Deadly force
Houseless persons and police; and
Oversight.
the Joint Chief Outlaw meets with

in the early morning of March 8, two Portland Police Bureau officers shot and wounded a woman identified as Sarah Michelle Brown, marking the first time a female suspect was the target of PPB bullets since Kendra James was shot and wounded in 2016. (PPR #30). Weeks later on April 7, they shot and killed John Elifritz, 48, after he ran inside a homeless shelter and had allegedly been stabbing himself. These marked the second and third shootings since Danielle Outlaw became Chief of police, and the first two of 2018. The previous shooting, in which Officer Ryan Reagan (#36223) shot and wounded Chase Peeples in October (PPR #73), resulted in the first publication of a Grand Jury transcript after a non-lethal shooting in Portland. That transcript shows Reagan mistook Peeples’ wallet for a weapon. OIR Group, outside consultants who review PPB shootings for trends in training, policy and practices released a new report in February, which, among other things pointed out how the District Attorney’s presentations to Grand Juries are biased against the people shot by officers. In a blow to what little transparency exists, City Council refused to take oral testimony about the new report. And, in an update to the off-duty shooting that led to the resignation of former Chief Larry O’Dea in 2016 (PPRs #69-73), the state certification board decided his right to be a cop (Oregonian, February 16). (continued on p. 6)

Portland Profiling Data Still Show Disparities, Auditor Reveals Secret “Gang List”
Fired County Worker Finds New Jobs, TriMet Reduces Punishments, Oregonian Questions Speed Limits

The Portland Police Bureau’s traffic and pedestrian stop data has continuously shown a disproportionate number of African Americans subjected to police scrutiny. The fourth quarter (Q4) 2017 data were no different. As Portland Copwatch (PCW) has noted before (PPR #73 and previously), the extremely low number of pedestrian stops reported— in this case 50 over three months— indicates that the PPB is too narrowly defining what a “stop” is. In late March, the City Auditor released two studies on the Gang Enforcement Team (GET), one of which revealed the Bureau is still keeping a “gang list” despite fanfare around scrapping such a list last year (PPR #73). In other profiling news, the Portland Tribune outlined details of the firing of County analyst Amanda Lamb (also PPR #73), and local transit agency TriMet has taken some steps to reduce its penalties.

The Q4 data show that 18% of traffic stops and 26% of pedestrians stopped by police were African American— in a city that is 6% black. The 26% figure represents 13 of the 50 people stopped on foot. PCW contends that officers who ask people to submit to a voluntary pat-down, ask to see identification, and/or ask them questions even remotely related to police work are able to key that out as a “mere conversation” if there was no suspected
School Shootings: Arming Police, Teachers Makes Matters Worse

Parkland, Florida was the scene of a school shooting on February 14, leaving 17 murdered and another 17 injured. Since then, many students have become leading activists organizing walk-outs, marches, and protests, and calling out for measures to end mass shootings and criticizing politicians for their inaction and complicity.

Donald Trump, in a March 12 Twitter post, called for more guns in schools by arming teachers and training them how to engage in a shootout. The idea is “peace through superior firepower,” to quote the movie “Point Break.” And while it may sound catchy, suicidal shooters can plan their attacks and utilize weaponry and tactics which would put an armed teacher at a serious disadvantage.

In a March 14 article, Vox revealed the fallacy of bringing more weapons into schools. One day after Trump’s tweet, a teacher, who is also a reserve police officer in Monterey County, CA, was demonstrating gun safety at school and accidentally fired his gun into the ceiling, leaving bullet fragments in a student’s neck. On the same day in Alexandria, VA, a school resource officer accidentally fired his gun inside a middle school. From mid-February to mid-March at least three other guns owned by adults were fired in schools: a teacher barricaded himself in a classroom and fired a gun, a deputy shot himself while responding to a false alarm at a school, and a third-grader accidentally fired a school police officer’s gun. Four of these five shootings were from the guns of professionally trained law-enforcement personnel, not civilian teachers with guns.

With the uptick in school shootings, some parents have noticed a greater police presence at Portland Public Schools, believed to be an effort by the PPB to deter potential shooters and ease the fears of parents.

One parent wrote Portland Copwatch about a motorcycle cop standing in front of a grade school. “When I asked why he was there, he said ‘to connect with kids,’ and I mentioned it’s hard to do it when your face is blocked by all your helmet and such, to which he responded, ‘actually the kids think it’s pretty cool.’” The parent called for more funding for child development experts, not “action figures.”

As Kai Koerber, an African American student put it to the Miami Herald (March 29), “extra cops around doesn’t mean more people to protect him; it means more chances to become a victim of police brutality. Kai worries police will racially profile students and treat them as ‘potential criminals,’ particularly students of color.”

Exposing their hypocrisy, on March 14, a Portland Police car parked in the no parking zone at a grade school, partially obstructing the view of an intersection where small children cross. The two officers tasked with making the school safer and interacting with students sat in the car for 20 minutes, then left.

Find the PPB’s stop data at: <portlandoregon.gov/police/65520>.

Profiling Data Still Skewed (continued from p. 1)

criminal activity. This analysis is echoed in the Auditor’s report, which also suggests such stops should be reflected in the data. The Bureau told the Training Advisory Council there were 23,047 officer initiated calls in 2017 (see p. 9). It is mind-boggling to think that would only include 192 pedestrian stops in four quarters.

The Auditor’s review of GET investigations affirmed that the formal list generated by a now-rescinded Bureau policy was, in fact, ended in 2017. However, there is a second list, which the GET creates on its own with no supervision, no criteria and possibly in violation of the law (and a lawsuit from the early 1990s— PPR #9). The list names the supposedly “Most Active” gang members, their photos, and a ranking based on a secret scoring system. When the Auditor’s office asked to see the data that generated the 2016 list, the Bureau told them they had deleted it. The other audit looked at GET’s traffic stops, which unsurprisingly showed 59% of those stopped by GET are African American. While this is lower than the 2015 total of 64% (PPR #69) it is still outrageous. Though they basically got caught profiling and skirting the law, the Chief and the Portland Police Association hedged their critiques, with the former promising to collect data and do more research and the latter blasting the Auditor for trying to force GET to do paperwork instead of being out on the streets harassing young black men. On April 11, Mayor Wheeler stated he suspended use of the secret list.

As for the county analysis, the Tribune had been given a preview of a data system (“dashboard”) that Lamb was working on in early 2017, but the information was never published. According to the Trib “Lamb’s real offense seems to be that she left out some information that would have made the disparities seen in the county courts look less severe and that she was too candid with her comments about internal battles over the release of the dashboard” (December 21). Lamb landed on her feet— working as a Deputy City Auditor after being an analyst at Portland’s Independent Police Review for a few months. PCW hopes this means reports and data will be more focused on the kinds of disparities we have been outlining for years, which Ms. Lamb found in the County.

After TriMet was found to be giving disproportionate exclusions to African Americans— 36% vs. the overall rate of 26% (PPR #71), they examined ways to reduce disparities. In late February they lowered fines for first-time offenders from $175 to $75, with the option of community service to reduce barriers for people in employment and housing (Tribune, March 6). The new rules begin July 1.

In related news, a Latinx David Douglas School Board member (and director of a political action committee focused on equity) was arrested by Portland Police for theft of services when she forgot her TriMet monthly pass. She was also charged with furnishing false information to the police because she used her known professional name (Ana del Rocio) instead of her legal name (Rosa Valderamma), a cultural misunderstanding that led in her words to “a violent arrest, six hours in jail, missed work... this isn’t justice served. This is over-policing” (Oregonian, March 21).

Meanwhile, the often oblivious-to-racial-inequities Oregonian raised a salient point about profiling. In a January 24 editorial, they questioned whether the City’s new 20 mile per hour speed limit will be used as another means to over-police African Americans. No public testimony was allowed when the Auditor presented her reports to Council on April 11, but Commissioner Nick Fish expressed a similar concern that day over a new speed limit Council was voting to establish on outer SE Stark.
S

So far in 2018, the Citizen Review Committee (CRC), Portland’s public police oversight board, has heard two new cases, sending one back for more investigation and agreeing with the Bureau’s finding in another. The new Chief agreed an officer was out of policy in the older case of a civilian video-recording police heard in October (PPR #73). Three new members were inducted to replace three members who left CRC, with a new resignation in March still leaving the 11-member body one shy of full capacity. CRC identified a trend of leading questions by investigators. As part of a different pattern showing a decline in transparency, the “Independent” Police Review (IPR), which houses CRC, shut Portland Copwatch out of a public ceremony with the support of the elected Auditor. The Auditor, whose office in turn oversees IPR, made changes to the City Ordinance based on a Charter Change she pushed in 2017 (PPR #72) but left the CRC’s structure lacking in authority.

**Case #2018-x-0001: Officers Denigrate, Beat Man Who Drove Into Precinct Accidentally, Feds Find Video**

At their February meeting, CRC heard appeal #2018-x-0001,* filed by “Gary from Beaverton,” who says one officer called him a “f-g-t” and another threw him up against a van and kicked his legs after he mistakenly drove down the exit ramp at Central Precinct in late 2016. The police accused Gary of being drunk and filed 12 charges against him including DUII, but all charges were dropped. The ramp area is used to transport prisoners into the jail at the Precinct, which is run by the Multnomah County Sheriff’s Office (MCSO). Even though Gary was accused of committing multiple crimes, the MCSO said they did not preserve video of the incident. A separate video in the booking area apparently did not capture the first officer calling Gary the offensive name.

At the hearing, Gary’s Appeal Process Advisor, former CRC member TJ Browning, coached Gary into revealing the FBI had video of his car entering the ramp—which the police and Sheriffs said did not exist. IPR Director Constantin Severe told CRC that although the City Ordinance governing IPR allows him to subpoena evidence and witnesses, he cannot subpoena another government agency. Portland Copwatch (PCW) believes which the police and Sheriffs said did not exist. IPR Director Constantin Severe told CRC that although the City Ordinance governing IPR allows him to subpoena evidence and witnesses, he cannot subpoena another government agency. Portland Copwatch (PCW) believes.

The finding on the derogatory name was “Not Sustained” meaning there was insufficient evidence to prove or disprove it. The finding on use of force by Officer B was “Unfounded,” which in essence means it did not happen. At the least that finding should also have been “Not Sustained.” Regardless, CRC voted 6-1 (with new member Vadim Mozyrsky voting no) to send the case back for more investigation. *The IPR also numbered a withdrawn case discussed below as 2018-x-0002. It is not clear why they continue to ignore their long-standing numbering system (PPR #72).*

**Case #2018-x-0002: Man with Abrasions, Cracked Ribs Says Cops Used Excessive Force**

At the March meeting, CRC appealed a case in which a man who was in a bar in 2014 and was beaten by a police officer who stopped him from leaving—even though the officer’s goal was to get him to exit the bar. The Appellant was unable to attend the hearing as he was incarcerated (it was not clear whether the charges stemmed from this incident). Someone working at the bar called the police because the man was allegedly intoxicated and refused to leave. Officer A asked him for identification, and when the Appellant refused and turned to go, the officer grabbed his arm and took him to the ground with an “arm bar hold.” Somehow, despite the officer having a hold of his arm, the man was able to get both arms under his body (a move the cops call “turtling up”). After a backup officer arrived, Officer A kneeled on the man’s back, then delivered blows to his side. CRC members revealed the man had abrasions on his head (which Internal Affairs chalked up to his hitting his head on the floor when he fell) and three broken ribs (which IA implied might have been the result of a tussle with police which occurred previously on the same day).

The Bureau found the officer was in policy but needed to be talked about to avoid how to handle the situation better (“Exonerated with a debriefing”). Lt. Anthony Passadore told CRC the officer had already been debriefed by his Sergeant three years ago—even though such a debriefing is not supposed to happen until after an investigation is completed including CRC appeals. Passadore defended the officer’s actions by affirming the officer’s claim the man took a “fighting stance,” and could have been reaching for a weapon when he was on the ground. A long discussion included Passadore explaining that under new training prompted by the US Department of Justice Agreement, it’s likely the officer would have just opted to let the man walk away, and/or pried the man’s arms out rather than kicking him. CRC asked for the new training to be part of the debriefing. The man was apparently booked for trespassing and disorderly conduct.

Passadore may be familiar to PPR readers as the man who shot and wounded Scott Suran in 2006 (PPR #40), was hostile to community input when he sat on the Community/Police Relations Committee (PPRs #48 & 54, for instance), and yelled at a person on rollerblades before ticketing her for going through a stop sign (Portland Mercury, January 22, 2014). He explained the officer holding the man’s arm to get him to the ground but then kicking him to get his arms out from under him by saying the armbar is “rarely perfect.” He also stated when officers “have to” use force, it does not look pretty and “injury does happen.”

Unfortunately, it sounds as if the initial investigation into what happened did not eliciting witness testimony from other patrons at the bar (likely because the police were running the investigation rather than a true civilian oversight agency). As such, it is not clear why CRC voted 7-0 to uphold the Bureau’s finding rather than change it to “Not Sustained.”

To his credit, new CRC member Albert Lee raised a lot of questions about the investigation and expressed concern the Appellant was not present for the hearing. Member Daniel Schwartz noted the officer escalated the situation by grabbing the man’s arm. Member Julie Falk revealed the audio recordings of the investigation were not provided to CRC members until the day before the hearing, which is odd because in previous years those recordings were always part of the case file.

**Three Other Cases: Chief Responds to Two Proposed Sustained Findings, Appellant Withdraws January Case**

As noted above, Chief Outlaw agreed to find Sergeant Erin Smith out of policy (“Sustained”) for telling a videographer “I could arrest you” for taping the police at a protest (#2017-x-0007). The news was first reported by the Mercury on January 16 and confirmed at CRC’s February meeting. On the other hand, in the case where CRC found an officer out of policy for inappropriate behavior during a domestic violence investigation (#2017-x-0006, PPR #73), the Chief sent the case back for more investigation. Professional Standards Captain Jeff Bell promised in January that new findings were forthcoming. (continued on p. 4)
CRC Finds Pattern of Leading Questions, Gets New Members (continued from p. 3)

In January, a person who filed an appeal regarding an officer who fired less lethal projectiles at someone during a protest at the airport (#2018-x-0001-A) withdrew the appeal days before CRC met. Chair Kristin Malone indicated the withdrawal was partly because the person was a witness to the incident and not the subject of the (probably excessive) force.

CRC Spots Trend of Leading Questions—One Case at a Time

One of CRC’s mandates in City Code is to make recommendations based on trends in police behavior. At three separate meetings, they identified leading questions being posed by investigators, but seem satisfied with IPR and IA claiming they have or will speak to those responsible. In January, Chair Malone said she spotted investigators finishing sentences for officers, using an example of one saying “…and you do that as a normal part of your job.” In February, Ms. Browning spoke about how one investigator told a witness command staff had already found the force used in policy, thus swaying the outcome. Malone pressed Captain Bell about the leading questions and he apologized, saying once the investigation is tainted you can’t go back, but he spoke to that investigator. He also pointed to the joint training for IPR and IA (see p. 8) as a way to get officers to buy into the accountability system—ignoring that civilians are highly mistrustful. In March, Mr. Lee complained about investigators reading statements from officers’ reports to them as a way to lead them on. Capt. Bell said such refreshers are an exception to the rule on leading questions. PCW wonders why the investigators aren’t ordered to say “it says in your report that…” so it is clear the purpose is to “refresh memory.” PCW hopes CRC will make a formal recommendation regarding this disturbing trend.

Turnover at CRC Highest Since 2003; PCW Shut Out at City Hall

With the resignation of Roberto Rivera (on CRC since August 2013), the membership turnover at CRC has reached its highest point since 2003 when five members quit en masse and another resigned for separate reasons the next month (PPR #31). Over the 9 month period from July to March, six CRC members left the group, five of whom resigned. The prior resignation was Marisea Rivera (no relation), who was on CRC for just over a year.

Two African American women—former Vice Chair Julie Ramos, who resigned and Recorder Koshia Ford, who decided not to re-apply—were replaced by City Council in January. Their replacements are Mr. Lee, a Korean/African American man who is a Business and Computing Dean at Portland Community College, and Mr. Mozysryk, a Social Security judge who has ties to the Asian/Pacific Islander community and sits on the Commission on Disabilities. Ms. Rivera was replaced in March by Hillary Houck, one of the first members with direct ties to the houseless community since former Street Roots editor Bryan Pollard left CRC in 2002. Ms. Houck works for Human Solutions but did not describe ever being houseless herself in her application.

By PCW’s count, there are currently five men and five women on CRC, with only two identifiable persons of color; previously there were seven women and five people of color. IPR has gone back and forth on including CRC applications in City Council documents for the public (most recently opting to leave them in), but has begun excluding the racial and age data page from the public. However, from other parts of the documents PCW determined only one of CRC’s current 10 members, Michael Luna, is over the age of 50. Even so, he, like the other members, is working a full time job and thus important work on policy issues is not getting done.

When PCW raised concerns about the over-representation of professionals and lack of retirees, Mayor Wheeler said he did not want to “micromanage” the Auditor’s choices. City Code requires Council to affirm the nominees and includes a process in case they reject one or more (3.21.080[A][5]), and requires the composition of CRC to reflect the demographics of Portland (3.21.080[A][6]).

PCW members Dan Handelman and Regina Hannon attended the January City Council session. When Mr. Handelman attempted to follow IPR and CRC into the Auditor’s office for what has traditionally been a public swearing-in ceremony, IPR staffer David Nguyen shut the door in his face. Ms. Hannon demanded an apology from Director Severe and Nguyen at the February CRC meeting. Not receiving one in March, PCW filed a formal complaint with the Ombudsman. Unfortunately, the Ombudsman (who also works for the Auditor) turned the complaint over to Auditor Mary Hull Caballero, who defended Nguyen’s actions by claiming the door is not a public entrance (even though almost a dozen people had just walked through it) and referencing security issues. Even though IPR Outreach Coordinator Irene Konev told PCW the swearing-in was supposed to be public, PCW has still not received an apology, nor a response to our objection to the outcome of our complaint.

Structural Changes

On February 21, the Auditor brought forward changes to the IPR ordinance intended to guarantee their continued access to confidential City documents. This is partly because the Charter change passed last May solidified her independence from the other five elected officials (City Council) including that she can hire her own legal counsel. Although she has, the Auditor’s lawyer has not attended any CRC meetings. Moreover, the City Attorney, who usually helps arbitrate CRC’s adherence to Code, stopped coming to meetings in January. The Auditor told Council this is in order to allow CRC to ask its questions about an appeal ahead of time so the attorney is not ruling on the spot. Obviously, nobody knows what legal issues might come up during a hearing, and it feels more as if this is a passive-aggressive move by both the City Attorney and the Auditor to leave CRC dangling.

It is of note that in the first nine years IPR/CRC existed, the City was extremely reluctant to change the IPR ordinance, but it has now been changed nearly annually since 2010.

Contact IPR at 503-823-0146

page 4  MAY 2018  PEOPLE’S POLICE REPORT #74
—Chief Outlaw Finds People’s Police Report Article “Fair”

Four members of Portland Copwatch (PCW) were able to meet with Chief Danielle Outlaw and two of her aids in late February. Afterward, our sense was cautious optimism, as the Chief listened without becoming defensive, agreed (as have all the Chiefs we have previously met) with PCW’s goals of a Bureau free from corruption, brutality and racism. She even referred to our first Outlaw’s Outpost column (PPR #73), which contained praise and criticisms of her, as “fair.”

PCW raised our concerns about use of force, including shootings and violent crowd control tactics. We noted that the Bureau’s timelines for the community to review complex policies—30 days up front and 15 days after changes are proposed—are too short. The Chief agreed, but was unable to promise any major change. (The timelines have now been flipped to 15 and 30 days, which doesn’t really help—see p. 11.) PCW also brought up the various statistics showing over-policing of African American Portlanders—use of force, shootings, and traffic/pedestrian stops (p. 1 and below). Her adjutant Lt. Chuck Lovell stated no annual report was produced on profiling data for 2016 but promised the 2017 one would be done soon.

Chief Outlaw also agreed with us the police should not be the front line in addressing people who are houseless. We raised concerns about sweeps, confiscation and destruction of property, and enforcing laws which are inappropriately aimed at poor and houseless people. PCW asked about reinstating the oversight committee where data on enforcement of the Sit/Lie ordinance got shared with the community until 2012. We briefly discussed the history and current status of the oversight system, including its limitations on those who have been subjected to deadly force and their survivors.

PCW sent a follow-up email to the Chief which included accepting her offer to meet with PCW on a quarterly basis. We will inform the community if we hear back.

—Out and About, Outlaw Does Outreach

Although she officially took the reins of the Police Bureau in October, Chief Outlaw chose to hold her formal swearing-in ceremony at the Oregon Historical Society in January, using the backdrop of a Civil Rights exhibit to highlight the challenges of her new city. “Here in Portland, the history of racial inequality and displacement still lurks in the undercurrent of a very progressive city,” she told the crowd of about 150 (Portland Observer, January 24).

At the January meeting of the Training Advisory Council, the Chief talked about her background working on training for the Oakland police, and asked the Council members to let her know if something isn’t working right. The Chief made it clear she sees herself as a “CEO” who doesn’t have to focus on the “weeds” of daily operations, leaving that instead to the Deputy Chief (“COO”) she asked for as a condition of her hiring. (Note: On April 16, Outlaw named Training Captain Bob Day as her Deputy.) Outlaw also presented information along with other city officials at a town hall regarding the US Department of Justice (DOJ) Agreement in late February. At that meeting she spoke about the importance of officers getting out in the community and being seen as fellow human beings. (Perhaps a police-student dance party at Sabin K-8 school was a bit much in this department—see “Rapping Back.”)

An officer can’t always be a community member. In response to the second shooting since Outlaw took office (p. 1), where the suspect supposedly fired back after officers struck her with bullets, the Bureau’s official news release quotes the Chief saying “I am grateful no officers were injured during this morning’s dangerous encounter. Officers responded and worked together to ensure the safety of the community.” There is no expression of the reluctance to use force, the wounds suffered by the suspect, or how officer involved shootings cause concern among community members. Notably, Chief Outlaw is taking up the Police Association’s rhetoric, asking for 93 new training, a new “less lethal” weapon (including discussion during a break), and an introductory message / meet and greet with Chief Outlaw (see above).

At the January meeting, a PPB analyst went over the third quarter (Q3) 2017 Force data, noting that the Bureau has begun requiring force reports on a number of new tactics including baton uses without strikes, “controlled” takedowns, hobbles, firearm discharges at animals, and vehicle ramming. Thus the raw number of reports nearly tripled. Lt. Craig Dobson, who oversees the reports, noted in the truncated discussion of the Q4 report in March that some of these newly reported uses of force include officers holding people down when being transported on an ambulance gurney or pushing someone away from an active crime scene. It’s odd that these were never counted as uses of force in the past.

The Bureau keeps editing down the quarterly reports, so the formerly 40-page documents are under 10 pages. They plan to put raw data up for the public to sift through starting in May. While one TAC member asked for demographic data...
Man in Mental Health Crisis Shot by Eight Officers—Where is the De-Escalation?

Elifritz had been the subject of a few police contacts earlier in the day when he was killed, with the cops deciding his apparent suicidal state of mind should be followed up by the Behavioral Health Response Team. But since that team only works Tuesday-Friday, and this was a Saturday, no help was dispatched. Instead, Elifritz allegedly stole a car and crashed it on SE MLK near the CityTeam ministries. Over 20 people were inside at an AA meeting. A video of the shooting shows two officers firing less lethal rounds at Elifritz from the front door, then about a dozen cops swirling the room. A clearly terrified Elifritz moves to one side behind a railing separating him from the cops and the room erupts in gunfire. Among the seven officers and one Multnomah Sheriff’s Deputy firing weapons was Andrew Polas, one of three PPB officers who fired 32 rounds at Keaton Otis in 2010 (PPR #51). Ironically the shooting happened 12 days before the City was scheduled to prove its officers learned de-escalation with people in crisis as a result of the US DOJ Settlement Agreement (p. 8).

March Shooting: Super-Aggressive Cop Meets Double Identity Suspect

The woman identified as Sarah Michelle Brown, age 26, was allegedly in the process of burglarizing a home in SW Portland when officers Darrell Shaw (#28923) and Joseph Webber (#44629) opened fire on her. She was apparently wounded in the hand and leg, and allegedly fired back at officers after they shot her. She then hid under a porch but eventually was taken into custody by the Special Emergency Reaction Team (SERT), hospitalized, and now faces 26 criminal charges. During the aftermath, the Oregonian reported Brown’s original name is Alexis Elizabeth Wilder, and it’s possible her true age is 28 (March 16).

Officer Shaw has a long history of violence (and racism, though that wasn’t an issue here as the suspect is white). There is not enough room in this newsletter to recount all his exploits, but here are a few:

— He and two other officers shot and killed Vernon Allen, a houseless African American man, in 2005 (PPR #36).
— An African American man who was tasered by Shaw in 2010 won a $110,000 settlement in 2014 (PPR #63).
— He drove up to a primarily African American nightclub after stopping a gorilla doll to the front bumper of his car in 2003 (PPR #31).
— The Oregonian also reports Shaw was involved in a shooting in 2000 in which the suspect, driving an SUV, was not hit.

As is usual in cases where the suspect lives, Brown was indicted by the same Grand Jury who claimed the officers’ actions were within the law.

Grand Jury on Chase Peeples: Let’s Go Off the Record Here

The Grand Jury declined to indict Officer Reagan even though Peeples was found to have only a wallet, not a gun, and dispatchers did not claim he was armed when he allegedly robbed two financial institutions that day. According to the Oregonian (February 1), Peeples was struck in “his upper right bicep, lower left abdomen [perforating his intestines] and right big toe. Other bullets fired by Reagan hit a fence and cinderblock wall.”

Since Peeples faced criminal charges of his own, it makes sense he did not testify to the Grand Jury. Deputy DA Brian Davidson called for the proceedings to continue “off the record” four times: when speaking to three witness officers and to Peeples’ girlfriend Denaisha Meadows. Since Oregon law now requires recording grand jury proceedings (PPR #73), this seems odd. Meadows claimed Peeples was depressed and told her he would pretend to have a weapon so he could get shot by police. In questioning her, Davidson used the term “suicide by cop,” which perpetuates the idea police are supposed to kill someone who threatens (or pretends to threaten) them. The OIR Group, which reviews PPB deadly force incidents every few years, echoed this sentiment in one of their recent reports. Reagan bought into this meme by telling the Grand Jury, “He forced me to shoot him, yes.”

New Shootings Report Shows Bureau Won’t Hold Officers Accountable

The OIR Group’s February report covered six shootings which occurred in 2014 and 2015, meaning the analysis is again about three years late. There were interesting pieces of information revealed and well deserved criticisms of the system which protects shooter cops. Using the case of Kelly Swoboda (PPR #62) as an example, they expose how the DA seems to make the suspect seem as despicable as possible so civilians on the Jury will justify the officer’s homicide regardless of the facts. OIR’s informal recommendation to talk to the DA about their biased presentations was not raised at the February 15 City Council hearing, in part because Mayor Ted Wheeler refused to take public testimony. Portland Copwatch (PCW) has testified at all eight previous presentations of such reports since 2003 and expressed outrage at the Mayor’s misuse of his discretion as chair. He used social media to deny public testimony was being forbidden, since he welcomed written testimony. But because the Chief, the head of the Independent Police Review (which oversees these reports), and the California-based consultants were all in City Council chambers, it was a missed opportunity for dialogue.

As with the last OIR report, there is no analysis of race in the one shooting involving an African American Portlander (Denorris McClenod), and the issue of mental health, while raised, doesn’t emphasize how PPB’s shooting so many people in crisis violates the spirit of the DOJ Agreement. OIR did reveal when the City changed its policy on post-deadly force incidents last year (PPR #72), the Bureau’s Training Division stopped sending its opinions on officer conduct to the behind-closed-doors Police Review Board (PRB) hearings. To her credit, Chief Outlaw agreed with OIR’s recommendation to put the analysis back before the PRB, but says it will require changing the policy. OIR also urged the Bureau not to let officers view video of incidents before being interviewed (as happened in the shooting of Allen Bellew—PPR #66), and revealed when Officer Michael Honl shot at McClenod (PPR #64) there was a houseless encampment nearby which could have been struck by gunfire.

Overall, the theme PCW found in reading OIR’s report is that the system is set up to clear officers of wrongdoing in deadly force cases, to the point of practically coddling them because the incidents were traumatic—with no recognition of what it did to the civilians who were shot and/or killed, or those they left behind.

One other interesting piece of information in the report: in the incident where Officer Charles Ashiem shot at (and missed) white “gang member” Ryan Sudlow at a gas station (PPR #65), Ashiem fired a bullet which ricocheted off the windshield and hit the overhead canopy at the gas station before falling to the ground.

For PCW’s detailed analysis of the report, see portlandcopwatch.org/OIR_analysis_0218_layout.pdf.
Portland Copwatch Reports Fifty-One 2016-17 Oregon Police Shootings
Eight Incidents in 2018 Show Trend Continuing; Portland Man Wins $7M Verdict

Though Portland Copwatch (PCW) reported on the 25 Oregon officer involved deadly force incidents from 2016 in our newsletter last year (PPR #71), we did not compile a full list to forward to the Attorney General as in previous years. In January 2018, we sent data to the AG on 26 such incidents from 2017, combined with the 2016 totals and going back to 2010. The state is supposed to print a list, at least of those incidents ending in death, under SB111 (2007), but has never done so. Over the course of eight years, PCW has tracked 192 deadly force incidents, 107 of which ended in death (56%). To the extent possible, we also broke down the data by race (6% African Americans shot/shot at in a state that is 2% black), gender, County, and agency (almost 20% are by Portland Police). No media outlet has reported on our findings and the AG’s office has not responded as of mid-April.

Meanwhile, there have been eight incidents in Oregon to date in 2018, including the two in Portland (p. 1). The last incident of 2017 happened after our last newsletter went to press, so we are covering it here.

—On March 29, Medford Officer Tim Pickens shot and wounded William Allen Shelton, Jr., 41, when Shelton allegedly pointed a rifle at him (Medford Mail Tribune, April 4).

—On March 14, Keizer Officer Tyler Wampler used an AR-15 rifle to shoot and kill Ryan Chapman, 26, who had allegedly stolen $541 from a Pizza Hut in an armed robbery and allegedly refused to raise one of his hands when ordered. Police said Chapman was holding a gun, so Salem Police Officer Eric Hernandez shot a “bean bag” round at Chapman’s corpse to be sure he was dead (Salem Statesman Journal, March 23).

—On March 11, Hillsboro Police Sgt. Stephen Beaver and Officers Mike Abshier, Justin Hubenette and Michael Piper shot and killed Daniel S. Reynolds, 20, when he allegedly came out of a house during a domestic disturbance and pointed a shotgun at police (Oregonian, March 16).

—On March 8, Salem Police Officer Jesse Rios shot and wounded Zackary Miles Pevey, 40, when Pevey allegedly backed his truck toward the officer after a chase (Statesman Journal, March 16).

—On January 27, Salem Police Corporals Andrew Connolly and Mark Seyfried, Sgt. James Welsh and Officer Fence Hodges fired at Roy Victor Devoursney, 61, after he allegedly crashed his motor home into Connolly’s police car. All four officers missed Devoursney (Statesman Journal, January 28).

—On January 12, Washington County Sheriff’s SWAT team members Deputy Earl Brown and Corporal Cade Edwards shot and killed Remi Sabbe, 54, who was allegedly firing an AR-15 from his truck in Sherwood. The officers rammed the truck with an armored vehicle in a maneuver caught by a news helicopter, sure to excite those who support militarized police (Eugene Statesman Journal, January 19).

—On December 26, six Clackamas County SWAT Team members and a Canby police officer (all unnamed) shot and killed Nathaniel Fritz Macalevy, 44, who was reportedly armed and armored, shooting at him after he led them to his house in Boring after a chase and allegedly fired at the officers (KPTV, December 26).

Also in Oregon deadly force news:

—In February, the largest jury verdict in state history was awarded to Adalberto Flores-Haro for the 2012 incident in which Washington County SWAT officers and Hillsboro police shot and severely wounded him when he came out of his home to see why strange men were on his property (PPR #56). Though the federal jury voted to award $2.5 million for battery and $4.5 million in damages for negligence—a total of $7 million—because Flores-Haro came out of his house with a gun and shared responsibility, the total is likely to be reduced to $5.1 million (Oregonian, February 21).

—In March, the family of Michael Jacques, who was killed by Bend Police in 2016 (PPR #71), settled with the City for $800,000 (Associated Press, March 10).

—In April, three Jefferson County Sheriff’s employees were indicted for the April 2017 death of James Eugene Wippel, 59, in their jail (Oregonian, April 6).

City of Portland Destroys Village of Hope

While there are claims that Portland is a progressive and compassionate city, the ongoing mistreatment of those without homes exposes the dark truth. In early 2018, some houseless people found an area near the airport they believed would make an acceptable camp for them. In late January, they cleaned up the area and worked on making the foot paths more usable. They brought in cement blocks and wooden planks, placing tents on top of them. They added compost toilets and larger tents for kitchen and storage areas. When it was completed in late January it was appropriately named the Village of Hope. Within days, Park Rangers tramped into the area and began giving out warning notices and exclusion orders. On February 2, Portland Police stormed into the area and began tearing down the camp and arranging the exodus of those who had been living there. Observers from the National Lawyers Guild were also there, but the police prevented them from going into the camp. A March 21 segment on KOIN TV revealed the Portland Police now have ATVs which enable them to swoop into camps in a faster and more efficient way so they can sweep human beings, tear down what has been erected and confiscate personal belongings.

In the last edition of the People’s Police Report (#73), we wrote about Mayor Ted Wheeler caving in to the forces of the Portland Business Alliance and Tim Boyle, CEO of Columbia Sportswear, who was threatening to leave downtown Portland due to the presence of those who are houseless. This prompted a sit-in in front of Boyle’s store. Despite his threats, the store in question remains in downtown Portland partly because Wheeler stepped up enforcement. The Portland Mercury revealed that the Portland Business Alliance was in direct contact with the Mayor’s staff via text message to expand the number of downtown blocks made off limits to houseless folks under the Sitt/Lie ordinance (February 21).

Then there are the City’s increasing legal efforts. In August, with little or no publicity, the City established an ordinance defining Pedestrian Plazas around downtown Portland, which contain all of the onerous prohibitions of Sit/Lie but go beyond sidewalks into areas such as Ankeny Alley (near Voodoo Donuts). The City also nodded hard and won unanimous votes in the State Legislature for HB 4054, which (a) allowed local police to sweep houseless people off state owned land, and (b) reduced state enforcement of cleanup warnings from 10 days to two days. City Council’s letter to the Legislature stated the bill will address “the causes and symptoms of homelessness with compassion.” Perhaps it is time to get the City a new dictionary.
The Community Oversight Advisory Board (COAB), which was the main vehicle for relaying information to the public regarding the US Department of Justice (DOJ) Settlement Agreement on Portland Police use of force, has been defunct for over 14 months (PPR #71). The City approved amendments to the Agreement last August (PPR #72), but no further action was taken until December, when they dropped their appeal challenging Judge Michael Simon’s request to hold a second Status Conference. The new Conference, which was accompanied by a Fairness Hearing to determine if the amendments are “adequate, fair and reasonable,” was held on April 19. In anticipation of the hearing, Portland Copwatch (PCW) sent an analysis of the DOJ and Compliance Officer/Community Liaison (COCL)’s assessment reports to Judge Simon in January. Rather than implement their planned replacement for COAB immediately, the City began orchestrating its own community forums, managing to take up all the time with their presentations and shutting down discussion of many community concerns.

The City dropped its appeal on December 27, during the week between Christmas and New Year’s when nobody pays attention. Among the filings sent to the court was a memo from the Albina Ministerial Alliance (AMA) Coalition for Justice and Police Reform expressing their concerns about the amendments and noting they agreed to the changes as a means to allow progress to continue. The main change, the creation of the Portland Committee on Community Engaged Policing (PCCEP) to replace COAB (PPR #73), got stalled by a number of factors, including the first attempt to hire a project manager falling apart. The Oregonian reported: “The city’s initial request for bid proposals apparently didn’t draw enough ‘quality responses’” (February 21). On April 18, two firms were picked to run the PCCEP together.

Rather than recruit community members to help or wait for PCCEP to start, the City decided to hold its own town halls. The first one, held downtown in a city building in February, was jam-packed with City officials: the City Attorney, the Chief, the head of Emergency Communications and the Independent Police Review (IPR) Director. To accommodate their presentations, the community’s questions and comments were abruptly cut off several times. The second, held in March at a community space, focused on Mental Health and the Independent Police Review (IPR) Director. To implement their planned replacement for COAB immediately, the City began orchestrating its own community forums, managing to take up all the time with their presentations and shutting down discussion of many community concerns.

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Joint Terrorism Task Force Missing from PPB Sanctuary City Proposals

In March 2017, the City Council voted to affirm Portland as a sanctuary city. A year later, the Council accepted a report from the Welcoming/Inclusive/Sanctuary City Task Force that proposed actions the city should take to be a sanctuary city. This included that the city should provide seed money for a legal defense fund and ensure those who need help can access that fund.

Portland Copwatch (PCW) supports the report’s recommendations. However, in a letter sent to Council before the sanctuary report hearing, PCW suggested the City also reconsider its relationship with the FBI’s Joint Terrorism Task Force (JTTF). The letter sent to Council on November 8 (PPR #73) noted: “Immigration and Customs Enforcement (ICE) is a member of the JTTF, meaning Portland’s pledge to be a Sanctuary City is threatened by PPB officers participating in the [Joint Terrorism] Task Force.”

PCW further told Council that if Portland Police are sharing information through the JTTF which leads to deportations, it means the City’s policy is creating a problem that it then has to fix. It would be better to only engage with the FBI and other agencies when there are actual violent criminal threats being posed to Portland rather than on an ongoing basis. None of our concerns were addressed at the council meeting.

On April 17, PCW co-sponsored a forum with the ACLU and other supporters of the campaign to get Portland out of the JTTF featuring Mike German, a retired FBI agent and whistleblower, and a local panel. German spoke about how the FBI doesn’t even need reasonable suspicion to open an “assessment” investigation—which would violate Oregon law.

Meanwhile, the ACLU filed a lawsuit against ICE to find out what is behind the troubling and increasingly common practice of federal agents arresting immigrants at courthouses (Willamette Week, February 9).

Training Advisory Council: Chief, Weapons, Force Data, Race (continued from p. 5)

Another statistic the TAC did not discuss from the Q3 Force report: 29% (65 of 221) of people who were subjected to force were not taken into custody.

TAC, was put up for review by the PPB from February 15 to March 2—in between the group’s bi-monthly meetings (also see p. 11). Given the amount of information they already are unable to cover, perhaps TAC should consider meeting more often.

*PCW continues to urge TAC to look at traffic/pedestrian stop and other data to get a more full picture of how disparate treatment plays out on the streets.
Reynaga, who vandalized his neighbors’ car and committed a DUII while on a second chance program, was one of the Portland officers killed in a gunfight. Another Portland officer, Dane Reister, who was facing criminal charges, later committed suicide. These cases highlight the need for more training and support for officers on probation. While the PPA supports additional training, it does not address the root causes of violent incidents.

However, the PPA does advocate for arming teachers, a proposal that has been widely criticized. The PPA President, Daryl Turner, has praised the idea, saying it would prevent mass shootings. However, arming teachers could have unintended consequences, such as increasing the risk of accidental shootings and the potential for misuse of firearms. It is crucial to consider the broader implications of arming teachers before making such a decision.

The Portland Police Association (PPA) is a powerful lobbying group that influences policy-making decisions in Portland. Its public relations campaign focuses on increasing the number of police officers, suggesting that this would address the number of houseless people on the streets. However, the PPA's focus on arming teachers and increasing police numbers may not be the best solution to the underlying issues in Portland.

In conclusion, the Portland Police Association’s lobbying efforts to increase police numbers and arming teachers are concerning. While the PPA’s focus on training and support for officers is commendable, it is crucial to consider the broader implications of these actions. The PPA’s proposals should be evaluated carefully to ensure that they address the root causes of violence and crime, rather than simply increasing law enforcement resources.

*Reister later committed suicide while facing criminal charges.*

**STOP THE PRESSES! PORTLAND COPWATCH (SORT OF) AGREES WITH POLICE ASSOCIATION ON ARMING TEACHERS**

Much to our surprise, after the school shooting in Parkland, Florida, the PPA posted a piece on February 28 titled “Arming Teachers Not the Solution.” It says the idea adds risks and is counter-productive. Their concern is that teachers will be running around with guns when the police enter the building, making it impossible to tell who the original shooter was. That may well be, but Portland Copwatch would add it also means there will be more guns in the school that potential shooters know are there, and increases the possibility of teachers injuring students. (A teacher in California accidentally shot a student when a bullet ricocheted off the ceiling as he demonstrated gun safety on March 13.) The PPA also suggests banning “bump stocks” that convert semi-automatic weapons into fully automatic ones, and increasing sentencing guidelines for those who engage in mass shootings, alter weapons illegally, fire guns in certain buildings (government, school, hospital), or during domestic violence. Oh, and if someone shoots at first responders such as police. We posit that maybe if the government would stop sending the message that the way to resolve conflict is through violence, the atmosphere creating and encouraging school shootings would change dramatically.

Side note: Turner posted another piece one day later urging more money be spent to train officers on “active shooter” scenarios. He said such training “saved lives” in Reynolds High School and Umpqua Community College. The shooter at the High School killed himself and the police killed the one at the College, so even if one person’s lives were spared by those people’s being unable to shoot anyone else, it’s a contradictory message that killing anyone is a means of saving lives.

**PPA Defends Gang Enforcement Profiling**

After the Auditor released her report showing the Gang Enforcement Team pulls over an outrageously disproportionate percentage of African Americans (10 times their representation in the population—p. 1), PPA President Daryl Turner posted a three-page screed defending the Team’s actions. The pull-quote summarizing his point: “The GET[s]’ focus is not traffic stops, their focus is public safety.” Like the Mayor, Turner points to the number of “gang” crimes and traffic stops, their focus is public. The GET’s focus is not the answer (March 11).

The GET’s focus is not the answer (March 11).

Find the PPA at facebook.com/PortlandPoliceAssociation (and <pparapost.org>).
February: The PPB re-posted the Crowd Control Directive (635.10) in its form as published last August. PCW used its September analysis to repeat dozens of recommendations that were not adopted, including the prohibiting of violent arrests, targeting people by name over police loudspeakers, and targeting those observing police. On that note, the member observation of police.  The title itself was changed per our suggestion—“citizen observation” had implied immigrants could not copwatch. However, their policy still allows police to go beyond what state law allows in terms of reasons police can prevent people from recording law enforcement activity. They also asked for more input on their Employee Information System (Directive 345.00), which PCW pointed out goes too easy on officers who use deadly force and, due to the required on-scene investigation of other force incidents by PPB Sergeants, reminded the PPB of recommendations about towing vehicles—especially if the vehicle is a person’s home—made by the Citizen Review Committee in 2007. The most changes were made to the perception “citizen observation” from somewhere other than Wikipedia (which only addresses the public “perception” of being treated with respect and dignity), and to put more emphasis on de-escalation.

January: Only two Directives were posted. PCW only commented on the Cadets policy (630.25). Though it was changed considerably from its 2015 iteration, a number of loopholes remained or were newly opened, including whether Cadets can have a criminal past, are required to be trained for most activities, or must have a driver’s license to operate a police vehicle. It also allows Cadets (ages 16-20) to work 44 hours per week.

December: Our first set of comments on the Training policy (following up from 2015) urged the Bureau to do more to ensure Training matches Policy, define the term “procedural justice” from somewhere other than Wikipedia (which only addresses the public “perception” of being treated with respect and dignity), and to put more emphasis on de-escalation. We also commented on their Gratuities/Gifts/Rewards policy (313.10) and Statement of Ethical Conduct (300.00). We only briefly mentioned policies on informants (since we find the practice distasteful), noting that the current version of 660.32 puts the head of the Drugs and Vice Division in charge of screening all informants/agents. We wrote the policy is strange structurally, but moreover “the head of DVD over the last several years has been the dubious Captain Mark Kruger. Given Kruger’s past honoring Nazis, attacking protestors... and having his sustained findings expunged from his record through a lawsuit, perhaps this idea should be revisited to include more checks and balances. That is, if the Bureau wants to continue to pay people to lie to put other people in jail.”

The Bureau also posted about a dozen Directives which have been finalized following this feedback process, including the “Directives Directive” (010.00), which states that starting in April, the public will now have 30 days to comment on the proposed new drafts of policies. This is a good development, but they also shortened the comment period prior to the rewrites to 15 days, continuing to make the entire process difficult for groups which only meet once a month.
In our last issue, we wondered whether the Portland Police Association (PPA) had thrown in the towel on its newsletter, the Rap Sheet. The site hadn’t been updated for months and the feed drawing in articles from its Facebook account had disappeared. By mid-March, the feed was working again, albeit with a number of glitches (for instance, one article was listed for a while as being posted on “March 0”). Between the Rap Sheet site and the PPA’s Facebook page, we looked at 60 posts that went up since mid-December. Not surprisingly, the most frequent kind of article continues to be “bluewashing,” or feel-good stories about the PPB which ignore the ongoing misconduct, harassment, and discrimination that happen every day. Seventeen of the 60 posts (28%) fell into this category. The second most frequent kind of story focused on crime or crime statistics, which in part is inseparable from the third (and also incessant) category of staffing levels at the Bureau. The PPA’s campaign to push for more officers kicked into high gear as the City’s budget planning began in March. Five pieces focused on houselessness (including yet another push on February 6 to put homeless people into the never-opened Wapato Jail as a “service center”), with miscellaneous other topics including two pieces on accountability. We analyze one of those, “Damned if We Do, Damned if We Don’t” on page 8.

While there were fewer articles seeming to urge patriotic Americans to salute the flag, police, and the military, one such piece titled “We Stand” posted on January 31 focused on an ad that the National Football League rejected for the Super Bowl. It was sponsored by Amvets and the national coalition of police “unions” known as “UCOPS,” of which the PPA was a co-founder. The ad showed patriotic images with slogans saying “we stand for...” community, the flag, veterans, family, police officers and free speech. Ironically, the idea was clearly to suppress NFL players who have been kneeling for the national anthem in order to protest police violence against African Americans. PPA supported the “heroes” at Amvets who say the NFL was suppressing their free speech by refusing the ad.

Dance Dance Counter-Revolution

On March 2, the PPA posted a news story from local NBC affiliate KGW-8 along with the PPB’s video of officers, including Chief Outlaw, dancing the Electric Slide with students at Sabin K-8 school. Two African American officers who were part of the dance also appeared on KGW on March 12 (posted March 18). The message was that officers were just trying to have fun with the kids and show they are human beings. It is disconcerting watching the officers wiggling their backsides around with their guns and Tasers sticking off their hips within inches of these young people. Such outreach efforts, as we have said in the past, are meaningless unless there is acknowledgment that one day the same friendly officers may wrongfully stop, injure or kill one or more of these kids and a promise there would be remorse and justice if that does happen.

Further indoctrinating youth into thinking police have “cool equipment,” cops on the Neighborhood Response Team are shown allowing kids to sit on All Terrain Vehicles in a March 1 post. In another post featuring youth, a KATU-2 story from March 3 recounts how two officers followed tracks in the snow to return a 12 year old’s bike. Our concern? The officer shown sidling up to the youth is Roger Walsh, who shot and wounded Don Perkins in February 2017 (PPR #71). Similarly, a February 22 post (from the PPB) shows Officer Reagan hugging a smiling child with the caption “Good morning, officer” (see photos on p. 6). Reagan shot and wounded Chase Peeples last fall, mistaking the African American man’s wallet for a weapon (PPR #73 and p. 1).

A February 21 post featuring Officer Lino Pavon making a snow angel near his patrol car led to an argument in the comments about why the PPB should get 100 new officers if they have time to engage in such silly behavior.