PORTLAND POLICE SHOOT THIRD YOUNG BLACK MAN IN 2017; LATE AUGUST SHOOTING MAKES SIX TOTAL INCIDENTS
Details Emerge on Investigation of Chief O’Dea; PPB Also Shoots/Wounds Dog

While the US Department of Justice has emphasized de-escalation over use of force, the Portland Police Bureau (PPB) has now been involved in six shooting incidents in 2017, three times as many as 2016— but equal to 2015 and 2012. With the wounding of Chase Arnae Peeples, 25, on October 25, the PPB shot three young African American men in a year, the other two of whom died. None were armed with firearms. On August 30, shortly after our last issue went to press, the PPB also shot and wounded Jesse Lee Brockner, 31. It’s significant that the Bureau did not release Peeples’ name for six days after the incident. Claiming it was to maintain integrity of the investigation, it does not reflect well on new Chief Danielle Outlaw that such lack of transparency has little precedence in recent Portland history. Meanwhile, the police shot and wounded a pit bull on November 4, marking at least 22 dogs shot and wounded a pit bull on November 4, marking at least 22 dogs shot

IMMIGRATION: Sheriff Clears Self of Wrongdoing, Portland Police Put Hoods on Protestors

Some major stories surrounding the federal Immigration and Customs Enforcement agency (ICE) have popped up in the last few months, involving the Portland Police Bureau (PPB), the Multnomah County Sheriff’s Office (MCSO), and ICE itself. On October 11, people protesting the detainment and deportation of immigrants linked arms and blocked the driveway for several hours at the Immigration and Customs Enforcement (ICE) offices in Portland. Several protestors with the group End Deportations Now Collaboration used “sleeping dragons,” a combination of different materials to lock arms together, which can make them extremely difficult and time consuming to remove. The PPB placed hoods over the activists’ heads, reminiscent of Abu Ghraib prisoners who were tortured while wearing similar looking hoods.

This move shows either a severe lack of awareness of how their actions look to the public—or an acute one. Granted, the police told the protestors they planned to use the hoods as protection from flying debris generated by power tools removing the sleeping dragons. But power tools were not used, and the hoody exercise was a huge publicity bungle for the police and a bump for the activists whose hooded photographs were made famous in multiple national news sources. The cops helped them achieve their goal of bringing attention to ICE abuses, police brutality, and the legal and civil rights struggles of immigrants.

Around the same time, findings were released about three MCSO deputies who were charged with violating county and state policy in the fall of 2016 through January 2017. The review was started in February after (continued on p. 10)
The Citizen Review Committee (CRC) held hearings on three cases from September to December. They likely could have heard a fourth case except the “Independent” Police Review (IPR), which takes complaints and houses CRC, caused a hearing to be delayed by administrative mishap for the third time in a year and a half. The Committee challenged two findings among the three cases—to find an officer at a domestic violence scene acted unprofessionally and another wrongly threatened to arrest a videographer—but made no changes in a case involving force used at a protest. CRC’s mostly mothballed Work Groups got a slight but rocky revival as the Crowd Control Work Group consisting of one CRC member met in September, the Policy Work Group met briefly in December, and the Use of Deadly Force Work Group tried to exclude the public from its November meeting, but reversed the decision on site. And, with the appointment of two more members who are under the age of 40 and the third resignation of the year, the 10-person group now only has one member who is over 43.

Case #2017-X-0006: “He Was a Bit Unprofessional”— Officer Laughs During Domestic Assault Investigation

At their October meeting, CRC heard Case #2017-x-0006, the appeal of a domestic violence survivor who says an officer was unprofessional and failed to make an arrest after her husband assaulted her. The Bureau found both allegations “Not Sustained” (insufficient evidence) with a debriefing on the failure to make an arrest. Lt. Jason Pearce, the officer’s supervisor, implied that because no visible bruises proved the woman’s claim her husband had picked her up by the neck and thrown her down, but there were scratches on the man’s neck, the officer could be debriefed for failing to arrest the Appellant. The way in which the Lieutenant dismissed a lot of the concerns only added to the fact that after the Appellant called 911 twice, both officers responding to the scene were men. From context, it appears they were regular patrol officers and not Domestic Violence specialists.

The accusation of rude behavior asserts the officer asked the Appellant what she did to provoke the violence, told the second officer the call amounted to “just some drama,” and laughed with the husband during the investigation. Moreover, the landlady, who arrived after the officers, asked if she could get the husband’s name taken off the lease. She claims rather than saying “no, it’s a civil matter,” Officer A laughed and said “that’s not going to happen.” The landlady told investigators the officer was “a bit unprofessional,” with the qualifying “a bit” leading to the decision the officer may or may not have been out of policy. Pearce stated they can’t tell officers not to engage in levity, or else they should just not talk to anyone. (Chief Marshman put forward a similar all-or-nothing theory at a hearing in 2016— PPR #70.) The fact that the supervisor did not recognize joking was not appropriate in this situation where a woman was fearing for her safety shows PPB training on gender equity is still much needed. Side note: Officers did not follow up with the Appellant to see how she was doing or if bruises appeared a few days later, citing a “lack of resources.”

Oddly, the Lieutenant, IPR staff and Internal Affairs all could not tell CRC whether a supplemental report, which was likely required by the Bureau’s policies, had been written. Pearce said he remembered reading one but didn’t have it in his file that night. After much discussion, CRC voted 4-2 to affirm the “Not Sustained with a debriefing” finding for the failure to arrest allegation, with Roberto Rivera and new member Candice Avalos voting no. Kiosa Ford abstained citing her discomfort with the missing report, even though the City Attorney advised abstentions should only happen if there is a conflict of interest.

CRC voted 6-1 to Sustain the allegation of unprofessional behavior, with a “no” vote from Chair Kristin Malone, saying under CRC’s restrictive “reasonable person standard” it was reasonable for Pearce to make his finding. The Chief could agree or push back against CRC.

Case # 2017-x-0005: Violent Push-out at City Hall: “I’m Really Proud of My Officers for Their Restraint”

After spending many hours reading the case file and reviewing videos, CRC was notified in September that their materials—and the file sent to the supervisor reviewing the complaint in case #2017-x-0005—were missing a video that was part of the investigation. Rather than use a Case File Review to send the case back for that omission and any other shortcomings, CRC postponed the hearing until November. IPR previously forgot to invite a supervisor to a hearing (PPR #68) and was complicit in the Bureau using the wrong policy to determine whether use of a Taser was excessive force (PPR #69).

The case involves a man who was at the protest against the police ‘union’ contract ratification in October 2016 (PPR #70), who said he was pushed in the throat by an officer, thrown to the ground by that officer and one other, and had handcuffs applied too tight by two other officers. All five findings were “Not Sustained.” The Appellant also complained about being pepper-sprayed in the face by Portland Police officers. The IPR, which conducted this investigation because it was protest-related, may have told him no Portland Police used pepper spray at the incident—even though there’s copious evidence they did. At the hearing, IPR Director Constantion Severe said investigators were unable to determine whether it was a Portland officer or Multnomah County Sheriff’s Deputy who deployed the spray. The Appellant, who’d been video-ing the incident, also complained because police confiscated his cell phone and never returned it. IPR dismissed that allegation, saying the Appellant’s claim to the City’s Risk Management department for property loss (which was granted) resolved that issue. However, the Appellant used a locator to find his phone was at East Precinct before its battery died, and noted officers “losing” it could amount to destruction of evidence.

A poor decision by Internal Affairs Captain Jeff Bell led to Central Precinct Commander Larry Graham sitting in for the supervisor who made the findings on the case (and was out of town). The problem? Graham was the Incident Commander on scene at City Hall and gave the orders authorizing use of force. Adding to his various mis-steps at CRC meetings (PPRs #57 & #58), Graham made a speech about how proud he was of his officers for showing “restraint” in the face of what he called “taunts” from protestors. CRC member Julie Falk questioned whether Graham should be at the hearing defending the Bureau’s position given his role that day. It wasn’t until after the final decisions were made Graham admitted it wasn’t such a good idea.

Some CRC members seemed to buy Graham’s argument the protestors deserved to be pushed down the stairs of a public building and get pepper sprayed for wanting a say in the controversial contract vote. One asked why the Appellant turned toward the police rather than face the exit door. The Appellant calmly explained the danger police posed by pushing everyone made him afraid to turn his back. Portland Copwatch (PCW) noted the County Sheriff’s Deputy who deployed the spray. The Appellant, who’d been video-ing the incident, said investigators were unable to determine whether it was a Portland officer or Multnomah

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Two Protest Cases, Work Groups, Membership Shakeups (continued from p. 2)

Appeal Hearing even though the case summary does not mention interviews with any civilian witnesses—just the officers and the Appellant, and notes about various videos. IPR stated they interviewed many witnesses about what happened October 12 (acknowledging the day was “traumatic”) because they received multiple complaints. Two witnesses spoke during the Hearing but weren’t specific about what the Appellant personally experienced, just giving the general impression the cops were out of control.

With regard to the specific allegations, none of the videos showed the officer pushing the Appellant in the throat. The Bureau said they did not push him to the ground near the MAX light rail tracks, but rather they were trying to pull him up on the sidewalk, and because he is a “bigger person” they let him go for his safety and theirs. Capt. Bell stated the “Not Sustained” finding covered his being dropped rather than pushed, even though the Bureau has been persnickety about language lately. The Appellant said his wrist turned purple from the “flex cuffs” (plastic zip ties) that were on him, but Graham claimed officers were able to put a finger between the cuffs and his wrist.

The votes were: #1 force (to neck): Affirmed “Not Sustained” finding 7-1 with Rivera voting no. #2&3 force (push to the ground): ultimately affirmed the “Not Sustained” finding 5-3 with Michael Luna, Andrea Chiller and Rivera voting to Sustain. #4&5 Procedure (cuffs too tight): Affirmed “Not Sustained” finding 8-0.

At least two other people who filed complaints about October 12 say they did not receive the IPR findings letter in time to appeal. Rather than make an exception based on their claims, IPR refused to let them file appeals.

Case #2017-x-0007: Copwatching is Not a Crime

In December, CRC heard a case involving the same Appellant from the City Hall incident, who was at a different protest when a Sergeant told him videotaping police without informing them was a crime, and threatened to arrest him. Captain Mike Crebs told CRC he “Sustained” the first allegation because it is not, in fact, a crime to video police in Oregon (PPR #66). He found the second allegation “Not Sustained” because the officer saying “I could arrest you” did not, in his opinion, constitute a threat. New member Daniel Schwartz compared the officer’s statement to a mafia enforcer saying “you could meet with an untimely accident [if you don’t play ball].” The rest of the CRC agreed, and voted 7-0 to Sustain the finding.

Also of note: Crebs said (a) police lie all the time, but it has to be in order to prevent unlawful behavior, which wasn’t the case in this incident, and (b) that police constantly monitor Facebook posts about planned protest actions, which should confirm to readers why PCW doesn’t use Facebook.

CRC Work Groups: Too Few People at Public Meeting, Too Many at Intended “Private” One

Even with the ongoing concerns about the Bureau’s crowd control tactics (above and p. 9), CRC’s Crowd Control Work Group has only met once since June. The meeting was attended by three members of PCW and CRC member Michael Luna. No real follow up was planned, though new member Avalos said she will join the Group. The Bureau’s Crowd Control policy went into effect on August 30 (p. 11), a week before the Work Group met.

The Use of Deadly Force Work Group, which released its report months ago calling for the Bureau to foreground de-escalation in its Force policy (PPR #71), included notice of an “Executive Session” for their meeting on November 14. Oregon law allows public bodies to go into Executive Session for a number of reasons, but allows members of the media to attend so the deliberating body does not conduct public business privately. Deputy City Attorney Mark Amberg balked when Dan Handelman of Flying Focus Video Collective (and PCW) said he agreed not to report on the parts of the Session covered by state law, but would not agree to a blanket “no reporting” rule.

Eventually, Amberg and CRC held the meeting in open session, referring a few times to theoretical situations (such as whether the City would hold an officer out of policy for, say, failing to de-escalate) which could have been discussed as attorney-client privileged information. However, they didn’t go back into Executive Session to discuss those matters. Attending the meeting were three former CRC members (David Denecke, Rochelle Silver and Jim Young), three current members (Kristin Malone, Roberto Rivera and Andrea Chiller), and KBOO reporter Jasmin Moneymaker.

Amberg came to the September general meeting and spoke in vague terms about how CRC could go about changing their standard of review. In short, a City Council member or the Auditor has to present a proposed change for consideration on Council agenda. He also claimed the Portland Police Association has to approve any changes because it is a party to the DOJ Settlement Agreement. The Policy Work Group met for about 40 minutes in December discussing next steps.

Vice Chair Resigns, New Members Sworn In

At the October meeting, it was announced Vice Chair Julie Ramos—who whose term ends in February 2018—had resigned. Since new members will be chosen for terms starting in February anyway, IPR left her seat open, leaving CRC with just 10 members of the authorized 11.

Two of those members are new—Schwartz was confirmed by Council on August 9 after attending many CRC meetings before being moved up from his role as an “alternate.” Avalos, a student life staff person at Portland State University, replaced Jim Young, a retired District Attorney from Michigan who quit in July (PPR #72).

While PCW expressed concern in the early days of CRC that it was made up of so many retirees there were no youth voices, the pendulum has swung the other way. The lack of retirees and inability of CRC to maintain its Work Groups are not unrelated issues. Avalos, a Latinx/African American woman in the 18-25 year old category, helps build toward the ethnic diversity of CRC, which is now made up of three white men, three women of color, three white women— one who identifies as LGBTQ+, and a Latino man. Still, no one on CRC represents the houseless community.

ALSO AT IPR/CRC:

—At the September meeting, members discussed their experiences sitting in on Police Review Board hearings, which are closed to the public and, when CRC members are involved, generally involve deadly force or other serious matters. Chair Malone reported that being in a room with so many uniformed officers can be intimidating, and that Bureau members seemed to be talking down to the two civilians in the room as though they needed to be educated (Mr. Rivera agreed with that perception). Malone also said they received an “aggressive lecture” from the PPA President.

—The IPR’s Third Quarter 2017 report had little useful information, but noted they were hiring two new full time investigators. Rather than expanding their ranks, PCW determined through an internet search that two investigators have left IPR (Rams/AQ/as and Casey Bieberich), replaced by Andrew Pease and Casey Clithero.

—Although the IPR’s annual report has not been presented to City Council perhaps since 2011, Auditor Mary Hull Caballero, who oversees IPR, spoke to Council on August 30 regarding audits on trees, Risk Management and Portland’s finances. That day, Council approved an ordinance allowing the Auditor to hire an independent staff attorney, something the community has called for over many years since it will help IPR be truly independent. PCW wrote a letter asking why the Auditor is refusing to bring the important information about accountability to the public discussion, since the IPR annual report was released in May (PPR #72), We received no reply.

Contact IPR at 503-823-0146
In late August, City Council voted to replace the moribund Community Oversight Advisory Board (COAB) with a new civilian committee to oversee implementation of the US Department of Justice (DOJ) Settlement Agreement regarding use of excessive force by police (PPR #72). Over four months later, the new Portland Committee on Community Engaged Policing (PCCEP) has not been installed, trained, or set to function. In addition, an expected annual status conference with federal Judge Michael Simon to follow up on the one held in October 2016 has not been scheduled. The major development around the DOJ Agreement was the release of the Compliance Officer/Community Liaison (COCL)’s latest report, looking at three quarters (rather than one or two), and combining both the Assessment and Outcomes reports into one long document. In the same way the City seems to be helping toward trying to get out from under the Agreement by pushing dozens of new policies (Directives) out for review (but being held up by community concerns about deadly force investigations), the COCL seems to be ready to stamp a seal of approval on the Portland Police Bureau (PPB) despite its shortcomings. In the new report, 21 more paragraphs were upgraded from “Partial Compliance” to “Substantial Compliance,” now rating 48 in Substantial Compliance and 49 in Partial Compliance. This is despite the COCL’s own analysis that the PPB is not training or engaging in de-escalation as envisioned by the Agreement, and what Portland Copwatch (PCW) noted were repeated themes of not enough information, the Bureau not doing enough, or the COCL not going far enough in its critique.

Underscoring the COAB’s demise—partially due to the structure that assigned the COCL as its chair—the COCL called for a community forum to discuss the new report with just 5 days’ notice. They published the report October 3, announced the forum October 11, and held it October 16 downtown in a City building. In contrast, the two previous forums were hosted at a community church by the Albina Ministerial Alliance (AMA) Coalition for Justice and Police Reform in April and May on the last reports. The COCL team took up a good portion of the evening explaining the report’s story. A few issues arose: One, the COCL did not want to comment on the PPB shooting three young black men so far this year (p. 1) because race is a “touchy” subject; and two, when asked whether other jurisdictions have line officers and Sergeants in the same bargaining unit, COCL leader Dr. Dennis Rosenbaum said he was unaware that is how things work in Portland. This is after being in town nearly three years—but then, since the team is from Chicago, it is to be expected. The context of that concern is on-scene investigations into use of force, which the Agreement requires to be done by the Sergeants, are not always forwarded to Internal Affairs (IA). In several cases, commanders thought there may have been excessive force, but felt the findings of the Sergeants’ After Action Report would not change with more investigation.

Another issue related to accountability: The COCL seems pleased that IA and the “Independent” Police Review (IPR) are planning to have joint training and policies, even though that flies in the face of why civilian oversight is needed. To meet the Agreement’s demand to eliminate duplication of effort, IPR has stopped interviewing civilian witnesses before sending cases to IA for investigation. Many people will not talk to investigators who are part of the Bureau, a truism which should be obvious to anyone looking at the dynamics of police misconduct.

A number of advisory boards barely make any recommendations (the Citizen Review Committee and Training Advisory Council) or have ceased to exist (the Community/Police Relations Committee and COAB). Thus, it is troubling the Behavioral Health Unit Advisory Committee (BHUAC), which meets in private, is still the body which has the most direct line of input into Bureau policy. The COCL report includes about a dozen sets of minutes from BHUAC meetings, but the team has dropped its previous call for the Committee to hold some meetings in public. The April report, revised and posted in July, noted the BHUAC voted twice to keep their meetings closed, based on concerns that “committee members may be guarded in their desire to openly discuss sensitive topics.” In the new report, the COCL calls the secretive group an “avenue for gathering the input of community partners in delivering services.”

With regard to the PCCEP, there has not been public acknowledgment from City Hall about a number of items mentioned by the Mayor as being the intent of Council, but which did not result in amendments to the PCCEP founding document. For example, the language says PCCEP shall “drop its previous call for the Committee to hold some meetings in public. In con- vention, the PPB is insisting on “copsplaining” to communities of color, by collaborating on the Portland Police Association (PPA), which is a party to the lawsuit, were not present to testify in August about the proposed changes to the Agreement. No doubt this means they will hash things out behind closed doors while many believe we still live in a transparent democracy.

The biggest issue, which led to a number of media articles, is that the PPB continues to use two different definitions of what “de-escalation” means: lowering force already being used AND calming a situation down without force. The COCL illustrates this problem well, including cases where the police used violence against demonstrators who posed no threat other than expressing verbal displeasure with the cops. In the 350+ pages of Appendices to the report, we learn some officers were found out of policy in force incidents, but for administrative reasons. For example, one officer who conducted a takedown failed to request backup, and another officer unholstered a Taser while their gun was still in their other hand.

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The DOJ’s main focus was on mistreatment of people with mental health issues, and even though the Unity Center only just opened as a “walk-in” facility for people in crisis in February and a “drop-off” center in May, the COCL declared the entire section on mental health services to be in compliance. This is even more frustrating as the PPB refuses to enter this psychiatric facility without their weapons (Portland Mercury, May 24), something that led to the tragic death of José Mejía Poot in 2001. A “Mental Health Mask” that was to help collect data on police interactions with persons in crisis was thrown out for a new “Mental Health Template” covering fewer encounters. Again, this has only been in service for less than a year, another example of a lack of information to find the Bureau in compliance. With the focus taken off race, the COCL does not examine the fact that 30% of force is used against African Americans in a city that is 6% black, nor do they note that the COAB’s required input into racial profiling data and the 2009 Racial Profiling plan have gone completely unaddressed.

On community outreach issues, the COCL follows up on Bureau members who attended performances of the play “Hands Up,” which examines perspectives of people of color stopped by police. Although officers report finding the experience transformative, the PPB is insisting on “copsplaining” to communities of color, by collaborating on officer monologues featuring officers pointing their views of the situation.

Overall, the combined report is quite confusing as it lists a compliance rating for each paragraph by number without explaining the substance.

Find Portland Copwatch’s 8-page analysis of the 130+ page COCL document at: <www.portlandcopwatch.org/COCL_semiannual1017_pcw.pdf>.
Training Advisory Council: Missing Data in Use of Force Reports, Presentations on Equity and Youth

The Bureau’s Training Advisory Council (TAC), which generally meets once every two months, is required by the US Department of Justice (DOJ) Settlement Agreement to review force data every quarter and make recommendations based on trends. The quarterly Force Reports have changed format over the past year, leading to some confusion and, as one TAC member noted to the Force Inspector team at the November meeting, the loss of data on how many times Tasers are activated more than two cycles (considered a serious use of force). Neither of the Portland Police Bureau (PPB)’s presentations on the Q1 data in September* nor the Q2 data in November included any detailed numbers, with the latter meeting dominated by non-sworn analyst Kate Bunn explaining how the data are processed. (This is an ongoing problem with the TAC Force Data presentations.) The annual force report for 2016, which came out in February, has never been presented to the TAC (see sidebar). At the September meeting, PPB Equity and Diversity Program Manager Elle Weatheroy gave a presentation on the Bureau’s Equity plan, and in November, two Multnomah County Youth Commissioners presented on their “Youth Educating Police” program.

To their credit, members of the TAC pointed out the disparity in force used against African Americans, particularly pointing of firearms. However, only members of Portland Copwatch (PCW) read out the numbers: 27% of people who had force used on them in Q1 were black, a number that went up to 34% in Q2. Even though data used to be broken out as percentages by force type and race, the firearms pointing is now given only as a raw number—27 of 79 incidents in Q2, which is 41%, and up from 31% in Q1. PCW also asked (to no avail) why the reports now explicitly state that the Force data do not include crowd control and officer involved shootings—are those not uses of force?

Ms. Weatheroy’s presentation barely touched on the issue of racial bias when police interact with civilians, but mostly focused on internal issues. She asked that PCW go easy on her since this is a long process. But the police have been gathering traffic stop data since 2000, Portland had community listening sessions about profiling in 2006, PCW sat on a City-sanctioned Racial Profiling Committee in 2007-2008, an anti-profiling plan was put into place in 2009, they’ve given implicit bias training to all officers, and three people shot by police this year were African American,... so there is no reason to stop complaining about a lack of progress. The Equity plan includes “identifying racial disparities” in stop data as one line in a six-page plan.

Body Cams Have No Effect on Police Behavior

In contradistinction to a 2012 study of the effects of police wearing cameras in Rialto, CA (PPR#4), a 2017 study in Washington, DC determined body-worn cameras had no statistically significant effects on police officer behavior. The study says the presence of bodycams had no detectable effects as measured by arrests for disorderly conduct, police use of force, or civilian complaints filed against police. Over 2200 officers were randomly assigned to either wear a body camera or not, then researchers compared the two groups. This is one of the largest and most rigorous studies on this issue to date. The Lab @ DC researchers state “Law enforcement agencies (particularly in contexts similar to Washington, DC) that are considering adopting bodycams should not expect dramatic reductions in documented uses of force or complaints, or other large-scale shifts in police behavior, solely from the deployment of this technology.” They indicate more research would be helpful. The New York Times (October 20) says that by 2015, 95 percent of large police departments reported they were using body cameras or are committed to using them in the future, at an expense of over $40 million. After City Council made Portland Police promise to involve the community in creating bodycam policies (PPR #70), the issue seems to have stalled here.

Use of Force Annual Report Reveals Violence vs. Protestors

With some difficulty, PCW was able to find the annual Force Data Report for 2016, which was posted in February but nobody mentioned it, even when we raised questions why the force used at City Hall in October 2016 wasn’t included in the Q4 Force summary (PPR #72). Crowd Control information was separated from other data, and generally lists how many officers were involved and what force was used. The summary only lists the following force for the City Hall “putch”- 5 takedowns, 1 strike, 1 baton and 2 applications of pepper spray. This seems low considering they pushed the entire crowd down a concrete stairwell, and violently pushed activist Jessie Spoonberg onto his hind quarters. All protests after the election were lumped into one section, revealing 42 force reports were filed covering 12 takedowns, five strikes (all by one officer), 11 uses of batons to “move subjects and as an impact weapon,” 13 RBDDs (Rubber Ball Distraction Devices, also known as pellet grenades), 12 uses of pepper spray, five smoke canisters, seven pepper spray “vapor” devices and six “CS gas triple chasers.” They also list less lethal munitions used: 17 ADs (Aerial Distraction Devices, aka flash-bangs), four 40-mm impact rounds, and 75 (seventy-five!) FN 303s, the kind of projectiles that killed a protester in Boston in 2004 (PPR #34). While the community has a clear picture that the PPB uses way too much force, separating out these incidents perpetuates a false impression that force is “only” being used three times a day.

Find the annual report at: portlandoregon.gov/police/article/644832

Weatheroy did mention the Bureau is seeking to create a Youth Advisory Council. This may be in addition to the YEP effort described by Youth Commissioners Britton Mhashab and Taji Chesimet in November. Even though the Force data reports do not include age, they said 30% of police force is used against people 16-19 years old. They seek to include young people in training through role playing and awareness building on racial bias and identity issues.

Bunn noted the Force analysis is required by the DOJ Agreement, which was ironic since nobody from the DOJ or the Compliance Officer/Community Liaison (COCL)’s office was at the meeting. Her presentation included that many civilian injuries have been caused by people hitting their heads on a bolt as they are placed into police cars (she said they are addressing this issue). Bunn also said if an officer acts to inflict force on a person but the person doesn’t receive it, it is still counted as a force event. She also noted there was a drop in the number of people considered to be in Mental Health crisis because, for instance, if someone later tells officers they were on Prozac, that doesn’t mean they were in a crisis when police used force on them. Her supervisor Lt. Craig Dobson, who took over as the Force Inspector earlier in 2017, noted that takedowns are “popular” among officers, so he asked Training to be sure there is guidance on using them properly.

Training Captain Bob Day revealed a few concerning items. First, the Advanced Academy where Portland supplements state training has been reduced from 14 weeks to 10 to rush 100 or so new recruits through the process. Second, six to ten people are developing a secondary class about “implicit bias.” Day says they are trying to avoid speaking directly about race to keep officers from becoming defensive. This makes little sense if there are difficult discussions going on, and leads to the question— are any of the Training officers people of color?

The Force Inspector stated they are removing what they see as extraneous data because they get no feedback on the quarterly force reports. Find them at portlandoregon.gov/article/62708* and post your comments at: research.net/r/UOFReportFeedback.

*–Captain Mike Krantz also discussed the Q2 data in September, which were available before the TAC meeting.
in which he allegedly gave his ID to the teller before walking off with over $2000. Officer Ryan Reagan (#36623) and another officer came upon him near N. Oatman Ave. and ordered him to put his hands up. The PPB claims Peeples reached in his pocket and continued toward them when Reagan "fired multiple shots." No report claims Peeples was armed. Although they needed some kind of probable cause to shoot Peeples, the police applied for a warrant to search his backpack, which they say contained most of the money taken from the bank. Peeples was sent to the hospital until November 21. On October 31, the PPB released his name only minutes before the Oregonian published information gleaned from a court affidavit about the robbery. After he was cleared by a Grand Jury, the PPB revealed Reagan fired six shots but only hit Peeples three times.

**Jesse Brockner: Another Bank Robbery Suspect Shot**

After chasing Brockner to NE 55th Ave near Burnside, leading to him crashing the stolen car he was driving, Officer David Staab (#28011) shot and wounded Brockner. Police say he sped away from an attempted traffic stop about 30 blocks away. They claim Brockner failed to obey orders, which led Staab to shoot him in the shoulder. Brockner was suspected in an earlier armed bank robbery in Washington County. While Brockner is white and Peeples is black, the two stories are similar: “fail to obey police orders” and you will be shot.

The City claims both officers were interviewed within 48 hours, which was the de-facto policy following removal of the “48-hour rule” from the Police “union” contract in October 2016—even though they took six weeks to interview the cop who shot Terrell Johnson (PPR #72). The new new 48 hour rule City Council adopted on August 24 did not officially take effect until September 27.

**Emanuel Manzanares’ Pit Bull Wounded**

Less than two weeks after Peeples was shot, an un-named officer shot and wounded a pit bull belonging to Emanuel Manzanares, age 38. The two year old dog allegedly “lunged and snapped” at the officer who shot it. Manzanares was tased by police when he exited his apartment with a “foot-long knife sharpening rod.” The Oregonian reported the dog was in stable condition after medical treatment (November 5).

**O’Dea’s Shooting and Cover-Up Investigation End**

IPR investigated the incident where O’Dea shot his friend during a squirrel hunting trip in eastern Oregon, along with the allegations that his four assistant chiefs and Derek Rodrigues, captain of Internal Affairs, all failed to act when they found out about the shooting. The Assistant Chiefs were all cleared with “Unfound” findings, while Rodrigues faced two days’ suspension for not notifying IPR about the case.

Rodrigues is apparently appealing the outcome, which is interesting since the public usually doesn’t hear the outcomes of misconduct cases until they have run their full course. IPR presented all of its investigative files for public consumption (with some heavy redaction in places) for just 30 days, undermining the idea of transparency by flashing information and then taking it back. The files include an unredacted report from the Police Review Board—which doesn’t reveal much information. Some of the more salient points include how former Mayor Hales and his staff were willing to stand up for O’Dea because they liked him, rather than waiting to learn the facts, and that they seemed to be trying to sit on the information deliberately, scrambling once the Willamette Week was getting ready to break the news about a month after the shooting.

**25 Oregon Police Deadly Force Incidents about Average in 2017**

Portland Copwatch has been tracking statewide Oregon police shootings/deaths in detail since 2010, noting an average of 25 per year. Data show at least that many deadly force incidents have taken place up until mid-December 2017. Details on the first 14 were documented in previous issues of the newsletter, and two recent Portland shootings are noted elsewhere in this issue (p. 1 and left). Here are the other nine:

— On November 29, Peindleton Police Sergeant Tyler Reddinah shot and wounded Matthew Lucas Hosking, 38, who allegedly pointed a replica gun at him near a Walmart (East Oregonian, December 19).

— On November 24, Klamath Falls Police Officer Taylor Herbat shot and killed Emilio Hernandez, 26, when he reportedly was running away as she tried to take him into custody on an attempted murder charge (Klamath Herald and News, November 27.)

— On November 2, Jefferson County Deputy Joseph Aldred and Oregon State Police Sgtn. John Russo shot and wounded Christopher James Thomas Sweeney, 18, in Madras when Sweeney allegedly pointed a gun at officers from inside a stolen minivan (Portland Tribune online, November 8).

— On October 29, an unnamed Gold Beach officer fired his gun at Brian Anthony Wafly, 29, during a car chase involving an allegedly stolen vehicle (CuryrPilot.com, November 21).

— On October 28, Polk County Sheriff’s Deputies Kelly Lorence and Mike Stevenson, and Sergeant Kevin Haynes, shot and killed Baltazar Escalona-Baez, 17, near Grand Ronde. The teenager was a suspect in a carjacking. It is unclear whether he was armed (Salem Statesman Journal, October 30).

— On September 30 Polk County Deputy Martin Watson shot at (and missed) two men in a car in Salem (Timothy George, 31, and Jeremy Johnson, 18) when they failed to pull over after an alleged traffic violation (Statesman Journal, October 10). Unsurprisingly, Watson was cleared by a grand jury; refreshingly, the grand jury was held in Marion County where the incident took place rather than Watson’s home turf.

— On September 26, Eugene Police Officers Matt Lowen and Travis Palki shot and killed Roger Craig Nielsen, 31, when he allegedly pointed an AK-47 rifle at them following a hostage situation with a woman and her child—though the woman and her male friend had pushed Nielsen out of their house prior to the confrontation. The news reports “nine shell casings were found, none of them fired by Nielsen” (Eugene Register-Recorder, October 13).

— On September 22, Morrow County Deputy Aaron Haak shot Efren Hurtado, Jr., 26, in the head when he says Hurtado exited a disabled vehicle near Boardman and pointed a gun at him. Hurtado survived as a bullet “did not penetrate skull” (MyColumbiaBasin.com, October 6).

— Somewhere near Creswell on September 12, Oregon State Trooper Gerald Ellis returned fire but did not hit Edward Paul Dungan, 30, after Dungan allegedly shot Ellis’ bulletproof vest in the chest area (Register-Recorder, October 13).

**Multnomah DA Phasing Out Use of Grand Juries**

The 2017 Oregon Legislature required Grand Jury proceedings be recorded. Grand Jury proceedings are secret and the person accused is almost never allowed to tell their side of the story. Usually, the only people allowed to appear before Grand Jurors are the District Attorney, the police and witnesses to the event. Many people, including the American Civil Liberties Union, believe Grand Juries are a major cause of racial and economic disparities in the Justice system. Rather than record Grand Juries, in most “non-person” felony cases (about 84% of the time) the Multnomah County District Attorney will now present cases to a Judge during a Preliminary Examination. The accused person will be present at such hearings with their attorney. Many believe this is a more just procedure, even though no money was set aside for defense attorneys to participate. Felonies involving crimes against people— including officer-involved shootings— will still go to the Grand Jury.
While the publication of a Police Review Board (PRB) Report on November 29 technically met City Code’s required two reports per year, these reports were previously published in January and July. The report was nearly five months late—with no explanation. Except in the case of domestic violence, the PRB seems to minimize the seriousness of use of force on members of our community. The Bureau-managed body, which meets out of the public eye, considered 10 cases from February 2016 to June 2017. In three cases, the officers resigned, retired or were terminated, making eight misconduct officers gone in the last two reports. Perhaps the Portland Police Association’s campaign to demand more officers (p. 12) could be mitigated if they could stop their members from ending their own careers by engaging in egregious misconduct.

In one case, an officer used a patrol car to knock a person off his bicycle, causing an injury. Board members questioned why it was categorized as deadly force. Portland Copwatch (PCW) notes had it been treated as a regular case, the civilian would have had the right to appeal the “In Policy” findings to the Citizen Review Committee. This is also true for Don Perkins, the man wounded by police bullets when he was suicidal in February (PPR #71). The PRB, as it usually does with shooting incidents, took the story of Officers Bradley Clark and Roger Walsh at face value and commended their actions rather than question whether Perkins reached for a gun.

Five cases involved use of force. One community case dates back to 2011, but took until late 2016 to reach the Board because the Bureau didn’t send it back to Internal Affairs after a civil jury found officers used excessive force against Jason Cox (PPR #89). It is not clear why the “Not Sustained” (insufficient evidence) findings against Jeffrey Elias and Sarah Kelwin were not presented to the PRB—if they found the force used by those two excessive (including Kelwin’s use of a Taser), they might have changed the findings. The only officer facing scrutiny, Robert Bruders, was found out of policy for an unreasonable number of punches to Cox—but he left the Bureau before the finding was rendered.

The other use of force cases had to do with a suspect who was kicked after falling down while wearing handcuffs, and a person hit with a Taser although they were not exhibiting “active aggression.” The officer in the former case resigned before facing termination, while the second was only subjected to “Command Counseling” because the Board felt the case had “minimal impact” on the Bureau’s public standing and the officer had a “record of positive work history.”

A case in which an officer arrested a person for trespassing on public property (which the cop mistook for private property), came to the Board because the supervisor found no wrongdoing, but the “Independent” Police Review, Professional Standards AND an Assistant Chief all controverted the finding.

The two Bureau-only cases:
— a cop who loaded a weapon on the firing range, and the trainer who accidentally set it off when he was trying to disarm the gun received a day off and a Letter of Reprimand, respectively.
— yet another officer involved in a DUII. The officer may have been in the hospital when their supervisor visited—it is not clear because the location is redacted. The DUII was the officer’s second violation in seven years, which for some reason led a few Board members to go easy because the officer won awards and had no violations for “so long.” The officer was given three weeks off without pay.

Two civilian involved cases:
— an officer assaulted a person in the cop’s household, grabbed the person by the throat, and slapped them in the face. The officer admitted to using force but said the complainant “provoked” the violence. Although the PRB recommended termination, the officer retired.
— an off duty officer engaged in sexual acts with someone who had come to a party at their house even though the person had consumed a lot of alcohol. That person complained they were not able to consent, went to the hospital and had a rape kit done. The Board voted 5-0 that there was insufficient evidence whether the sex was misconduct, but 4-1 that it was unprofessional. Chief Marshman apparently Sustained the first allegation and terminated the officer.

Find the report at [https://www.portlandoregon.gov/police/article/664673] and PCW’s full analysis at [http://portlandcopwatch.org/PRBAnalysis1117.html].

Mayor Caves to Business Demands on Pushing Homeless Out of Downtown

Mayor Wheeler has expanded the Sit/Lie ordinance. It appears Wheeler caved in to the complaints of the Portland Business Alliance, which has supported the ordinance over the years and has been complaining about the presence of houseless people. Around Thanksgiving, Mayor Wheeler convened a closed door meeting of 75 PBA members, with representatives of the County, the District Attorney and the police (Portland Mercury, November 29). It appears no representatives of or advocates for the homeless community were present and, without any public process, the City made eight additional block faces into “pedestrian only” zones. This includes the sidewalk in front of Columbia Sportswear, whose owner Tim Boyle wrote an op-ed threatening to pull out of Portland due to homeless people (Oregonian, November 10). Though current law requires documentation of safety concerns to restrict sidewalks, the word of the police was good enough this time (Mercury, December 6). A competing op-ed from Business for a Better Portland said compassion, not more police, is the answer (Oregonian, November 26).

Individuals and families who are homeless have also been expanding into various neighborhoods in Portland, and this has caused many complaints from residents of Lents, Montavilla, and Laurelhurst neighborhoods. The Overlook Neighborhood Association (ONA) was ready to adopt a bylaw by which no homeless person would be allowed to attend their meetings (PPR #72). However, a threat by the City’s Office of Neighborhood Involvement to no longer recognize ONA put a stop to this. There have also been many complaints regarding RVs parked along city streets being used for housing. On October 18, the Willamette Week reported that 156 RVs were towed between January 1 and mid-October—meaning people are not only losing their housing, but also belongings which were in the vehicles.
As reported in PPR #72, Mayor Ted Wheeler appointed a Deputy Police Chief from Oakland to lead the Portland Police Bureau (PPB). What the community has learned about Outlaw has mostly come from her resume, her quick interviews with the media in the first days of her tenure, a clip of her playing “Wheel of Fortune” as a college student, and her actions in the ensuing weeks.

A flashpoint came when the City Council considered creating a Deputy Chief position on October 25. While some raised concerns about the potential cost, Portland Copwatch (PCW) noted that under Larry O’Dea, there were four Assistant Chief positions, which Chief Marshman scaled back to three. In other words, the police should be able to find money to fund the position. Additionally, from an institutional standpoint, it makes sense that rather than have one of the Assistant Chiefs leave their posts (heading up the Operations, Investigations or Services branches), a Deputy Chief could step in and act as Chief when she is incapacitated, out of town, or even just to relieve the 24/7 nature of the job. PCW sent an email giving our analysis to City Council ahead of their vote. At the hearing, after several community members testified in opposition, Commissioner Chloe Eudaly noted PCW’s support of the idea into the record. Mayor Wheeler wasn’t there, so the presentation to Council was made by his aide, and the position was presented as being important to Outlaw personally— putting all the burden of why this was being done on the new Chief rather than making the institutional analysis or owning it in the Police Commissioner’s office. The head of Human Resources and Commissioner Nick Fish, however, noted that most Bureaus have Deputy Directors to step in in their absences so it makes sense even on a broader scale—not just for the police.

Within her first few weeks, Outlaw attended classes at the State Police academy and took other measures to be certified as a law enforcement officer in Oregon. On October 25, the third young African American man of 2017 was shot by the PPB, his name was not released for nearly a week, and the Chief deferred comment while the investigation was ongoing (p. 1).

Going a bit overboard, the Oregonian took to its editorial page on November 1 with the headline “A disappointing start,” saying Outlaw or the Mayor should have presented on the new position (she was at a police chiefs’ conference). Apparently they were unaware that the vote that day was to approve the position ahead of the fall budget bump discussion two weeks later on November 8, and in order to put in a request for funds (which, by the way, wasn’t approved), there were not many choices on when to bring it up. They also criticized her for not stepping up around the shooting. However, half of the editorial board is made up of white men who may not recognize that an African American woman may be facing serious challenges taking on the role as the head of a militaristic old-boys’ agency. For her part, Outlaw told a group of Women of Faith that she caused alarm in Oakland when she told other cops she feared for her teenage sons’ safety when they were out in the streets, noting that she can hold in her head both the idea of being a police officer and the reality of how police treat the black community (SixTen Visuals, November 29).

PCW got on a waiting list to meet with the Chief back in September. We will report back once we the meeting happens.

**Campaign to Get Portland Back Out of the Joint Terrorism Task Force Launched**

On November 8, Kimberly McCullough of the ACLU, Marleen Wallingford of the Portland Japanese American Citizens League (JACL) and Brandon Mayfield, a local attorney wrongfully accused of terrorism by the FBI (PPR #33), each had three minutes to tell City Council why Portland should withdraw once more from the FBI’s Joint Terrorism Task Force (JTTF). The FBI-led coalition of law enforcement includes Immigration and Customs Enforcement (ICE), IRS, Homeland Security and local police representatives. Portland Copwatch (PCW) first discovered the Portland Police were participating in the JTTF in 2000 (PPR #23), and eventually helped push for them to pull their two officers in 2005 when then-Mayor Tom Potter complained he did not have the same security clearance as officers he was supposed to supervise (PPR #36). After the FBI set up Somali teenager Mohammed Mohamud in 2010 (PPR #52), the city re-joined part-way, finally authorizing two full time officers to be on the JTTF again in early 2015 (PPR #65).

The campaign was built over the course of 9 months, and in the meantime a parallel effort by Portland’s Resistance started up on Change.org. That campaign generated over 600 signatures. Though there is no way to know whether there is overlap, the ACLU’s page generated another 800+ emails to City Council.

In addition to the transition to the Donald Trump/Jeff Sessions Department of Justice, which seems less interested in civil rights than any of its predecessors, part of what prompted the effort was that San Francisco ran a successful campaign leading to their police pulling out of the JTTF in early 2017 (Washington Post, March 10). In addition, Portland’s status as a sanctuary city is threatened by the influence of ICE in the Task Force. More recently, the FBI generated a document published in October that labels anyone participating in the Black Lives Matter movement as a “Black Independence Extremist,” suggesting those who want police accountability are also responsible for violent attacks on officers and seeking to separate America into black and white nations (Oregonian, October 29).
PCW: A November 8 Mercury article quoted Captain Larry Graham saying “Nationally they’re looking at us and they’ve asked us to do national training for national law enforcement.” How does ACLU regard PPB’s crowd control tactics?

MDS: We have criticized PPB for the way they engaged with protestors. They often used confusing crowd control measures, gave confusing directions, and seemed quick to deploy chemical munitions as well as so-called ‘less lethal munitions’ like rubber bullets, which can actually be quite dangerous, and they are quick to show up with riot clad officers when there’s really no reason to be in riot gear. We’ve told them that plenty of social science evidence shows the use of riot cops in situations that don’t require them... actually just escalates situations and is likely to lead to more conflict with protestors than to defuse the situation. But PPB has this old school mentality ... a show of force, which they believe will pacify people through fear. That’s not how the human psyche works, and there are plenty of studies that show it’s wrong. Lots of other police departments across the nation have radically altered their approach to crowd control, either through litigation where they were forced to by the courts, or because they embraced this notion their old tactics weren’t working.

PCW: ACLU filed a class action suit for protestors who were ‘kettled’ (boxed in by police on all four sides) on June 4th (PPR #72). Over 200 people were held and only released after their ID’s were photographed, though charges were made against fewer than 10 of them. What rights were abrogated in this action?

MDS: Front and center in our litigation is the Fourth Amendment right to be free from unlawful arrest. In order for you to be detained or arrested, a police officer needs to have either reasonable suspicion of a specific crime or probable cause to go get a warrant for your arrest. In a kettle where you... have people who were clearly engaged in nothing other than protected First Amendment activities, there’s no way that PPB had even reasonable suspicion that all 250 people were engaged in criminal activity, So they could not [legally] detain those people for an extended period. We also think it implicates First Amendment rights because when police act to suppress protest through use of force, people are less likely to protest... There’s also the question of what they did with all the information they gathered when they took photographs, names and other identifying information because there are federal guidelines that require you not keep information unless it’s reasonably related to a crime. There’s also [a] state law that prohibits collection of information based on association or political beliefs [ORS 181A.250].

PCW: Could a court finding influence police use of such tactics in the future?

MDS: We’ve seen it time and again where court findings have an influence on policy. A victory in this case could change the use of kettle by PPB. We want to see them stop using mass detention as a means to engage with protestors.

PCW: Of 200 plus arrestees in the last year, only 12 have been convicted, 43 made plea deals, others await trial, but most cases were dismissed (Oregonian, November 5). Does this seem right?

MDS: The DA was quick to flip the narrative and say “Look, we made all these arrests but we never brought charges because we’re only focusing on the most egregious crimes.” Well, those arrests should never have been made in the first place. It’s still a problem of the police quickly engaging in protests, (leading to multiple) arrests with insufficient evidence to support charges. If the DA could have brought charges against the rest of the 200 people they would have, because that’s just the nature of being a prosecutor. The alternative story is they brought charges against 12 cases, and the other 180 weren’t supported by evidence—that is very chilling to First Amendment rights.
Exaggerated Staffing Woes (continued from back page) dominated their website and Facebook page. Infographics from their 18-page presentation were dribbled out over many days, including ones showing the population of Portland is up 20% while the PPB is down by 9%. They avoid data on violent crime, which has actually been relatively low in the last several years. They did post a news story from KGW on November 2 saying car thefts are up by 50%, but that is not a violent crime. An Oregonian story posted November 6 tied low staffing to “liability issues.” In a KATU-TV story, former (?) Nazi-role-playing Captain Mark Kruger also called for more officers to help his Drugs and Vice Division’s efforts to crack down (November 7).

One alarming statistic from PPA is that 30 retired officers were re-hired under a program which was part of the contract give-away (September 12). In the other words, 30 cops who could have stayed on and only cost the City one salary are pulling down both pensions and a regular paycheck. Nice work if you can get it. The post says “dozens” of officers postponed retirement when the pay went up, so we salute those cops for being more civic-minded than their retired colleagues.

The PPA wanted to talk to Attorney General Jeff Sessions when he was in town about the “catastrophic staffing issues the Bureau is facing.” But the main point PPA President Daryl Turner makes in his recap of the visit is that the City honored the diversity of Portland without thanking officers for their hard work (September 20).

Institutional Warehousing, Not Homes

The PPA used another fancy-graphic campaign in November, calling on County Commissioners to turn the mothballed Wapato Jail into a transitional housing and service center for houseless people. Never mind its remote location and the fact that it is literally a prison. The analysis, put out November 8 under the headline “our tax dollars not at work,” includes a chart showing the homeless population going from 2918 in 2007 to 4177 in 2017. The narrative conveniently omits that number was 4655 in 2011. The PPA also calls to build more beds on the large campus, which they note has an industrial kitchen and laundry facility. AND BARS FOR BEDROOM DOORS.

Immigration: County Sheriff, Portland Police, and ICE (continued from p. 1) the Portland Tribune acquired documents and emails between the deputies and ICE agents (February 27). The deputies had used the Sheriff’s offices and resources to assist ICE in locating three men suspected of being in the country without documentation for possible detention and deportation. The men had been charged with crimes and were released pending trial. In October, the MCSO released a statement saying they cleared their deputies of violating policy. It explained: “The investigation revealed areas where policy direction was not clear and members were conducting business within the parameters provided by a previous administration” under Sheriff Dan Staton, who resigned in August 2016 (Portland Mercury, October 20).

After the Tribune brought the breach to light, the Sheriff’s Office updated and clarified their policy to prohibit the use of MCSO resources to assist ICE in enforcing federal immigration law. If ICE makes inquiries, deputies are not allowed to provide information or access to facilities beyond what’s available to the general public. In addition, for a federal agency to request MCSO to detain a person, the agency must provide a criminal warrant signed by a judge. But since immigration offenses are civil, not criminal offenses, the Sheriff cannot hold suspects for ICE.

A few egregious mis-steps by ICE agents also made national news: they stopped a US citizen, confusing him for an undocumented immigrant they were seeking (Oregonian, September 21), and they pushed their way into a home where painters were working and one man correctly told them they had no right to enter the premises (KPTV-12, October 20). Both incidents were captured on video. While there are a few words of compassion for people without homes, the PPA repeatedly points to homelessness as one reason more officers are needed (Sep. 12&20, Nov. 1&7, Dec. 1). They show whose side they are on by reposting business-friendly articles complaining about homeless people: An Oregonian op-ed by Columbia Sportswear CEO Tim Boyle (Nov. 10), a jewelry store closing downtown due to “panhandlers” (KPTV, Nov. 16) and a survey paid for by the Portland Business Alliance saying people want to leave Portland because of visible homelessness (KGW, Nov. 6).

Let Your Blue Flag Fly, and Call in the Marines—or, Police

Apparantly nothing incenses the police as much as the Black Lives Matter movement. Their inability to admit what statistics tell us—that American law enforcement disproportionately targets African Americans with deadly force—keeps them riled up about perceived disrespect to police. When Sheriff (former PPB Chief) Mike Reese had a “Blue Lives Matter” flag removed from a break room at the County, he noted a black-and-white rendering of the American flag (with a blue stripe representing fallen officers) violates flag codes. There was also some acknowledgment a County Commissioner found the flag offensive to communities of color. The Oregon Fraternal Order of Police Lodge 7 posted a lengthy diatribe on September 2, bragging their complaint about this “politicization” of law enforcement protected 70,000 views on Facebook. They say Reese “betrayed” officers by removing the flag. At their national convention, they helped pass a resolution stating the Blue Lives Matter flag is “a symbol of peace, respect and honor and should never be interpreted as a symbol of hate or antagonism.” This is the same logic being applied to the Confederate flag. They don’t understand that what they want the symbol to mean doesn’t erase the racial issues they are apparently unable to discuss.

A more shocking barrage came in a video produced in part with the support of the PPA, posted on October 12 by the NYDP Sergeants Benevolent Association. Under the title “Same Sunday, Different Knee,” the video speaks about how law enforcement protected the people of Las Vegas during the mass shooting on October 1, but the football players taking a knee to protest police shooting of black people refused to acknowledge that fact. The video says the players were standing for domestic violence, gun possession and animal abuse, showing images of African American players who have been busted for those crimes. They urge people to “stand for law and order,” in a display of racism and militarism that would make Leni Reifenstahl happy.

Find the PPA at <facebook.com/PortlandPoliceAssociation> (and maybe <PPARapSheet.org>.)
The People’s Police Report is published three times a year by Portland Copwatch, a civilian group promoting police accountability through citizen action. Issue #73, January 2018. See PCW’s comments on Directives at portlandcopwatch.org/doj.html. The Bureau posts its policies for comments at portlandoregon.gov/police/59757.

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Letters / submissions welcome. Email: newsletter@portlandcopwatch.org.

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This issue copied on recycled paper!

In September, PCW released an analysis of the revised Crowd Control policy (335.10), listing passages where inappropriate new language was added, where changes still need to be made, and where the Bureau made improvements. PCW encouraged the Bureau to emphasize de-escalation in the Directive to be in line with the Force Policy. The PPB legitimized their practice of targeting specific individuals using a loudspeaker system, fixed language and other technical issues, made some effort toward progressive change, but fell short in many sections (such as caveats about being able to target legal observers and media if they disobey orders). They also made no change to some parts including the ongoing problem of using outside agencies to police Portland protests. One fix: The section on Crowd Dispersal now requires the Incident Commander to “consider whether dispersal unduly endangers the public” and to give time for the crowd to comply with orders.

July/August: Discipline, Criminal Investigations, Directives Directive

In early August, PCW sent feedback on the Discipline Guide (338.00), the first policy to include a “redline” version showing changes made (PPR #72). The Directive says discipline can be modified “based on mitigating and/or aggravating factors,” so PCW suggested listing items which should not be considered, such as information about a member’s personal life with no bearing on their job performance. In mid-August, we sent updated comments on Discipline (335.00), continuing to ask the Bureau to stop calling the “Insufficient Evidence” finding “Not Sustained.” They also posted Directive 010.00 on how Directives are created/reviewed, so PCW repeated concerns about the process allowing just 15 days to review modified policies, but 30 days to look at existing ones. We also noted a new section on “Union review” should refer to a “collective bargaining unit,” and should not allow them a separate review period after public comments have ended. In late August, we commented on Criminal Investigation of officers (333.00), wondering why deadly force incidents are separated out from the Directive. Rigorous external civilian review would make it easier to conduct such investigations (e.g., an independent prosecutor). A new section calls on officers to intercede and report if they observe colleagues engaging in criminal behavior.

September: Mental Health, Satisfactory Performance

In early September, 850.20 on Mental Health Crisis Response—a core policy related to the US DOJ Settlement Agreement—was posted for the first time since 2015. The policy asks officers to “consider the governmental interests at stake” but doesn’t give guidance if that has to do with whether a person might pose a danger to others. It also removed the definitions of de-escalation, disengagement, delayed custody, and non-engagement. In mid-September, Satisfactory Performance (315.30) was combined with policies on assisting motorists, required duty and requests for assistance, even though those were posted separately on a longer timeline. PCW repeated that 315.30 implies officers might face discipline if they decide not to use force. New reasons to reprimand officers reflect cases heard by the Police Review Board, such as leaving work for personal reasons without permission, failing to show up, and feigning illness—though all were part of 311.00 “Duty Required.” The Bureau also posted an updated version of Performance Evaluation (215.00) which reduces supervisory reviews of officers from twice a year to once. Even though the DOJ Agreement calls for review of an officer’s training history semi-annually, and at least one threshold for examining use of force is based on a six month window, the DOJ appears to have signed off on this revision.

November: More Mental Health, Cadets and Leaves from Service

In November, the PPB posted policies related to 850.20: Response to Mental Health Facilities (850.25) Civil Custody (850.21) and Mental Health Holds (850.22). In addition to echoing previous concerns on these policies (last posted in 2015), PCW raised concerns about a term in 850.22 called “a ‘Notice of Mental Illness’ (NMI), which may be from an Oregon statute but feels like inappropriate labelling. The Cadet Program policy (630.25) still talks about an advisory board but doesn’t say whether their meetings are public. And the Directive on Leaves from Service (210.21) refers to blanket City policies, but cuts out specific allowances for such items as educational leave. In December, the PPB posted a few more policies which PCW will report on in our next issue.

See PCW’s comments on Directives at portlandcopwatch.org/doj.html. The Bureau posts its policies for comments at portlandoregon.gov/police/59757.

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Bureau Policies Roll Out in Spurts; Bias Policy Drops Flaw, Crowd Directive Authorizes Violence

Perhaps due to the transition to a new Chief, the Portland Police Bureau (PPB) did not post any policies for review from mid-September to mid-November. However, a large number were released in August, September and November, prompting Portland Copwatch (PCW) to provide written feedback. In addition, the PPB released their “final” version of several key Directives. The revisions showed promise where the Bias-Based Policing policy (344.05) stopped using the troublesome qualifier “soley” when addressing if race is used improperly. On the other hand, the Crowd Control policy continues to broadly authorize use of force. Other policies up for review had to do with discipline, criminal investigations of cops, performance review and mental health.

Profiling: Maybe Officers Could Be Found Out of Policy

After two years of trying to get the PPB to stop using language from the 2015 state law prohibiting profiling which made it more difficult to hold officers accountable, PCW seems to have had some success. As in April, we commented in September how the Bureau removed the word “solely” from their definition of “bias-based policing,” but left that word in the definition of “profiling.” This means an officer would have to state the only reason they stopped someone was for the race, gender, or another characteristic outlined in the law and Directive. In November, the US Department of Justice (DOJ) approved a new version which says profiling is “where a Bureau member targets an individual belonging to a class protected by law or Bureau policy when conducting stops or detentions unless... acting on suspect description or information related to...” This more or less puts Portland back to the mid-2000s when the Bureau adopted the federal definition of profiling. PCW noted the definition should apply to “any police action,” as it seems to allow profiling for what police consider “mere conversation” (which by their standards could include a pat-down for weapons). The DOJ-approved revision states “when initiating consensual encounters that do not amount to legal detentions or when seeking consent to search, members shall not rely solely on status characteristics that are protected by law or Bureau policy.” The September draft of that sentence said police “shall not consider” such characteristics; it is not clear why the Bureau re-introduced the “solely” flaw. They also inexplicably removed a clause guiding consensual contacts that said a person had to be “permitted to cease the conversation and/or depart of their own accord.” At least the modified policy is a step toward ending over-policing based on race.

Crowd Control: Force Not Adequately Restricted

Portland Officer Use Of Distraction Grenade During Protest Under Review

Crowd control tactics of Portland’s police officers were once again under scrutiny following a rally downtown Sunday. A树叶在那次抗议行动中被警方使用的，该行动中警方使用了催泪瓦斯以便继续驱散人群。或 damages (caused by the event) to the crowd. PCB, September 13.
Detectives’ Domain Dead? Disturbing Dishing Draws Down During Dramatic Drum for Dollars

Bluewashing, Staffing Woes, Homelessness, Militarism in “Union” Focus

Is the “Rap Sheet” dead? The longstanding newsletter of the Portland Police Association (PPA) had just one entry on its main page in mid-December: A tribute to 9/11 responders that was posted... on September 11. The aggregating tool for Facebook posts seems to be gone. This leaves just PPAvigil.org, where only news releases are visible to the public, and the PPA’s Facebook page as places to learn what the “union” is thinking. Of the 70 posts PCW analyzed since mid-August, the #1 topic was what we call “bluewashing.” 22 posts were public relations articles about happy things police are doing—including a few times they apparently talked people in mental health crisis out of suicidal situations (which is good). 13 more posts (including five at PPAvigil) were part of the Association’s campaign demanding City Council divert more tax money to expand the PPA’s ranks. This includes an elaborate info-graphic presentation from November 1 outlining why the City should hire 250 more officers by 2019. The third most frequent topic was houselessness. In addition to repeating two reasons Portland “needs” more officers are “livability issues” and homelessness, at least 7 other pieces echoed business concerns about houseless people. The last trend is how they equate police officers with the military and patriotism, including one video slamming football players for disrespecting the flag after the mass shooting in Las Vegas (we kid you not).

Officer Friendly Rides Again

Without delving into every article aimed to improve the police’s image, suffice it to say the PPA continued its ongoing trends of showing support for charities (Boys and Girls Club, Ronald McDonald House, “No Shave November” for Cystic Fibrosis, the Bureau’s Sunshine Division), hanging out with young people (the second “girl cops are awesome” day, a lemonade stand outside Central Precinct, safe Halloween tips), and parts of the job that don’t involve shooting, tasering, tear-gassing, beating, or profiling people (assisting with wildfire security, the aforementioned mental health calls).

The PPA also professed support for the “No Hate Zone,” the work of former Park Ranger (former corrections officer) Sam Sachs. Sachs organized some kind of event in the summer (recap posted August 21) which provided food and backpacks to young people, while the police showed off how bomb squad robots work, a “SWAT” (SERT?) vehicle and a K-9 search. Making militarism and violence attractive to kids never gets old (and, thus, doesn’t involve hate?). Sachs was the last chair of the Human Rights Commission’s Community/Police Relations Committee (CPRC), which dissolved in early 2016. He’s organizing bread-breaking with police in the CPRC’s old meeting location of the Immigration and Refugee Community Organization’s gym (posted October 11)—in other words, doing the work of CPRC with no backing outside the Bureau or broad outreach to the community.

Another post featured a KPTV story from September 28 about a man who was racially profiled by police speaking with the officer who stopped him at an event organized by the Muslim Educational Trust. Though the headline says they talked about implicit bias, the article sounds more like the man apologized for being reluctant to be pulled over by the police because he is African American and feared for his safety.

Inexplicably—perhaps it was part of the PPA’s full-court press ahead of City Council’s November 8 vote on the fall budget bump (see below)—the PPA re-posted the April 2016 New York Times article about Portland’s Behavioral Health Unit (PPR #69). A few “likes” to the Facebook post indicate people weren’t aware the “news” was 18 months old when it went up on November 6.

Low Staffing Despite Promise of Lopsided Contract

In October 2016, the City got the PPA to give up the “48-hour rule” as its only concession in exchange for over $9 million in raises aimed at attracting more recruits (PPR #70). Even though the Association admits the Bureau has been rapidly hiring more officers, their campaign to ask for even more (continued on p. 10)