THE PORTLAND POLICE BUREAU AND “UNION” VS. HOUSELESS PEOPLE

Recent statistics reveal that the Portland Police Bureau (PPB) is arresting and using force against houseless persons in numbers vastly more than they are represented in Portland’s population. Further, the Portland Police Association (PPA) President has referred to Portland as a “cesspool” and he isn’t backing down. A July 1 Oregonian article indicated houseless people made up 52% of the arrests in 2017 although they are about 3% of the population. This disparity continues: in the first three months of 2018 the percentage of arrests of houseless people increased. The ACLU demanded an investigation and Chief Outlaw called for an inquiry by the Independent Police Review (IPR). Portland Copwatch (PCW) has contacted the IPR Director and requested that other factors also be considered in the investigation. We noted that 44% of the Use of Force in Portland in 2017 was against houseless people, although they are about 20 people, or 35% of the people shot at or killed by the police were homeless or in a homeless shelter.

A July 1 editorial by Portland Officer Alfonso Valadez, Jr. (#51796) chased suspect Christopher Cannard, 59, down the off-ramp of I-84 leading to a head-on collision where Cannard died. Valadez had only recently been reinstated to the Bureau after being shot by Portland Police in January 1993, we’ve been publishing the People’s Police Report three times a year to bring you news and analysis about Portland’s Police, laws designed to be enforced selectively, the oversight system, and civil rights and liberties in general.” We posted cover images of the 59 previous issues; with our 25th anniversary issue, we now have covers for PPR #60-74 on line: <portlandcopwatch.org/PPRcovers.html>. Anniversary articles are good times to look at where you are and what’s next. We still believe that “while the PPB has its share of corruption, brutality and racism, things could be a lot worse if PCW were not around.” In the last few years we have taken action to stop the City from reversing their pledge to dismantle the “48-hour rule,” broken new ground by collecting data on statewide shootings, and watched the “Independent” Police Review conduct its own investigations for the first time since their 2001 inception (albeit, still dependent on the police to compel officer testimony). We will continue to be vigilant and bring important news to our readers, without whose support and encouragement we could not be doing this work for over a quarter of a century.

Copwatch Research Leads State DOJ to Promise Improved Officer Shooting Data

As reported in PPR #74, in January 2010— but Campbell was unarmed (PPR #50). It also says Keaton Otis reached into his car for a weapon, even though he was never out of the car until police dragged his corpse to the sidewalk after riddling him with bullets (PPR #51). The Skanner published a two-part series on July 11 and 18. The first one highlighted the database’s shortcomings and mapped out nearly 200 incidents (including a few that came to PCW’s attention after January), 113 in which the suspects died. The second article quotes a DOJ spokesperson who says they were “in the process of cleaning up our current database, and changing some of our internal protocols.” All this is important for tracking law enforcement deadly force, especially since by the end of July, the year 2018 has already reached the annual average of 25 people being shot and/or killed in Oregon. The highest number PCW has...

SKETCHY PPB OFFICER CHASES CAR LEADING TO DEADLY CRASH

Two Agencies Shoot in Portland; Eliffritz Details and More Updates

On April 19, Portland Officer Alfonso Valadez, Jr. (#51796) chased suspect Christopher Cannard, 59, down the off-ramp of I-84 leading to a head-on collision where Cannard died. Valadez has only recently been reinstated to the Bureau after being shot by Portland Police in January 1993, we’ve been publishing the People’s Police Report three times a year to bring you news and analysis about Portland’s Police, laws designed to be enforced selectively, the oversight system, and civil rights and liberties in general.” We posted cover images of the 59 previous issues; with our 25th anniversary issue, we now have covers for PPR #60-74 on line: <portlandcopwatch.org/PPRcovers.html>. Anniversaries are good times to look at where you are and what’s next. We still believe that “while the PPB has its share of corruption, brutality and racism, things could be a lot worse if PCW were not around.” In the last few years we have taken action to stop the City from reversing their pledge to dismantle the “48-hour rule,” broken new ground by collecting data on statewide shootings, and watched the “Independent” Police Review conduct its own investigations for the first time since their 2001 inception (albeit, still dependent on the police to compel officer testimony). We will continue to be vigilant and bring important news to our readers, without whose support and encouragement we could not be doing this work for over a quarter of a century.

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**Case 2018-x-0003: Woman Watching Cops Says Jaywalking Ticket, Violent Grab Were Retaliation**

In August, CRC heard appeal 2018-x-0003 filed by a community activist who says when she was video-recording a tank-like vehicle returning to North Precinct in January 2017, she was forcibly grabbed on the arm by Lt. Leo Besner (#27981), threatened with arrest, cited for jaywalking in retaliation for her efforts, and treated discourteously and without appropriate de-escalation. In addition, the Appellant says Besner and Officer Neil Parker (#49837) gave false testimony in court. Parker claims that because he was not in a regular uniform (he was in camouflage), he called in Besner when he feared the Appellant’s photography was related to an ambush on police. Officer Parker also failed to give the Appellant a business card, which he excluded by saying that his name was on the bottom of her citation (a common tactic). PPR readers may recognize Besner’s name — we cited his history last issue when noting he had been assigned to the Training Division. He was the subject of a similar complaint by cop watcher Kif Davis last year, in which Davis also said Besner roughly moved him using too much force; CRC ultimately changed the finding to “Exonerated with a debriefing” (PPR #72).

Two findings were not presented to CRC, listed instead as “Internal reporting allegation -not applicable.” If a cop retaliated against someone for copwatching, manhandled them unnecessarily, and cited them for a petty infraction, one way to cover up their malfeasance would be to avoid reporting what happened. Therefore, taking those findings out of CRC’s purview, when all police conduct is supposed to be judged based on “the totality of the circumstances,” is unconscionable.

CRC voted 7-1 to Sustain the allegation that Parker issued the citation in retaliation for the Appellant’s actions, since his interviews focused on her photography and a negative face she made at the armored vehicle, rather than the alleged jaywalking. They also voted 5-3 that Besner violated policy by threatening to arrest the Appellant for failing to produce ID, which was supported by over 50% of testimony (only Besner said he told her he would “detain” her, which would have been OK). Though Parker admitted not giving a card to the Appellant, that finding was originally “Not Sustained” with a suggested debriefing so he remembers his cards next time he dons camouflage. Since Directive 312.50 requires officers to carry business cards, CRC voted 8-0 to Sustain this allegation.

CRC also voted to move two findings from “Exonerated” to “Not Sustained”: whether Besner used inappropriate force (8-0), and whether he failed to adequately manage the confrontation (5-3). CRC supported the Bureau’s “Not Sustained” findings on five of the allegations, meaning they agreed there was not enough evidence to prove Besner was confrontational, that either officer was untruthful in court, that Parker’s report was inadequate, or that Besner violated an eyewitness’ right to observe the interaction by ordering him to move nearly a block away. Though the officers claimed they did this for the witness’ safety, they never alleged the Appellant had a weapon; perhaps the fact that her witness was an African American man made them nervous. On this question, CRC’s vote was a close 5-3, while most of the other four were unanimous.** They also unanimously voted to affirm that Besner’s failure to de-escalate did not violate policy (“Exonerated”) because de-escalation was not required until August 2017.

For some reason, Lt. Tina Jones was allowed to review the actions of another person with her rank (Besner). At the hearing, she was dismissive of minor contradictions in the civilians’ stories, but seemed to take the officers’ word most of the time. CRC pointed this out, thanking Jones for her thorough presentation even though they disagreed.

**Case #2018-x-0001: Video Doesn’t Change Outcome for Man Saying He Was Beaten, Denigrated in Precinct**

In June, CRC reluctantly moved forward with a supplemental hearing on case 2018-x-0001, in which “Gary from Beaverton” said the police threw him up against a van and kicked him, and called him a homophobic slur after he accidentally drove down the exit ramp at Central Precinct (PPR #74). The Multnomah County Sheriff’s Office, which manages the jail at the Precinct, originally told IPR there was no footage of the man’s arrest, but after Gary told CRC the FBI had access to such footage, it magically appeared for the new hearing. IPR Director Constantin Severe said there was no reason given why the footage was originally not provided. The footage did not capture the confrontation between the officers and the Appellant. However, Officer B admitted to taking Gary into a “control hold” and “escorting” him to the hood of the police van. This means he did use force, but perhaps not excessive force, so the Bureau changed the original “Unfounded” (did not happen as alleged) finding to “Exonerated.” A Sheriff’s Deputy said he took Gary to the ground, and Officer B told investigators he saw Gary “scrapped up [with a] bit of blood on his face.” CRC ultimately voted 7-1 to affirm the Exonerated finding, in part because the officer involved was on desk duty due to an injury so it was “unlikely” he used the force described. Only new CRC member Hillary Houck voted no, correctly stating there was not enough evidence to reach a conclusion. It is not known what the outcome was of the Sheriff’s internal investigation into the Deputy’s conduct. Due to lack of evidence, CRC also unanimously (8-0) affirmed the “Not Sustained” finding about whether a homophobic slur was used.

CRC was reluctant to hold the hearing when Gary failed to appear even though his Appeals Process Advisor TJ Browning was present. Deciding to make a policy for such circumstances later, they voted 7-1 to proceed, with member Andrea Chiller concerned about the Appellant’s absence.

**IPR’s Crowd Control Report: Good Insights and Recommendations, But a Few Big Items Missing**

IPR’s Crowd Control report, released May 31, ostensibly focuses on the police response to protests in June 2017, where police cracked down violently on antifascist protesters but treated right-wing “Patriot Prayer” types with kid gloves (PPR #72). *(continued on p. 3)*

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*After the hearing, Lt. Tina Jones told CRC Besner was no longer in the Training Division. It is true; he is now assigned to East Precinct.

**The vote was 7-1 to attach a “Not Sustained” finding to whether Officer Parker was dishonest in court.
CRC Hears Two Appeals, Pushes Change while Ignored by IPR (continued from p. 2)

IPR describes the police tactics in trying to keep the groups apart, then the “kettling” in which over 300 people were detained for over an hour while officers photographed them and their identification. IPR did not focus on the middle part of the protest, when police used batons, chemical and physical “less lethal” weapons to push the antifascists out of Chapman Square. Portland Copwatch (PCW) complained about how CRC’s Crowd Control Work Group also avoided addressing violence used at protests in their 2014 recommendations to the Bureau (PPR #64). The Work Group started up again before the 2017 protest, but IPR did not seek input from CRC members about the nature or substance of the new report.

To their credit, IPR did state that the detention of so many people without individualized suspicion of criminal activity appeared to be an abuse of governmental power. They recommended the PPB retain communications among officers, not detain legal observers or media, and stop taking pictures of people who are not charged with crimes. Technically, collection or retention of such information violates ORS 181A.250. IPR noted the City still had the photos a year after the event, partly because they needed to keep evidence for the lawsuit filed against them by the ACLU for their actions that day (PPR #73).

The Crowd Control Work Group continues to plan a community forum on police actions at protests, but in late April Work Group Chair Candace Avalos decided to look for a date in the fall. The Work Group has not met since.

 CRC Retreat Leaves Out Public, Includes Unsworn Member; IPR a No Show
CRC held its retreat at McMenamin’s Kennedy School, its go-to location for the last several years. The first large section of the meeting, which was facilitated by consultant Brad Taylor, was not open to the public. This was supposedly so the group could get to know each other on a personal level. There was no mechanism described to ensure CRC business was not discussed outside an open meeting, which would violate Oregon State statutes. Participating in the retreat were CRC’s two newest members: Houck, who was sworn in mid-March (PPR #74), and Jihan Nami, who works at Portland State University, but was not sworn in until May 2—three days after the retreat. Ms. Nami is about 39 years old, continuing the trend of non-retired professionals making up the majority if not the entirety of CRC. All 11 members are now 57 years old or younger. The eldest, Michael Luna, did not go to the retreat. But perhaps more significantly, IPR did not have a staff person present, in contrast to statements they occasionally make about how important CRC is to the oversight system. IPR is usually present at least to observe and to answer questions which might come up.

A lot of the discussion at the retreat’s two public portion was focused on concepts of how CRC might function, leading one member to express how their requirement to be transparent can hinder their effectiveness. While the comment is understandable, the solution would be to hold more public meetings, not to complain that the law says the public has to observe CRC’s deliberations. Nearly a half an hour was lost when Taylor realized he had not printed some of CRC’s comments, and nobody could find a printer at the Kennedy School.

IPR Seeks to Change Guidelines, Some of Which Involve CRC... Without CRC
On June 1, a few days before CRC’s monthly meeting, IPR released drafts on six of its Protocols, official guidelines laying out procedures and generally based on City Code. Several of the existing and proposed policies directly reference CRC, but IPR did not mention its efforts to update these protocols until the June 6 meeting, giving a deadline of June 30 to comment. Since CRC’s own protocols require that the entire group approve anything going out in their name, this effectively cut the Committee out of the process. PCW’s comments to IPR led off with this observation, perhaps leading to IPR then extending the deadline until August 2—the day after CRC’s next meeting (the July 4th meeting was cancelled for the holiday).

The original CRC, appointed in late 2001, helped develop all the original protocols, and helped craft amendments over the years as well.

The policies on complaint processing (in which notice to complainants of their right to appeal to CRC is mentioned, and IPR adds new abilities for itself to dismiss complaints), administrative investigations, supervisory investigations (which, as CRC’s “Service Complaints,” required CRC audits from time to time) and monitoring PPB investigations all had their share of problems. The one on Mediation previously required CRC to audit this function occasionally, but a proposed change just says they “may” do so. The Appeal Request policy—which directly impacts CRC—incorporated a few reasons IPR says it can dismiss appeals which are not written in the ordinance.

After Many Years, CRC Formally Seeks Change to Standard of Review
When IPR was first created in 2001, PCW and others in the community failed to notice that when CRC was charged with deciding if a Bureau finding is “supported by the evidence,” that was defined as whether a reasonable person could come to the same conclusion, even if they disagreed. This has led to many Appellants leaving CRC hearings in frustration as members vote to affirm Bureau findings, stating (and sometimes taking “symbolic” votes showing) they would have voted otherwise if not for the deferential standard of review. CRC has been recommending changing that standard informally, including in a Structure Review report from 2010, at Stakeholder Groups about CRC in 2010 and 2016, and in a list of CRC priorities in 2011. At the June meeting, CRC celebrated a unanimous vote altering their Policy Work Group’s proposal asking Council to change the ordinance so they can use the simpler “preponderance of the evidence” standard. They reported that the Mayor and several other members of City Council seem open to making such a change.

To create the proposal, CRC asked for community input during May. Former CRC members, individuals, PCW and other organizations wrote in favor. The one negative memo came from the Portland Police Association, which complained they were not given the opportunity to discuss CRC’s proposal. (But of course their memo proves otherwise.) They claim the change of standard adds an extra layer of review to officers charged with misconduct. This argument is nonsense since (a) CRC is already part of the “layers” of review, and (b) CRC’s recommendation will remain a recommendation. The Chief can still refuse to accept CRC’s proposed finding, which could then lead to a final hearing before City Council. Council members experienced CRC’s frustration first hand last February when they heard their first appeal in 14 years (PPR #71).

CRC member Neil Simon wrote an op-ed in the July 25 Oregonian touting the proposed change, then had IPR staff send out an email bearing his name (not Chair Kristin Malone or Vice Chair Avalos) urging the community to push for Council to take a vote. Chair Malone felt those actions were within Simon’s purview as chair of the Outreach Work Group. The question of whether the Auditor will support such a change remains unanswered.

Contact IPR at 503-823-0146

Although PCW continues to urge CRC to monitor IPR, its Work Group set up in 2012 to review dismissed complaints still has not published an audit report.
The intersection of immigration and the City of Portland continues to be problematic. After a large June 17 Father’s Day Rally at the Immigration and Customs Enforcement (ICE) building at 4310 SW Macadam, an ad-hoc group began a camp there with the goal of abolishing ICE. The camp built a non-violent community opposing the recent uptick in immigrant families in the US being separated. ICE uses the building as both a place for known undocumented people to do check-ins and a holding center for detained people who then are bused to the NW Detention Center in Tacoma, from which most are deported. Quickly the Macadam facility was shut down and Occupy ICE PDX was able to stop ICE from using the building for about two weeks. Activists made a list of demands, including abolishing ICE, barring PPB from helping ICE, and getting Portland out of the Joint Terrorism Task Force (see below). Many other cities saw Occupy ICE movements spring up inspired by Portland’s lead.

Mayor Ted Wheeler responded to requests to sweep the growing Occupy ICE PDX camp next to the ICE facility with a tweet: “The policy being enacted by the federal government around the separation of very small children from their parents is an abomination. I want to be very clear I do not want the Portland Police to be engaged or sucked into a conflict, particularly from a federal agency that I believe is on the wrong track...” However, the PPB helped federal officers clear the driveway on June 28 by blocking off traffic. Unfortunately, this is within the PPB policy on immigration (#PPR72).

A month later on July 25, Wheeler had the PPB raid the camp for alleged health and safety reasons. Even though the occupation was safe, drug-free and regularly had children of all ages present, media jumped on reports of piles of needles, human excrement and other exaggerated information. With only 24 hours notification of raids, campers were not given enough time to do a cleanup.

To many activists, the Mayor’s announcement that the camp would be swept disproved claims of Portland being a “sanctuary city” where local police don’t cooperate in immigration enforcement. In spite of his denials, prosecutor Rod Underhill’s office has shared information about undocumented defendants with ICE, and Oregon prison officials regularly share information with the agency. Springfield, Oregon has cancelled its ICE contracts for offices and private detention centers, as have Sacramento County, CA, Alexandria, VA and Williamson County, TX (Nation Magazine, July 2). No moves in that direction are brewing at a state level in Oregon. However, anti-immigrant groups have forced Oregon’s law preventing police-immigration cooperation onto the November ballot.

Days after the sweep, a union of ICE workers served the City with a cease and desist letter, claiming they were being discriminated against in violation of the 14th Amendment because of what they do for a living. Apparently, they do not understand the meaning of irony. Wheeler and Chief Danielle Outlaw pointed out the numerous occasions in which the PPB responded to emergency calls during the occupation.

The current campaign to get Portland Police to stop assigning two part time members to the FBI’s Joint Terrorism Task Force (JTTF) includes the analysis that Portland cannot be a “sanctuary city” while cooperating with Immigration and Customs Enforcement (ICE) officers on the JTTF. When the Occupy ICE PDX protest captured the city’s— and the nation’s— attention (see above), one rallying cry from some of the protestors was to get Portland out of the JTTF. On June 27, Commissioner Chloe Eudaly managed to convince Council (with Mayor Wheeler absent) to allow the public to testify for over a half an hour about ICE, though there was no way to take a vote due to protocols. Olivia Katbi-Smith of Democratic Socialists of America (a participant in the campaign) spoke strongly as the daughter of an immigrant about getting out of the JTTF. Eudaly claimed there are leaders in the immigrant and refugee community who want Portland to keep participating, but said she was open to a discussion. These comments made it onto the TV news (KGW-TV, June 27). At the hearing, Commissioner Amanda Fritz stated her ongoing dedication to getting Portland out of the Task Force. After Wheeler had the Occupy ICE PDX camp dismantled, he explicitly told the Portland Tribune (July 31) that he has no intention of getting out of the JTTF, pointing to “the threat of white power domestic terrorism” (though the FBI has traditionally worked to undermine leftist groups, Muslims and communities of color). However, he noted he expects Council to revisit the issue in 2019.

Meanwhile, the April 17 forum on the JTTF featuring former FBI agent Michael German and a local panel (#PPR74) is now online. Links to the video and other materials about the campaign can be found at http://www.portlandcopwatch.org/pjttf.html.

Prominence of ICE Abuses Brings Joint Terrorism Task Force Issue to the News

by police, even though profiling based on perceived homelessness is illegal under Oregon State Law.

In a recent report by the Compliance Officer/Community Liaison (COCL) as part of the Department of Justice Settlement, they indicated that houseless persons are 34% more likely to receive serious force than those who are housed. The COCL also said officers’ first use of force on houseless people was higher than if the person was housed— 21% vs. 15% of the time (also see p. 8). PPA President Daryl Turner called Portland a cesspool in a July 16 Facebook post (also see back page), referring to the presence of houseless people. He claimed the high number of arrests of those who are houseless can be attributed to community complaints made to the PPB. Much of this is belied by the fact that officers on ATVs have stormed up and down the Springwater Corridor and other places where houseless people live, demanding names and IDs. The police then check the names against warrant lists, and if a person has an outstanding warrant they are arrested. This broadly applied tactic certainly cannot be attributed to “community concerns.”

On May 31 while PCW was copwatching downtown, an elderly man who was houseless said that on four occasions Clean and Safe, employed by the Portland Business Alliance (PBA), threw out his belongings. These items included IDs and a birth certificate, and he had difficulty getting money to replace them. We brought this behavior to the attention of City Ombudsman Margie Sollinger, since the City approved the original contract with the PBA to create a “Business Improvement District” and thus Clean and Safe. The City is bound by a lawsuit (Anderson v. Portland) to follow procedures before taking items from people living outside (#PPR57).

The Ombudsman responded that the issue did not appear to be addressed by the City’s Agreement with Clean and Safe, and was not suitable for administrative investigation. Sollinger advised us to contact City Council to change the PBA contract and require Clean and Safe to follow the “Anderson guidelines.”

PPB and “Union” vs Houseless (continued from p. 1)
sexually assaulting a woman at his home who was unable to consent (PPR #73). In the interim, there were two officer-involved shootings in Portland, including one which killed an African American man witnesses say was trying to break up a fight. What’s unusual is that killing was done by the recently-armed Portland State University (PSU) police, and the other incident—in which the suspect lived—involves the Multnomah County Sheriff’s Office (MCSO). On the Friday before Memorial Day Weekend, the City dumped 600 pages of documents around the shooting of John Elifritz in a homeless shelter in April (PPR #74), mostly aimed at justifying the officers’ quick decision to take the man’s life. In other Portland shootings news, the community held its annual memorial service for Keaton Otis on May 12, eight years to the day after he was shot by Portland Police (PPR #51), and former PPB Chief Larry O’Dea faced off with the state board which proposed stripping him of his certification for the off-duty shooting of his friend and subsequent cover-up (PPR #69).

Probable Pervo-Cop Leads Deadly Pursuit

Cannard was suspected of a “minor hit-and-run” which “resulted in no need for medical treatment” (Portland Tribune, April 26). Given the minor nature of the crime and the serious safety risk posed by heading the wrong way onto the freeway, it would be surprising if the police find Valadez was in policy for the chase. Valadez was disciplined in 2014 for creating a video using clips from cases he’d worked on calling himself a “tough SOB” (PPR #66). The Oregonian fought to get information on Valadez’s arbitration hearing on the sex assault case, in which the Portland Police Association (PPA) successfully argued the woman could not prove she was unable to consent. Of course, the fact that authorities in Clark County, WA did not test her blood to see if she had been given some kind of date-rape drug led to the male dominated institutions believing the officer’s story that it was consensual (Oregonian, May 23).

The PPA is now trying to prevent the full case file from becoming public (Tribune, July 5). Ironically, the Clackamas County Sheriff’s Office, which itself has made headlines for failing to follow up on sexual assault investigations, is looking into the fatal crash for possible criminal conduct. The Pursuit Directive was changed to limit when officers should chase suspects during the time Valadez had been laid off, leading Portland Copwatch to wonder whether he was given training on changed policies when he came back to work on April 5.

Multco Deputy Shoots Man at Fast Food Restaurant

The shooting by Multnomah County Deputy Matthew Ferguson (#39381) on May 14 marked the second use of deadly force by the MCSO in just over a month, after no deadly force cases (which Portland Copwatch has logged) since 1994. Another Deputy was involved in shooting Elifritz on April 7. Ferguson shot and wounded Vasile Manta, 36, when they say he crashed his vehicle into their unmarked van. Ferguson was undercover and thus presumably not in uniform, but was trying to take Manta in on a warrant (see p. 6 for more). This shooting happened at a crowded Burger King near SE Stark and 100th. Nonetheless, a grand jury cleared Ferguson of wrongdoing (Oregonian, June 17).

Portland State Cops Kill Man Outside Restaurant

A little background on the Portland State University campus police: In 2015, students and faculty members strongly urged the institution’s board not to arm their security officers, but the board overrode those concerns, in part at the urging of now-PPB Deputy Chief Bob Day. The fact that 45-year-old Jason Washington was an African American man makes the PSU police’s first shooting on June 29 all the more disturbing. Multiple witnesses confirm Washington wasn’t fighting, but rather was trying to separate two people who had been brawling after racial slurs were spoken. Students and family members have been holding rallies and vigils, demanding justice for Washington and that the security guards give up their firearms. Like Philando Castile in Minnesota, Washington was a licensed gun owner. During the scuffle outside the Cheerful Tortoise restaurant, which is in the middle of the PSU campus, Washington dropped his gun. When he went to pick it up, Officers James Dewey and Shawn McKenzie killed him, even though he did not appear to pose an immediate threat beyond being a black man with a gun. PSU’s president invited the US Attorney’s office and the International Association of Campus Law Enforcement (who knew?) to investigate (Oregonian, July 7).

Elifritz Grand Jury, Homicide Investigation Documents Released

The city’s release of their Homicide investigation into the Elifritz shooting came two weeks after a Grand Jury cleared all seven Portland Officers and the MCSO Deputy in that case. A few days after the first document dump, the District Attorney released another 600 pages, the Grand Jury transcript. The materials also included surveillance video from the homeless shelter. An Oregonian reporter synced up the videos, which show how officers shot and killed the man 37 seconds after entering the building. The June 13 Willamette Week reports Sergeant Roger Axthelm, who ordered the officers to push their way in, said he was afraid Elifritz, who had been cutting himself in the neck, would stab people like Jeremy Christian did on the MAX train in 2017 (PPR #72). The Portland Tribune reports that “one officer said the officers didn’t have a plan, that things developed too quickly after they went into the shelter” (June 5). Elifritz’s family has hired a lawyer who says the officers were not in danger, and they plan to sue.

O’Dea’s Certification: On-Again, Off-Again

A previous vote by a committee of Oregon’s Board of Public Safety, Standards and Training had suggested no change to Chief O’Dea’s law enforcement certification, but the full Board asked them to reconsider. The Oregonian reported on May 18 that they might suspend the certification for 10 years for “dishonesty” and another three for “gross misconduct.” Days later, the Oregonian’s editorial board supported the idea of suspending the certification, citing their study on how often officers keep working despite misconduct (PPR #74). On July 26, the Board voted to “revoke” his certification for 10 years, which sounds like a suspension, not a revocation. However, it means O’Dea would have to go through basic training all over again in 2028. Since he is currently 55 years old, it may be he will choose to stay retired.

MORE UPDATES ON PORTLAND AREA SHOOTINGS

—On June 7, the Skanner reported the family of Quanice Hayes, the 17 year old killed by police in February 2017 (PPR #71), had filed a lawsuit through attorney Jesse Merithew. The suit raises the issue of discriminatory policing against African Americans.

—On May 5, the Pacific Northwest Family Circle held a vigil on the Skidmore overpass to remember 15 years since the police shooting of 21-year-old Kendra James (PPR #30).

—On May 3, City Council voted to give roughly $55,000 to two homeowners whose houses (and a boat on a trailer) were shot up by the Portland Police when they fired at— and missed—suspect Michael Grubbe in May 2017 (PPR #72). Portland Copwatch pulled the item from the “consent agenda” to force a discussion. It turns out the officers fired a shotgun, which is one reason there were so many bulletholes. Rather than talk about reconsidering firing guns in populated neighborhoods, the Bureau said they were going to check the sights on the shotguns.

—Jess Brockner, who was shot by Officer David Staab last August, pleaded guilty to bank robbery and a firearms charge which led to a sentence of 10 years in prison (Oregonian, August 15). The Oregonian article on the plea deal says Staab shot Brockner because he “refused police orders to get out of the vehicle and was shot in the neck” (May 2).

PPB Officer Causes Crash; Local Shootings News (continued from p. 1)}
Twenty-five Shootings in Oregon So Far in 2018 (continued from p. 1)

chronicled is 30 in 2013. Should the trend continue, there could be more than 35 by December 31. The 25 so far include eight we reported on last issue, two involving the Multnomah County Sheriffs Office (MCSO) on May 14 and Portland State University Police on June 29 (p. 1), and these 15 others:

— On July 24, Seaside Corporal David Davidson shot and killed Cashus Dean Case, 44, who had earlier stepped in to protect a neighbor under attack by a dog. Case, a veteran, allegedly would not put down his antique guns at the officer’s command, and was summarily executed on the site (Daily Astorian, July 31 and KOIN-TV, July 25).

— On July 12, Lane County Deputy Jason Franklin shot and killed Joey Loop, Jr., 40, a security guard at a marijuana business near Cottage Grove following reports of shots fired, when Loop allegedly came out of the building with a gun. Deputy Brian DeVault fired a less lethal round at the same time Franklin fired his AR-15 (KEZI-TV, July 12 and KVAL-TV, July 24).

— On July 7, Yamhill County Sheriffs’s Sgt. Sam Elliott and Deputy Stephanie Sulak shot and killed Kelly Kenneth Sutton, 27, in Amity. Presumably Sutton was the “unknown man” someone called police about being in their bedroom (KPTV, July 9).

— On June 30, Eugene Sgt. Michael Ware and Officer Joshua West shot and wounded David Justo Duran, 32, after Duran allegedly stabbed and killed Donald Rivers (Eugene Register-Guard, July 13).

— On June 8, Aumsville Officer Officer Ryan Bambrick shot and wounded Joshua Biles, 27, during a traffic stop, when Biles allegedly rammed Bambrick’s patrol car (Salem Statesman Journal and Aumsville Police Facebook page, June 18).

— On June 26, Bend Officer Timothy Williams shot at Timothy Bontrager, 36, during a traffic stop based on failure to use a turn signal and suspected DUII. The District Attorney says that Bontrager committed suicide using his own firearm (KTVZ-TV, June 27).

— On June 23, Oregon State Trooper Kurtis Matthews, Coos Bay Police Officer Dan Henthorn and Confederated Tribal Police Officer Doug Laird shot and killed Eric Sweet, 47, when he allegedly pointed a rifle at police trying to take him into custody on a charge of eluding officers (KATU-TV, June 23 and Oregonlive, June 25).

— On June 21, Deschutes County Deputy Randy Zilk shot and killed Jesse Powell, 44, when “responding to a disturbance at a campsite southwest of Bend” (Oregonian, June 22).

— On May 18, Greshams officers Joshua Price and Brendon Hayes shot and killed Dmitri Bullard, 24, when they say he threatened them with a weapon during an effort to investigate a suspicious vehicle (Oregonlive and KATU-TV, May 18).

— On May 2, Hillsboro Officers Jesus Rios and Yuri Astorga shot and wounded Brandon Syharath, 21, after he allegedly tried to stab one of the officers; they were investigating a supposed break-in at a home owned by Syharath’s parent (Oregonlive, May 4 and KPTV, May 7).

— April 30: In an unusual twist, there was a second shooting involving Vasilie Manta, 36, the same suspect who was shot by the Multnomah County Sheriffs on May 14. In the earlier incident, a Gresham Officer (so far unnamed) fired his gun at Manta after he allegedly rammed a patrol car with a stolen minivan (KATU-TV, May 1). This incident led the MCSO to look for Manta at the second stop.

— On April 25, Hillsboro Officers Justin Hubbbenette and David Hawley, and Washington County Deputy Earl Brown and Corporal Cade Edwards shot and wounded Daniel McNamara, 43, after they say he shot at their SWAT team during a mental health crisis. They had been negotiating with him for roughly three hours. The Oregonian reported (on May 1) that Officer Hubbenette was involved in killing Daniel Reynolds on March 10, while Brown and Edwards assisted in the killing of Remi Sabbe on January 12 (both in PPR #74). It is rare that officers are involved in multiple deadly force incidents, much less so close together.

Three incidents we overlooked in PPR #74:

— On January 18, a Wasco County Sheriffs’s Deputy shot at (and missed) Rudy Foki Paea Fifita, 30, after he allegedly would not stop when they tried to pull him over for speeding near Tygh Valley. Fifita’s wife and one year old were not harmed (Gorge News Center, January 22).

— On January 15, Lane County Deputy Richard Smith shot and killed Robert Martinez, Jr. in Eugene at a traffic stop when Martinez allegedly reached for a gun and Smith’s Taser “had no effect” because one of its probes missed Martinez (KVAL-TV, January 24).

— On January 12 Josephine County Sheriffs’s Sergeant Jim Geiger shot and killed Jeffrey Alan Burleson, 37, in Cave Junction, when Burleson allegedly “displayed a firearm” (KDRV-TV, January 12, Wild Coast Compass, January 13 and Oregon DOJ).

Meanwhile, the trial for an FBI agent accused of lying about shooting at LaVoy Finicum, a leader in the 2016 Malheur Wildlife Refuge standoff, ended in an acquittal in early August. The State Trooper who admitted shooting Finicum (and firing other rounds which earlier had missed him) has still not been named in mainstream news reports. This high-profile case, as well as the controversial death of Christopher Kalonji, were among those missing from the Oregon DOJ’s database in early May.

Back here in Portland, the “Independent” Police Review launched its own interactive web “portal” showing Portland deadly force incidents for 2010-2018. That site contains useful information including the race and gender of suspects (but not the age), as well as officer names (which are not given on the DOJ site).
The Compliance Officer/Community Liaison (COCL), the office in charge of assessing how well the Portland Police are fulfilling their obligations under the 2012 Settlement Agreement with the City calling for less force to be used, put out two generous quarterly reports in April and July. The first focused on paragraphs regarding Mental Health—one of the main issues cited by the US Department of Justice (DOJ) precipitating the Agreement. The second focused on Use of Force. In both reports, the COCL used its “scorecard” to show all of the paragraphs shaded in green, indicating they are all in Substantial Compliance. While a number of issues were labeled “Substantial-Conditional,” the message was clear that the reforms are being hailed to the finish line regardless of how things are playing out in the streets. The City definitely heard about those concerns at two more town halls they put on while working to get the Portland Committee on Community Engaged Policing (PCCEP) off the ground, after having dissolved the previous civilian body—the Community Oversight Advisory Board (COAB)—in January 2017 (PPR #71).

As with the forums in February and March, and to a lesser extent April, when the COCL’s report was the main topic, the City seemed determined to control the narrative at the June meeting. An exception was in May, when Mayor Ted Wheeler unexpectedly arrived at a church basement where only about a dozen community members were able to pepper him and several Portland Police Bureau (PPB) command staff about issues of accountability. One issue of particular concern was the death of John Elifritz at the hands of the PPB while he was in mental health crisis inside a faith-based homeless center (PPR #74). The Mayor tried turning the discussion around, blaming the lack of funding for mental health care. Portland Copwatch (PCW) and others noted the mental health “police interact with vulnerable populations, including the houseless and those struggling with mental health and addiction.” The first panel was made up of social service workers and Multnomah County Commissioner Sharon Meieran, a psychiatric nurse and former member of the COAB. Meieran was the only panelist who mentioned law enforcement until the audience Q&A. The second panel was just police officers, who to their credit seemed sympathetic to wanting to help those in crisis, but didn’t clarify why so much force is still being used after five years of alleged reforms.

Even though twenty-two people have been shot by the PPB since the DOJ Agreement was signed in late 2012, and most have been in some kind of mental health crisis, the COCL refused to analyze so-called “Level I Force” in its 70-page Force report. By ignoring this crucial category, they managed to claim that people in mental health crisis are not more likely to be subjected to Force than those who are not—even though their own data show people in crisis are subjected to the second highest (Level II) force 17% of the time rather than 8%, or twice as often. On the other hand, the COCL’s July report does state scientifically what community members have known by observation for years: African Americans, youth, Latinx and houseless persons have more force used against them than other Portlanders. In all, the COCL found eight of 12 paragraphs on Force in “Conditional” compliance, giving the police a few tasks to finish up to be done in this area.

The April report gave only three of 28 paragraphs about mental health “Conditional” ratings. In both cases, PCW warned that the police will see this as a (premature) stamp of approval for their unfinished work, and the community will be angered by “Substantial Compliance” given when they are not seeing the results. One fallout of the April report was that Dr. Amy Watson, the COCL’s resident expert on mental health issues, quit the team on April 14, between the time it was published and when the Status Conference was held before Judge Michael Simon (also PPR #74).

The May 5 Oregonian quotes Dr. Dennis Rosenbaum, head of the COCL team, as saying there was a “professional difference of opinion” about the review of how the PPB responds to mental health calls. The COCL barely mentions Force in the Mental Health report, even though, for instance, their data show that incidents involving the Enhanced Crisis Intervention Team lead to a force rate 10 times higher than the rest of the Bureau (2.2% vs. 0.22% of all calls for service). Similarly even though two paragraphs in the Agreement about Force call on the Bureau to discipline officers who are out of policy, in the Force report, the COCL deferred on discipline until the fourth quarter 2018 report on accountability.

On the bright side, the July report indicates that when officers use verbal de-escalation tactics, less serious force is used against people in crisis. The Bureau brought in trainers from the Police Executive Research Forum in May to train instructors and the SERT team on de-escalation, emphasizing that “our number one job is to make sure everybody goes home at night” (Oregonian, June 6).

Meanwhile, the City is still dragging out the process of creating the PCCEP. The initial deadline for community members to apply was June 1, but that was extended until July 2 after a number of community forums to explain the new body had low turnout, and incoming applications did not reflect the diversity of Portland. Their current plan is to have the members chosen, trained and seated by October. Even if that happens, it will mean the scheduled October 4 hearing before Judge Simon will not resolve anything, as the main purpose for holding it was to see whether the PCCEP was an adequate replacement for the COAB.

As the DOJ reminded the community at the April forum, the City has to be in 100% compliance, then there will be a one year period to ensure the changes remain intact.

Find the COCL’s reports at <www.portlandcocl.com>. PCW’s analyses of the COCL reports are at <http://www.portlandcopwatch.org/doj.html>.

Training Advisory Council Streamlines Process for Recommendations, Commenting on Race and Force

A t their July meeting, the Training Advisory Council (TAC) formally approved two sets of recommendations, though each had already been presented to the Bureau as requests. The more recent recommendations came from four of their approximately 15 members who attended a “trial run” of the Bureau’s implicit bias training. The other ones, dated June 2017, focused on Use of Force reports. They were discussed last year but weren’t officially adopted until 13 months later. Also in July, the TAC voted to support member Danielle Drovers’ proposal that Force data include City demographic numbers as a point of comparison (PPR #74).

Perhaps turnover prompted the newfound action on the TAC’s part: Captain Bob Day, who took over for Brian Parman in July 2016, was promoted to Deputy Chief, leading to the May appointment of former Internal Affairs Lt. Erica Hurley as Captain of Training. Co-chairs Sushanah Boston
Media Assess Outlaw’s First 8 Months; Alarming Radio Remarks in Month 10

By the time this newsletter goes to press, Chief Danielle Outlaw will have been in Portland for almost an entire year. The Portland Tribune and the Oregonian each ran cover stories about her progress around the beginning of June, eight months since she moved up from Oakland (May 31). The Tribune followed up with a June 12 editorial titled “Outlaw proving her worth as chief,” which name-checks Portland Copwatch (PCW) for being willing to give the Chief “some breathing room.” This was before her defense of police violence at protest actions (p. 9), with some particularly alarming comments made on the conservative Lars Larson show on August 14.

Both eight month reviews focused on her late April decision to appoint Captain Bob Day as her Deputy Chief. With the Oregonian revealing she had intended to bring a Deputy from Oakland, but City bureaucracy led that person to drop out. The rest of her command staff are Assistant Chiefs (A/Cs) Chris Davis, who was already in that position (and was involved in the 2001 killing of José Mejía Poot— PPR #24), Jami Resch, plucked from her position as Captain at North Precinct, and Ryan Lee, a Lieutenant who headed the Rapid Response Team which cracks down on protests.

One takeaway from the Oregonian article: after hearing from Sergeant Steve Wilson that the Chief’s messages often get diluted by command staff, Outlaw met privately with just Portland Police Bureau (PPB) Sergeants. This seems like a good management strategy.

Conversely, the Chief’s comments on the Larson show indicated a disdain for the antifascist protestors who rallied for peace and inclusion on August 4. She stated that police were there for not community members exercising their First Amendment rights. Outlaw also compared the protestors to people who wanted to fight the school bully but lost the fight; never mind that in this analogy the alt-righters are the bullies yet it was the police who beat the leftists. The Chief presupposes that everyone there wanted to engage in violence, which is on its face not true. Outlaw also stated that had the Mayor not given the green light to sweep the Occupy ICE PDX encampment (p. 4), she would have done so herself. The Mayor is the Police Commissioner, so this statement raises deep concerns about civilian control of our City’s police.

Chief’s Second Meeting with PCW: Continuing Respectful Discussions

As with our first meeting in February (PPR #74), Chief Outlaw continued to respectfully hear out PCW’s concerns without becoming defensive when we met about 50 new full-fledged officers when the program to hire unarmed Community Service Officers (CSOs) has not begun. We noted these unarmed officers’ presence to take care of lower-priority calls could free up the current armed officers to cover more ground (if that is the goal). Outlaw informed us the program should be in place by early 2019, and, reflecting comments given by Mayor Wheeler at the May “public safety forum,” confirmed there is a debate about whether the CSOs will be represented by the Portland Police Association or another collective bargaining unit. Only 12 CSOs are budgeted for the pilot program, which won’t cover all three precincts on all seven days.

The Chief acknowledged our concerns about the Joint Terrorism Task Force (JTTF) but disagreed about the utility of keeping officers in the unit. She noted that the two officers assigned to the JTTF are still part-time since her goal is to put the new officers on patrol rather than in specialty units (also see p. 4).

PCW also raised concerns about the treatment of houseless persons by the PPB, as well as people who had their belongings destroyed by Clean and Safe security (p. 1). The Chief said she would follow up, but also asked PCW for input on policy ideas.

We talked about the shooting of John Elifritz (PPR #74 / p. 1), as well as training around implicit bias, gender parity and de-escalation.

Five Year Strategic Plan “Steering Committee” Meets

On June 25, a body selected by the Chief to work on a five year strategic plan for the Bureau had its first meeting. After PCW was invited to participate, we said that such meetings should be open to the public (which happened), then decided to observe rather than participate. The process is driven predominantly by consultants with the Coraggio Group, with little input from the “Steering Committee.” Given the low level of input they are having into the plan, which will be written by a separate “planning team,” the group is more of a sounding board than a Steering Committee.

The Committee gave some feedback on adding words to the Bureau’s goals (including “transparency” and “communication”) and which groups should be invited for special facilitated sessions (including houseless persons and sexual minorities). But overall the fourteen members present had little to say. The three members of the general public attending were not invited to give input at all.

The strategic plan parameters, public sessions, and minutes are posted at: https://www.portlandoregon.gov/police/78686.

Portland Officer Uses “N” Word, County Pays Settlement; City Settles with Bicyclist

Emanuel Price, a Multnomah County worker assigned to oversee the Metropolitan Youth Commission, received a $200,000 settlement from the county for being fired after he complained about inappropriate racial remarks made during a presentation (Oregonlive, July 27). The remarks by Portland Police Sergeant Timothy Sessions (#21772) included the use of the “N” word and a joke about how a Latino man mispronounced the word—yet the City was not named in the lawsuit. It is unclear if Sessions was investigated for misconduct— in part because no Police Review Board reports have been published since November 2017.

On August 8, Portland agreed to pay Anthony Allen $25,000 for when Officer Colby Mars (#52826) threw Allen off his bicycle, injured him and swore at him in 2015. The lawsuit raised issues of profiling.

The 2016 annual stop data report was released in late June 2018. It uses statistical gymnastics to try explaining why 13-14% of traffic and pedestrian stops are of African Americans in a city that is 6% black. The Oregonian’s June 29 expose on the over-representation of houseless persons in arrests sheds new light on profiling issues. The O shows all African Americans are arrested at over three times their representation—20% of the time. When it comes to the houseless community, African Americans make up 16% of that community, and police arrest houseless black persons at about a 1:1 ratio. However, other people of color are arrested below their representation: Latinx persons, 10% of that community (and the general population) make up just 6% of arrests, and Native Americans, who are 10% of houseless persons but account for 2% of arrests. (Native Americans are only about 1.2% of the general population). Pacific Islanders are 2.6% of the homeless community but account for just .5% of arrests. ■

*His son Timothy II was let go from the Bureau in 2014 (PPR #64).
Police Crack Down on More Antifascist/Patriot Prayer Rallies, One Year Later

Patriot Prayer, a right-wing group based in Vancouver, WA, and led by Joey Gibson, can’t seem to get enough of Portland. Often their violent, macho, racist, hate-spowing rhetoric and actions have countered strong opposition here in Portland among the antifascist groups such as Antifa, and other activists. The Portland Police have frequently focused more of their attention on the people confronting the neo-fascists, particularly on June 30 and August 4, when several people reported serious injuries due to “less lethal” weapons.

On June 30, the “Freedom and Courage” rally organized by Patriot Prayer took place at Terry Shrunk Plaza. They were well protected by Portland and Homeland Security police, who had erected metal fences around the Plaza. Over 100 Antifa and other antifascist protestors protested across the street, facing cops and riot cops. Both sides hurled invectives. This verbal exchange went on for about two hours until the rally ended. Patriot Prayer began to march. Antifascist protestors hurled eggs, plastic water bottles and fire crackers at Patriot Prayer members and the Proud Boys (another racist group). Police in riot gear rushed in to protect them, while the other cops fired smoke bombs, pepper spray and “aerial distraction devices” (flash-bangs) at the antifascist protestors. Some right-wing groups and antifascist protestors punched and beat one another. Soon the cops declared this was a “riot,” and ordered everyone to disperse. Many antifascist protestors re-assembled in Chapman and Lownsdale Squares to face the police line. They were merely shouting at the fascists when the cops started to attack them with rubber bullets. Then the cops revoked the permit of the Patriot Prayer members, ordered them to vacate Terry Shrunk Plaza, and ordered the antifascists to vacate Chapman and Lownsdale Squares.

The June 30 event had many similarities to the June 4, 2017 protests (PPR #72), where cops were also “hands-off” the neo-nazis but attacked the antifascists. Police held back from intervening at a similar event on June 3 marking one year after the 2017 clash, at which Patriot Prayer folks pepper sprayed counter-demonstrators without consequence.

On August 4, Joey Gibson, Patriot Prayer and the Proud Boys held a rally and march at the Waterfront in Portland. The city’s story is that objects were thrown at the cops— prompting a police attack on the counter-demonstrators— but nobody has seen video backing up this claim. Numerous first-hand and media reports indicate that the police ordered a dispersal and began using violence after they realized they had left two patrol cars amidst the crowd, and no objects were thrown until after the police opened fire.

Photos show a police flash-bang canister lodged in an antifascist’s helmet, with serious damage done to his head. Another protestor hit by a flash-bang had severe burns on her arm and chest. Chief Outlaw and the Mayor, in order to prove that they did not want people using violence following Patriot Prayer’s promise to come armed with guns, defended the police actions as having kept the two sides from an all-out street brawl. Rather than invite a dialogue, Mayor Wheeler shut down City Hall days later when angry protestors demanded a voice. In contrast, other cities such as Washington, DC deployed bicycle officers rather than riot police to separate proto-fascists from antifascists.

INDEPENDENT POLICE REVIEW 2017 ANNUAL REPORT DROPS FORCE DATA Portland Copwatch’s Analysis Finds Missing, Incomplete Information—Including Mental Health

The “Independent” Police Review (IPR) released its 2017 Annual Report in mid-June. The oversight agency dropped charts on deadly and other kinds of force, changed how discipline is reported, and made it nearly impossible to track year-to-year progress. Rather than publish separate data tables, IPR launched a “dashboard” which allows some data to be downloaded, but lacks key information. The only statistic on Use of Force in the Report shows force complaints made up 13% of all allegations, yet there is no way to determine the outcome for those allegations. If any force allegations were dismissed, it could be a violation of the Settlement Agreement with the US Department of Justice (DOJ).

It also means when Portland Copwatch (PCW) put out its analysis of the Report on July 5, we could not update the total percentage of force allegations sustained since IPR began functioning in 2002: 0.8% as of 2016, meaning 99.2% have been found in policy. A few minor improvements include the return of a table listing most common allegations and an analysis of the over-representation of African American complainants.

The Citizen Review Committee (CRC), which is housed in IPR and hears appeals of misconduct cases, gets short shrift in the Annual Report (part of a pattern—p. 3). The Report never mentions the rare CRC appeal which went to City Council in February 2017 (PPR #71). Also, IPR originally mis-reported how many times CRC challenged all the findings in 2017 appeals— they said three times rather than two— but edited the report online the day after PCW’s analysis pointed out the error.

IPR noted there were six officer involved shootings in 2017, but does not describe how many were fatal (two) nor the ethnicity of the suspects (three were African American— including both fatalities). The question of persons with mental illness— a key focus of the DOJ Agreement— is not addressed anywhere in the Report.

A person checking the report for accuracy should be able to refer to raw data. However, since the new dashboard is constantly being updated, the information found online may already have been changed by the time the report was published. Therefore, IPR should go back to printing data tables with the Reports.

IPR continued publishing Quarterly reports, with the Q1 2018 report out in late April. It continues to lack meaningful content, columns on CRC activities (which appeared in previous reports), and now does not even have a link to IPR’s website.

IPR’s data dashboard is at <portlandoregon.gov/ipr/77205>.

Portland Copwatch’s Analysis—<portlandcopwatch.org/iprannual2017analysis.html>.

Find IPR’s report at <portlandoregon.gov/ipr/article/688263>.

Police Crack Down on More Antifascist/Patriot Prayer Rallies, One Year Later

Police with less lethal weapons ready to attack counter-demonstrators on June 30 (Betty Lee photo).
June 22) and giving them bicycles (May 12 and June 2). Also, contrary to the tone of Turner’s cesspool comment, they highlight officers giving out food to veterans and houseless persons (May 23 and July 12). Quite a few center around animals—rescuing a runaway chicken (June 4), negotiating the return of a lost dog to its human companion (May 7), and the PPB’s unique “all-female” K-9 unit (May 10). There are five posts from Gay Pride week, and two feature pictures of both Turner and Chief Danielle Outlaw. One is a group picture, which the PPA made its cover photo for a while (June 21); the other shows Turner walking a few paces ahead of the Chief during the Pride Parade. The Chief smiles and waves to the crowd as Turner looks serious and stares straight ahead (June 17).

A few others focus on diversity in the Bureau. One follows Officer Adi Ramic, who is apparently Muslim, to the Iftar dinner breaking Ramadan fast at the Immigrant and Refugee Community Organization (May 29). Though it fails to address what will happen the next time the PPB helps entrap a member of the Muslim community in an FBI sting operation (PPR #52), it is refreshing to read about Ramic joining the participants in prayer. An interview by Oddfellows Lodge #128 of Officer Cuong Nguyen, a Vietnamese refugee (July 4), shows the police welcome people from diverse backgrounds. It also illustrates how the institution absorbs that diversity and turns people “blue,” as Nguyen is quoted complaining how media do not understand what police officers do on a daily basis.

The last two worth mentioning are: an Oregonian op-ed by a man from Cedar Mill—a unincorporated area not technically part of Portland*—who praises an officer for treating with dignity a man injecting himself in public (June 1), and a mildly amusing photo gallery of National Donut Day (also June 1).

When it comes to memorializing officers killed in the line of duty, both the Portland Police and the national group which tracks figures rarely point out that there are far fewer officers who die at the hands of suspects than one would think. The full list of officers posted on Portland’s memorial wall ranging from 1867-2002 (and a T-shirt featured in a May 16 post) shows nine officers killed by gunfire, **one by assault and one in a vehicular assault, so at a glance it might suggest that Portland officers are far less at risk. However, there is a critical difference. The posthumous awards from the Portland Police Memorial Foundation are distributed to the families of the deceased, but not the families of the deceased’s accused. Therefore, when a Portland police officer is killed on duty, a $50,000 award is distributed to the accused’s family, while the families of the deceased receive nothing.

It also points to how the inception of the ‘Blue Line’ blend to support that cause (May 14 and 26). It is unclear whether the same merchants set up memorial funds for Dickie Dow, Kendra James, James Chasse, Aaron Campbell, Keaton Otis, John Elifritz or any other civilians who lost their lives.

Turner vs. Mayor Wheeler

Following accusations that Mayor Wheeler failed to protect ICE agents during the “Occupy” protests (p. 4), Turner opined that “there is no place for personal, political bias” in policing (August 2). Institutional biases are just fine. “Whether you are a soccer mom, a duty police officer, a CEO or homeless,” Turner says you deserve the same protection and police treatment.

One final note on this topic: The PPA has a fund for officers who are harmed in the line of duty, including those who die, called the Cover Foundation. The Rose City Coffee Company apparently created a “Blue Line Blend” to support that cause (May 14 and 26). It is unclear whether the same merchants set up memorial funds for Dickie Dow, Kendra James, James Chasse, Aaron Campbell, Keaton Otis, John Elifritz or any other civilians who lost their lives.

Sheriff Improves Some Mental Health Issues, But Other Actions Raise Concerns

Nobody can say for sure whether the sudden involvement of the Multnomah County Sheriff’s Office (MSCO) in two police shootings in 2018—after not having any since 1994—might be connected to Former Portland Police Chief Mike Reese’s takeover as Sheriff in 2017. Incidents in April and May led to one suspect’s death and another’s hospitalization (p. 1). One deputy is facing criminal charges for off-duty sexual misconduct, and a seven-year-old lawsuit about strip searches of inmates who work in the kitchen is heading to the US Court of Appeals while the MSCO continues to defend the practice (Oregonian, May 9). On the other hand, Reese has been outspoken against arming teachers (PPR #74) and is finding ways to keep people who really only need mental health treatment out of his jails.

Responding to last year’s scathing Disability Rights Oregon (DRO) report (PPR #71), Reese worked with County Commissioner Sharon Meieran on a report documenting steps taken and concepts for the future. In a June 3 Oregonian op-ed, they talked about how the mental health dorm at Inverness Jail is now “less institutional,” that they set up a Mental Health Team which works with people in custody, and the expansion of clinic hours. DRO released a new report in May acknowledging some of the changes, but responding to the op-ed with a June 10 letter saying efforts to divert people in crisis from jail have “faultered.” They say only three people were diverted from County jail to the much-hyped Unity Center in a six month period. DRO suggests having a clinician in the booking area would slow down officers who want to use jail as a dumping ground.

The deputy facing charges, Dwight Richey, is accused of sexual abuse against a woman who says he forced himself on her while watching TV at a mutual acquaintance’s home in May 2017. The Portland Tribune, which has done a number of stories on the case, quotes the MSCO as appreciating how difficult it must be for the complainant, adding they needed to wait for the criminal investigation to end before launching an administrative review. While Richey was not on duty at the time, the case echoes that of Portland Police Officer Alfonso Valadez, who allegedly forced himself on an acquaintance (also p. 1), and echoes concerns PCW has had about law enforcement needing gender parity training since before— and during— Reese’s tenure as Chief.
Between April and August, the Portland Police Bureau (PPB) asked for input on eight of their policies ("Directives"), and Portland Copwatch (PCW) weighed in on seven of those. Most had been posted earlier, and as usual most of the changes PCW previously suggested were not adopted. Among the most significant were four Directives on Mental Health, which are directly linked to the US Department of Justice Settlement Agreement with the Bureau on use of force (p. 7). Below are summaries of comments PCW made each month, though no input was requested in July.

August: The Bureau posted Directive 640.20 on Sexual Assault Investigations. PCW noted the importance of clarifying this policy in light of Officer Alfonso Valadez being fired for off-duty sexual misconduct (p. 1). Valadez’s alleged assault was not properly investigated by Clark County Deputies in Washington State, who failed to process the female victim’s rape kit (Oregonlive, May 21). PCW made comments on this Directive in October, 2015, but none of the Bureau’s original proposed changes, or PCW’s suggestions, had been added. Our comments focused on allowing the survivor to choose what gender officer they want responding to the case, not intimidating them into submitting a rape kit by implying no prosecution will happen without one, and having officers treat everyone with respect and dignity during the investigation.

June: Three Mental Health Directives (850.21, 850.22 and 850.25) had previously been posted in November, and the fourth (850.20) in August 2017. Generally, we encouraged the Bureau to put “Patience” at the top of their list of tactics for officers to use rather than the end, repeated concerns about diagnosing people with poor hygiene as having mental health issues, asked the PPD to acknowledge the mere presence of officers can escalate a situation, and suggested officers must lock up their weapons before entering mental health facilities. PCW also expressed concern that guidelines for the Enhanced Crisis Intervention Team, which had recently been added, were cut out again. PCW noted the Bureau changed a requirement to take a person into custody (“shall”) to an option (“may”) in the Civil Holds Directive (850.21), and conversely made important actions mandatory in the Director’s Holds and Elopement Directive (850.22), where “should” become “shall.” In the Directives on Mental Health Facilities (850.25) we asked that they define what kinds of incidents would require police intervention.

Also in June, PCW commented on Directive 660.10 on Property and Evidence procedures. We raised concerns about seizure of electronic equipment and the destruction of prisoners’ property.

May: PCW commented on the Search and Seizure Directive (650.00), noting that no changes had been made since October 2014 when we previously submitted comments. We asked the PPB to define when and whether a “stop and frisk” (as mentioned in the policy) is lawful, to consider the impact on searches of transgender people, and to consider the legality of “inadvertently” discovering evidence of a crime. PCW has also consistently asked for more time to review policies, particularly more complex ones, in light of how seldom some advisory groups meet. In addition to advisory groups (Training Advisory Council and Citizen Review Committee, for example), the forthcoming Portland Committee for Community Engaged Policing is likely to only meet once per month, but is explicitly included in the Directives review process. Unfortunately, the PCCEP will likely not even hold its first meeting until October.

The comments about implicit bias training focused a lot on the Bureau’s strategy, which apparently involves training officers to unlearn racism without head-on discussing race. The TAC asked the Bureau not to “water down the material so much that it’s irrelevant.” Captain Hurley stated the training would come in at least two parts and they were witnessing part one. Since this training was originally designed by the Community / Police Relations Committee in 2012, and a form of it was given to command staff, then Sergeants in 2013, it is unclear why it is taking so long to get to the rank-and-file. TAC’s comments were strong—a good sign considering they have not had any African American members for several years.

At the May meeting, the Bureau talked about its recruitment process and an on-line “dashboard” where they are now posting Use of Force data. As usual they did not talk about the data in recent publications—the annual and Q1 2018 force reports were available at the time. For the record, the Q1 2018 Report showed African Americans received a high 31% of force despite being just 6% of Portland’s population. It also showed “transients” made up 47% of those subjected to force, while it is said they are just 3% of the population (p. 1). Again, TAC members asked probing questions about potential racial bias in both the recruitment and force data discussions.

The TAC’s 2017 recommendations included suggestions about the Taser policy, learning processes, and recommendations about the Force reports, some of which did not get implemented. One such proposal was that the Bureau should include force data for crowd control in quarterly reports. The annual Force Data report for the 2017 includes force at crowd incidents, but not, for instance, pushing people around with batons (see PPR #72). The separate 2017 Force Audit report lists specific incidents which were found out of policy, but most were technical errors such as improper reporting.

**PEOPLE’S POLICE REPORT #75**

SEPTEMBER 2018
As mentioned in our article about the PPB and Portland’s houseless population (p. 1), the Portland Police Association (PPA) made a big splash by calling Portland a “cesspool” and complaining the Mayor is “blaming” the disproportionate arrests of unhoused persons on the police. In this column, we examine the various posts to the PPA’s online media resources, the Rap Sheet and their Facebook page. PPA President Daryl Turner devoted no fewer than five posts out of 56 we examined since mid-April to expound on his ideas. The initial July 16 post references, internally and in a pull-quote, the alleged “insufficient resources” being given to the Portland Police to address the homelessness crisis. It doesn’t mention what pops up in four other posts (from April 17 and 30, May 4 and 10)—that the PPA urged its constituents to join them in lobbying City Council to give them about 50 new officers. They succeeded. They also casually forget to mention that they took taxpayers for everything they could in October 2016, when they asked for raises adding up to over $9 million in exchange for dropping the “48-hour rule”—which they knew wasn’t being used properly anyway (PPRs #70-72). They do bring up the pay raise in a June 27 post which starts out seeming like a worker solidarity rebuke of the Supreme Court decision limiting donations to public sector bargaining units, but brags about how the 2016 contract will add up to “18% and perhaps closer to 20% wage increases over a 3-year period.”

The follow-up posts to the original “cesspool” comments boast that 95% of people who took an online poll at KGW-TV agreed with Turner (July 22 and 23). Never mind that is not scientific and mostly restricts itself to people who happen to watch that news broadcast. They say thousands of people wrote and called the PPA in support, claiming their analysis is driven by the rank-and-file’s ability to see what’s going on out on the streets. Regarding solutions, Turner again raises the idea of warehousing houseless people at Wapato jail (PPR #73) and tells people to contact elected officials, business and neighborhood associations to advance their anti-houseless agenda. On July 21, Turner wrote, “When community members complain that they cannot use their parks and public spaces without navigating around people living there, or business owners report that someone has defecated in their doorway, they do not call the health department or social services, they call the police.” Why isn’t one solution having 911 or the non-emergency police number redirect people to these other agencies? Oh, because that won’t help line the PPA’s pockets so they can support candidates to scratch their backs.

Perhaps realizing the media attention meant being more measured, Turner’s July 30 post urged that any solution means helping get people into stable housing. Without acknowledging how much money is wasted on over-policing houseless persons, he wrote about how $1.5 million in taxpayer dollars went to “cleaning up” campsites in 2017—sometimes the same sites being targeted repeatedly.

Side note: The June 27 analysis of the Supreme Court ruling assures its rank-and-file readers that the PPA will continue to “expose false narratives and anti-police rhetoric by pointing out the exceptional service you provide.”

Other Topics Familiar: Officer Friendly, Cops Dying in the Line of Duty

Now that we’ve looked at ten of the 56 posts, what else was on the minds of the Police “union” in the past several months? The highest number of posts, not unusually, are feel-good stories about officers, at 24 posts (43%), followed in a far second by 10 stories about officers who died in the line of duty, mostly revolving around the annual memorial service held in May (18%).

“Officer friendly” stories include cops hobnobbing with children, letting them play with patrol cars (April 24 and... (continued on p. 10)