May Day, anti-fascist demos

PPB KILLS 2ND BLACK YOUTH IN 3 MONTHS, SHOOTS UP NEIGHBORHOOD
Quanice Hayes Family Makes Historic Presentation, Keaton Otis Remembered

By late May, the Portland Police Bureau (PPB) had shot and killed twice as many people as they had in all of 2016. After the shooting death of Quanice Hayes and wounding of Don Perkins in February (PPR #71), Officer Samson Ajir (#50621) shot and killed Terrell Kyreem Johnson, 24, when Johnson allegedly “displayed” a box-cutter near a MAX station on May 10. Like Hayes, 17, Johnson was a young black man whose life was cut short by police.

A few weeks later on May 28, multiple officers shot multiple times but did not hit Michael Grubbe, 51, as he supposedly waved around a replica gun in Laurelhurst, one of Portland’s more upscale neighborhoods, locking down residents in their homes and patrolling with an armored vehicle. Hayes’ family made history when they made an invited presentation to City Council on May 24, and the community remembered Keaton Otis seven years after his death with a May 12 memorial. Adding to the busy

Department of Justice Agreement Turns From Promising Present to Fuzzy Future
PPB Doesn’t Report Force at Protests; Community Steps Up While Replacement Board Proposed to Meet in Private

During a June 14 forum, the Albina Ministerial Alliance (AMA) Coalition for Justice and Police Reform posted a sign on stage reading “134 days without a COAB.” This was a reference to the City allowing all of the terms to expire for members of the Community Oversight Advisory Board in late January (PPR #71), then failing to replace that body. On July 20, the Oregonian’s website revealed the City’s plans to scrap COAB and replace it with a Committee which will hold meetings that could only be open to the public once per quarter. It is supposed to focus on the Bureau’s community outreach and address issues of “police use of force, officer interactions with people who suffer from mental illness, and handling of citizen complaints involving racial justice.” But the city left off an important element of COAB’s charge: the ability to independently assess the implementation of the US Department of Justice (DOJ) Settlement Agreement, which orders the city to use less force and fix its training and policies. This ability was partially restored in revisions adopted on August 24. Meanwhile, in analyzing two reports from the Compliance Officer/Community Liaison (COCL), the Chicago consulting firm assessing the Agreement, Portland Copwatch (PCW) discovered the Bureau does not count force used at protest actions in their DOJ-mandated force data reports.

The Oregonian’s report on the new COAB was based in part on court filings requested by federal Judge Michael Simon, who oversees the Agreement. After the City filed a challenge to Simon’s request for an extra status conference (PPR #70), Simon cancelled that conference, then also the annual hearing originally set for October 2017. Because the case is still in mediation in the Ninth Circuit Court of Appeals, it is not clear whether Simon can run the fall conference—especially since the City asked that he be removed from the case. The filings reveal the City and DOJ discussed the future of COAB as part of the mediation meant to resolve the conference hearing issue, which is odd since the lack of a COAB was the reason Simon called the extra hearing.

CITY REVERSES PLANS TO INSTITUTE “TEN TIMES 48-HOUR RULE” VIA POLICY, ACCELERATES REVIEW TO BREAK-NECK SPEED

After first dropping their policy reviews to a trickle (PPR #70) and bringing back the process to include public input periods before and after proposed changes are made (PPR #71), the Portland Police Bureau (PPB) so rapidly increased the pace of reviewing their “Directives,” it has become difficult to keep up.

In June, they set four separate deadlines for feedback, with four more in July— including a major overhaul to a 24-page Use of Force policy (1010.00) released on July 4 weekend, giving just 2 weeks to respond. Along with that policy, the Bureau’s proposed revisions to the policy on investigations of deadly force (1010.10) included a shocking update. The new version replaced the long-reviled “48-hour rule” (which gave officers two days to respond to Internal Affairs questions) with a policy putting off such interviews until the Grand Jury process ends—something that often takes at least three weeks, or ten times as long. Luckily, the community pushed back and in August, City Council voted to pull the new Directive in favor of one calling for quicker compelled interviews. Here are some issues around the process and content of policies posted since April.

Inside this Issue
- Review Committee hearings slow, retreat held...3
- Crackdown on homeless people’s RVs..........7
- Profiling bill expanded, PPB covers up stop data...11

(continued on p. 6)
July: Force, Deadly Force

When the Force and Deadly Force Directives were posted with two weeks’ notice, Portland Copwatch (PCW) authored a community letter along with the Albina Ministerial Alliance Coalition for Justice and Police Reform (AMAC) and other groups asking for more time to comment. Chief Marshman responded that the Bureau had been in discussions for nine months, since October— when the Portland Police Association (PPA) contract was adopted deleting the 48-hour rule (PPR #70). Talks involved the US Department of Justice (DOJ), the Compliance Officer/ Community Liaison (COCL) and Multnomah District Attorney Rod Underhill.

An AMAC (PCW) news release then argued against the institution of the “new 48-hour rule” embedded in Directive 1010.10. This led to the Oregonian’s website (July 13) revealing Underhill wrote a memo in March saying compelling officers to testify before the end of a criminal investigation threatens his ability to prosecute. Never mind there has not been a criminal prosecution for an officer killing someone in this County since 1969. The O also revealed “Independent” Police Review (IPR) Director Constantin Severe called for the City to work around the DA’s analysis to avoid losing community trust. The National Lawyers Guild opined the court case being Severe called for the City to work around the DA’s analysis to avoid losing community trust. The National Lawyers Guild opined the court case being

The Directive (336.00) guiding the internal Police Review Board (PRB) has been updated following a City resolution (July 13) which requires reports to be written by someone else (!) or done after the Grand Jury is over (!!). Due to the outcry over the City’s backtracking, Mayor Ted Wheeler initially proposed taking an alternate version of the policy, requiring administrative interviews within 48 hours, to a judge to decide on its legality. At a five hour hearing on August 3, it was revealed it took six weeks to interview the officer who shot Terrell Johnson in May (p. 1). Nearly everyone testifying told the Mayor to institute the policy without the judge’s ruling. On August 9 and 24, Council voted 5 to 0 to (a) ditch the “new 48-hour rule” and (b) adopt a stronger policy— huge victories for the community. The PPA was absent, but accused the Mayor of violating their constitutional rights in a July 21 post to their Facebook page.

The Force policy (1010.00) was overhauled to include parts of other Directives on particular weapons. After Action Reports and Crowd Control. Admirably, the first section is now about de-escalation. Unfortunately, the Bureau uses that term to mean two things: using verbal/physical methods to lower the likelihood a confrontation will end with violence and officers using less force on a person already being subjected to force. This should be called “mitigation of force” so officers do not keep thinking moving from a Taser to pepper spray is “de-escalation.” Exceptions remain for officers to precipitate force by using actions not approved by the PBP, saying cops may do so with “substantial justification.”

The Directive also still refers to “excited delirium”— not a medically accepted term, but a vague syndrome Taser International (now Axon) uses to explain why people die when struck by their allegedly safe electroshock weapons. The cover memo on the “final” version reveals the PPB took “excited delirium” out of the policy but the DOJ made them put it back in.

The rush to finish these crucial policies was frustrating because they had not been put up for review since 2015. It was a wild win for PCW to refer to an “astute responder” in the PPB memo outlining changes to the Force policies, acknowledging they had mistakenly allowed for the release of a shooting victim’s criminal history, but removed that provision based on our comment. In July, PCW commented on its 100th unique policy.

June/July: Discipline Process

Eleven policies mostly around discipline were posted just before Memorial Day weekend, with a 30 day comment period. The Directive (336.00) guiding the internal Police Review Board (PRB) did not make the process more transparent, still lacking provisions for a complainant to attend the secret hearings. Other sections overemphasize the confidential nature of the Board, making it less likely the 16-member civilian pool will ever make meaningful presentations to the public about the process. The Bureau continues to give the Chief a say on civilians who sit on the Board (337.00), despite City Code making it the Auditor’s responsibility. New prohibitions keep officers from sitting on the PRB if they are under investigation or have been found guilty of misconduct within 1-2 years.

The procedure to investigate low-level policy violations was overhauled following changes to the IPR ordinance (PPR #71), turning “Service Improvement Opportunities” into “Supervisory Investigations.” Directive 331.00 expands their use to include misconduct that could lead to the two lowest forms of discipline. Fortunately, after an officer has one Supervisory Investigation based on a policy, a second violation triggers a formal investigation. That said, such misconduct should be labelled “non-disciplinary complaints” so complainants and officers know the stakes are lower than in formal complaints. The PBP included some PCW suggestions in the Internal Affairs Directive (330.00) such as checking officers’ complaint histories when conducting investigations. Directive 332.00 on Administrative Investigations says deadly force investigations will be limited to just two outcomes: “In Policy/Not Sustained” or “Out of Policy/Sustained.” The nuance of other nationally accepted findings, “Unfounded” (the evidence does not support the allegation) and “Insufficient Evidence” (called “Not Sustained” in Directive 335.00— also posted in June) should be available in Deadly Force cases where it’s sometimes the officer’s word against a dead person’s. In a new development, the Directive allows IA to attach proposed findings to their investigations— previously left only to the officer’s supervisor. Council also gave IPR this ability in August (p. 3).

May: Immigration Enforcement

Following a City resolution to limit cooperation with immigration officials, the Bureau rewrote its policy on immigration enforcement (810.10) to prohibit cooperation in many circumstances. Example: “Members shall not honor or comply with federal immigration detainer requests.” However, the policy still contains loopholes such as providing traffic control for federal agents and aiding with “controlled substance arrests,” which PCW pointed out could include marijuana busts. One positive addition, which we urged the Bureau to also add to the Profiling Directive (below), was to prohibit surveillance “based solely or primarily on... national origin or immigration status.”

April: Profiling, Retaliation, Truthfulness

In its changes to the anti-profiling Directive (344.05) the Bureau failed to re-insert language from a previous iteration prohibiting police action based on personal characteristics (such as race) instead of behavior. They left in place language from the inadequate state law on profiling (p. 11) saying police action is prohibited based “solely” on such characteristics.

On July 24, after four years of our asking the Bureau to release “red-line” versions of policies, they posted the Discipline Guide policy (338.00) with most insertions and deletions properly noted. While still requiring line-by-line review to fix mistakes, this is a small victory in the struggle to make this process easier for public participation.
Case #2017-X-0003: Officer Falls to Intervene as Man Takes Lawnmower from Someone Else’s Property

Perhaps the oddest appeal in CRC’s history, Officer Florin Pirv came to CRC at their June meeting. He asked them to reverse a “Sustained” finding that his job performance was inadequate when he sat in his police car, watching a man take a lawnmower from someone else’s property. Officer Pirv met a civilian at a gas station, where the civilian described some belongings he said were in a shed next to a residence where he was being kicked out by the other people living there. The officer went with the man to the house, knocked on the door, and getting no answer, watched from his patrol car as the man disappeared onto the property and took away items (a lawnmower and possibly a bicycle, a leaf blower and tools) he said were his. The investigative summary suggests the man used a crowbar to pry open the shed, but the Officer said he could not see that from where he was parked. A resident of the home filed a complaint that the officer conducted an improper civil standby. IPR did the investigation and the commander found the officer out of policy.

During his testimony, Officer Pirv admitted the most he did to object to the man’s apparent trespassing, and perhaps burglary, was to say “hey, what are you doing?” As such, CRC was not impressed by his claim that the call was over once he got back in the car, and upheld the Bureau’s finding on a 7-0 vote. PCW believes this is the first time an officer has appealed a case and ended up with CRC recommending a Sustained finding. The only other time CRC sent an officer who appeared before them away with a Sustained finding? They wanted to find an officer had inappropriately threatened a civilian (“The next time I see your ex-boyfriend, I’m just gonna shoot the motherfucker”) but Chief Foxworth essentially said “you’re right, he shouldn’t have used the F word” (PPR #37).

Case #2017-X-0004: Robbery Suspect Punched as “Distraction” to Pull Arm Out While Cops Piled on Him

In August, CRC heard a case involving a bank robbery suspect who was chased by police and subjected to what he called excessive force. The man jumped over a fence and landed in some kind of container of water, ultimately falling to the ground on top of his own arm. The first officer on scene got on top of him and punched him in the face to try to get him to pull the arm out. Two other officers joined in and hit or kicked him in the torso as well. The Appellant said he could not take his arm out because there was so much weight on his back. Lt. Craig Morgan had no issue with the officers’ use of violence, only that Officer “A” referred to his face punches as “distraction blows,” since that term was discontinued years ago (PPR #10). Luckily Morgan misunderstood the definitions of findings, saying he could not “Exonerate” the officer because that would mean, in his estimation, that there was excessive force but it was in policy. So he attached a “Not Sustained” (insufficient evidence) finding. CRC was concerned about the way the officer handled the situation and voted 5-3 that the Lieutenant should keep the finding but add a debriefing.

Case #2017-x-0002 Activist Monitoring Police at Houseless Camp Sweep “Escorted” By “Million Dollar Man”

In June, CRC met with Assistant Chief Chris Davis to reconsider their proposal to “Sustain” the allegation that Sgt. Leo Besner’s conduct was unprofessional when he told videographer Kif Davis he could not video the police performing a houseless camp sweep (“clean-up”) and grabbed his arm to move him (PPR #71). Five members of CRC had voted to change the finding from “Exonerated” (in policy) to “Sustained,” but three of the five said they felt there wasn’t enough evidence to say the officer was in policy. This indicated they should have proposed a finding of “Not Sustained.” Even though Besner is known as the “million dollar man” because of the amount of money he has cost the city in lawsuits (PPR #52), and Davis described other run-ins with Besner, the facts specific to this incident led CRC to reverse their decision and vote 5-3 to change the finding to “Exonerated with a debriefing.”

PCW expressed concern to CRC in an email that the Bureau dropped an allegation of retaliation because they believed Besner wouldn’t have known whether Davis had filed a complaint against him. That question missed the issue of whether Besner was retaliating on the scene for Davis asserting his rights.

Case 2016-x-0006*: Officers Rough Up Man Observing Arrest at City Hall

At the May meeting, CRC heard a separate appeal of Kif Davis (#2016-x-0006), which the Committee sent back to the Bureau for more investigation in January (PPR #71). This stemmed from November 2015 when Davis was tapeing Barry Joe Stull being arrested in City Council chambers when he (Davis) was confronted by a security guard and “escorted” out of the building. He complained the three involved officers used inappropriate pain compliance tactics. Even though Davis’ video of the incident was posted online and was part of the case file, CRC refused to let him show it at the hearing.

The IPR’s follow-up investigation turned up two new witnesses who were on scene but said they didn’t witness the specific interactions in question. The Lieutenant who made the findings re-asserted the officers should be “Exonerated” (found in policy), claiming if there had been force applied while Davis was in cuffs there would have been redness and swelling on his wrists, which he claimed was not the case. He further stated if a person is on the ground, cuffed and tries to stand up, an officer can use a wrist lock to control their behavior. However, he claims the officers only grabbed Davis’ upper arms. This entire discussion re-ignites the debate about whether officers’ use of “control holds” should be considered Use of Force regardless of their intent, and the same way a community member touching an officer is usually charged with assault. The Bureau contends control holds are not force unless there is resistance. (continued on p. 4)
The vote was 8-1 to affirm the Bureau’s findings on both Allegations #1 and 2, that Officer A and B’s uses of force were “Exonerated.” with Kiosha Ford voting no each time. Allegations #3 and 4 that Officer A and B applied the handcuffs too tight were both affirmed as “Exonerated” by 10-0 votes, CRC then took symbolic votes on Allegations #1&2, which led to 6-3-1 votes** saying if CRC’s standard of review were to judge by preponderance of the evidence (rather than deferring to the Bureau using a “reasonable person” standard), they would have changed the finding to “Not Sustained” (insufficient evidence).

CRC Revives Crowd Control Work Group, Begins Meetings on Standard of Review Change

On June 7, CRC member Michael Luna convened the first meeting of the CRC’s Crowd Control Work Group in over two years. The group had made policy recommendations to the Bureau’s Crowd Control policy in January 2015 at City Council (PPR#65), but the policy had not been finalized. In the meantime, the Bureau has come under fire for its tactics, including the use of violence and “kettling” (p. 8), neither of which were incorporated into the previous recommendations. While the first meeting acknowledged the importance of gathering information and suggesting changes to policy and training, the second meeting scheduled for July was cancelled. All the more unfortunate because it would have come while the Bureau was asking for input into its Force Directive at the time (p. 1).

Also, CRC’s Policy and Protocol Work Group is looking to get City Council to change CRC’s deferential standard of review, the “reasonable person” standard discussed above, which does not let them judge the evidence on its own merits. Revived by discussion at the May retreat, the Work Group postponed two planned meetings in June, but met twice in July to go over information they collected from other jurisdictions and discuss strategy. CRC’s hopes to change City Code now face an interesting obstacle: Director Severe told them at their June meeting that because of the change to the City Charter in May affirming the Auditor’s independence (PPR #71), they would likely not be able to ask City Council to do anything unless the Auditor agrees with them.

CRC Retreat: Past Members Give Advice, IPR Director Nixes Child Care and Shrugs Off Mayor

CRC held its April 22 retreat at the McMenamin’s Kennedy School in NE Portland, shutting out the community for a “get-to-know-you” early session (which have previously always been held in public), then welcoming in everyone including former CRC members May Wilson Pfiel, Jamie Troy, Jeff Bissommette and Rochelle Silver, who were invited to give them advice. This was followed by a lengthy discussion on CRC’s standard of review and other concerns, with no public input taken (also a divergence from previous retreats). Two moments which stood out: IPR Director Severe told them that despite their request for child care, which would make it likely more members could attend meetings, the Auditor’s office refuses to make such care available based on liability concerns. (Other City advisory bodies including the now-defunct Community Oversight Advisory Board do provide child care, so...) Perhaps more disturbing when Jim Young was reappointed to CRC. Mayor Wheeler made it clear it was with the caveat Young would attend meetings by remote, since PCW pointed out he had missed 10 of the previous 15 meetings. Severe said he “didn’t care” what the Mayor said because he works for the independently elected Auditor, not the Mayor. But Council has the ability to reject the Auditor’s nominees for CRC and the Mayor was trying to ensure Young would participate, not trying to interfere with the Auditor’s independence. Young attended in May but missed the June meeting before resigning just three months into the new term.

IPR Sets Five Year Plan with Limited Community Input

On Friday, April 14, IPR posted information to its website about upcoming community forums to discuss its five-year strategic plan. The problem? The first forum was scheduled for April 15, the next day. Information had run two days earlier in the Skanner, which is how PCW was tipped off it was happening. When asked why IPR was doing such poor outreach if they were looking for community input, they stated they had shared the information with CRC (which, again, didn’t discuss the plan at its retreat), and were “reaching out in stages, with an eye toward encouraging voices that might not otherwise reach us.” In other words, PCW and other people who regularly attend CRC meetings and might have meaningful comments were not invited. IPR could also have mentioned the forums at CRC’s monthly meeting (April 5), or at the City Council meeting at which the IPR ordinance was changed (April 13)—particularly since future changes to IPR were part of the discussion at that hearing. IPR held three other forums on April 19 and 28, and May 8. A PCW member reported only four community folks were at the third forum—including her.

In our comments to IPR, PCW noted its support for some stated goals as well as issues of concern in the substance of the plan, including:
—IPR wants to become more independent, including gaining the power to compel officer testimony (PCW shared goal);
—there is no effort being made to investigate deadly force cases or revise the Police Review Board which recommends findings on such cases (PCW strongly disagrees);
—IPR lists providing CRC with its own staff person as a “future goal,” presumably after the five-year period ends in 2021 (problematic for PCW);
—there is no proposal to provide an advocate for persons filing complaints (another longstanding PCW issue).

IPR noted that in order to compel officer testimony, they need to revise the Police Association contract, which could have been done last October had the City not thrown all their money at getting rid of the 48-hour rule (p. 1). The strategic plan lists changing the bargaining agreement as one goal, but doesn’t mention possible changes to state law that the Director referenced (without a detailed explanation) at the April 13 Council meeting.

Contact IPR at 503-823-0146

*This case was inappropriately re-numbered as 2017-3-0001 by IPR after the scheduled December hearing was cancelled for snow. They claim the appeal number should match the year the hearing is held, but that has never been how the numbering system has worked.

** Note: During the meeting, Jim Young said he would have voted for an “Unfounded” finding (facts do not support the allegation) in the symbolic vote, but confirmed in a later email he meant he would have chosen “Not Sustained.”

Despite an agreement that the City will strive to put out meeting notifications 2-3 weeks in advance, the notification of the retreat was put out about 43 hours before it happened.
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n May, the “Independent” Police Review (IPR) released its 2016 Annual Report, an earlier publication date than 2015’s Report (which came out in July last year). The report includes a few new pieces of information about Use of Force and Discipline, but cut out important data such as most common allegations. Also, despite in theory being limited to the calendar year 2016, it includes data from 2017, causing confusion. In addition, IPR frequently seems to assume that state-sanctioned violence and other misconduct is reasonable because the police say so. The new Report also contains a number of inaccuracies and, as with the last three years, a lack of information needed to cross-check the Report’s claims. A separate document was released with data tables.

Portland Copwatch (PCW) found the Report claims six Force allegations made in 2016 were “Sustained” (the officer was found out of policy), but the data tables show only one such finding out of 52 allegations investigated. IPR told PCW they included five findings that were made in 2017 in the narrative. Similarly, IPR reports on the number of people shot/shot at by Portland Police from January 2012 through March 2017 in its 2016 Report, including the shootings of Quanice Hayes and Don Perkins from February this year. We also were able to calculate that from 2002-2016, only 0.8% of all Force allegations were Sustained, a remarkably low number, and down from 0.84%.

IPR also continues its habit of misrepresenting how likely it is a person’s complaint will be sustained. They show that 13% of allegations were Sustained, which is 19 out of 144 investigated. However, since 1036 allegations came to IPR in 2016, the real figure is 1.8%. This means a complainant has a one in 50 chance of being affirmed, not a one in eight chance as IPR suggests.

There are also inconsistencies, including how many “independent” investigations IPR opened in 2016 (which vary from 22 to 26 to 29), and inaccuracies, such as saying the Citizen Review Committee (CRC) “affirmed findings in three cases and challenged findings in four cases,” when they actually challenged findings in six cases. CRC itself dropped one proposal after a “Conference Hearing” with the Chief, and the other was changed to a different outcome by City Council in February 2017 (PPR #71), admittedly outside the scope of the Report.

While some details are provided on data in the Report, many charts still show graphical representations without numbers included. Some graphics include four-, five-, six- or nine-year trends, some only compare 2016 to 2015, while others have no comparison points. Neither the Report nor the supplemental data provide insight into the most frequent allegations. Last year they were Failure to Act, Rudeness, Force and Inadequate Investigation. PCW has tracked these data for years, especially those three types vying for the number one spot, but cannot do so given IPR’s meager new Report.

IPR notes an uptick in force complaints but attributes them to complaints from protests in September (not sure which) and October (when police attacked people protesting the Police Association’s collective bargaining contract—PPR #70). It’s not clear why they do not mention November, when major police violence took place at post-election demonstrations. PCW has noted that not all uses of force at protests are counted in the data (p. 1). The IPR Report states that “when an officer pushes someone in a crowd control situation, such an action could be considered an appropriate crowd control technique as described in Police Bureau policies.” In other words, they play fast and loose deciding what is force depending on the context. IPR’s case summaries also show a predisposition for justifying the Bureau’s conduct—unless officers fail to write a report. In all, the Report only includes four case summaries, (and only one involved a Sustained finding), while the 2015 Report included 11 summaries and 2014’s had 28.

To improve transparency, PCW examined and included summary information on all CRC hearings, including vote tallies (information which used to appear in IPR’s Reports), and Police Review Board hearings in our analysis. As of August 24, the Report still has not been scheduled for a presentation at City Council.


IPR finds Bureau lacks policy to provide evidence of untrustworthy cops to defense lawyers

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n late April, the “Independent” Police Review (IPR) released a report it began in January 2015 examining the issue of whether the Bureau was letting defense attorneys know about reasons officers testifying in court may lack credibility (such as, say, they were found to have been untruthful). Citing the 1963 court case Brady v. Maryland, IPR found the Bureau had no policy requiring the Bureau to hand over such information. The report details allegations about five officers whose supervisors found to be untruthful, but the Chief overturned those findings. The report reveals an Internal Affairs Lieutenant forwarded that information to the District Attorney’s office. Rather than being rewarded for following a U.S. Supreme Court ruling (aka constitutional legal procedures), the Lieutenant was reassigned by then-Chief Reese for his efforts. Much to our surprise, the Oregonian revealed this officer to be Lt. Larry Graham. Graham has had his ups and downs, providing helpful commentary at times during now-defunct Community Police Relations Committee meetings, but also being quite defensive of officers at a few Citizen Review Committee meetings (PPRs #58 and 62). PCW is granting Graham a “Spike Lee Do the Right Thing Award,” which we haven’t bestowed upon an officer for quite some time, with the caveat that this applies only to his whistleblowing efforts. After all, it was Graham (now a Captain at Central Precinct) who decided to revoke the organizers’ permit on May Day (p. 8), so, more actions for the downside column. The Bureau’s response to IPR’s report claims they will create a policy “within 90 days,” so there should have been one by the end of July, but none has emerged.
It did not escape people’s observations that: Quanice Hayes and Terrell Johnson were both killed, Don Perkins and Michael Grubbe and the dog all lived, and Jeremy Christian, the man who was holding a bloody knife after killing two people and wounding another on the MAX train on May 26, was taken into custody without incident (p. 8). Christian was, however, shot in the face and wounded by the PPB in 2002 (PPR #28).

Terrell Johnson: Houseless Young Man Killed, Details Slow to Emerge

It was reported Johnson was houseless and living with mental illness and drug use. When Johnson was killed, Officer Ajir was on patrol with the Transit Police, which partners Portland cops and other jurisdictions. Oddly, he was allowed to patrol with his brother, Clackamas Sheriff’s Deputy Ali Ajir, and West Linn officer Jacob Howell, who did not fire their guns. It’s not clear if the investigation was slowed by the multiple jurisdictions— the PPB can’t compel these officers to testify because they don’t technically work for Portland (even though they’re under a PPB Transit Division Captain)— or because in between the February shootings and Johnson’s death the District Attorney ordered the City to stop interviewing involved officers for policy violations until after the Grand Jury is over (see p. 1). The Grand Jury transcript indicates people complained Johnson was threatening them at the MAX station, and when officers showed up he fled. The cops initiated a foot chase— something outside experts at the OIR Group said most cities discourage because chases frequently lead to force being used. It was somewhere near SE Flavel and 92nd at roughly 7 PM when Ajir says Johnson moved toward him with the boxcutter— and the officer tripped moving backwards, so fired his gun. This is the third incident in recent years with an officer tripping and using deadly force (after Nicholas Davis in 2014—PPR #63, and David Ellis in 2015—PPR #66). Police need to be trained on how to walk backward while holding a gun.

Michael Grubbe: Laurelhurst Suspect Let Go, Arrested Days Later

The officers who shot up the neighborhood because Grubbe supposedly pointed the replica gun at them were: Matt Jacobsen (#50933), Matt Brown (#52831) and Sara Fox (#36612). The reports about Grubbe noted the police were not even sure, once they took him into custody, that he was the person they had been looking for, since he was unarmed at the time (Oregonlive, May 29). He was booked on three outstanding warrants but released the same day. Considering the Bureau borrowed armored vehicles resembling tanks from the Washington County Sheriff’s office, put Laurelhurst on lockdown on Memorial Day weekend, and fired bullets which landed in people’s homes, the uncertainty brings extra concern. (The Oregonian added police “deployed air units and police dogs to aid in the manhunt.”) If police did not consider the “backstop” of where they were firing in two different locations when they missed Grubbe, they violated Bureau policy. Some neighbors looked at the 10-hour lockdown as an annoyance, rather than a trampling of civil liberties.

PCW was not alone in noting Laurelhurst was the neighborhood where, in 1992, the PPB shot and killed both 12-year-old Nathan Thomas and the man holding Thomas hostage in his parents’ home (PPR #5). This seminal incident led to the creation of the Bureau’s Crisis Intervention Team (and the formation of Portland Copwatch). While the Oregonian noted the connection on June 1, they also quoted neighbors who praised the recent police action. This includes a person whose home was damaged by police bullets and whose “front door alone has 13 holes from where officers fired ‘scatter shots’ the size of BBs.” with a total of over 25 holes “including one clean through the living room wall.” Three days after the shooting, Grubbe was re-arrested for allegedly trying to break into his mother’s home and taken in on a mental health hold.

Quanice Hayes Family in City Hall

Hayes’ family secured two hours to address City Council under the title “Quanice’s Life for Change Tribute.” The main presenter was Hayes’ grandmother Donna, who pointed out the officers could shoot at a dog without killing it, but not her grandson. Hayes’ girlfriend told the heartbreaking tale of not knowing where Quanice was, calling his cell phone and discovering he had left it at home. Dan Handelman of Portland Copwatch was one of the few people from outside the family invited to speak, noting statistics showing in the 10 years prior to the hearing, Portland Police shot (or shot at) 37 people and killed 22. Nine of the 37 were African American, or 24% in a city that is 6% black. Five of those who died were African Americans, or 23%.

Despite that sobering information, Hayes was actually the first African American killed by PPB gunfire since Keaton Otis in 2010. Johnson was the second.

See PCW’s list of humans shot by PPB at http://portlandcopwatch.org/listofshootings.html, and a list of dogs shot by the PPB at http://portlandcopwatch.org/dogshootings.html.

MOUNTED PATROL CLOSED DOWN, STUDENTS DECry SCHOOL POLICE, PPB MAKES NATIONAL NEWS

So much has been going on in the last several months, we don’t have room to do full reports on these developments.

—After years of Portland Copwatch railing against the violence and intimidation perpetrated by the Bureau’s Mounted Patrol, and various efforts to eliminate its funds from the budget, the City Council finally de-funded the horse unit as of July 1. We wish the horses well in their retirement.

—The Portland Student Action Network called to remove armed police from high schools because there are no data on who gets arrested, school police enforce rules disproportionately against students of color, and “Police in schools create a hostile culture and inhibit students’ ability to feel safe” (KOIN-TV, May 8).

—Portland’s messed-up Police Bureau prompted at least two national articles singling us out as an outlier: The Los Angeles Times compared the Bureau to a Portlandia sketch, implying that officer involved shootings, beatings, cover-ups and other misdeeds are “funny” (April 8) <http://www.latimes.com/nation/la-na-portland-oregon-police-2017-story.html>; and Slate wrote a piece called “Portland’s protests are bringing light to racially biased policing” on May 15.
**Reflecting National Trend, Police Shootings Remain Steady in Oregon**

Since the last issue of the People’s Police Report went to press on April 20, there have been at least eight more deadly force incidents involving law enforcement in Oregon, bringing the total in 2017 to 14 and indicating the final tally could once again be about 25 this year. This matches national data compiled by the Washington Post, which showed on July 1 that roughly the same number of people were killed in the first six months this year (492) as in the same time frame of 2015 and 2016. Aside from the two incidents in Portland (p. 1), here are the six other shootings we know about:

—On July 18, Robert Earl Vaughan, 70, was shot and killed by Springfield Sgt. David Lewis, Sgt. Brian Humphreys, and Officer Ryan Stone after he barricaded himself in his home and “presented a threat” following neighbors reporting him shooting out street lights (Eugene Register-Guard, July 19 and July 28).

—On July 3, Hillsboro Police Officer Melvin Ambrose shot and killed Holden Austin Gorka, 25, after he allegedly jumped a fence at the Hillsboro Airport and tried to commandeer a helicopter at gunpoint (Oregonian, July 7).

—On June 24, nine* officers from the Lane and Douglas County Sheriff’s Officers (including Sgt. Jason Wilson) and the Florence Police Department chased after Cameron Ollman, 37, ultimately killing him in what is described as a “shootout” (Eugene Register-Guard, June 29 & July 8).

—On April 24, Oregon State Police Trooper Thomas Erhard shot and killed Jacy McManus, 35, in Wolf Creek when McManus (a suspect in an attempted murder) allegedly took out a “tire punch (stabbing tool) with a 3 inch blade that came to a pointed tip,” and a Taser and pepper spray failed to subdue McManus (KDRV, May 24).

—On April 21, an unnamed** Washington County Sheriff’s Sergeant shot at a juvenile suspect who allegedly tried to hit the officer with a car; the suspect escaped (Oregonlive, April 21).

—Also on April 21, West Linn Officer Brad Moyle shot and killed Chance Ricky Thompson, 25, when Thompson was allegedly threatening suicide with a gun. Even though Moyle killed Thompson, the Medical Examiner declared the death to be a suicide (Oregonian, April 29) — as they did with Christopher Kalonji (PPR #68) and Michael Johnson (PPR #67).

In addition, the FBI agent who shot at LaVoy Finicum in January 2016 (PPR #68), was indicted in June for “making a false statement with intent to obstruct justice” because he failed to report firing his weapon (Oregonian, June 28).

*The article actually lists ten officers’ names, it is unclear why.

**The Sheriff’s Office asked us to file a formal request to get the name.

**CHIEF O’DEA WOULD’VE BEEN FIRED FOR LYING**

The City found former Portland Police Chief Larry O’Dea, who shot his friend while squirrel hunting last year (PPR #69), violated policy on conduct (bringing reproach and discredit on the Bureau by negligently discharging his gun and delaying notice), by failing to notify someone (perhaps the Harney County Sheriff?), and by being untruthful with investigators. He was also found to have failed to report a bias complaint and lied about that. The Mayor’s July 6 letter says O’Dea would have been fired had he not retired.

**Mohamed Mohamud’s Case Heads to US Supreme Court**

Mohamed Mohamud, the then-teenager set up by an FBI sting in a convoluted plot involving fake explosives at Pioneer Square in 2010 (PPR #52), is appealing his conviction to the US Supreme Court. Mohamud’s lawyers filed a motion in July asking that the Ninth Circuit Court of Appeals affirmation of Mohamud’s conviction (PPR #71) be revisited based on the government’s warrantless surveillance of Mohamud and mistakes made in the previous trial that the Appeals Court acknowledged but shrugged off (Oregonian, July 15).

**Continued Plight of the Houseless: RV Crackdown, R2DToo Moves**

Although some things have changed for those who are houseless, conditions remain difficult for many in the Portland area. On February 22, an official count found there were more homeless than previously, but that there were more people being sheltered than before. There were also considerable increases in those who had been homeless for close to two years as well as those with disabling conditions (Willamette Week, June 21). Various neighborhoods have become increasingly involved with the issue. The Montavilla Neighborhood Association passed a resolution asking Mayor Wheeler to stop homeless camp sweeps—which they felt were unproductive and a waste of tax dollars better spent on shelter beds, transitional housing and treatment. Wheeler responded by indicating he would not stop the sidewalk or park sweeps and that he had an obligation to respond to complaints from various neighborhoods. Not all Montavilla residents agreed with this informal resolution, claiming correct procedures had not been followed. A meeting was postponed from July 29 to further discuss the issue (Oregonian, July 12; Portland Tribune, July 20).

The City suspended all camp sweeps during the heat wave in early August. Meanwhile, Overlook Neighborhood may lose its certification for proposing to ban houseless residents from voting. The Laurelhurst Neighborhood Association asked Council to enact a partial camping ban in that area. There have been RVs parked on some of the nearby streets as well as people camping in the park.

People have been living in RVs and a number have been towed by the City, in many cases with all the belongings of those who already have so little. The Willamette Week (July 19) reported on a woman whose RV was towed while it contained pictures of her mother and grandmother. She has been asked to pay a $990 fine for her belongings to be released, but that is not possible since she and her husband have a total income of $1100. Commissioner Dan Saltzman, who oversees the Transportation Bureau, said, “one of our jobs is to make sure our city is a liveable place.” Clearly, he means this for a certain class.

After many fits and starts, Right 2 Dream, Too, the houseless rest area, finally left Burnside downtown and is now located near the Moda Center just over the Steel Bridge. Fortunately, the move occurred without the usual hew and cry from businesses and neighbors. Some tiny houses, similar to those for women in Kenton Village, have been sited there.

In an Oregonian op-ed (July 19), former park ranger (and Community Police Relations Committee chair) Sam Sachs wrote “fining and jailing homeless people for camping in any city park is dehumanizing and criminalizes people who desperately need solutions rooted in compassion and understanding.” He suggests the city designate undeveloped property as villages with tiny homes, restrooms, showers and resource centers. Meanwhile, both Portland and Multnomah County have included millions in their budgets for homeless services and housing.
On May 1, people in Portland marched for human rights and on June 4, people rallied against hate. At both events police responded to the demonstrators with unwarranted violence, militarism and possible civil rights violations. After the May Day event, Mayor Wheeler praised the police handling of the situation, though he raised questions after June 4.

On May Day, police came into the march itself—a tactic that was suspended several years ago because it escalates the situation—while also crowding the sidewalks unnecessarily. At one point, Portland Copwatch (PCW) counted at least 13 officers clustered together by the Wells Fargo tower, and elsewhere documented them shoving aside and rudely addressing protestors peacefully standing on the sidewalk.

Perhaps the most egregious police action was revoking the march permit. PCW saw soda cans flying from the crowd toward sidewalks where police were standing, as well as colorful smoke-producing devices and one shattered bottle containing paint or chocolate syrup with a lit rag. This did not qualify as a “Molotov cocktail” as described by the Portland Police Bureau (PPB). The police made no effort to de-escalate the situation or speak with the march security team or organizers. Instead, a large swarm of Rapid Response Team/riot police showed up in full gear. They ordered people to move, although people in the front of the march could not hear this. The cops told marchers to get off the street and sidewalk; where they should go was unclear. Then the police started launching bang devices to frighten the crowd with their loud explosive noises. The police were reckless and making things worse. One of PCW’s clearly identified copwatchers wasn’t able to move quickly enough for the officers’ liking and was grabbed by two officers (including Officer Jason Wands #52690) and pushed bodily by a third with his baton (Officer Randy Kuykendoll #55060).

Let’s be clear; the police failed to do their job. They helped create an out-of-control situation.

The conclusion that the police escalate violence, they don’t de-escalate was proven again on June 4, when thousands of people gathered to protest an alt-right rally in Terry Schrunk Plaza in downtown Portland. There was tremendous turnout from numerous immigrant rights groups, organized labor, faith based movements, anti-fascists (Antifa) and other anti-racists. The alt-right group was surrounded on three sides.

Officers violently backed the Anti-fascist gathering out of Chapman Square on one block north to Lownsdale Square, then told them that it, too, was closed. Protesters then began a spontaneous march through the streets. Police blocked in or “kettled” everyone on an entire city block where the march was moving. The police photographed and IDed over 100 people (the June 14 Willamette Week put the number at 345). Further, one of the alt-right members assisted the federal police in arresting a counter-protestor, as documented in the Portland Mercury (June 7) and elsewhere. PPB spokesperson Pete Simpson claims that though the Bureau didn’t ask for help in this situation, their concern would be if people jump in to help without being asked (the Intercept, June 8).

In all 14 people were arrested.

Mayor Wheeler queried Police Chief Marshman about several issues including PPB’s policy on using force on peaceful protestors, police detaining and identifying people in a large group and PPB’s policy about civilians assisting arrests. In his June 23 response, Marshman stood by these tactics and did not acknowledge the controversy surrounding any of them.

Regarding taking photographs of people not under arrest, Marshman’s reply to Wheeler stated: “The decision to photograph identification was made to speed up the process. Writing down each person’s information would have taken much longer. Any photographs not used in a criminal investigation will be purged pursuant to PPB policy.” We note here that ORS 181A.250 prohibits collecting or maintaining information on people’s political affiliations. The “Independent” Police Review is conducting what they call a “policy review,” meaning they are going to see whether the Bureau policies were followed and if so, whether they need to be changed, but it’s unlikely that any discipline will follow since they’re not investigating individual acts of misconduct (p. 4).

See PCW’s illustrated letter to the Chief and City about May Day at <http://www.portlandcopwatch.org/mayday2017.html>.

* The video of this incident has been viewed over 840 times on our Youtube page, <http://www.youtube.com/peaceandjusticeworks>.

Police bustled when organizers asked them to march in Portland’s Pride Parade in polo shirts instead of uniforms because some LGBTQ (local) felt intimidated. Unfortunately, the request was optional and PPB came in uniform anyway.
The City made its plans public on July 28, giving the community six days to turn out for a hearing on August 3 about the new Portland Committee on Community Engaged Policing (PCCEP), changes to the Settlement Agreement, and updates on the “48-hour rule” (p. 1). The proposed PCCEP would have had just 5-9 members appointed by the Mayor—while COAB had 15 members, five of whom were appointed by each City Council member and 10 by community advisory recommendations. Amendments from Commissioners Fritz and Eudaly bumped the Commission up to 9-11 members with all of Council weighing in on the appointments. However, having such an important body meet behind closed doors defeats the spirit of transparency. The Behavioral Health Unit Advisory Council (BHUAC), also created by the DOJ Agreement, already meets in private.

These developments, on top of the DOJ apparently signing off on the “new 48-hour rule” allowing officers more time before being interviewed and, for instance, ordering the Bureau to keep a troubling term (“excited delirium”) in its force policy lead to a disturbing conclusion. Inviting in the DOJ was not over-riding the foxes guarding the henhouse, it was inviting in more foxes to help eat the hens. Though the City describes PCCEP as being able to “ensure community-engaged policing both during and beyond the pendency of the Settlement Agreement,” it is not clear how unless the Committee is given some teeth. For what it’s worth, the proposal requires the City to respond in a timely manner to PCCEP recommendations, something they did not do with COAB. After outcry at the hearing, a revised version, passed 5-0 by Council on August 24, asks PCCEP to meet publicly at least once per month. Council left other items such as specifying review of DOJ implementation “in the record,” that is, spoken out loud but not changed by formal amendments.

In its Q3/Q4 2016 Outcomes Report, the COCL examined two years of trends in Use of Force and says the number of uses of force have gone down. However, as PCW noted in its analysis of the “Independent” Police Review (IPR) annual report (p. 5), the Bureau doesn’t consider force used against protestors to be force—just “appropriate crowd control techniques.” Precisely, Allyson Drozd was pepper-sprayed outside City Hall during the protests over the Police Association contract on October 12 last year (KOIN-TV, April 10 and PPR #70). However, the fourth quarter 2016 statistics on Force say only seven people were pepper-sprayed in that time frame—six were white males and one was a black male. So either this officer did not report his use of pepper spray or the Bureau does not consider this a use of Force.

The AMAC’s June 14 forum was held for the community to comment on the COCL’s Outcomes Report. The AMAC held a previous such forum on April 25 to help channel input on the COCL’s separate Compliance Report. PCW member Dan Handelman, who sits on the steering committee of the AMAC, was on both panels, and used PCW’s analysis to point out some issues:

From the compliance report:
—The brutal beating of Jason Cox in 2011, which resulted in a $562,000 judgment (PPR #64), led to only one of the three officers involved being found out of policy... and by the time the decision was made in December, that officer no longer worked for the Bureau.
—The BHUAC made recommendations which were adopted and responded to by the Bureau, while COAB never received meaningful feedback. The Report says its input was considered and included as “appropriate.”
—The Bureau's field meetings in its three precincts in summer 2016 on its Annual Report, even though that Report wasn’t posted to the PPB website until October, and PCW never saw publicity for such meetings. (It was also supposed to be presented to City Council, but was not.)

From the Outcomes report:
—The COCL’s biases against community members who actively speak out against government policies became more pronounced than ever, with at least five negative swipes at protestors, made from speculation. The most blatant comment comes in trying to explain an uptick in complaints to IPR: “Given the number of activists in Portland and the number of protests, it is possible that many of these complaints are coming from the same group of people who have filed multiple complaints over time.” It also suggests people fear walking downtown because of protests, without considering people may fear being near demonstrations because of violence inflicted on those events by police.
—The COCL simultaneously encourages officers to get out of their cars to interact with the public while fixating on the idea that officers who don’t make arrests or get complaints lodged against them are somehow “less productive.”
—According to the report, Enhanced Crisis Intervention Team (ECIT) officers—who have 40 more hours of mental health training than most officers’ basic 40 hours—use force at twice the rate of non-ECIT cops. Also, ECIT members are twice as likely to have subjects transported to the hospital—but it’s not clear whether this is for mental health treatment or due to the force used.
—There were 2237 complaints against 812 of 880 sworn officers from 2012-2016. Therefore only 68 officers had no complaints against them. Yet, one officer had a total of 18 complaints over the five years. According to the report, 35 officers, or 3.8% of the force, were linked to 43% of the Sustained complaints.

Additionally, a survey conducted in August 2016 of six “focus groups” to gauge perceptions of Portland police was released in April (PPR #71). PCW found some perspectives were skewed while others did not get highlighted, and several of the groups were not sufficiently diverse. DHM, the survey’s authors, suggested examining the link between homelessness and crime based on comments made (mostly by feedback. The Report says their input was considered and included as “appropriate”.

In terms of diversity, in the groups from East and Central Precinct for persons with mental illness, there were no African Americans. The youth group had just two males and one African American. Since young men—especially young black men—are targeted by police, it’s not surprising most of the youth reported positive experiences. It is not clear how the survey respondents were chosen. COAB had input into the focus groups before being suspended for two months last summer, but DHM makes no mention of COAB in the survey report. The appendix details responses including one person who called for disbanding the police, and another who called for disarming them.

In the final DOJ-related piece of news, in early June the City was poised to pay a consultant $300,000 to create a plan to “increase police transparency and accountability.” Two problems: one, COAB (and now PCCEP) was supposed to craft the Bureau’s Community Engagement plan; the other is that the envisioned five-year plan would have been under the guidance of Chief Mike Marshman while a national search to replace him was ongoing. After PCW raised concerns, the NAACP of Portland had the item pulled from the Council agenda.

The parties asked Judge Simon to hold the next status conference on November 16. PCW will keep you posted.

PCW's full analysis of the Compliance report is available at: <http://www.portlandcopwatch.org/COCL_semiannual0417_ppw.pdf>. The COCL's reports can be found at <http://cocl-coab.org>
How Do You Really Feel About Chief Marshman?

On the subject of the Chief search, the PPA laid all its cards on the table over the final months. On April 27, they published the results of a survey filled out by 712 of their 849 members. The results show 94% supported Mike Marshman continuing as Chief, with 90% thinking Marshman improved morale after Chief O’Dea resigned under a cloud last year (PPR #69). 88% said a national search was not the best option, with Turner calling such a search a “mislaid endeavor.”

In his May 16 statement about the City’s job announcement, Turner complains they focused too much on the history of institutional racism in Oregon and Portland. He felt the Mayor should have mentioned the “strength of our rank and file who work diligently to meet the changing and evolving needs of our diverse community, embrace community-policing concepts, and continue in steadfast dedication to build trust in all the communities we serve.” Given the ongoing disproportionate stops/searches (p. 11) and shootings (p. 1) of African Americans in Portland, Turner obviously turns a blind eye to those “evolving needs.”

To bolster their argument, the PPA posted “Rank and File Question Dubious Hiring” by Los Angeles Airport Police Sergeant George Holt (from American Police Beat on May 23). The gist: hiring a chief from another agency hurts officer morale, outsiders rarely stick around long-term, on May 23). The gist: hiring a chief from another agency hurts officer morale, outsiders rarely stick around long-term, undercuts his own argument, Holt wrote:

“What conclusion might you arrive at if these ‘nationwide’ searches always seemed to result in locals with ties to the police do. Undercutting his own argument, Holt wrote:

“What conclusion might you arrive at if these ‘nationwide’ searches always seemed to result in locals with ties to the police?”

To contextualize why Turner opened his eulogy for dead officers by mentioning the “evolution of our policing” when stopped by police (Blackmon—PPR #57) or killed (Quanice Hayes—PPR #65), shot (Juwon Blackmon—PPR #57) or killed (Quanice Hayes—PPR #71), then what?

Next, a video produced by FreeArts NW purports to show what to do when we read these stories:

(1) Officers went to meet refugees arriving at the airport. Frequently, refugees are coming from more openly repressive countries than the US, and might just freak out seeing people in uniforms with guns greeting them in their new land (June 9). (2) A local Rabbi asked officers to enter Jewish homes during Passover to make sure food banned on the holiday was removed. “Central Officers knocked on a few homes within the Jewish community asking the children if they had found all of the leavened bread within their houses and had a great time talking with the families” (April 15). Somehow the concept of gun-toting officers entering only Jewish homes seems creepy.

Additionally, the police boasted about the 255 students who attended Gang Resistance Education and Training (GREAT), and received “a certificate and T-shirt (and pizza).” The Bureau expressed hope that “the kids realize they now have a connection with a Portland Police officer, who they can turn to if needed” (also April 15). Unless of course their peers are beaten (Thai Gurule—PPR #65), shot (Juwon Blackmon—PPR #57) or killed (Quanice Hayes—PPR #71), then what?

Finally, a video produced by FreeArts NW purports to show what to do when stopped by police (Rap Sheet, July 15). The video features PPB Officer Trevor Tyler rolling up on two young people and asks them to take their hands out of their pockets. When they don’t, he cuffs and detains them. The tape rolls back and in an alternate version, the people obey his orders and let him look in their backpack. While it is good to take your hands out of your pockets when you see police, there’s no reason to teach people to give up their 4th Amendment rights by consenting to a search without a warrant.
While there was a lot of disappointment with inaction during the 2017 Oregon legislative session, one win was the passage of HB 2355, which expanded the previous law on racial profiling (PPR #66) by requiring collection of data statewide. Unfortunately, at the same time, data released by the Portland Police Bureau (PPB) indicate they are playing fast and loose with their definitions as they track stops by race.

HB 2355 requires the Attorney General’s office to keep a statewide database on stops to help identify where problems exist. Funding is provided for training to help officers understand and identify profiling in police contacts with the public. The bill had wide support from a variety of stakeholders, including from the law enforcement community. As reported in our last issue, the bill did not fix the flaw in 2015’s HB 2002 which defines profiling only when an officer’s action is “solely” based on race or personal characteristics. Further, the revised law limits the data collection to officer-initiated stops not connected to calls for service. Portland Copwatch (PCW) intends to analyze the implementation. One is tempted to believe that some officers will want to use the data to prove that racial profiling does not exist.

The other good thing in the bill was a reduction in the classification of first time offense possession of controlled substances from a felony to a misdemeanor. This is a first step to avoid branding folks for life as felony offenders for trivial drug use, particularly since such crimes are disproportionately prosecuted against people of color.

In June, PCW noted that in the Bureau’s Q1 2017 Traffic and Pedestrian Stop Data, they re-instituted their practice of including “specialty units” such as the Gang Enforcement Team, showing 33% of people stopped by all such units combined are African American in a city that is 6% black. However, by combining all the units in one they likely watered down the GET’s previously reported rate of 38% in 2011 (PPR #62). More disturbingly, the new report shows that overall, the PPB only stopped 43 pedestrians from January to March 2017 and of those, 7 (16%) were black. Portland Copwatch suspects that these numbers are seriously under-reported, likely because officers have a different definition of what is a “stop” than what people in the community perceive. When you are asked by an officer to identify yourself, say where you are going, show identification and be subjected to a pat down, most people would consider that a stop. The Bureau, though, seems to think it is “mere conversation.”

The fourth quarter Force report is at https://www.portlandoregon.gov/police/article/637916

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**NEW CHIEF OUTLAW CHosen to REPLACE MARSHMAN**

On August 7, Mayor Wheeler announced he had decided to pick one of the four final candidates for Police Chief-- and that it was not current Chief Mike Marshman. Rather, he chose Danielle Outlaw, a deputy chief from Oakland. Only two of the four finalists’ names (including Larry Sciorotto from Pittsburgh) were made public, contrary to promises made when the search began. In addition to the endless humor to draw from her name, many have noted that Outlaw is the first African American female chief in Portland’s history. Despite their professsed love for Marshman (p. 10), the Portland Police Association claimed to support the decision (Oregonlive, August 10).

For those paying attention to the revolving door at the Bureau, Assistant Chief Kevin Modica, the previously highest-ranking African American officer, made a deal to retire on June 30 rather than have his career tarnished by the outcome of an investigation (Oregonian, July 2). He had been accused of failing to follow up on a complaint against the (African American) PPB Diversity Manager for inappropriate remarks made to an Asian American employee.

During the waiting period for Outlaw to begin her term, Marshman decided to take vacation time and leave Assistant Chief Chris Uehara in charge, presumably until October.

In a May 24 response to the City’s survey about the search for a new Chief, Portland Copwatch wrote: “[O]ur general position is that you could hire the Dalai Lama and it won’t ensure the reforms that are needed. The important thing is to change the institution and culture of the police.”

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**TRAINING ADVISORY COUNCIL LOOKS AT TASERS, FORCE DATA AND POLICY**

The Bureau’s Training Advisory Council (TAC) met in May and July to get data on police Use of Force and discuss concerns around Bureau training and policy on force, specifically use of Tasers. They were working on recommendations when the Bureau released a new Force Directive not long before their July 12 meeting (p.1). TAC co-chair Sushannah Bostock worked on specific comments to the Force policy and the group agreed to post those, along with their Taser training ideas, to the TAC website. Captain Mike Krantz, then the “Inspector,” presented the force statistics in May. During a break, many of the officers huddled and disappeared— it turned out Terrell Johnson was killed (also p.1) while people were in the Training facility talking about police use of force. The new force data report has one major improvement as suggested by TAC (and Portland Copwatch): The demographics of people subjected to force are back on the front page. This means one does not have to dig around to see that 30% of the force used by Portland Police from October to December was against African American Portlanders (which is on the high end of the average).
Opaque Officers Opine on Ostensible Overseers

More Positive Spin, More Local Focus by Police Association

The Portland Police Association (PPA) now has three platforms we check for this column: The Rap Sheet, which once was their official newsletter but now acts as an aggregate Facebook page, the actual PortlandPoliceAssociation Facebook page, and PPAvigil.org, the home site of the “union.”

Quite a number of articles on the PPA Vigil site are members-only, so all we can let you know about are headlines that exist publicly. From mid-April to mid-August we looked at 80 pieces posted across the platforms. 28 were positive spin pieces, 20 were about the Bureau, 8 about the PPA, and 6 about officers in general—mostly about those who lost their lives. Four were about mental health (including two focusing on Bend) and three were about other topics in other jurisdictions. One post was about the “48-hour rule” (p. 1). The PPA revealed they helped start a new national organization called the United Coalition of Public Safety (UCOPS), whose mission is to promote the “exceptional” work of law enforcement (April 21).

Yet PPA’s focus shifted from previously sharing about 1/4 of the articles from out of their jurisdiction to just about 6% (five total). Below we report on some of the recurring themes, including mental health, the search for a new chief, protests, and some sponsors of their annual golf tournament.

PPA Uses Seattle Woman’s Death to Blame Mental Health System; Implications to DOJ Agreement

On July 5, PPA President Daryl Turner, who is African American, posted an essay about officers responding to community members in mental health crisis, using Charleena Lyles, who was killed by Seattle Police in July, as an example of “the untenable position of dealing with persons with untreated mental illness who turn violent.” Rather than join the community in expressing outrage and concern that Lyles (who was also African American) is just another notch in the collective national police belt, Turner opines “No matter how hard an officer tries to de-escalate, no matter how many other force options an officer may have available, an officer may have no other choice but to protect life by using deadly force.”

After five years of the US Department of Justice (DOJ) trying to get the Portland Police Bureau (PPB) to use less force against people in mental health crisis, these words are troubling. Turner notes (accurately) “every day, officers successfully resolve those matters through verbal de-escalation techniques.” What he leaves off is that virtually every day, a person in mental health crisis is shot and/or killed by American officers. As is usually the case with this kind of rhetoric, Turner adds “training and reliance on officers to provide mental health services do not resolve the underlying, systemic failure of our mental health system.” To his credit, he says “the vast majority of people with mental health issues are not violent.” But, ignoring possible tactics like retreating to a safe place, making time to defuse a situation, or calling in trusted voices to connect with individuals, he asserts “Guns and knives are no less dangerous because they are wielded by an individual in a mental health crisis.”

On May 16, reacting to the City’s job description for a new Chief, Turner complained the Mayor made “no mention of the PPB Behavioral Health Unit [BHU]’s recent national recognition for their ground-breaking efforts in working with citizens with mental illness or in a mental health crisis.” PCW isn’t arguing the BHU is all bad, but its efforts are mostly shared with and guided by a non-public Advisory Committee which doesn’t communicate well with the broader community. Furthermore, even though the City has not yet completed its promises for reform under the 2012 DOJ Agreement, the BHU and the BHUAC were recognized by the Oregon US Attorney’s office in a ceremony on April 27. A video (continued on p. 10)