCW noted in our analysis, because of the PRB’s rules, Ellis was not allowed to address the Board even though he lived. The PRB also reviewed the shooting death of Michael Harrison, in which an officer shot and wounded him because she felt threatened when he moved forward with a knife (PPR #66). They praised Sgt. Martin Padilla for jumping into action with a “beanbag” gun, even though OIR has repeatedly criticized supervisors for going “hands on” rather than coordinating the actions of other officers on the scene. The Board also covered the death of Christopher Healy (PPR #65), in this case praising Officer Royce Curtiss’ decision to use a Taser on Healy once he’d been shot and dropped his knife, but hadn’t collapsed. PCW noted that at that point Healy needed hospitalization, not 50,000 volts of electricity. All three were in some form of mental health crisis, but no special attention seemed to be paid to this despite the ongoing scrutiny of the US Department of Justice for the PPB’s excessive force against those with mental illness (p. 1).

See PCW’s analyses of the OIR report and PRB report at: <http://www.portlandcopwatch.org/shootings_analysis_0116.html> and <http://www.portlandcopwatch.org/PRBanalysis0116.html>; each links to the original document.
PORTLAND COPWATCH UPDATES LIST OF POLICE SHOOTINGS FOR ATTORNEY GENERAL—141 IN SIX YEARS

AT LEAST FIVE MORE IN 2016 INCLUDING EASTERN OREGON MILITANT AND ANOTHER HOMICIDE RULED “SUICIDE”

Last year, Portland Copwatch (PCW) sent a letter to Oregon Attorney General (AG) Ellen Rosenblum reminding her of her obligation under SB 111 (2007) to publish the names of people killed by law enforcement (PPR #65). PCW attached a spreadsheet of what was then 111 incidents involving deadly force, including people who survived the encounters. Meanwhile, we discovered 5 other incidents from 2013-2014, and added 25 incidents that occurred in 2015, sending Rosenblum a list of 141 incidents on March 8. As they did with our previous effort, the Skanner News published an interactive map showing the location of the encounters. The AG has created a list which is pending publication. The full details of what we learned can be found on our website at <portlandcopwatch.org/oregon_shootings_letter0316.pdf>. In short, 53% of the incidents (70) resulted in the death of the suspect; 50 agencies in 22 counties were involved; and at least 8% of the victims/targets were African Americans in a state that is 2% black.

Meanwhile, at least seven more incidents have occurred in 2016:

—On Jan. 16, Beaverton Officer Derek Vuylsteke shot and killed Adam Karjalainen, 34, who was allegedly advancing with a replica gun as police tried to arrest him on a warrant (Portland Tribune, January 20).

—On January 18, Medford Sgt. Darrell Graham shot and killed Timothy Caruthers, 27, when Caruthers allegedly thrust a knife toward Graham, who had been off-duty and shopping but identified himself as an officer (KDRV-TV, February 24).

—On January 26, an as-yet-unnamed Oregon State Trooper (p. 1) and an also unnamed FBI agent shot and killed Robert “LaVoy” Finicum, 54, after forcing his fleeing vehicle to stop on a remote highway in eastern Oregon and Finicum reached inside his coat. Finicum had been part of the armed group occupying the Malheur National Wildlife Refuge to make a political statement about publicly owned lands. The FBI agent (on their Hostage Rescue Team) probably just hit the vehicle, but did not report discharging his weapon and is under investigation (Oregonlive, March 8).

—On January 28, African American teenager Christopher Kalonji, 19, was shot and killed by Clackamas County Sgt. Tony Killinger and Deputy Lon Steinhauser after a standoff following Kalonji’s reported mental health crisis. Though police say Kalonji was threatening family members with a rifle, the family denies that accusation, saying their son wanted help (Skanner, February 3). As with the death of Michael Johnson in November at the hands of the PPB —On January 2016 Police Review Board (PRB) Report summarized 14 cases heard by the Bureau’s internal group which recommends findings on officer misconduct, and possible discipline. Three cases regarding deadly force incidents are covered in our shootings article (p. 1). Of the other 11, one of the most significant was about three officers who posted PPB badges on their Facebook pages with the message “I Am Darren Wilson” (PPR #64), one of whom left the force before being disciplined. Another officer committed sexual misconduct: Officer George Holloway resigned after being investigated for making sexual contact with a female repeatedly over the course of eight months and giving her money in return. A total of four of 13 officers facing discipline resigned or retired. There were also two incidents involving the use of force, but as is usually the case, no officer was found out of policy in those reviews.

The officers who posted to Facebook were Rich Storm, Kris Barber and Rob Blanck (Willamette Week, 11/24/14); Storm and Barber were given command counseling. Blanck retired rather than face the more serious discipline of time off. The Board proposed the Chief “Sustain” allegations of violating the Bureau’s code of Conduct (Directive 310.00) because they “undermined preparations for a planned protest.” Their use of PPB badges was not at issue because the Bureau never copyrighted the image, a strange logic since officers can be punished for using their badge in personal disputes. The PRB said the public concern caused by the posts over-rode the officers’ First Amendment rights. In our analysis of the report, Portland Copwatch (PCW) noted that the Bureau ignored numerous officers who “liked” those Facebook pages, including Portland Officer Betsy Hornstein, who punched and kicked an unarmed African American teen at about the same time the posts appeared (PPR #65).

The investigation into Holloway (whose name was revealed in a January 20 Oregonlive article) turned up evidence of both the sexual contact and the money. Holloway also was found to have been untruthful when saying he was on his way to get a statement but instead stopped at the complainant’s hotel. Once again, PCW urged the Bureau to train about sexism and power dynamics with the same energy they are putting into race and mental health issues. (Information on yet another “pervocop”: p. 8.)

The two force-related incidents involved a woman who was punched in the face and the eye, causing bleeding and bruising, and a person who was subject to a health care check, not an arrest, but was hit in the head by an officer. In the first case, four of seven board members voted to “Exonerate” the officer, but gave him a debriefing. In the second, four of five members voted to “Exonerate” the cops for punching the person. There was a unanimous vote that there wasn’t enough evidence to prove whether the force was an unreasonable way to “manage the confrontation,” but the officer should be debriefed in this case as well. Sadly, the officer’s supervisor had proposed to “Sustain” both of those findings. The cop was, however, found out of policy for not reporting his use of force immediately.

Other cases included a supervisor who accidentally fired a Taser into the floor and failed to report it for four days (the supervisor retired before receiving two days’ suspension), and an officer who violated policy by taking photos of child victims of alleged sexual abuse (and resigned before being suspended or fired).


The January 2016 Police Review Board (PRB) Report summarized 14 cases heard by the Bureau’s internal group which recommends findings on officer misconduct, and possible discipline. Three cases regarding deadly force incidents are covered in our shootings article (p. 1). Of the other 11, one of the most significant was about three officers who posted PPB badges on their Facebook pages with the message “I Am Darren Wilson” (PPR #64), one of whom left the force before being disciplined. Another officer committed sexual misconduct: Officer George Holloway resigned after being investigated for making sexual contact with a female repeatedly over the course of eight months and giving her money in return. A total of four of 13 officers facing discipline resigned or retired. There were also two incidents involving the use of force, but as is usually the case, no officer was found out of policy in those reviews.

The officers who posted to Facebook were Rich Storm, Kris Barber and Rob Blanck (Willamette Week, 11/24/14); Storm and Barber were given command counseling. Blanck retired rather than face the more serious discipline of time off. The Board proposed the Chief “Sustain” allegations of violating the Bureau’s code of Conduct (Directive 310.00) because they “undermined preparations for a planned protest.” Their use of PPB badges was not at issue because the Bureau never copyrighted the image, a strange logic since officers can be punished for using their badge in personal disputes. The PRB said the public concern caused by the posts over-rode the officers’ First Amendment rights. In our analysis of the report, Portland Copwatch (PCW) noted that the Bureau ignored numerous officers who “liked” those Facebook pages, including Portland Officer Betsy Hornstein, who punched and kicked an unarmed African American teen at about the same time the posts appeared (PPR #65).

The investigation into Holloway (whose name was revealed in a January 20 Oregonlive article) turned up evidence of both the sexual contact and the money. Holloway also was found to have been untruthful when saying he was on his way to get a statement but instead stopped at the complainant’s hotel. Once again, PCW urged the Bureau to train about sexism and power dynamics with the same energy they are putting into race and mental health issues. (Information on yet another “pervocop”: p. 8.)

The two force-related incidents involved a woman who was punched in the face and the eye, causing bleeding and bruising, and a person who was subject to a health care check, not an arrest, but was hit in the head by an officer. In the first case, four of seven board members voted to “Exonerate” the officer, but gave him a debriefing. In the second, four of five members voted to “Exonerate” the cops for punching the person. There was a unanimous vote that there wasn’t enough evidence to prove whether the force was an unreasonable way to “manage the confrontation,” but the officer should be debriefed in this case as well. Sadly, the officer’s supervisor had proposed to “Sustain” both of those findings. The cop was, however, found out of policy for not reporting his use of force immediately.

Other cases included a supervisor who accidentally fired a Taser into the floor and failed to report it for four days (the supervisor retired before receiving two days’ suspension), and an officer who violated policy by taking photos of child victims of alleged sexual abuse (and resigned before being suspended or fired).
In March, after nearly two years of monthly posts asking for community input into their “Directives” (policies), the Portland Police put the review project on hold. Captain Mike Marshak at the Strategic Services Division explained that (a) the Bureau was working on reconciling Directives with the US Department of Justice as required by the Settlement Agreement, and (b) the person in charge of the project had left the Bureau for another job. In April, they started up again asking for input on just two policies: Courtesy and the Special Emergency Reaction Team (SERT). Before the one-month suspension, the Bureau asked for more input on older policies in February around medical and other transports, and new policies in January including one Portland Copwatch (PCW) called the “Copwatching Directive.”

Formally known as “Directive 635.20 Citizen Observation of the Police,” PCW acknowledged this policy firmly establishes the right to record officers on duty in public places, as guaranteed by ORS 165.540 passed by the 2015 Legislature (PPR #66). We suggested using a term such as “civilian” rather than “citizen,” narrowing circumstances in which to seize/view recordings, emphasizing the right to observe/record as absolute before launching into restrictions (such as being in a residence where the observer has no right to be present), and making sure the restrictions match state law (which only lists Trespassing or Interfering with a Police Officer as exceptions). The Bureau wisely advised officers that “While the recording itself and/or overt criticism, insults or name-calling may be frustrating, those acts alone do not rise to the level of interference with law enforcement activity.”

They also added a new policy around officer use of social media (311.40), probably because officers posted “I am Darren Wilson” along with PPB badges to their Facebook pages (p. 7). We told the Bureau their restriction to posting for “protected union-related activities” may go too far. “While we’re all for holding officers accountable for misconduct and coming under scrutiny for racist, sexist, homophobic or other remarks they make while on or off duty, we also understand the members’ need to vent publicly about working conditions.”

One of the most significant changes in the old Directives: The Bureau removed language around “maximum restraint” custody in Directive 870.20 (Custody and Transportation of Subjects). Apparently, they decided to stop using the technique known as “hobbling” (cuffing hands and feet together, then attaching the two sets of cuffs) sometime in 2015. However, the draft did not prohibit the practice, leaving cops open to raising the “nobody said I couldn’t” defense. With regard to emergency medical transport (630.45), we suggested they make it clear any time medical staff refuses to treat a suspect, a paper trail be created and maintained. We also objected to the use of the term “excited delirium” in this and the Medical Service Policy (630.40), since it’s a term mostly used by Taser, International to explain why so many people have died when shocked with their 50,000 volt weapons.

The SERT Directive continues to call it the “Reaction Team” even though other City branches refer to the “Response Team.” We’d rather the Bureau respond to emergencies than be reactionary. That Directive also added the term “active shooter” to its list of required call-out scenarios. The Courtesy Directive remains unchanged, allowing officers to use profanity to “control” a suspect, not complying with a recommendation made by the Citizen Review Committee in 2003 that this should be in “exceptional circumstances.”

PCW also suggested the Bureau post public comments on line to accomplish three things: signal to commenters that the Bureau received their input; allow others the ability to consider posted ideas; and allow the community to compare final versions to see how responsive the Bureau has been. We also continued asking for feedback on public comments, something afforded for all 31 of the OIR Group’s recommendations about deadly force incidents (p. 1). PCW has now commented on 79 directives and opted out of 23, which means the Bureau has posted over 100 policies in the last two years.

Updates can be found at <http://www.portlandoregon.gov/police/59757>.

ANOTHER PORTLAND POLICE “PERVOCOP” GONE

In addition to Officer George Holloway visiting a “vulnerable citizen” repeatedly and paying her so he could touch her (p. 7), the Bureau rid itself of another “pervocop” when Officer Jerome Palaoro was convicted for trying to coerce a domestic violence vulnerable citizen in February for an incident in July 2015 when he came back to see the woman after attending to an emergency call about her boyfriend injuring her. The woman, who was visiting Portland from Las Vegas, called herself a sex counselor. Nonetheless, it was inappropriate and criminal for Palaoro to return, “strip in her hotel room and ask for sexual favors” (KOIN-TV, February 12). Palaoro’s texts showed he wanted to visit her after his shift ended, which didn’t happen until after 3:30 AM because of the officer-involved shooting of David Ellis that happened that same morning (PPR #66). Palaoro pleaded guilty and, in addition to losing his certification as an officer, has to serve 18 months bench probation. Still no word on gender party training for the PPB.

BUREAU TRAINING FACILITY USED FOR VIOLENCE-THEMED FUNDRAISER

On April 1, the Citizens Crime Commission (CCC) and the Portland Police Foundation organized a $1000 per person fundraiser at the Bureau’s training facility called “Meet the Heat.” The promotional flyer promised lots of exciting action: “Emergency Vehicle Maneuvers, Firearms and Tasers, Realistic Scenarios, Defensive Tactics, the Special Emergency Reaction Team and KG Unit.” There is no mention of community police relations, de-escalation, institutional racism or Crisis Intervention. The benefits of attending include an “associate membership” in the CCC and a badge. It’s not clear whether that means a Portland Police Bureau badge, but it might— the cops who were disciplined for posting “I Am Darren Wilson” could not be punished for misuse of a badge because the Bureau never copyrighted their badge (p. 7). The NAACP’s Portland Branch organized a protest early on the morning of the 5-hour event, in part to see who was paying $1000, in part to object to the message, and in part to object to private non-profits using public resources to raise money. NAACP President JoAnn Hardesty asked the City Attorney for a legal opinion and was told it was fine because only minimal City resources were being used. As Portland Copwatch put it in a Feb. 29 news release: “While the [CCC] talks about wanting to ‘improve civility and strengthen [community],’ the invitation-only event reads more like an invitation to fetishize [a] cops and robbers mentality.”

The Bureau’s Review of Policies Suspended For A Month

In April, the Citizens Crime Commission (CCC) and the Portland Police Foundation organized a fundraiser at the Bureau’s training center. The Bureau Training Facility was used for another violence-themed fundraiser.

Quick Flashes

Another Portland Police “Pervocop” Gone

In addition to Officer George Holloway visiting a “vulnerable citizen” repeatedly and paying her so he could touch her (p. 7), the Bureau rid itself of another “pervocop” when Officer Jerome Palaoro was convicted for trying to coerce a domestic violence vulnerable citizen in February for an incident in July 2015 when he came back to see the woman after attending to an emergency call about her boyfriend injuring her. The woman, who was visiting Portland from Las Vegas, called herself a sex counselor. Nonetheless, it was inappropriate and criminal for Palaoro to return, “strip in her hotel room and ask for sexual favors” (KOIN-TV, February 12). Palaoro’s texts showed he wanted to visit her after his shift ended, which didn’t happen until after 3:30 AM because of the officer-involved shooting of David Ellis that happened that same morning (PPR #66). Palaoro pleaded guilty and, in addition to losing his certification as an officer, has to serve 18 months bench probation. Still no word on gender party training for the PPB.

Former Portland Police Chief Mike Reese was named executive director of the Citizens Crime Commission (CCC) in January. The CCC is an offshoot of the Portland Business Alliance.
DOJ Agreement Still Brings Conflict, Confusion One Year On (continued from p. 1)

the DSUFSC provide alternatives to using words such as “excited delirium” (a term not defined by the medical community, but championed by Taser International to explain why so many people die after being shocked with their weapons). Hager insisted it is COAB’s “job” to tell the Bureau what to say if they are to change their current (offensive) language. COAB members are not paid to be at these meetings; the police advisors are.

Nonetheless, the DSUFSC’s 18-plus recommendations nearly all passed with the needed quorum of 8 or more votes on the 15 member Board, one exception being an amendment to ban the use of pepper spray in crowd control situations. The downside: not only are the recommendations filtered through the police-friendly Compliance Officer/Community Liaison (COCL) from Chicago before heading to the Bureau, but they are not necessarily going to be considered in the final policies set to be released soon. Portland Copwatch (PCW) suggested the DOJ bring the “final” versions as drafts to allow COAB one more chance to align the Directives with community concerns.

A few of the DSUFSC recommendations weren’t only about force. They also reviewed the Foot Pursuit Directive (630.15), recommending officers only engage in solo foot pursuits if the person being chased poses an immediate threat. In addition, they recommended the Training Division ensure officers not rely on the “21 foot rule,” which implies someone coming at an officer with a knife from under 21 feet should automatically be shot. Though the Bureau insists they do not train on this issue, one officer involved in shooting Thomas Higinbotham invoked the 21-foot rule in his decision to fire his weapon (as revealed in the OIR Group report discussed on p.1).

After Officer Paul Meyer, using Bureau letterhead, filed complaints against COAB members Tom Steenson, Rochelle Silver and Myrlaviani Rivier (PPR #67), two of the complaints were resolved through mediation. In March, an administrative investigation into whether Steenson violated COAB rules found the accusations—including whether Meyer’s words were not included in paperwork about the recommendations—were not proven. On April 8, Meyer resigned from the Board without explanation. The complaints resulted in dragging out the recommendations process for months and putting the three unpaid volunteers walking on eggshells while Meyer got to do whatever he wanted. Supposedly, the voting (civilian) and non-voting (police) Board members made efforts to get along better at the January retreat. PCW raised concerns, including that a quorum of the Board would be present if they discussed even one iota of COAB business, it must be a public meeting. Backed by the COCL and Commissioner Amanda Fritz, the Board went ahead with the private meeting.

In addition to meetings with the Chief and Mayor, COAB is supposed to hold a second Community Outreach meeting to follow up on the one from last April. That forum created a disastrous atmosphere by allowing police to talk for over an hour, then handing the microphone to their supporters before the general public could talk (PPR #65). No second community forum has been held. Also, after the last alternate member was appointed in October, the City has not filled the five empty alternate slots, even though it’s more likely than not that another COAB member will resign in the next few months. In January, the Board heard from DHM, the company that implemented the community survey assigned to COAB. Even though DHM increased their sample size for communities of color, the report’s analysis was only slightly better than the Portland State University one released in 2014 which minimized the low ratings given by most people. The COCL published DHM’s results in a “semi-annual outcomes report” last October, noting some questions were vetted by the “National Police Research Platform” (NPRP), but taking several pages to reveal COCL Dennis Rosenbaum is Director of the NPRP. The survey shows only 58% of civilians find the police trustworthy, 79% of African Americans and 73% of Native Americans think officers stereotype them, and only 57% of people would call police if a family member had a mental health crisis—a number that falls to 39% among African Americans.

At their February 11 meeting, discussion of recommendations was cut off so COCL team member Dr. Amy Watson could discuss issues around stigma attached to mental health issues. The February 25 meeting was entirely taken up by more presentations on mental health. While it is true the DOJ Agreement focuses on the use of excessive force against people who are perceived to be in mental health crisis, the operative problem is that Portland Police are generally too prone to use force. Most people on the COAB work with or are affected by mental health concerns. When a body looking at a 180-paragraph agreement only meets six hours a month, their time should be spent making recommendations or analyzing the progress of the Agreement. So much time has been spent explaining how the City’s systems work, when Rosenbaum and Watson unveiled the latest assessment report in April, they were given just 30 minutes to present.

PCW has been analyzing those reports, and to their credit the COCL team responded in January to all feedback they received on the second quarter 2015 report. As PCW noted, it’s helpful to know why certain recommendations are accepted or rejected so the community doesn’t keep making the same comments over and over. The COCL also stated: “We support any action that increases transparency, streamlines processes and increases community involvement,” and expressed support for community members to “attend and give input at [Behavioral Health Unit Advisory Committee] meetings.” However, the COCL also continues to refuse to name the persons at the Bureau who are in charge of aspects of implementing the Agreement, calling the idea of “transparency” into question.

In addition, the COCL claimed COAB does not have the authority to review proposed trainings, which raises the question of how they can “independently assess implementation of the Agreement.” The DSUFCS asked for training materials in July 2015 and was given some in January. When Steenson asked for the rest, the COCL responded the request wasn’t made on the proper form.

Similarly trying to follow the letter but not the spirit of the Agreement, the Bureau gave the COAB its draft 2015 Annual Report on March 25. Rather than a comprehensive document covering force and profiling data, as described in the Agreement, it is another booklet-sized quasi-comic book, along the lines of the one adorned with Mounted Patrol horses in 2014 (PPR #63).

One of the key disagreements PCW has with the DOJ and the COCL is the concept that the COAB is supposed to “collaborate” with the police. In a February 12 article, Fairness and Accuracy in Reporting quoted a UCLA and Columbia law professor, who said: “Cooperation in conditions of extreme disparities in power is what is otherwise known as occupation and oppression.”

In early March, US Attorney General Loretta Lynch and her Deputy Vanita Gupta visited Portland to commend the City’s “community policing.” Lynch’s visit to the Boys and Girls Club in N. Portland was by invitation only, with a parade of police collaborators similar to the April 2015 COAB Outreach meeting. Dr. LeRoy Haynes of the Albina Ministerial Alliance (AMA) Coalition for Justice and Police Reform was the lone voice arguing “community policing” is not a reality. The meeting with Gupta included the AMA Coalition’s steering committee and 7 COAB members (to avoid a quorum—and the three people Officer Meyer complained about were not invited). Gupta heard clearly that the Bureau has to be more responsive to concerns and “close the loop” on the recommendations being made by COAB, or face a total lack of credibility.
The biggest news the PPA managed to make, generating a large post on the Rap Sheet in January and four Facebook pieces related to media coverage, was about a survey they conducted (over Survey Monkey) under Turner’s headline: “Our Bureau is broken and we need to fix it.” Obviously, the PPA is not saying there is too much violence, racism and no accountability. Rather, Turner picks up on the theme we’ve noted in the last few issues, complaining there are not enough officers on the streets, which leads to low morale. 97% of the 700 or so officers who responded (about 82% of the PPA’s membership) made that connection. They also said that staffing levels are connected to crime rates—which is not necessarily supported by any evidence other than the poll. They could mean it’s appropriate to cut police when you have a low crime rate, as we have in Portland. This is clearly not Turner’s point since a PPA-related website, <ourcityourpolice.com>, compares Portland to other similarly sized cities and implies we need more officers to keep up. But of course, that chart doesn’t include crime rates.

The biggest blunder of the PPA’s public relations in this survey is a question about recommending someone else take a job in Portland, and 80% said they would not do so. So, PPA, if your solution is to go recruit more officers, how do you expect that to happen when the rank and file are telling people not to come here?

Other points of interest: Despite representing only Sergeants, Detectives and Officers, Turner says Chief O’Dea should listen to him because many in the command staff have also lost faith in his leadership. He adds, “It’s evident to the men and women who do the heavy lifting in the patrol, investigative and support ranks that Chief O’Dea’s leadership style does not allow for meaningful input from the boots on the ground.” The Rap Sheet post also says many officers are looking for jobs elsewhere (which may be ok, since only about 30% of Portland Police live in Portland—PPR #66), and the Bureau is no longer seen as the “crown jewel” of Oregon law enforcement. (However, who does get that regal title is not revealed.)

Going back to some favorite tropes, Turner explains that “gang” violence has spiked beyond record levels, and “Insufficient staffing prevents us from proactively engaging with the public, proactively preventing crime, and from investigating and solving crimes expeditiously.”

The coverage of the survey, as noted on the PPA Facebook page, includes stories from KGW (January 12), the Portland Tribune (January 13), and a promo and the audio link to Turner appearing on OPB’s “Think Out Loud” on January 14. In that follow up post, a comment from Jeff Roorda refers to “Fergusonistan, the war on police” and mentions that Portland officers were punished for their “First Amendment” support of Officer Darren Wilson (who killed Michael Brown). This ignores that the officers were disciplined because they violated the Bureau’s Conduct Directive (p.7).

**Police Unclear on the Concept: Civil Rights and Labor**

The Rap Sheet seems to be trying to make up for the PPA’s appropriation of the “Black Lives Matter” slogan (when they put up billboards saying “Having Enough Police Matters”—PPR #67) by touting civil rights. Turner thanked the members of the PPA for coming to a “union” meeting along with a picture of Martin Luther King Jr. and the quote: “The labor movement was the principal force that transformed misery and despair into hope and progress.” In February, an article about Black History month was adorned with a picture of Nelson Mandela saying “No one is born hating another person because of the color of his skin, or his background, or his religion. People must learn to hate.”

The Association intends to show solidarity with the civil rights and labor movements by mentioning how MLK was supporting sanitation workers in 1968 when he was assassinated. “America’s union movement champions those who lack a voice in our society. Union members played a critical role in the civil rights struggles of the past, and that involvement continues today.” But it ignores that police officers were involved in firehosing, beating, and unleashing dogs on civil rights marchers in the 50s and 60s, and beating and helping criminalize members of labor unions throughout the country’s history. Probably not the critical role they’re trying to invoke here.

In March, they posted an article (from the GREELEY CO Tribune via PoliceOne) about a proposed bill (the “Blue Lives Matter Act”) to classify the targeted killing of an officer a hate crime. The article’s author says the bill “comes at a time when many officers feel under attack from those who blame all officers for the actions of a few.” The Weld County Sheriff is quoted countering “what makes the assault, or the murder, of a person of a specific background any more or less heinous than someone who doesn’t fit into one of those categories?” Maybe it should be noted that taking on a state job is not the same as one’s race, gender, religion, or sexual identity.

**Oregon State Police Fined $180K for Kick Breaking Bones of Eugene Motorcyclist**

In 2012, Oregon State Police Lieutenant Rob Edwards attempted to pull over a speeding motorcycle near Eugene. When the rider came to a stop on an exit ramp, Edwards rear-ended the motorcycle with his unmarked Camaro, knocking Justin Wilkens over. Edwards came out of his car with gun drawn and commanded Wilkens to get on the ground. As the motorcyclist moved towards the ground, Edwards performed a high kick to Wilkens’ upper chest, breaking his left clavicle and fracturing one rib. Edwards neglected to inform his supervisor of his use of force immediately following the incident.

Three and a half years later in Federal Court, a jury awarded Wilkens $181,000 in damages, including $100,000 for pain and suffering and $50,000 in punitive damages. The State Police appealed the finding, saying they were “disappointed with the (trial) outcome and feels the actions of our troopers clearly did not violate established procedures or tactics. Officers have milliseconds to make what may be life-or-death decisions and those officers should be shielded from the liability of civil damages” (Eugene Register-Guard, January 15). Edwards has since been promoted to captain.
Training Advisory Council Notes “Us Vs. Them” Attitude, Hears About Use of Force

In March, the Training Advisory Council (TAC) voted on issues to use as a basis for recommendations to the Portland Police Bureau. The only one that had to do with the substance of the training was a comment that instructors seemed to be perpetuating an “us vs. them” attitude between police and community members. Interestingly, the US Department of Justice (DOJ) raised the same concern with the Bureau in a February memo about the 2015 “in-service” trainings. While the DOJ went further and raised concerns about the focus on firearms use without an emphasis on de-escalation tactics, and the use of “military imagery” during scenario training, this is a big step for the TAC.

In January, they had a (very lengthy) presentation from Officer Paul Meyer on the Bureau’s Use of Force policy, and a (very brief) presentation about the quarterly force statistics report from Lt. Steve Jones, the “Force Inspector.” Still, their meetings continue to be heavily dominated by discussions on how to structure their timelines to make recommendations, rather than how to stop police from racially profiling, using excessive force, and other concerns that led the their creation in 2012.

In his presentation, Meyer referred to the report in which City Auditor Mary Hull Caballero pointed out that only one officer was able to articulate the Bureau’s policy clearly (PPR #66). His comment was that “this doesn’t look good,” but it wasn’t clear if he was trying to refute her findings or to explain why the policy was included in the most recent “in-service” (where all 900 or so patrol officers receive 40 hours of training on various issues). The Compliance Officer/Community Liaison noted in his October semi-annual “outcomes report” that only 30.5% of cops think the Bureau’s Force policy is clear.

The March discussion was focused on the Use of Force training curriculum, and much time was spent talking about learning methodologies (talk about “learning objects,” for example) and ways computers could be used to improve delivery of training. In addition to their concern about “us vs. them,” they also came up with the idea of making the Bureau’s list of Directives easily accessible on a smartphone, as no handbook version has been published since 2009. The Training Advisory Council meets on the second Wednesday of every other month, write to ppbtac@portlandoregon.gov for more information.

CopCam On the Horizon for Portland

Even as the New York Times published an excellent on-line “test” showing how subjective and unreliable police body cameras can be (April 1), Portlanders are supposed to be receiving a package from the Police Bureau soon that shows both their proposed policy for bodycams and a budget to pay for them. PCW continues to take a neutral stance on the cameras but believes that City Council should vote not just on the budget but on any proposed policy. In a March 25 editorial, the often conservative Oregonian called for the policies to be decided clearly and the money to be budgeted properly, stating “Portland needs to do this right, or not do it at all.”

*P.P.R.®*
For over 20 years, we have followed the exploits of the Portland Police Association by monitoring their print, then online newsletter, the Rap Sheet. Since mid-December, there have been about fifteen postings to the official Rap Sheet site, <pparapsheet.org>, mostly items from cop news hub <PoliceOne.com>. Even fewer were added to the PPA’s site <ppavigil.org>. As is the trend in the era of social media, most of the information we’re looking for can now be found at the PPA’s Facebook page, <www.facebook.com/PortlandPoliceAssociation>.

This poses a bit of a challenge for our old-timey print newsletter, since the number of pieces posted actually increased because of the nature of Facebook. However, we will continue to publish this column so long as the PPA continues to provide new material for us to share, analyze, and satirize. We culled through 65 posts from the last four months, and this is what we found:

The largest number of posts (24) were reposts of items from the Bureau itself, including a link to a Buzzfeed article (February 24) that featured what the PPA called a “way too Portland” hand-scrawled note on a PPB business card. The note read “Your passenger door was scuffed up a tiny bit during the course of an arrest.” There was a picture of Mounted Patrol officers carrying light sabres (December 18), a kid wearing a Spider-man outfit who “helped” the downtown foot patrol (February 18), and a hint at the second-most-frequent-topic, understaffing, in a post about the PPB cutting its summer camp for kids. That piece prompted disgraced retiree cop Rob Blanck to post a reply trash-talking programs like DARE and GREAT since the short time cops spend with youth can’t change their entire lives. Jim McCausland, the last credited Rap Sheet editor, wrote back telling Blanck, essentially, to shut up, stay retired, and focus on the positive.

The 10 articles about not having enough officers on the force mostly focused on other cities: San Diego (February 22), Commerce City, CO (February 21), Pittsburgh (February 19), Phoenix (February 17), Olympia (February 4), and Vancouver (January 26). Another article talked about Utah prioritizing school resource officers while the PPB “is talking about cutting the program” here (February 10). But the bonus piece was PPA President Daryl Turner quoting himself on Oregonlive (December 15) about how the Bureau is shuffling officers around to fill gaps, in which he said, “If you are short a player on a baseball team, you don’t put a catcher in to play shortstop.”

The rest of the pieces included five about the officer who was killed in Seaside (p. 7), four profiles of officers from other media, and nine that connected or were identical to Rap Sheet posts. Four more Facebook posts get us to the next topic.

(continued on p. 10)