PORTLAND POLICE KILL BLACK TEEN WITH SHOT TO HEAD; WOUND WHITE MAN IN MENTAL HEALTH CRISIS ON SAME DAY

On February 9, 2017 Portland Police were involved in two shooting incidents—as many as in all of 2016. The shootings, coming hours apart, included many similarities and a striking difference: Quanice Hayes, a 17 year old African American young man, was shot in the head and died; Don Perkins, a 56 year old white man in mental health crisis who goaded police to kill him, lived. Separate grand juries found police committed no crime in either case, even though both police narratives allege the suspects were reaching around, but not actively pointing the replica guns supposedly found at both scenes. Meanwhile, former Chief Larry O’Dea was able to avoid being prosecuted for shooting his friend in the back during a hunting trip (PPR#70) through a civil compromise in which his friend requested there be no prosecution—but O’Dea had to be fingerprinted as a criminal suspect in Harney County (Oregonian, January 14). In other PPB shootings news, the Police Review Board report released in February (p. 7) revealed new details about when police shot at Timothy Bucher last May (PPR#69), and a grand jury found no wrongdoing when an officer killed Steven Liffel in December (also PPR#70).

Quanice Hayes: Death Sentence for Suspected Armed Robbery

The Bureau was uncharacteristically quiet about most of the details of what happened to Hayes, other than stating he fit the description (code words for racial profiling) of a person suspected of taking a houseless man’s benefits (EBT) card at gunpoint and identifying the shooter (continued on p. 6).

CITY DISBANDS OVERSIGHT BOARD MEANT TO ENSURE POLICE REFORM

After two years of the City failing to follow an imperative in the US Department of Justice (DOJ) Settlement Agreement requiring the Mayor (Police Commissioner) to attend two meetings per year of the Community Oversight Advisory Board (COAB), new Mayor Ted Wheeler showed up at what turned out to be COAB’s last meeting. Making matters worse, Wheeler did not act to extend the seven remaining COAB members’ terms for another year, or at least until a new system was devised. Meanwhile, the City’s appeal of Judge Michael Simon’s order for them to return to federal court to explain their plans for re-inventing the COAB (PPR#70) is headed to mediation at the Ninth Circuit Court of Appeals (Oregonian, March 24).

Although the Mayor appeared sympathetic to those attending the January 26 meeting and the idea of continuing COAB, he did not reappoint or support the reappointment of any of the seated members. Neither Wheeler nor any other member (continued on p. 2)
had the only Council member wanting to support CRC’s proposal to “Sustain” the allegation) and joined Commissioners Fish and Eudaly. Unfortunately, because of the ongoing incompetence of the City Attorney’s office, the Council failed to add a “debriefing” to the finding, meaning that even though several of them talked about the need to de-escalate, the officer won’t receive such counseling formally.* This would have been particularly important because the officer came upon the situation and decided to use the Taser based solely on his perception that Klug, who was apparently in a mental health crisis, was about to strike “Sergeant A.” And Nutting is, apparently, part of the Enhanced Crisis Intervention Team (ECIT), specially trained to help people in mental health crises. Chief Marshman told CRC in December (but didn’t mention to Council) that he didn’t want to Sustain the allegation because Nutting would no longer be eligible for the ECIT.

It’s probably not a coincidence that the outcome of this case closely follows what happened with the case of Merrick Bonneau in 2003, where CRC also wanted to Sustain the complaint over the Bureaucracy’s “Exonerated” finding and Council voted to find “Insufficient Evidence.” The main difference is that back then, the IPR Director offered his opinion to Council, swaying their vote, and five CRC members quit in frustration (PPR #30). One striking thing about the hearing was that Chief Marshman stated several times there is “no residual harm” caused by Tasers, even expressing how he’d felt pain when he volunteered to get hit with the electroshock weapon in training. CRC Chair Kristin Malone and Commissioner Fritz both mentioned how Amnesty International has documented over 700 cases in which people have died after being tasered. We’d call that residual harm.

A few other points of interest about the Council hearing:—Chair Malone did a great job summarizing both the reasons CRC felt the officer was out of policy (the Directive only allows Taser use for “active aggression” or if a restrained person is endangering someone), and the lengthy process which brought CRC to the table. However, although this was technically CRC’s appeal to Council, she was given far less time to speak than the Bureaucracy.
—Chief Marshman and Internal Affairs Captain Jeffrey Bell repeatedly showed the 30-second video of the incident, but without the audio in which Klug is screaming in pain. (It’s possible they didn’t want to play him saying “you’re a f*cking idiot” in Council Chambers and over cable TV.)
—Though Klug was accompanied at the table by former CRC member Erice Terrell acting as his Appeals Process Advisor, Council did not solicit input from Terrell. Klug spent much of his time talking about his criminal and civil cases rather than the original incident.

This last point is of interest since the protocols Council used to guide the hearing strictly limited Klug to a 10 minute presentation. Even though IPR wrote protocols adopted by Council for use at the hearings years ago, a new set of protocols was developed for this hearing... but Chair Malone revealed the City Attorney refused to show them to her until the day of the meeting, citing “confidentiality.”

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When Malone revealed this information at CRC’s March 1 meeting, Director Severe agreed the City’s behavior was not respectful.

**Case 2017-x-0002:** Activist Monitoring Police at Houseless Camp Sweep Escorted Away from Scene

In April, CRC heard both the Case File Review and Appeal of videographer Kif Davis (#2017-x-0002) based on officers ordering and then escorting Davis away from a “clean-up” at a houseless camp. Though CRC agreed Sgt. Leo Besner was within policy to ask Davis to move, they split on whether he was retaliating against Davis by physically grabbing his arm to take him further away from the inmate clean-up crew. Ultimately they voted 5-4 to ask the Bureau to “Sustain” the finding of inappropriate conduct, even though three members explicitly said there was not enough evidence to support or deny that allegation (which a “Not Sustained” finding would cover).

**Case 2016-x-0006:** Activist Videographing Arrest of Person Asking for Ambulance at City Hall Violently Arrested

On November 25, 2015, community member Barry Joe Stull was arrested after refusing to leave City Council chambers until someone got him an ambulance. Kif Davis, also the appellant in 2017-x-0002, was videoing Stull’s violent arrest when a security guard interrupted his efforts and got police to arrest Davis as well. Davis said three officers applied inappropriate pain compliance tactics against him. At a special January 26 meeting, CRC held a Case File Review on Davis’ appeal (2016-x-0006) of the Bureau’s findings of “Exonerated” and noted IPR and Internal Affairs had only examined the “officer’s employment” after a City Council vote of February 22. The officer told CRC in December (but didn’t mention to Council) that he didn’t want to Sustain the allegation because Nutting would no longer be eligible for the ECIT.

**Council Kruger Has Director Investigated for Violating Confidentiality**

We’ve written many times about Captain Kruger in this newsletter— how he used to ride around in a car with his friend doing Nazi salutes and yelling racist slurs (PPR #31), (continued on p. 3)
Changes Made to Accountability System: Public Input Retained, Review Committee Gets Shafted, Auditor Seeks Charter Change

On April 19, City Council voted to make changes to the “Independent” Police Review (IPR) and its Citizen Review Committee (CRC). The changes were initially proposed to speed up appeals of misconduct complaints, but nearly decimated community confidence. The IPR’s proposal to remove public input from CRC Appeal Hearings was rejected when Council made an amendment by a 5-0 vote on April 13. Other issues remain, including some proposed by a Stakeholder group last year. Additionally, in May, Portlanders will vote on a proposed Charter amendment designed to give the elected Auditor, who oversees IPR, more independence.

Council’s vote came after a few false starts last summer (PPRs #69 & #70), two Stakeholder meetings (in November), and three delayed dates (February/March). The Auditor initially proposed to hold CRC appeals behind closed doors (August), and then to ban all public input during Appeals and the preceding Case File Reviews (September). The Stakeholder group was split between City personnel (including the City Attorney, the Police Association, and the Bureau) and community members on when to allow public input at hearings, with the community wanting input before CRC’s votes. The City expressed concerns the Portland Police Association (PPA) would overturn disciplinary rulings if CRC were swayed by public testimony. However, the existing ordinance requires CRC to vote based on the information that’s part of the record generated by the misconduct investigation. The April version would have allowed input—at the end of CRC meetings. CRC voted 9-0 on April 5 to retain public input as-is, which along with unanimous public testimony at Council led to the amendment allowing input before CRC votes. This was a historic win for the people.

I PR Director Investigated, Crowd Control & Force Work Group Updates (continued from p. 2)

Grabbed a protester by the face and displayed a picture of it dubbing himself “the Claw” (PPR #32), nailed a plaque to honor Nazi soldiers in a city park and was disciplined for it (PPR #52), and escaped discipline for harassment against a female subordinate but was disciplined for pinning up the memo clearing him and revealing her name on the semi-confidential document (PPR #59). Kruger then got Mayor Hales to wipe out the record of both sets of discipline by suing the city (PPR #63).

According to the January 11 Portland Mercury, he also got an investigator to say Sever B. violated state law by revealing that Kruger obstructed the Police Review Board proceedings in the case of an officer who grabbed at another videographer’s camera. Kruger called the complaint “pettifogging” and apparently acted “hostile and combative” at the PRB. The case was later heard at CRC, and after the vote, Johnson threw the water on the floor. Though the hearings officer looking at the case agreed with Kruger, Auditor Cabaliero told the Mercury, “The [Director] used his best judgment in a difficult situation, but arguments there’s leeway in City Code to allow Severe license in sharing information about the PRB.” The Mercury says Kruger also filed a complaint because nobody stopped the CRC meeting after people shouted epithets at him and the water-tossing happened, even though he (Kruger) wasn’t hit by the water. That investigation cleared Severe.

Apart from Kruger’s ongoing narcissistic behavior, this is also disturbing because what Severe reported had nothing to do with the proposed administrative findings against the officer under scrutiny—only Kruger’s disdain for the process. It’s not clear whether Kruger called out Severe or former IA Captain Derek Rodrigues for pointing out to CRC that Kruger obstructed the Police Review Board proceedings in the case of an officer who grabbed at another videographer’s camera. Kruger called the complaint “pettifogging” and apparently acted “hostile and combative” at the PRB. The case was later heard at CRC, and after the vote, Johnson threw the water on the floor. Though the hearings officer looking at the case agreed with Kruger, Auditor Cabaliero told the Mercury, “The [Director] used his best judgment in a difficult situation, but arguments there’s leeway in City Code to allow Severe license in sharing information about the PRB.” The Mercury says Kruger also filed a complaint because nobody stopped the CRC meeting after people shouted epithets at him and the water-tossing happened, even though he (Kruger) wasn’t hit by the water. That investigation cleared Severe.

Crowd Control Considered: Deadly Force Work Group Report Finalized

In mid-January, the Bureau announced it was asking for public input on its Crowd Control policy. At their February meeting, a number of CRC members volunteered to join the Crowd Control Work Group and encouraged member Michael Luna to schedule a public meeting of the group, but that never happened. Apparently, to meet the 30 day comment deadline, some CRC members sent in individual comments. Since the Bureau released a second draft in mid-March with a 15 day deadline (p. 9), CRC didn’t even have a chance to weigh in. The members’ renewed interest was also in part because Director Severe announced IPR is looking at crowd control policies as part of its investigations into misconduct complaints about recent protests (p. 4). It seems IPR and CRC should be working together on this issue, since CRC began examining the policy six years ago, and City Code specifically says they should advise IPR on such recommendations (3.21.170(C)).

At its March meeting, CRC finally had a presentable version of the Deadly Force Work Group report recommending de-escalation as an overarching training concept (PPR #70). Interestingly, Mayor Wheeler mentioned this idea of emphasizing de-escalation during his State of the City address on March 24. (Side note: While he also talked about reducing racial disparities, Wheeler didn’t mention the name of Quaniece Hayes, the African American teen killed by police on Feb. 9.) Portland Copwatch continues to encourage CRC to present the recommendation to City Council since the Chief doesn’t hold public meetings.

Other Goings-On at IPR and CRC:

—None of CRC’s Work Groups held public meetings until the Outreach Work Group re-convened in April.
—CRC planned a retreat for April 22 (2 days after PPR deadline).
—The IPR Director’s monthly report to CRC continues to avoid stating:
  • how many appeals are pending
  • why IPR decided to investigate certain cases instead of turning them over to Internal Affairs
  • the nature of comments made to IPR about police activity (only broad outlines)
  • when items related to IPR/CRC are scheduled to come before City Council
  • when the next CRC meeting is scheduled.
—In April, member Jim Young was reappointed to a second term despite PCW pointing out he had missed 10 of the previous 15 CRC meetings. Young’s term technically ended on February 19 but, as Chair Malone reminded PCW, City Code provides “a committee member shall serve until re-appointed or replaced” (3.21.080(B)(2)).
—Also at the April meeting, Malone and Vice Chair Julie Ramos were re-elected, with Kiosha Ford voted in as “Recorder” so she can chair meetings in their absence (as she did in January).
Protests have continued in Portland since the election of Donald Trump (PPR #70). The largest protest by far was the Women’s March, held January 21, the day following Trump’s inauguration, with an estimated 70-100,000 participants supporting women’s rights and protesting the newly elected President. The march was permitted for 44 blocks, but due to the size of the crowd, police shut down many downtown bridges and streets. The police presence could be called “friendly,” with officers posing for photos and waving pink “pussycat hats” in support of the march and few officers visible other than those directing traffic at intersections. In contrast, a non-permitted march on Inauguration Day was met with violence and weapons.

Two days prior to the marches, Mayor Wheeler and Chief Marshman explained they would not tolerate acts of vandalism or violence, protesters on the freeways, or the blocking of light rail trains.

On January 20, several groups converged at Pioneer Square to protest the President and issues including police brutality and homelessness. The protest was met with an intimidating display of weaponry and force, with police on bicycles and others in full riot gear blocking roads, bridges, and buildings. Portland Copwatch members observing that day got a small taste of a chemical agent fired by Sheriff’s Deputies on the Burnside Bridge. Later, police fired pepper spray, tear gas, sting-ball grenades, flashbangs, and less-lethal rounds at protesters. They used loudspeakers mounted on vehicles to threaten protesters with arrest for their “illegal gathering” and thanked them for their cooperation in obeying commands.

Reasons for the disparate treatment between the Inauguration Day protest and the Women’s March may have included: whether or not the protesters obtained a permit/coordinated with police; time of day; subject of the protest; protestors’ political agenda, dress and appearance; whether the groups were protesting police; and/or the City and police wanting to control the message and messengers.

The Portland Mercury reported on January 25 that Margaret Jacobson, one of the March’s organizers, wrote after the march: “there’s been such an emphasis on us having permits. [The police] kept saying it’s for everyone’s safety, and it was odd to have to basically BUY safety for our marchers. It was odd that the night before the policemen who were ‘keeping us safe’ attacked protesters because they were protesting without a permit.”

Protests were held at the Portland Airport beginning January 28 denouncing Trump’s first Executive Order regarding immigration. Senator Jeff Merkley, Rep. Suzanne Bonamici, and Mayor Ted Wheeler joined the protest January 29 and gave speeches. Police in riot gear were in attendance and fired less-lethal rounds at several protesters and they carried off one counter-protester who was knocked unconscious in a fight (Oregonlive, January 30). Since that time, the Port of Portland changed their policy to require a “Free Speech Permit” to demonstrate for groups of ten or more, non-permitted “free speech” demonstrators must stand outside on the overhead roadway. Gregory McKelvey, who leads the group Portland’s Resistance, told Willamette Week, “I think the Constitution is our free speech permit, and to require a permit from the same people enforcing the things we are protesting is counter-productive to what we are trying to protest” (February 6).

When Don’t Shoot Portland took to the streets on February 20 (“Not my President’s Day”), police met protesters with more violence, knocking people to the ground and causing injuries. At a March 29 protest outside City Council following the funeral of Quanice Hayes, who was shot by the PPB in February (p.1), riot police swarmed out of the Portland building, pushed people around and arrested six people.

Following the “putsch” from City Hall after the Police Association contract was passed last year (PPR #70), Empower Portland convinced the Fire Bureau to keep its members separated from PPB tactical squads so medical aid can get to protesters quickly (Oregonian, March 11).
Since the last issue of the People’s Police Report, a series of articles in the Portland Tribune detailed an exhaustive study on unequal justice in our state. Their findings are staggering. For criminal offenses which occur at roughly equal rates among all ethnicities, there are, for example, 30 times more charges associated with cocaine possession for African American Oregonians than for whites; eight times more robbery charges for blacks than whites. It’s estimated that, when black citizens are fined as a result of convictions, they paid about 20 million dollars more since 2005 than whites charged for the same crimes (February 2).

While the causes of these disparities are multifactorial, they begin at the point of contact between the police and the public.

Edwin Peterson, retired chief Justice of the Oregon Supreme Court, began efforts to document these inequities and legislate change in 1991. Surveys and interviews conducted at that time revealed stunning inequity—from sidewalk to prison, people of color experienced higher arrest rates, lower releases on bail, higher conviction rates and more severe sentencing. Of a sweeping package of bills they submitted to the Oregon Senate to address these inequities, only two passed: forbidding jury selection based on ethnicity and excluding racists from serving as jurors. Both sound good, but are probably difficult to enforce (Tribune, February 7).

In 2015, advocacy groups won passage of HB 2002, outlawing profiling in police contacts (PPR #66). As we’ve noted before, this law hinges on the word “solely”— unlawful profiling is committed when contact is purely based on ethnicity or other characteristics.

A bill currently being considered in the legislature—HB2355—mandates collection of data about the ethnicity of people stopped by police, which supporters hope will add more fuel to initiatives to reform Oregon’s justice system. The measure also mandates training in police departments to prevent profiling. Other provisions of the bill lower several drug charges from felonies to misdemeanors and provide for paths to treatment.

HB 2002 didn’t end the police mindset which resulted in the street execution of Quaniece Hayes in February (p. 1). It didn’t cause a grand jury to indict Andrew Hearst, the officer who shot Hayes three times. HB 2355 will scarcely end the racist practices of police departments in Oregon, but it will provide some factual information. Giving the public more information can only be a basis for more demands for systemic change.

See the Tribune’s series at <http://portlandtribune.com/politics/unequal-justice>.

Training Advisory Council Focuses on Taser Use, Force Statistics and Demographics

After their January meeting was cancelled due to snow, the Training Advisory Council (TAC) ended up meeting two months in a row—in February and March, focusing mainly on the Bureau’s policies and training on Tasers. The February meeting also included information from Captain Mike Krantz, the “Force Inspector,” on statistics about PPB Use of Force in third quarter 2016.

The TAC heard from Officer Paul Meyer (whose name you may recognize from when he filed complaints against three members of the Community Oversight Advisory Board, but then resigned as an advisor when his complaints weren’t upheld—PPR #68) and Officer Erik Daniels in February about how Tasers work and what Bureau training and policy say. They did not mention the US Department of Justice (DOJ)’s lawsuit against the City that found the Bureau uses excessive force, particularly with Tasers, until 15 minutes into their discussion when someone asked why the Bureau chose this time to review its policies. Daniels said he spends a week with manufacturer Taser, International* on trainings every two years; it is not clear if Taser foots the bill for this (as they have for instructors in the past).

In March, Daniels returned with an Officer Harris, also from training, who told the TAC that by the time you see whether the Taser was effective, you need to use it again. This is an alarming comment coming from trainers, since the policy clearly states officers must evaluate effectiveness after each use and then defend each squeeze of the trigger. They explained that Tasers aren’t used for Crowd Control because the cops fear they can cause a “panic,” which is also odd since cops feel fine using concussion grenades, “stingballs,” tear gas and “flash-bangs,” all of which are equally as frightening if not more so. Both meetings underplayed the danger posed by Tasers, though one TAC member asked about officers getting injured by volunteering to be zapped. In February, Training Captain Bob Day said that doesn’t really happen. In March, PCW reminded Day and the TAC of an article from the Arizona Republic (which we quoted in PPR #35) about a Maricopa County deputy who suffered a fractured back after being hit by a Taser for only one second; ironically, Captain Day (then a Sergeant) was cited in that article. TAC set up task forces to look at various aspects of Taser use so they can make recommendations to the Bureau by June.

There was no mention at either meeting about how the current model of Taser (the X2) has a button where officers can easily accidentally discharge 50,000 volts into someone (as happened with Matt Klug in 2014—see p. 1). Prior to the Use of Force presentation at the February meeting, PCW analyzed the statistics and found that over 1/4 of the force was used against people with perceived mental illness and a whopping 44% are listed as “transients.” Moreover, in Q2 2016 37% of force was used against African Americans in Portland, which dropped to 29% (about the average) in Q3. Portland is 6% black. PCW’s Dan Handelman noted that we had to do the math since those statistics weren’t published in the reports (even though both PCW and the TAC recommended including them), stating it seemed as if the Bureau was trying to hide the information since they aren’t printing it. Captain Day interrupted and denied the Bureau was trying to hide anything. At the beginning of the March meeting, Day apologized to Handelman and the Council for interrupting public comment, an unexpected but welcome moment of humanity from an officer we’ve crossed paths with many times over the years (PPR #59, for example).

The TAC didn’t dive into why these disproportionate incidents are happening, but did ask Capt. Krantz questions about looking at demographic data by precinct (can be done) or by officer (nope). They set up a work group to make recommendations about the Use of Force data, in line with what’s required of them by the DOJ Agreement.

* Taser changed its name to AXON on April 5.
Perkins was shot at about 6:30 PM the same day as Hayes at SE 22nd near Lafayette St. Perkins had called 911 to report he had taken pills and was planning to kill himself. Police claim there was an Enhanced Crisis Intervention Team member communicating with Perkins, but it appears the Bureau’s training is to throw de-escalation out the window as soon as there’s a hint of unrest. One of the two officers who shot Perkins was Bradley Clark (#46430), who shot and wounded Marcus Lagozzino when Lagozzino, in mental health crisis, was holding a machete and officers dropped their plan to contain him (PPR #53). We have no records on the other officer, Roger Walsh (#46434).

Details released after the March 15 grand jury hearing indicate Perkins “dropped something from the van that the officers thought was a gun... got out of the van and reached for the object, prompting an officer to shoot once at him.” He supposedly told the police he wanted to shoot him and “moved toward the replica gun” again, leading to more police gunfire (Oregonian, March 17). Initial reports indicated about eight shots were fired (Portland Mercury, February 15). Despite our protestations, police are still being taught to shoot before they see a gun. Neither man was actually holding a (fake) weapon at the cops, and the grand jury found no criminal wrongdoing even though there was no imminent threat of injury or death. The internal investigations into both shootings continue, but no Portland officer has ever been found out of policy for a shooting and then successfully held accountable.

Jeff Sessions was confirmed as US Attorney General on February 8, perhaps the PPB felt it gave police license to kill, as Sessions hinted at less rigorous enforcement of all US DOJ Settlement Agreements and Consent Decrees (p. 1). Mayor Wheeler should get some credit for making a statement contextualizing Hayes’ death among the ongoing rash of African Americans killed around the nation, even though it happened at a news conference where police paraded out the replica handguns they said the men were carrying.

Portland Copwatch has noted over the years police shootings often come in clusters. The day after the two PPB shootings, Vancouver, WA officer Ed Letarte shot and killed armed robbery suspect Justin Burton, 25 (Oregonlive, February 13).

Police Review Board Report Details May 2016 Shooting: Family Raises Questions in December 2016 Killing

The Police Review Board (PRB) report says that on May 24 last year, Timothy Bucher was firing his weapon randomly out of his home and Sgt. James Darby and Officer Chad Gradwahl (referred to as #1 and #2 in the report) were authorized to use deadly force by officer #3. The officers shot at him from behind the door as “cover fire,” a term that’s not defined any more in the Bureau’s Use of Force policy. The PRB called on the Bureau to create such a policy, which PCW asked the Bureau to do in March 2013, since bullets aimed at an inanimate object could strike, wound and/or kill a person. “Cover fire” was also used in the shootout with Ralph Turner in 2011 (PPR #53).

The PRB examined nine aspects of the shooting regarding 12 officers, assigning a finding of “In Policy.” One Board member justified officer gunfire by calling Bucher’s random fire “attempted homicide.” An officer who set a K-9 dog to bite Bucher was also found in policy, since Bucher wasn’t responding to commands to crawl toward police. Four officers who fired chemical agents were found in policy as they “avoided higher levels of force.” Another officer used a Taser because Bucher was allegedly fighting with the K-9 dog.

The only questions that were raised were with regard to officers #10, 11 and 12 because the first two took extra time to hand over control of the incident site to #12. The Board recommended a debriefing and to discuss ways to transition better at all critical incidents. This is useful since such breakdowns also happened in the shooting of Aaron Campbell in 2010 (PPR #61).

Shortly before the report was released, a grand jury found no wrongdoing in the December 6 shooting death of Steven Liffel (Oregonian, February 11). The grand jury began meeting on January 10, 35 days after the incident. It’s not clear whether Liffel’s family was offered the chance to speak to the jury. Liffel’s son raised questions about his father’s death and talked about reconciling with him just three weeks before the shooting (Oregonlive, December 16).
Police in Oregon were involved in 25 deadly force incidents in 2016, 16 of which ended in the suspects' deaths. This was the same number of incidents as in 2015 (PPR #68), bringing the total in seven years to 166. This will mark the third year we’ve sent the complete list to Attorney General Ellen Rosenblum, whose office is required to publish data at least on the fatalities under SB 111 (2007). The last two 2016 incidents occurred after PPR #70 went to press in December. In addition to the two shootings in Portland so far this year, there have been (at least) four other shootings.

—On April 12, Gresham officer Matt Anderson shot at Jaime Cortinas, 42, who allegedly killed his own two daughters. The Medical Examiner says Cortinas killed himself (Portland Tribune, April 14).

—On April 7, Marion County Sgt. Jason Hickam shot at (but did not hit) Juan Francisco Martinez, 35, after being injured by Martinez’ car in Woodburn (Oregon State Police, April 7).

—On February 21, Beaverton Officers Jason Buelt and Dan Cotton shot and killed Douglas Michael Smith, a 51 year old man who was sitting on the roof of a house pointing a gun at neighbors. He allegedly fired his gun into the house, leading to the police’s deadly response (Oregonian, February 25).

—On February 19, Central Point Police Officer D. Brown shot and wounded Justin Daniel Lopez, 21. Lopez supposedly pulled up next to Brown in his Camaro, spun his tires, and drove away at 70 miles an hour, then got out of the car and pointed a shotgun at the officer, who fired six shots (Oregonlive, March 4).

—On December 25, officers from Tigard, Hillsboro, Sherwood and Tualatin shot and killed James Tylka, 30, near Sherwood after he allegedly shot and wounded Oregon State Trooper Nic Cederberg (Tualatin shot and killed James Tylka, 30, near Sherwood after he--On December 28). Tylka was wanted for the murder of his estranged wife, and had mental health and addiction issues (KOIN-6, December 26).

—On December 23, Bend Officers Scott Schairer and Marc Tisher pulled over Michael Jacques, 23, for driving erratically. Jacques “did not cooperate,” leading one officer to use a Taser, and at least one to fire a gun. Jacques had autism, mental health and addiction issues (Bend Source, January 18). Note: Deschutes County District Attorney John Hummel declined to consider Jacques’ criminal past, saying “What’s important is what happened at that moment... history can tell us something, it’s not 100 percent relevant” (KTVZ-21, December 24).

In other news: The Washington Post reported that police shot and killed 963 people in 2016, just under the 991 they tracked in 2015. The Post’s keeping up its database, but the Guardian stopped collecting data in 2017.

The Portland Tribune says 456 people in Oregon die from gunshot wounds every year, “but 83% of those deaths are suicides, with homicide at 13%; legal intervention [ie police shootings], unintentional shootings and undetermined intent shootings account for the remaining 4%” (January 19). That means in 2016 the 15 who died from officer bullets made up about 3.3% of all gun deaths.

—Of 135 U.S. officers who died on duty in 2016, 64 (47%) were shot and killed (Associated Press, December 30), which means as in the past, more officers die in traffic accidents and other means other than by the over-hyped so-called “war on cops.”

* One was killed by a patrol car ramming him (PPR #70).

**Business Owner Kills Houseless Man, Isn’t Charged**

On February 20, Charlie Win Chan, an east side business person, shot and killed Jason Petersen, a houseless man with a history of schizophrenia. The police classified Chan as the victim and the dead man as the suspect. A grand jury did not bring charges against the shooter.

Earlier, the man argued about Petersen leaving his belongings in front of Chan’s business. Chan had put them in the trash. After hearing a door slam later, Chan went outside with his loaded 9mm and confronted Petersen. Chan says Petersen made threats, so he killed him in fear for his life—an excuse raised constantly by shooter cops.

Oregon’s Supreme Court says deadly force is justified under the state’s “stand your ground” law if a person is confronted by someone “committing or attempting to commit a felony involving the use or threatened imminent use of physical force” (Portland Mercury, March 22). It’s open season for houseless and other people, and police and the rest of the criminal justice system are fine with that.

**Officers Who Beat Teen Not Disciplined and Other Revelations from the Police Review Board Report**

On February 16, the Portland Police Bureau (PPB) released the semi-annual Police Review Board (PRB) report, revealing, among other things, that officers who beat and tased teen Thai Gurule in 2014 (PPR #65) were not disciplined. Worse, the Board only reviewed one question—if the stop was within policy—and never considered the use of force. Four officers involved in outrageous conduct were to be fired, but three resigned or retired before that happened. A fourth resigned facing 40 hours’ time off. The secretive PRB deliberates whether officers violated policy and recommends discipline, including in deadly force cases (also see-p. 6). Only one of a 16-member civilian pool sits at a hearing, with one Citizen Review Committee (CRC) member joining in force cases. Other voting members are 3-4 cops and a staff person from the “Independent” Police Review Division (IPR). The Reports have improved, but still block out items such as name, gender and precipicnt information.

The report covers 11 cases heard over six months. Only seven officers under scrutiny faced or received discipline. Officer Jerome Palaoro resigned, facing termination for responding to an incident, later calling the survivor—then Martin—returning to her hotel room and placing his gun in view while having her engage in a massage and “other physical contact.” The PRB found Palaoro displayed “egregious behavior towards a potential Domestic Violence victim” and sustained five allegations. The Board recognized Palaor’s gun “created a power differential” so the woman felt she was forced to comply. About the other three who faced firing: One came back to a friend’s house making threats after an off-duty poker game, one blew a .08 Breathalyzer test on duty, and one falsified timecards, adding 1-2 hours a day for two months. Two other officers got Command Counseling and a female officer received 40 hours suspension for revealing confidential information, failing to report being on prescription meds, and failing to show up at work. Four findings were moved from “Not Sustained” (insufficient evidence) to “Sustained” by the Chief—one after CRC heard a videographer’s appeal of Officer Scott Groshong grabbing his cameraman (PPR #69). Groshong was counseled.

A new issue came up when someone challenges (controverts) findings by the officer’s supervisor, the PRB only considers controverted allegations. Thus, the Board is not considering “the totality of the circumstances.”

The Report covers 34 allegations. 22 were “Sustained,” 9 were “Exonerated/In Policy,” and 3 were “Not Sustained.” 12 “Sustained” findings were in Bureau-only cases (no civilians involved). As noted before, the sustain rate seems high (65%) because any sustained case that could lead to discipline automatically gets sent to the PRB (as in five cases this time). Others came because IPR, Professional Standards, both, or an Assistant Chief controverted the original finding.

In Gurule’s case, no misconduct was found even though a judge called Officer Betsy Hornstein’s testimony “not credible” and questioned why police stopped the teen. The finding on the stop was “Not Sustained with a Debrief” meaning Officer #1 (either Hornstein or David Hughes) was talked to about “the tactics of deceleration.” Perhaps when Gurule’s family accepted a settlement last November (PPR #70) they agreed not to appeal the findings. The IPR controverted the Bureau’s “Not Sustained” finding on the stop, leading to the PRB hearing, but the finding was affirmed 4-1. A 7-member board should have met since Hornstein, a trained Crisis Intervention Team officer, kicked and hit Gurule, and Sgt. Jason Lile tripped him, pulled his hair, and used a Taser on him.

PPC’s full analysis is at <http://www.portlandcopwatch.org/PRBAnalysis0117.html>
The prolonged and very severe winter was devastating for those in Portland with no shelter. Four individuals died from hypothermia and that did not include a stillborn baby boy who was found with his mother at a bus stop in SE Portland by police responding to a passer-by’s 911 call. Unremitting snow, ice, freezing rain and rain resulted in efforts to open shelters and to get as many people as possible into those shelters. Mayor Wheeler opened the Portland Building and other downtown buildings for use as shelters. Although the harshness of the weather has lessened, the hardships on the houseless have not. There have been a number of setbacks for those just seeking a place to exist. Homer Williams, the developer whose plans to use a shipping terminal as a shelter failed (PPR #70), has a new plan to reduce the number of those living outside. His nonprofit organization, Oregon Harbor of Hope, is trying to open five or six 24 hour shelters in existing public and private buildings by the end of the year (Portland Tribune, March 9). Other plans are either in the works or have been established, such as the recently opened Kenton Neighborhood Tiny Home Pilot Project of fourteen homes for women. Talks are proceeding regarding neighbors agreeing to have up to 300 similar tiny homes in their back yards to house those who are homeless. At the end of five years the homes would revert to the neighbors who would also receive tax abatements.

Down town rest stop Right 2 Dream Too (R2DToo) is expected to move by early June to a parking lot across the river in the Rose Quarter. Previous attempts to relocate were scuttled by developers such as Williams, neighbors, businesses and others with the power and money to ensure the moves would fail. This happened in the Pearl District, the Central Eastside, and a Naito Parkway parking lot plan which was quashed earlier in 2017 by Mayor Ted Wheeler. He indicated nearby businesses, workers and neighbors were “overwhelmingly negative” about the idea (Oregonian, February 18). Further, two Portland Development Companies sued to evict R2DToo as their presence would presumably not fit with a new hotel and redevelopment being planned for this area. A few days before the April 7 deadline at the SW 4th location, the landowners served an eviction notice. The Rose Quarter property quickly became available. PCW has walked several “beats” over the last few months and most people we found living outside didn’t have terrible things to say about the Portland Police, which is a welcome relief. However, it’s likely that whatever the Mayor and the business community come up with will include an enforcement prong with the PPB providing the main muscle.

### Changes to Oversight System, Auditor’s Office

The other main Stakeholders recommendation was to expand CRC from 11 to 15 members, but that was dropped because IPR claims they don’t have the staff to manage four more volunteers. The request was made because CRC has been trying to meet the US Department of Justice Settlement Agreement’s (unreasonable) 21-day timeline to hear appeals (pp. 1-3). In February, IPR admitted it no longer has a backlog of appeals, but CRC members are still feeling pushed to their limits and need relief to maintain a quorum of 5 people for hearings. Thus, Portland Copwatch (PCW) continues to push to allow the 16 members of the Police Review Board (PRB) civilian pool (p. 7) to be a part of CRC appeal hearings if the workload gets too large again.

Not everything in the revised ordinance is troublesome: the IPR Director will be able to ask PPB to investigate cases in which they believe officers used deadly force, even if they weren’t originally categorized that way. However, the new language calls it a “request” and the Bureau can say no. The ordinance codifies a name change for “Service Improvement Opportunities” (aka “Service Complaints”), but instead of calling them “Non-Disciplinary Complaints” (part of the definition), they’re being called “Supervisory Investigations.” IPR also put in a “Chief O’Dea clause,” requiring the Bureau to notify IPR if an officer is charged criminally.

There’s still no effort to allow IPR to compel officer testimony or investigate deadly force incidents, and the September draft’s proposal allowing complainants to attend closed-door PRB hearings disappeared. There was no proposal to change CRC’s deferential “reasonable person” standard to be “preponderance of the evidence.” Most of these issues could have been addressed if the City had not negotiated the PPA contract behind closed doors on a fast-track vote last year (PPR #70).

The changes unfortunately re-inserted the Director’s ability to dismiss complaints that are “trivial, frivolous, or not made in good faith,” but conversely removed the old “crystal ball” dismissal which allowed him to dismiss a case if he thought misconduct could not be proven even if an investigation were to happen.

A third Stakeholder recommendation not to make any changes without engaging another stakeholder group other than restoring public input and expanding CRC was also ignored. Council pledged to hold a Work Session to consider further changes to IPR/CRC.

In early February, City Council unanimously voted to put Auditor Mary Hull Caballero’s proposed Charter amendment forward to voters. Though the changes are significant, the document was still being amended the day Council voted. The Charter change would give the Auditor more autonomy over employees and budget. Caballero originally included IPR in her proposal (but not CRC). After hearing from a number of groups that locking IPR into the Charter in its current form was problematic, she dropped the provision.

The good thing about the proposal is it gives the Auditor more flexibility to hire legal counsel not tied to the City Attorney’s office, which is necessary for true independent civilian police oversight.

The proposal permanently places the office of the Ombudsman, which investigates every city agency except elected officials and police, under the Auditor. PCW reminded Council that when we tried filing complaints against an IPR Director and Auditor in the past, the then-Ombudsman refused to investigate because he worked for the Auditor and was in the same office as IPR. Council added a provision allowing the Ombudsman to investigate others in the Auditor’s office.

However, there is not a strong provision allowing external review of the Auditor’s office—the very function it serves to keep other elected officials in line. In 2008, Eileen Luna Firebaugh was hired by the City to conduct a review of IPR. Under the Charter change, it’s not clear Council would be able to call for such a study in the future. PCW tried to get a civilian review board, the Ombudsman, and the Human Rights Commission put into the Charter as independent entities by the Charter Review Commission in 2007 and 2011, but ended up as footnotes in both reports. The Commission is supposed to meet every 10 years, and the 2011 Commission was limited in time and scope. A new one should be convened this year to look at our city’s “Constitution.”

In sum, it would be good to strengthen the Auditor’s independence, but not at the expense of having a way to oversee the Auditor’s office, and it would be good to put oversight systems in the Charter, but not limit their abilities or permanently tie them to the Auditor.
PPB Starts Asking for Input on Policies Again — on Seemingly Random Timelines

Since 2014, the Portland Police Bureau (PPB) has sought community input on its policies (“Directives”), usually posting two to eight proposed revised Directives at the beginning of each month. Starting in January, they have been releasing policies at various times during the month— mostly in their current form, with no indication what they plan to change. After Portland Copwatch (PCW) complained about their initial concept to give 15 days before and after the Bureau revised the policies, they agreed to allow 30 days up front (as before) with the new 15 day period at the end. Two problems: First, the changed directives are coming back so different from before, 15 days isn’t long enough, and second, the Bureau still refuses to put out either a “redline” version showing changes or a conceptual document explaining what is new. However, in April, the Bureau posted a finalized policy on officers including notes on what was changed (or not) and why, and all comments they received.

The biggest issue on the table in the first four months of 2017 was Crowd Control (Directive 635.10), which was posted in its existing form in January, then re-posted mid-March with major revisions. In between, the City invited the ACLU of Oregon, the National Lawyers Guild, and new group Oregon Lawyers for Good Government to meet with them to talk about the policy (OregonLive, March 3). Days after PCW asked to also have a meeting, the Bureau opted instead to release the new draft. While they incorporated some of our suggestions (such as reminding officers ORS 181A.250 restricts officers from gathering information on people without suspicion of criminal conduct), they left in provisions involving use of force and “riot control agents” to which we formerly and subsequently objected. The revised version put an emphasis on officers remaining neutral at events, which led us to ask why officers were photographed wearing pink pussycat hats at the January 21 Women’s March (p. 4) and a “Make America Great Again” hat in Lake Oswego at the March 4 Trump. They also put in a prohibition about the use of horses—but only when used against people sitting or lying down.

The PPB made steps toward recognizing that permitted events should not necessarily be treated differently than unpermitted ones, but still separated the Directive to cover “Planned Demonstrations” vs. “Spontaneous Events,” rather than the NW Constitutional Rights Center’s suggested “coordinated with the Bureau and coordinated with the Bureau” terminology we keep pushing.

The new Directive also refers to “civil disturbances” involving “a threat of collective violence, destruction of property or other criminal acts” as the reason to change from crowd management to crowd control, but suggests using weapons against people engaged in “civil disobedience” (which they acknowledge is generally not a violent tactic). PCW called for the Bureau to better define which “criminal acts” they mean. As for the Bureau’s behavior, they tell officers to “maintain a non-confrontational presence to dissuade participants from engaging in disorderly behavior and to encourage crowd self-monitoring,” which we noted was paternalistic and ignores people’s ability to create their own security without being blessed by the police.

One highlight: They outright ban use of Tasers in crowds,* something they could previously do with a supervisor’s ok. They also removed most references to “threats” and “risks,” and made it so the Incident Commander (not the Rapid Response Team) is in charge of announcements to the crowd. However, they did not address strongly enough that police give contradictory orders and block exit routes while telling the crowd to disperse.

Also in January, we sent the Bureau ideas on Directives covering Secondary Employment (210.70 and 210.80), Firearms confiscation (1070.00), and two other policies. On Employment rules, we asked the City to be more restrictive on use of cops providing security for a single business, as they have been doing at the Apple Store. About firearms, we expressed concern that confiscated civilians’ weapons can be issued from the armory with no criteria.

Late in January, a third posting asked for input on the “Special Weapons Use” policy (1090.00). In describing use of “non-aerosol contained chemical agents, automatic weapons, rifles and other special tactical weapons,” which they admit can be lethal, they don’t talk about what happens when officers from other agencies use those weapons at protests. (The Multnomah County Sheriff’s Office launched a chemical agent on January 20— also p. 4.) We asked them to specify when certain weapons can be used, pointing them to their own operational plan for a March 2012 protest we posted at <ppw.info/copwatch/PPB_crowd_orders_030112.pdf>.

In March, they sent out five more Directives, and we commented on four. The most significant two deal with Arrests of Foreign Nationals (810.10) and video cameras in patrol cars (630.70). The first appears to encourage police to cooperate with Immigration and Customs Enforcement (ICE) in violation of state law 181A.820. That law says officers “may” share information with ICE if a person is arrested, adding they should generally cooperate if there is a warrant issued. Anumber of provisions call for cooperation without either prerequisite. When City Council passed its Sanctuary City resolution on March 22, they called on the Bureau to be sure Directive 810.10 complies with state law. The video camera policy has a lot of the same rules as the draft body camera policy released last fall (PPR #70), allowing officers to review their own footage when writing reports—even in deadly force cases. There are also numerous times officers are “required” to operate the cameras which, without a criminal predicate, seem to violate ORS 181A.250.

In April, they posted six more Directives, including one on Profiling.* For the first time, the Bureau used the term “Conducted Energy Weapon” instead of “Electronic Control Weapon” ... another step in the right direction.

 Council Passes Ordinance to Exclude People from Meetings

In a unanimous March 15 decision, City Council passed an ordinance letting them exclude what the Oregonian called “rowdy protestors” from city meetings for up to two months (March 23). In December 2015, federal Judge Michael Simon ruled excluding a person from a council meeting based on past behavior violates First Amendment rights. Mayor Wheeler declared Council would eject disruptors for a day at a time but wait to enforce long-term exclusions until the ordinance passes constitutional muster. Portland Copwatch weighed in on the ordinance, suggesting simpler ways to de-escalate. These include expanding the open communication section of the meeting so more than five people can testify, and allowing people to sign up on the day of a Council meeting to address current issues. Currently, people are required to turn in their names to the Council Clerk six days in advance. We noted less of Council’s time would be taken up by public comment than is taken up by repeatedly calling the Council into recess, clearing the chambers, and putting City Hall on lockdown.

Other Copwatch suggestions included meeting the demands of the protests: Be more responsive; quickly release more information about officer involved shootings; create a culture of accountability; find a new location for Right 2 Dream Too rather than hoping they’ll go away (p. 8), and/or do a better job of expressing support for justice, equality and freedom.

Though Mayor Wheeler later held a few open forums for people to attend, they did not include all the other Commissioners. Two weeks after passing the ordinance, security gave out dated tickets to attend Council, demanding visual bag inspections on the way in (Mercury Blog, March 29). The bag checks are still in effect.
The Portland Police Association does not set policy. However, some PPA leadership, officers, and guest authors express negative attitudes toward citizens and civilian oversight in their newsletter. We worry these ideas may spread through the rank-and-file.

Mohammed Mohamud’s Appeal Denied

Not long after President Trump attempted to point to Mohammed Mohamud, a Somali teen who was the target of an FBI sting operation involving a fake bomb at Pioneer Courthouse Square in 2010, to justify his Muslim travel ban, the Ninth Circuit Court of Appeals denied Mohamud’s appeal. His lawyers had asked a 3-judge panel to overturn the conviction due to prosecutorial misconduct and the entrapment of Mohamud. They did not, despite agreeing mistakes had been made (PPR #70). As for Trump, the Oregonian reports a US Attorney involved in the prosecution said “Mohamud’s ‘radicalization had precisely nothing to do with his refugee status’ and... that the refugee community assisted federal investigators” (Patch.com via Oregonlive, March 7).

Court won’t rehear appeal of holiday bomb plot case

A federal appellate court won’t rehear an appeal from Mohammed Mohamud, the Somali American sentenced to 30 years in prison for plotting to bomb downtown Portland during the annual Christmas tree-lighting ceremony. A three-judge panel of the 9th U.S. Circuit Court of Appeals previously upheld Mohamud’s conviction. Mohamud’s attorneys sought to have the case

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The Rap Sheet also ran six stories about the K-9 unit (including two dog who died and the arrival of their new protective vests—PPR #70), and six about officers who were shot (one from Portland in 1998, three about the state troopers during Christmas 2017, both and two about officers shot in Mt. Vernon, WA and Boise, ID).

The City, the County, and Federal Immigration (ICE)

Despite the hysteria spawned by the current Administration concerning undocumented persons, the City and County made it clear they have no intention of assisting the Immigration and Customs Enforcement Agency (ICE) seize and detain individuals who reside in our community.

Portland Police Bureau Directive 810.10 says members will not assist ICE unless a crime is committed or in case of an emergency, but officers may exchange information with ICE as part of criminal investigations (also see p. 9). On March 22, City Council declared Portland a sanctuary city which will not help ICE deport immigrants.

Sheriff Mike Reese posted the policies of the Multnomah County Sheriff's Office online for public input in March. They say Sheriff's deputies have the discretion to involve ICE in any case at the request of the owner.

ICE has made at least six arrests in Portland. One Deferred Action for Childhood Arrival participant was released after community outcry in March. Some churches have declared themselves to be sanctuary sites. Multnomah County court referee Monica Herranz reportedly helped a man elude ICE outside the courthouse by having him leave her chambers through a side door. He was arrested later anyway (Willamette Week, February 27).
Community Survey Continues to Show People of Color Fear Profiling

On March 3, Mayor Ted Wheeler’s office released the second survey conducted by DHM Research required by the DOJ Settlement Agreement gauging community trust in police. Not unlike the survey contracted by former Chief Mike Reese in 2014 using Portland State University, the 2016 survey tends to put a positive spin on everything, starting with the figures that 90% of those surveyed did not believe officers acted to identify criminals and 90% would call police to report a crime. Lower down they note 45% of Portlanders believe police use much too much force against people of color, and 44% believe they use too much force against people with mental illness (highlighted by the DOJ when they sued the City in the first place). DHM didn’t seem too concerned that only 58% of people said they would call the police if someone they knew were in a mental health crisis (the same as 2015). They did note, however, that respondents were “skeptical” about Portland’s system to investigate and hold officers accountable.

Another example of positive spin: DHM reports even though 40% of people think police use race and ethnicity when deciding to stop a person, while only 22% do not, “respondents did not necessarily hold negative perceptions of Portland police” because, in this case, 38% expressed no opinion. In reality, the only place where “no opinion” was equal or greater than those responding positively or negatively was in asking about reforms made to the Bureau, where 49-61% of people had nothing to say.

Some of the more alarming, if not unexpected, results showed while only 27% of police felt the Bureau treat them differently because of their race, that number was 78% among African Americans and 42% or higher among Asian/Pacific Islanders, Native Americans and those of “other” races/ethnicities. Only 29% of people thought police were receptive to complaints while 34% disagreed. Overall, DHM notes, on a scale of 1-5, the Bureau was rated at 2.9, which they called “fair performance.” Actually, if you were grading, for the police to get a “D minus” they’d need a 3.5 rating.

Side note: COAB designed focus groups to be surveyed among “mentally ill, youth, LGBT, and houseless populations.” The Compliance Officer/Community Liaison’s revised 1st/2nd Quarter 2016 report (released March 6), says those groups met before COAB was forced into recess in August. Yet there is no mention of the existence or outcome of those groups in the survey. The COCL posted the focus group report on April 18 after an inquiry from Portland Copwatch.

In the COCL’s revised 1st/2nd Quarter report, only 15 of 61 community recommendations were fully incorporated. Among the rejected changes, the COCL refused to suggest the Behavioral Health Unit’s Advisory Council hold public meetings or come to COAB with draft proposals so they can be vetted in a public setting. On the other hand, they did clarify they want officers to be separated immediately after a shooting incident, but are ok with written notification being generated in 2-6 hours (the previous draft made it sound as if officers could talk to one another for that whole time period). They also refused to allow the Compliance Officer/Community Liaison (COCL) to present findings of a community survey, even though COAB helped design the survey in the first place (see sidebar). They also refused to suggest the Behavioral Health Unit’s “gang list” be eliminated (the “gang list” which was revealed to be racially imbalanced (also PPR #70). Because of ongoing tension, the Board refused to allow the Compliance Officer/Community Liaison (COCL) to present findings of a community survey, even though COAB helped design the survey in the first place.

The formation of COAB was required by the Agreement stemming from DOJ’s lawsuit against Portland for use of excessive force. After COAB spent much of its time examining and rewriting police Directives (policies), the City became increasingly unsupportive. COAB recommended changes to the Bureau’s rules about bias-free policing, use of force and other matters which would hold individual officers accountable for misconduct, as well as police training methods. For the most part, they never received feedback from the Bureau or DOJ.

Some officers appointed to advise COAB were hostile to the Board’s policy recommendations. One officer attempted to have COAB members removed (PPR #67). Although the attempt was unsuccessful, it indicated the attitude of officials who do not support reform.

The City took a passive aggressive posture toward the COAB. In addition to refusing to reappoint COAB members who resigned, they placed the Board on hiatus for two months before the second annual status conference in Simon’s courtroom to examine the City’s progress.

When Wheeler attended the COAB meeting, he promised to examine the 50+ recommendations the Board made. The five COAB members present voted to be reappointed for another year to continue doing work.

Wheeler failed to take further action, and COAB was allowed to expire. Despite Portland’s reputation as a progressive city, they seem to be hoping Attorney General Jeff Sessions will keep his promise to stop investigating local police for constitutional violations. Even if the City never emerges from mediation sessions with the DOJ, the Portland Police Association, and the Albina Ministerial Alliance Coalition for Justice and Police Reform with a “COAB 2.0” plan, there may be nobody left in the federal government to hold Portland accountable.
Blue-washing Belittles Basic Beefs with Brutality by Boasting about Benevolence

2/3 of Police Association’s Posts Focus on Good Deeds by Cops

It’s fairly clear that police in Portland—and around the country—have experienced blowback for their years of racially imbalanced enforcement of law, including use of deadly force, particularly since the 2014 Michael Brown shooting in Ferguson. Last issue, we began using the term “blue-washing” to describe efforts by police to focus solely on things they are doing which are (or seem) helpful to the community. We’re not arguing police shouldn’t do good things, only that they have to make reparations for and put an end to their brutal, racist tactics or the positive actions don’t move the needle in their direction.

We looked at all the posts to the Portland Police Association’s Facebook page from mid-December to mid-January, and to their Rap Sheet page from that time until mid-April. Out of 79 pieces posted, at least 49 of them—62%—were puff pieces about various “Officers Friendly.” Nearly half the posts are pulled into <pparapsheet.org> from the ORCOPS lobbying Facebook page, and quite a few of those were news stories—mostly from other states—shining a light only on positive things done by officers. 19 of the 49 stories were about Portland Police, including Detectives receiving a Crime Prevention award from the construction industry (March 6), dancing at a “Celebrate Schools Festival” (February 28), and Detective Hopper from the Bomb Squad sharing her robot with kids at a SE Portland day care (February 8). There were, as was the case from August to December, many images of cops with young people, as well as links to media photos of officers goofing around with participants at the Jan. 21 Women’s March (January 25 & 26).

Out-of-state stories included ones from Kentucky, New York, DC, California, Texas, Arizona, Delaware, Idaho, Maryland, Nebraska, and Pennsylvania. The content included making a pop-music video with a girl with bone marrow cancer (March 1), letting a teen who overcame a brain tumor play cop for a day (March 16), and building a fence to help an elderly couple keep homeless people out of their yard (March 3). The questionable subtext of this last story was echoed a few other times.

One story boasted about ORCOPS’ efforts to defeat proposed laws in Salem including one requiring release of grand jury transcripts. The PPA only posted six pieces of their own in the entire four months—one was a holiday greeting (p. 10) and one simply showed three pictures in honor of Black History Month (February 7). One was a piece expressing alarm that Chief Marshman had been placed on leave (March 24—see p. 5). The majority of PPA’s posts were reposts from the Portland Police Bureau, which is also specializing in positive public relations. On February 3, the PPB posted a video of the “Super Bowl lineup” where a dozen or so officers listed their school affiliations and ended with a warning they’d be out looking for drunk drivers.

The Rap Sheet also posted the PPB’s and a KGW-TV news story about the canine cop and human officer who located a two year old who’d gone missing in the snow (February 19 and 23).

There were also stories about cops clowning around with kids: A Texas school safety officer (March 5) and Washington County (OR) deputies playing on a playground (February 24). This latter story is quite disconcerting as the officers are spinning on an open-edge platform with their guns sticking out of their holsters. Summing it up is a news story from Oakland posted on March 6, where an officer talks about how kids should want to be police when they grow up. He says, “99% of cops are good people with good intentions.” Even if that’s true, we maintain that the best cops are the ones who prevent or turn in the ones who are foisting violence and misconduct on community members. Those are some human interest stories we’d like to see.

Staffing Levels Still An Issue Post-Contract

Even though it was implied that the Bureau’s staffing problems would turn around when the City gave the PPA $6 million (or is it $9 million?) and no new accountability measures, a piece posted to the Rap Sheet on March 17 showed that they are using staffing shortages to rile up mainstream Portlanders. (continued on p. 10)