PORTLAND POLICE SHOOT THREE PEOPLE IN 20 DAYS; MAN DIES IN CUSTODY

Fourth Shooting Two Months Later at Coffee Shop; Cop Uses Banned Choke Hold, and Updates 2017-2018

From September 30 to October 19, Portland Police shot at three suspects, killing two. On December 7, they shot and wounded a fourth man. On November 22, they came to assist Portland State University (PSU) Police “restrain” a houseless man, who died after the confrontation. For a Bureau whose average annual deadly force incidents have gone down from about seven in the 1990s to about four today, this many incidents is alarming. The three shootings in 20 days is the largest cluster since the five shootings in 41 days in late 2010-2011 (PPR #53). The first two victims were Patrick Kimmons, 27, who was African American, and Samuel Rice, 30, who was in a mental health crisis. The third, Jason Hansen, 29, lived after being shot by both a PPB officer and Clackamas Deputy. The man who died in custody was Richard Barry, 52. Ryan Beisley, 34, was allegedly wanted on a federal “escape” warrant when he was wounded in December. Also, in late August, a two-time shooter cop applied a choke hold to a suspect who lived, despite a previous ban on such a maneuver. The PPB’s shootings led to a record high across the state of Oregon in 2018 (p. 7).

Meanwhile, new information came in on the PSU Police shooting of Jason Washington (PPR #75), and the shootings of Chase Peeples (PPR #73), Steven Liffel (PPR #70), Quanice Hayes (PPR #71), Terrell Johnson and Michael Grubbe (PPR #72). (continued on p. 6)

JUDGE DEFERS APPROVAL OF NEW OVERSIGHT BOARD

City, Dept. of Justice Seek OK Before 1st Meeting

Federal Judge Michael Simon elicited chuckles in his courtroom on October 4 when he asked the representative from the US Department of Justice (DOJ) how the City’s new oversight board for the DOJ’s Settlement Agreement could be doing well if it had not yet held its first meeting. After taking public input, Simon told the City to come back on June 6, giving the Portland Committee on Community Engaged Policing (PCCEP) time to show whether their structure meets the needs of the Agreement. The status conference took place just a month after the City tweaked the PCCEP’s organizing document and a week after Council affirmed the Mayor’s picks for the 13-member Committee. PCCEP held its first official meeting on November 28, nearly two years since the City dismantled its predecessor, the Community Oversight Advisory Board (COAB-PPR #74). Also in October, the Compliance Officer / “Community Liaison” (COCL) put out a new assessment of compliance with the Agreement focusing on Training and the Employee Information System, and the City Auditor spoke to (continued on p. 8)

ONGOING NEO-FASCIST/ANTI-FASCIST PROTESTS AND ATTEMPTS TO CURTAIL THEM

Over the last few months, several Portland protests drew significant Portland Police Bureau (PPB) response. In November, Mayor Ted Wheeler proposed a questionable ordinance to restrict how, when and where people can protest. In October, news emerged about police finding people apparently affiliated with the alt-right group Patriot Prayer with three rifles on top of a parking garage just before the August 4 rally, which ended with serious police violence (PPR #75). Initial reports from PPB said loaded arms were confiscated, but later the reports changed. On October 16, KOIN-TV reported officers found four people with three empty rifles in carrying cases. The men told the cops they were a “quick extraction team” for comrades who might get injured at the protest. It is not why clear why police let them go after discovering they had concealed weapons permits, since you cannot conceal a rifle. They let the men lock the guns and (separated) ammunition into the back of a pickup truck.

Aaron Cantu, the protestor who suffered brain damage when a police flash-bang device hit the back of his helmet on August 4, filed a lawsuit (Willamette Week, September 19). The PPB has not admitted responsibility.

An October 13 “Law and Order” rally was led by the white nationalist Proud Boys and Patriot Prayer in downtown Portland. Both were met with counter-protestors who outnumbered the neo-fascists. A few Patriot Prayer members and Antifa fought briefly with fists, batons and bear spray before being dispersed by police.

On November 8, in response to violence among protesters, Mayor Wheeler proposed his ordinance to give the police commissioner control over time and place of protests. It presented serious constitutional questions, as noted by the ACLU, the National Lawyers Guild, Portland Copwatch and others. When Council discussed these exceptional powers, based on police predictions of who will engage in violence, Commissioner Chloe Eudaly questioned police protest tactics in detail, receiving evasive responses in chambers. (continued on p. 10)
PPB Continues Seeking Input on Policies, Overwhelming with 17 at Once in September

While the Portland Police Bureau (PPB) continues to solicit community input on its policies (“Directives”), there still seems to be a disconnect about ensuring people have time to generate feedback. On September 1, the Friday of Labor Day weekend, they posted seventeen Directives, mostly revolving around accountability, with a 15 day deadline to respond. Conversely, when Portland Copwatch (PCW) let them know they failed to post a Directive in early October about the Criminal Intelligence Unit (CIU), they extended the deadline for comments. Below are short summaries of the policies and PCW’s feedback.

August

The PPB posted Directive 810.10 on Immigration Enforcement which appropriately cautions Portland officers not to “assist in the enforcement of federal immigration laws” and strengthened a prohibition on complying with detainer requests. The Directive says PPB should not assist federal authorities when they are “solely or primarily” focusing on a person’s immigration status, though in two places it says “solely” but not “primarily.” A loophole in the policy allows police to do things like block traffic for Immigration and Customs Enforcement (ICE) or other authorities, as they did outside ICE headquarters while federal officers cleared a driveway during the occupation in June (PPR #75).

In Directive 635.20 about Community Observation of Police (the “Copwatching Directive”), the PPB removed the clause requiring police to return not just a recording device but also its contents. It is not clear why, but PPB ignored PCW’s request to add a section prohibiting the erasure of such recordings. They added some protection against police seizing recordings, including one clause saying a person may give consent in writing for a seizure.

September

Along with the various accountability Directives, the PPB posted the policy on Racial Profiling (344.05). The Bureau reworded their definition of profiling, ignoring whether the officer’s stop is based on the person’s visible protected class status characteristics (race, gender, etc.). PCW asked them to add the term from the Immigration Directive saying a person’s characteristics can’t be the sole “or primary” reason for a stop. The word “solely” is still in the Section guiding consensual stops, which does not prohibit officers from disproportionately stopping to talk to people based on protected characteristics (including race). We pointed out the words “or primarily” were added to Directive 310.20 on Discrimination in reference to 344.05.

Accountability policies included Satisfactory Performance (315.30), wherein the PPB removed language PCW pointed out that required officers to “apply force when necessary,” because they agreed they do not want a policy that seems to encourage use of force. The Discipline Process Directive (335.00) still directs the Bureau to use the term “Not Sustained” when they mean there is insufficient evidence to prove misconduct (this is also in Directive 332.00). Policy 337.00 on the membership of the Police Review Board (PRB) added new reasons officers might be removed from the Board. Directive 333.00 on Criminal Investigations of officers carved out shootings and deaths as separate cases (they are covered in Directive 1010.10) without acknowledging that administrative and criminal investigations would be easier to keep separate if an independent prosecutor or empowered civilian review board run one or the other (or both). They did, however, add a clause allowing the PPB to call outside law enforcement to look into criminal charges.

On some other accountability policies:

—The PPB added language to Directive 330.00 on Internal Affairs prohibiting dismissals of force complaints—and the use of mediation to settle such complaints, following PCW’s previous comments.

—Defining the Non-Disciplinary Complaint system now known as “Supervisory Investigations,” (331.00) the PPB inexplicably created two new findings that do not match other misconduct findings. They are “substantiated” and “unsubstantiated.”

—The policy on internal investigations (332.00) now allows the Bureau to add a “debriefing” even when a deadly force incident is found “In Policy.”

Later in September, the PPB posted policies on (homeless) camping (835.20) and “trespass agreements” (630.37). PCW noted that the City finally included language from a 2012 court order in the camping Directive, but unfortunately that language defines a campsite as a place where “personal property” is present. This could give police discretion to clear out a person sitting on the sidewalk with, say, a newspaper. PCW also raised concerns that private security who are essentially empowered by the City (“Clean and Safe”) do not have to follow the court rules. On the flip side, the trespass Directive allows police to provide extra protection to property owners who sign agreements, which seems to violate the concept of “people pay taxes and all residents get equal protection.”

October

PCW’s comments on the Criminal Intelligence Unit Directive focused a lot on how CIU officers are the ones engaged in the Joint Terrorism Task Force (p. 5). We recalled our own history of being spied on by the PPB (PPR #19) and emphasized there should be a way to control the sharing of information that turns out not to involve criminal behavior so it does not end up in other agencies’ files.

November

PCW raised concerns about outdated references to body art and gender-based clothing and grooming standards in Directive 1110.00 (“Appearance Standards”). We also raised concerns that the policy doesn’t call to fire officers if they obtain white supremacist or other tattoos like the “Brotherhood of the Strong” which Multnomah County corrections officers got back in 2000 (PPR #22).

We asked why the Directive on Critical Incidents leading to time off or reassignment (416.00) still does not clearly define what a “critical incident” is. Some of PCW’s comments, including all 17 policies from September, are at <http://www.portlandcopwatch.org/doj.html#directives>.
Mary Hull Caballero, the elected Portland City Auditor, refused to meet with the civilian police oversight body known as the Citizen Review Committee (CRC), which is under her authority, at a meeting in October. In November, she pulled a CRC Work Group report on Use of Deadly Force off the City Council agenda, even though the volunteer group had spent years making the report. Hull Caballero also told CRC she was neutral on the idea of changing their standard of review (PPR #75), but apparently went to City Council members expressing reservations. Meanwhile, the Committee sent back a use of force appeal related to a protest for more investigation, stood firm on a finding they had asked the Chief to “Sustain,” and asked to Sustain a finding that an officer lied. The “Independent” Police Review (IPR), which houses CRC, put out a report on hiring practices in the Bureau with no public or CRC input, but two senior IPR staffers encouraged the group to get back to work auditing the complaint system.

**AUDITOR UNDERMINES REVIEW COMMITTEE EFFORTS AS THEY PUSH BACK AGAINST BUREAU**

At the November CRC meeting, Chair Kristin Malone reported that the Auditor pulled the Deadly Force Work Group’s report from the Council agenda, having previously written to CRC rather than attending a meeting to explain her concerns about changing their standard of review. Malone expressed frustration with trying to do the work the community expects without the support of the elected official overseeing the group, revealing she was considering resigning.

Currently, CRC has to defer to the Bureau’s findings if a “reasonable person” could have made the same decision. The Committee is pushing to be able to make their proposed finding based on a preponderance of the evidence, a much clearer and less deferential standard. At the October meeting, the CRC noted Mayor Wheeler’s aide Nicole Grant had told them to wait until after the US Department of Justice Agreement has run its course,* though the Mayor himself was enthusiastic about making the change. CRC indicated as many as four of the five Council members might support the move. Hull Caballero’s email raised concerns that (a) she thinks the DOJ has to approve a change to the standard (the “reasonable person” standard is in the definitions section of the Agreement), (b) the Portland Police Association opposes it and their contract isn’t up until 2020, (c) the change will create “redundancies” in the system and (d) the CRC is supposed to be a review body, not a “fact finder.” CRC found themselves caught in an apparent circular problem where Council said they are ok if the Auditor is, while the Auditor originally said they could move ahead if they had the votes.

Judge Michael Simon held a conference hearing on the Agreement the day after CRC’s October meeting (p. 1), so Malone was able to testify in federal court about the CRC’s efforts and her frustrations. While the Judge made a comment about maybe having to change the Agreement to fix the standard of review, the DOJ has repeatedly said anything which improves the oversight system or makes it stronger is acceptable—the Agreement is a floor, not a ceiling. The Chair sent the CRC’s proposal to the DOJ and to the City Attorney, who also seems to be part of the roadblock, but had not heard back by November 7. IPR Director Constantin Severe indicated at the September meeting that any change has to make the system run faster, implying if CRC sends more cases back for new findings it could slow things down. This is only true if the Bureau refuses to change their minds based on CRC’s recommendation.

The long-awaited Use of Deadly Force report was adopted in its final form by CRC in October. David Denecke, a former CRC member who continued chairing the group after his term ended, thought the Council should act to be sure the policy is applied correctly. Apparently, IPR put it on the Council Agenda for November 14 but the Auditor had it pulled a week beforehand. Hull Caballero argued the Bureau had already made the one change suggested by the report—to include de-escalation as a key principle in the Use of Force Policy—so Council did not have to hear the report. Two problems: (a) City Code 3.21.090 [3] explicitly says CRC can present its findings to Council, and (b) the PPB has shot six people and a dog and sent one person to the hospital with mortal injuries so far this year—so the de-escalation doesn’t seem to be working.

Making the Auditor seem hypocritical, she presented her Audit Service Division’s audit of PPB training to City Council on September 12 (also see DOJ article, p. 1).

**Case 2018-x-0003: CRC Agrees Jaywalking Ticket Was Retaliation Against Woman Watching Cops**

At their November meeting, Chief Outlaw came to discuss two of the five findings CRC recommended changing in Case 2018-x-0003 back in August (PPR #75). This case involved a community activist who says when she was video-recording a tank-like vehicle returning to North Precinct in May 2017,** Lt. Leo Besner inappropriately threatened to arrest her for not showing identification so he could cite her forjaywalking. She also said Officer Neil Parker’s decision to order the citizen was in retaliation for her recording. CRC asked to find the system run faster, to have more allegations to be found out of policy. The Chief accepted three other proposed findings regarding Parker failing to give the Appellant a business card (Sustained), and whether Besner used excessive force (Not Sustained, or insufficient evidence) and failed to manage the encounter properly (also Not Sustained).

At first the Chief said she was willing to change the arrest threat from “Exonerated” (in policy) to “Not Sustained,” but flip-flopped once she was before the committee, saying she thought even if Besner said the Appellant could be “arrested” rather than detained to determine her identity, it would not violate policy. The Chief was fairly saying, it is easy to switch the language “or whatever,” and said she didn’t want to argue over “semantics,” also noting the interviews took place 10 months after the incident. The CRC made a point about how it matters to civilians if they are told they are being arrested—which can affect employment—with Chair Malone adding it is a legal distinction officers should know. Malone pointed to places in the transcript where the witness officers said multiple times Besner used the word “arrest,” though she noted they also used the term “detain.” Internal Affairs Captain Jeff Bell clarified a person can be detained and checked for mug shots and fingerprints. It probably could have been added that Besner should know better since he has been on the force for 24 years and is a Lieutenant. As the discussion headed to a vote, the Chief promised to ensure officers know the distinction through training efforts. CRC voted 5-4 to reverse their earlier proposal and instead ask for a “Not Sustained with debrief” finding, meaning Besner should at least get told to talk about what he (most likely) said. At least one member, Andrea Chiller, voted against the motion because she wanted to Sustain the allegation. The other no votes were Michael Luna and new members Hillary Houck and Jihane Nami. (continued on p. 4)

*Grant apparently believes the Bureau will be done with the DOJ Agreement in a year, even though the Agreement requires the city to be in full compliance for a year before the Court can release them from their obligations.

**In PPR #75 we said the incident happened in January 2017, we regret the error.
However, when it came to the question of whether Parker retaliated, CRC pointed out how officers can always find a technical violation of the law to cite someone, and as long as that citation is valid, an officer will never be found out of policy for retaliating. Chiller noted Parker did not write in his initial report about concerns for the Appellant’s safety being in the street, with Malone adding many people likely jaywalk on that street next to the police precinct but few are probably cited. The Chief defended Parker, saying he just wanted to talk to the Appellant, and pointed out his report talked about a spike in attacks against police and vandalism against PPB vehicles. But the officer also made notes about the Appellant shaking her head in disgust at the quasi-tank and her recording, so it was not reasonable to ignore that the officer essentially admitted to retaliating. CRC voted 8-1 to forward their Sustained recommendation back to the Bureau, with only Vadim Mozyrsky dissenting.

If the Chief still disagrees, the case will go to Council.

Case 2018-x-0004 Officer Used Excessive Force by Violently Shoving Legal Observer at Protest

At the September meeting, CRC held a Case File Review about whether there was enough information to determine if Officer David Hughes (#50499) used excessive force against National Lawyers Guild (NLG) legal observer Christopher Kuttruff during a protest in 2017. Kuttruff also said Hughes failed to give a warning before using force. Both allegations were “Exonerated,” meaning the officer was supposedly within policy. Video of the incident shows Hughes pointing at people to his north, and Kuttruff apparently being bumped westward toward the cop and tripping over a bicycle. Rather than notice Kuttruff’s green hat identifying him as a legal observer or the fact he was holding a recording device and not a weapon, Hughes sprang up from the ground and bodily pushed Kuttruff to the pavement.

Even though Kuttruff and his attorney Kenneth Kreuscher provided three videos, IPR only used two of them for the investigation. The Appellant says the missing one shows Hughes’ facial expressions. Director Severe said he did not want to “deluge” investigators and CRC with too much footage. (Why he couldn’t just cut the video down to a few minutes before and after the push is unclear.) CRC voted 6-4 to send the case back for more investigation, including adding the missing video and witnesses, and to add a third officer to the investigation. Voting against the motion were Luna, Nami, Mozyrsky and Neil Simon (no relation to the Judge).

Case 2018-x-0005 Officer Lied to Stop Videographer

The case in which Sergeant Erin Smith improperly threatened a copwatcher with arrest (#2017-x-0007, PPR #73) was sent back through the system to see whether Smith was untruthful when saying he could arrest the Appellant for recording police. The Police Review Board made a finding of “Not Sustained.” A new appeal (#2018-x-0005) was heard at the December meeting. Captain Stephanie Lourenco claimed the “Truthfulness” Directive isn’t clear enough to say that Smith’s admittedly lying about the Appellant’s rights was a violation of policy. However, CRC noted that no reasonable person could think there was a threat that justified lying. The Committee voted 7-0 to change the finding to “Sustained.”

Apparently Smith changed his story from his first three Internal Affairs interviews when he was already admitting to lying. It seems better CRC sent this finding back than asking the Chief to start a third investigation into whether Smith lied to investigators.

IPR Cranking Out Reports Without Public Input, But Invites Some CRC Help in Future

IPR has put out a number of policy reviews in the last two years, including one on Crowd Control which never went to CRC for input or review (PPR #75). Their October report on PPB hiring practices was no exception (p. 5). However, at the November meeting, Program Manager Rachel Mortimer suggested CRC could help IPR review the Bureau’s policies toward houseless persons. Mortimer also echoed Director Severe’s September suggestion for CRC to stop worrying about the Recurring Audit Work Group’s unfinished 2012 review of dismissed cases and move on to something else, perhaps closed investigations. It was a rare show of encouragement from IPR staff for CRC to do what they’re supposed to.

On the other hand, IPR’s Quarterly Reports continue to contain no information whatsoever about CRC. Portland Copwatch (PCW) previously noted the section about CRC in IPR’s Annual Reports shrank from an entire chapter to a few paragraphs, yet the ordinance specifically requires IPR to work with CRC on these reports.***

IPR also makes a “Director’s Report” to CRC at each monthly meeting, but refuses to explain the nature of cases it is “independently” investigating. **** From September to December, the reports show IPR looking into 15 different incidents, five of which are listed as not involving civilians.

CRC Membership: Diverse but Not Diverse

In November, Michael Luna, who was appointed in 2015, left the group as his term expired. IPR Outreach Coordinator Irene Konev approved Luna sitting on a Police Review Board as a CRC member in late November despite it technically being past the end of his term. This is probably a good thing, as Chair Kristin Malone appears to be the only one of the 11 members who has been regularly attending PRB hearings even though CRC is supposed to rotate through. Most CRC members have to work during hours they are supposed to review files and sit in the hearings.

Luna’s replacement, 24-year old Kayla Wade, is a self described queer woman of color. So, while about 50% of Portland residents are over age 50, there are now no CRC members over the age of 45. This also put the CRC back at a total of seven women and four men, welcome but also not reflective of the city’s population.

Contact IPR at 503-823-0146

---Cite Code 3.21.170 [D].

---IPR still needs the PPB’s Internal Affairs unit to compel officer testimony, so it is still dependent on the police.
In mid-October, the Albina Ministerial Alliance (AMA) Coalition for Justice and Police Reform sent a letter to City Council and the Chief asking them to consider broadening the search for a Police Psychologist when the current contract with Dr. David Corey expires. Dr. Corey is a white practitioner from Lake Oswego who has had the contract to screen new recruits since 1999. Portland Copwatch (PCW) and the AMA Coalition previously pushed the issue into the public eye in 2012-2013 (PPR #61). The main focus of the letter was Corey’s promise in the 2013 three-year contract to diversify his screening panel and make regular reports about progress, with the idea being that people who are not white might want to see people who look like them conducting the interviews. The issue of diversity in the Bureau came up again in late October when the “Independent” Police Review (IPR) released a report about “Equity in Police Bureau Hiring.” Because IPR conducted their study with no public input, the issue of the psychologist was not part of the report. However, it did contain a chart showing that only about 3% of the Bureau’s employees are African American in a city that is 6% black.

In response to the AMA Coalition’s letter, the Chief and her staff have promised to open up hiring before Corey’s contract expires again in August 2019. Corey’s position was renewed quietly in 2016 after the City changed its rules so contracts under $500,000 do not need Council approval. According to the November 30 Street Roots, Corey is still “consulting” with Dr. Sandra Jenkins, an African American psychologist who formerly worked at Pacific University. This indicates Dr. Jenkins is not conducting the actual exams.

IPR’s report was confusing, as they said there’s no way to see whether the PPB is doing adequate outreach to candidates of color because demographic information is kept by the City’s Bureau of Human Resources (BHR). This leads to the question, “why didn’t IPR just get the information from BHR?” Mostly, the recommendations are for the PPB to track more data and broaden their diversity.

PCW examined information from the PPB which shows that from 2015 to 2018, the number of African American officers of all ranks went down from 36 to 34. There are no Native American line officers and just four in the entire Bureau out of 920 sworn employees, or 0.4%, far below their representation in the population. IPR points out that nearly 84% of the Bureau is white in a city that is only 75% Caucasian.

Efforts to Pull Portland Officers from Terrorism Task Force Build

On November 28, OPB reported the FBI arranged to meet with Mayor Ted Wheeler days after the election to discuss what would happen if Portland pulled out of the Joint Terrorism Task Force (JTTF). Jo Ann Hardesty, who was elected to Council November 6, pledged to pull out of the JTTF within weeks of entering office. OPB reported the FBI indicated the PPB’s knowledge of which suspects might have mental illness, rather than being actual threats, would be lost. They also pointed to a case in which the feds investigated someone threatening the Mayor as a reason to stay in. But it’s outrageous to think the FBI could not ask Portland Police for information about whether someone is a criminal threat or investigate threats of violence without having security clearance and being part of a special Task Force.

On November 8, one year after campaign participants sent a letter to City Council requesting that the two Portland Police Bureau (PPB) officers be pulled out of the FBI terror task force (PPR #73), the campaign sent an updated letter to Council and the media. The 2018 version includes signatures from at least nine additional organizations, including Portland’s Resistance and the Chinese American Citizens Alliance Portland Chapter. The issue was raised several times in the race between Hardesty and Loretta Smith for the seat being vacated by Commissioner Dan Saltzman. Smith, who originally said she needed more information, agreed it was concerning that Immigration and Customs Enforcement (ICE) sits on the JTTF. On October 18, the Portland Tribune noted Commissioner Chloe Eudaly “supports a conversation about whether the participation of [ICE] violates the city’s sanctuary policy” but did not pledge to vote to pull the PPB officers. Days after the OPB story, the FBI held a news conference and admitted they use people’s immigration status to deport them if the FBI believes there is a terrorist threat but has no evidence of criminal activity. Hardesty will likely encourage both Commissioners Fritz and Eudaly to vote to get out of the JTTF.

Portland Copwatch, which is administratively coordinating the campaign, suggests that people contact Council about their feelings regarding the JTTF.

Find information, including the letter, a list of signators, and more at [http://www.portlandcopwatch.org/ppr/jttf.html](http://www.portlandcopwatch.org/ppr/jttf.html).

Trimit Fare Evasion Arrest by Cops Ruled Unconstitutional

Latinx David Douglas School Board member Ana Del Rocio (legal name Rosa Valderrama), won a victory in court, pushing back on her arrest by Portland Police for “theft of services” on a TriMet MAX train (PPR #74). On September 20, Multnomah Circuit Court Judge Wittmayer held that neither TriMet fare inspectors nor police officers may randomly approach a passenger to demand proof of fare because the Oregon Constitution requires reasonable suspicion a person has violated a law (Portland Tribune, September 27). TriMet will now pursue only civil penalties against fare evaders. Since police upped the stakes by making a criminal arrest, perhaps a reduction in police presence would prevent future such incidents. In January 2018, TriMet hired 50 unarmed private security officers, but there has been no talk of reducing the number of Transit Police.
Kimmons: Shot in the Back While Running from Police

A seminal national case is that of Tennessee v. Garner (1985) in which a suspect who was fleeing police was found not to be posing an imminent danger to anyone, thus the officers’ use of force was unconstitutional. On September 30, police observed Pat Kimmons firing a gun at two other occupants, both of whom were wounded (Portland Tribune, October 2). Video shows Kimmons at first running toward police but then taking an abrupt turn and running away. Officers Garry Britt (#49588) and Jeffrey Livingston (#57119) fired multiple times, hitting Kimmons with nine bullets. The Medical Examiner’s report shows at least four of the shots hit him in the back.

Britt was involved in the shooting of Joshua Baker six years earlier (PPR #58) and contacted John Elifritz on the day he was killed in April (PPR #74). This is the second shooting of an African American man since Chief Outlaw took office in October 2017. The family and community members expressed outrage at Kimmons’ death, holding multiple vigils and protests (p. 10).

In an unusual moment, Officer Jason Hubert spoke at a community meeting discussing Kimmons’ death and expressed his sadness. He had spoken to the young man whom he considered to be “a friend” three times the week before he died (Oregonlive, October 5).

Samuel Rice: Sniper Shot Echoes Previous Incidents

Sam Rice was confronted by police at the Del Rancho Motel in SE Portland on October 10 as he was reported to have a knife and was not letting a woman (identified as his girlfriend) leave the motel room. Special Emergency Response Team (SERT) Officer Kelly VanBlokland (#26660) acted as a sniper to kill Rice with a single bullet to the head, even though the negotiating team had barely gotten to the scene. This incident echoes the death of Byron Hammick, who was shot in a hotel room while holding a child in 2002 (PPR #26), and Nathan Thomas, a 12 year old who was killed along with the man who had him at knifepoint in 1992 (incident echoes the death of Byron Hammick, who was shot in a hotel room while holding a child in 2002). The US Department of Justice came to town to force the PPB to use less violence when interacting with people in mental health crisis, so it is not clear why Rice ended up dead—unless SERT’s policies haven’t changed.

Hansen Wounded by Police as PPB Officer Bitten by K-9

On October 19, Jason Hansen was shot twice by Portland Police Officer Kameron Fender (#50793), and Clackamas County Sheriff’s Deputy Jon Campbell (#38851). He ran from a reportedly stolen car after a chase that began around SE Portland in Clackamas County. Hansen allegedly shot at police, who were not hit. Both agencies released police dogs, and the Clackamas dog bit Officer Fender. Though the wound was superficial enough that Fender was immediately released from the hospital, he claimed the injury made it impossible to be interviewed within 48 hours as required by current policy (PPR #72). Hansen was not identified until November 1, and was only released from the hospital into police custody on November 9 (Oregonian, November 11).

Hansen’s was at least the 31st shooting by Oregon law enforcement in 2018, breaking the previous post-2010 record of 30 in 2013.

Houseless Man Killed on Thanksgiving, “Fugitive” Hit by PPB Gunfire in Starbucks

Details are still slim about what led to the death of Richard Barry, but PPB Officers James DeAnda (#57476) and Jared Abby (#56909) came to the aid of PSU Campus Police Officer David Troppe, and Public Safety Officers Michael Anderson, Danae Murphy and Nichola Higbee as they were called to respond to complaints Barry was running around in the streets of SW Portland yelling (Oregonlive, November 23). After being restrained by the PPB, Barry was sent to the hospital, where he died. On December 10, the Medical Examiner declared he died by “accident” due to drugs, and that the police had nothing to do with the death.

On December 7, Portland officers Lucas Brostean (#56548), Dustin Lauitzon (#54740), John Sapper (#50821), and John Shadron (#37126) shot and wounded Ryan Beisley, who allegedly jumped behind the counter at the Hollywood Fred Meyer Starbuck. The employees called in the cops after locking themselves in a back room. The police say Beisley pointed a replica gun and the officers opened fire. There’s no way they knew at the time Beisley had a warrant out for escaping from a halfway house, yet the media emphasized he was a “fugitive.”

Two-Time Shooter Cop Chokes Man

In 1985, officers put Lloyd “Tony” Stevenson, an African American security guard they mistook for a criminal, into a “sleeper” choke hold and killed him. The incident caused public outcry and police banned the choke hold. Current PPB policy define choke holds as deadly force, but does not ban them. It is unclear if the holds are taught in training, and thus whether Officer Larry Wingfield (#26849) will be found out of policy for trying to choke Jonathan Harris, 31, when he supposedly resisted officers trying to take him into custody on a warrant on August 31. Wingfield was involved in the shootings of Thomas Higginbotham in 2011 (PPR #53) and Jonah Potter in 2012 (PPR #56). Anger management, anyone? The Independent Police Review indicates the case is being investigated as a deadly force incident.

Updates on Seven Portland-Area Shootings

—An autopsy report showed that Jason Washington, an African American man who was trying to break up a fight, was hit by nine of 17 bullets fired by the PSU officers who killed him on June 29. Three bullets hit him in the back. A grand jury cleared Officers Shawn McKenzie and James Dewey of criminal wrongdoing, while PSU’s several internal investigations continue (Skanner, September 19). It is unlikely McKenzie can be held accountable as he left PSU for another agency in October. Student protests continued even as PSU opened its board meeting to public comment, knowing many people want PSU police to disarm.

—Chase Peeples, a bank robbery suspect who was shot by the PPB in October 2017, was sentenced to five years in prison. Unlike many survivors of police violence, Peeples reportedly said the permanent injuries inflicted by Officer Ryan Reagan were a wake-up call and he was not interested in suing (Oregonian, October 30).

—The September Police Review Board (PRB) Report (p. 9) reveals the secretive body found four shootings in policy. There was no discussion of the possible racial profiling of Johnson, a mixed-race young man who allegedly had a knife at a transit station in May 2017, or Hayes, the young black man who was apparently not armed when he was shot in the head and chest by a police rifle three months earlier. The PPB did not ask where stray bullets went in the shooting death of Steven Liffler at an apartment complex in December 2016, or when officers shot at Michael Grubbe multiple times in a residential neighborhood and damaged two homes and a boat. The main recommendation from that case was for officers to put better sights on their shotguns.

—The Board declared “reasonable” Officer Andrew Hearst’s belief Hayes reaching for his waist meant he was going for a gun—although he was on his knees at officers’ direction and likely was trying to keep his pants up. A commander was criticized for taking part in the custody team rather than supervising. The Report says officer Samson Air had a “lawful reason” to pursue Johnson but did not criticize engaging in a foot chase with an armed (with a knife) suspect. There was no reported review of commanders’ actions in this case, perhaps because Transit Police include officers who are not PPB members.
OREGON DEADLY FORCE INCIDENTS AT 34, HIGHEST ON RECORD
NINE INCIDENTS SINCE SEPTEMBER INCLUDE FIVE IN PORTLAND; KLAMATH DA TURNS CASE OVER TO STATE

In our last issue, Portland Copwatch revealed our research showing there had already been 25 officer-involved shootings/deaths in the state of Oregon by the end of July—the average number for any single year from 2010-2017. With nine more incidents since then, we have now passed the 2013 high of 30 shootings in one year. This is a 40% increase over the average and is far above the national trend. In an October 5 case in Klamath Falls, Klamath County District Attorney Eve Costello turned the case over to the Oregon Attorney General’s office for investigation, noting the DA has an “intimacy and familiarity... with the local involved officers, and also the participation of a Drug Enforcement Administration [DEA] agent” (KOBI-TV, October 19). Community activists have long demanded an independent prosecutor be used for deadly force cases because of just such conflicts of interest by DAs. Unfortunately, like most Grand Juries, Oregon’s DOJ found the officers were justified in the incident.

Three of the nine incidents happened in Portland in a three-week period (p. 1), with a fourth on Thanksgiving and a fifth in December. Here are recaps of the others:

—On September 7, Beaverton Officer Dan Coulson shot and wounded Anthony Shaner, 22, when he was allegedly riding a bicycle and carrying a knife near Jesuit High School (Oregonlive, September 24).

—On September 20, Eagle Point Officer Daniel Cardenas shot and killed Matthew Graves in a fast food restaurant restroom. Disturbing video of the incident shows two officers followed Graves into the restaurant after seeing him jaywalk. Rather than notice his bizarre behavior might indicate a mental health issue (Graves’ family said he has schizophrenia), they escaladed the situation by using a Taser, which Graves may have had as a fraternity initiation ritual, used on Senior Officer Clarence Davis. Davis apparently mistook the Taser for a gun and Cardenas killed Graves based on Davis shouting he had a gun (Oregonlive, October 25).

—On October 5, Klamath Falls Police Detective Corporal Christopher Zupan and an unnamed DEA agent shot and killed Phillip Samuel Moskios Jr., 48 after Moskios allegedly assaulted an Oregon State Trooper in Modoc Point during a traffic stop and fled on foot (Klamath Falls News, October 5).

—On November 3, North Bend Detective Ryan Doyle, Coquille Officer Justin Gray, Coos County Deputies Theran Coleman and Aaron Whittenberg, and Oregon State Police Troopers Ben Cordes and Shaelon Ross shot and killed Robert Charles Foster, 65, in Bandon after he allegedly fired a shotgun at them (Eugene Register Guard, November 5). Foster had previously tried to commit suicide in October and reportedly told officers to “come and kill me.” For what it’s worth the Coos County DA stated this meant Foster had “the intent of provoking the police to shoot and kill him”—avoiding the problematic phrase “suicide by cop” (Oregonlive, November 4).

In other deadly force-related news:

—Washington state voters used a ballot measure to remove the requirement that police officers have to have used “malice” in using deadly force in order to be prosecuted.

—On February 24, a man was killed after Gladstone police chased him in a car; so far as we can tell, the man’s name has never been released (Pdx Flash Alert News, February 24).

—Also in February, Former West Virginia Officer Stephen Mader won a $175,000 wrongful termination lawsuit after he was fired for not using deadly force against a suicidal man in 2016 (PPR #70), with Mader saying he assessed the actual danger using skills he learned in the military (IHeartRadio, February 13).

Find PCW’s list of shootings in 2016 at <www.portlandcopwatch.org/shootings.html>.

COPS WILL PROBABLY RECEIVE SCARCE EDUCATION FUNDS

The Portland Police Bureau (PPB) asked Portland Public Schools (PPS) to use education dollars to partially fund nine PPB School Resource Officers (SRO). The agreement would cost the school district $2.7 million over 2.5 years, about $120,000 per officer per year—twice the average teacher’s salary (Portland Tribune, November 28). The School Board adopted the proposal on December 11 despite widespread community opposition, including students who requested the vote be delayed. The next step is for Portland City Council to consider approving the deal.

At the November 27 School Board meeting, Captain Tashia Hager implied that hiring more SRO’s would mean fewer students will be entered into the criminal justice system. Hager said out of 2,500 calls to schools to which SRO’s responded in 2017, 13 students were arrested. She claimed street cops don’t have the time, resources, or relationships to find solutions beyond making arrests. PPS already has two restorative justice programs to keep students from entering the criminal justice system.

SECURITY BOOST AT CITY HALL

Portland City Council approved a 480% increase for security at City Hall after “uncivil outbursts” which led them to shut down meetings. The current peregrin is $847,034 for 18 security guards (Oregonian, November 30).
The changes made to the PCCEP document on September 5 included (a) expanding the Committee from 11 to 13 members to include two youth members and (b) giving members options other than attending the Police Bureau’s “community academy” and going on a ridealong (though both options still require contact with the police). They removed a requirement for PCCEP to hold quarterly town halls, instead saying the group should “meet community members where they are physically, mentally, emotionally and spiritually,” whatever that means. On the bright side, they added a requirement that PCCEP take input before voting and for their subcommittees to hold open public meetings.

On September 26, the Council approved the people nominated by Mayor Ted Wheeler to sit on PCCEP. One name which stuck out was Sam Sachs, a former corrections officer and Park Ranger whose leadership (or lack thereof) helped end the existence of the Community/Police Relations Committee (PPR #66). Sachs is known for organizing events encouraging community members to eat meals with police (PPR #73). The two youth members are joined with their adult mentor Lakayana Drury from “Word is Bond” (WIB) a seemingly well-meaning group to teach mostly African American youth how to interact with police. While WIB does address racial profiling issues, they also host basketball games involving and “supported by” the Bureau, leading to the question whether they have a conflict of interest. One youth WIB member is also an alternate, and at least three adult alternates were also named and went through training. Another member, Bob Dye, is General Manager of the Lloyd Center Mall; the only thing his biography points to in terms of dealing with police is helping institute the use of dye packs in busing money.

PCCEP members received training between September 28 and October 13. However, the Mental Health Alliance set up a special optional attendance training on the content of the Agreement when they found the City did not provide that information as promised. A condensed presentation was formally transmitted by the DOJ and the City Attorney at the second PCCEP meeting on December 17.

At their first meeting, PCCEP heard from Wheeler, Chief Outlaw, and DHM, the polling firm which conducted community surveys under COAB (PPRs #68&71). That discussion was mostly about process but almost nothing about the substance of the poll, which PCCEP is supposed to help design. PCCEP also adopted its bylaws and chose as co-chairs Drury and Lakeesha Dumas, an African American mother who describes herself as a survivor of police brutality living with mental illness.

Compliance Officer’s Report: Good Information Cloaked by Bad Analysis

The COCL Report revealed most officers flagged in the Employee Information System (EIS) for repeated use of force are not being counseled, not all officers’ use of force is used to find patterns in police units, and that 27 officers were subjected to either criminal charges or complaints which could contain such charges in a year. It’s not clear how many officers crossed various thresholds of force use and complaints leading to EIS flags— the Report only says officers exceeded those limits at least 426 times for force and 111 times for complaints. Supervisors performed “interventions” (monitoring, debriefing, or discussion) for only 79 (19%) of the officers using so much force and just 3% of those with multiple complaints. Meanwhile, 292 officers were flagged for having three “traumatic incidents” in 30 days, with 73% receiving counseling.

While the section on Training indicates the Bureau’s implicit bias and procedural justice trainings, which began in 2018, are heading in Constitutionally sound policing. The Report also indicates (by omission) that the Bureau ignored the Training Advisory Council’s suggestions about Tasers, even though the Agreement requires them to give input on annual training. However, the Report explicitly shows the Bureau made disparaging comments about the COCL and DOJ making “last minute” suggestions on how to improve the training curriculum.

Out of 15 paragraphs under review, the COCL only labeled one as being partially in compliance—the Training Division’s continued inability to track records. The rest were “Substantial” or, using a rating the COCL invented in recent months, “Substantial-Conditional.”

Auditor’s Training Report Gives Green Light to Still-Weak Division

The majority of people subjected to deadly force by the PPB since the DOJ came to town have been in mental health crisis. However, the overall gist of the Auditor’s June follow-up to her office’s 2015 review of the Training Division is that the PPB is doing great and is almost done with the DOJ Agreement. According to her report, the Bureau will not use real-life Portland scenarios as the basis for learning because “they do not want to embarrass the officer involved, who might be present at the training.” This is an outrageous statement if the Bureau is truly committed to learning from its mistakes.

Rather than push the Bureau to train around its new “less lethal” weapons, the Auditor simply dropped an earlier recommendation based on Officer Dane Reister loading a live round into a “beanbag” shotgun. The excuse: the Bureau doesn’t use bean bags any more.

City Wraps Up Fake PCCEP Meetings

The City held two more community forums meant to act as placeholders until the PCCEP was seated (PPRs #74&75). The August 29 meeting gave an update on how the City narrowed the field from 100 PCCEP applicants to 14 who interviewed with the Mayor. Notably, no former COAB members were chosen. The last such meeting on September 26 included an officer and two social service workers talking about “addiction and the criminal justice system.” As usual, the City’s presentations took up most of the time and avoided raising the issues of force or racial bias by police.

For more information on the PCCEP go to: <http://portlandoregon.gov/pccep>. For PCW’s full analysis of the COCL quarterly report, see <http://www.portlandcopwatch.org/COCLquarterly1018_pcmw.html>.

“Cop Out” Play Appropriately Titled

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n late 2017, Portland Copwatch found that officers who attended the play “Hands Up” about experiences of people of color when they are stopped by police were demanding to have their own play to tell their side of the story. We referred to this as “copsplaining” (PPR #73). Even though there are plenty of venues in which the police dominate the narrative, the Red Door Project (which produced “Hands Up”) created such a play with the intent of promoting more dialogue. People in the community who have attended the play—including the family of Quanice Hayes (who was shot and killed by the PPB in February 2017 [PPR #71])—said they left the theater feeling worse about the police, seeing they could not separate their jobs from their personal lives. Perhaps it was a deliberate play on words that the play is called “Cop Out”—not only is it about cops getting their feelings out, but it is a capitulation to their insistence that “officers are just human” instead of looking at the institutional violence, racism and corruption that leads to profiling and unnecessary deaths of community members.
Although they are required to be published twice a year, the first Police Review Board (PRB) Report of 2018 came out in September, 10 months after the previous Report (PPR #73). The summaries of the closed-door sessions of the Bureau’s internal body, which only includes one community participant of five members—or two of seven in excessive/deadly force cases—reveal a mix of criminal and other shocking behavior. About a week before the Report was published, City Council made changes to the PRB’s guiding ordinance, mostly to allow officers to skip the process if they agree to receive discipline in a case with “Sustained” findings. This “stipulated discipline” was added to the US Department of Justice Settlement Agreement in April (PPR #74) and is not allowed for serious allegations. After Portland Copwatch (PCW) noted that bypassing the PRB would mean the public would not get information about those incidents, Council (and, surprisingly, the Bureau) agreed to include stipulated cases in future PRB Reports. A second Report was published on December 14, days before the PRB deadline; watch for an analysis in our next issue.

The September Report covers 24 cases, but gives scant attention to four officer-involved shootings (p. 1). There are details on three cases involving officers who were arrested for DUIIs, the five high-ranking officers investigated in covering up former Chief O’Dea’s off-duty shooting (PPR #69), the Lieutenant who signed former Chief Marshman’s name on an attendance sheet for a training where the Chief did not show up, officers using pepper spray and a Taser in highly questionable circumstances, a supervisor who grabbed a subordinate by the neck, and a recruiting officer who gave away answers to the Bureau’s employment tests in apparent hopes of getting sexual favors from an applicant. That officer was revealed by the Oregonian (September 23*) to be Tim Evans, who was a member of the Community/Police Relations Committee when it existed.

Of the three officers caught drunk driving, two were fired and the third was given two weeks off without pay. Three other officers were fired: Evans; a second officer who apparently was fired for retaliating against yet another officer by alleging misconduct; and a supervisor who said something so “shocking” that other officers turned him in. A media report suggests that Sgt. Gregg Lewis made an inappropriate comment at roll call shortly after Quanice Hayes’ 2017 death about using force against a black man.

One DUII case that led to termination was the April 25, 2016 incident where Officer Daniel Chastain flipped over his unmarked police car and got arrested with a .256 blood alcohol content (PPR #69). The other apparently never made the news, and involved an unnamed officer who crashed his take-home car while carrying weapons and DNA which were evidence in an investigation. This incident happened April 24, 2016—the day before Chastain’s crash.

In another shocking case, an officer who had a civilian on a ride-along searched a car with no probable cause and bragged about being an “dirty search.” The Board voted to recommend two weeks off without pay, but the officer resigned before being disciplined. Another officer allowed a “scantily clad stripper” to pose on top of a police cruiser for a photo. The PRB only recommended command counseling for that officer, but Chief Outlaw raised the discipline to a Letter of Reprimand. There were five other cases where Chief Marshman imposed final discipline which was higher than what was recommended, but in another five, the discipline was lower than suggested, mostly done by Assistant Chiefs in their roles as Acting Chief.

Marshman gave two days off to an officer who showed up to a domestic dispute, made “inappropriate political comments,” failed to provide the proper forms, did not photograph the injuries, and showed a “lack of empathy.” Acting Chief Chris Davis gave two days off to an officer who fired a Taser at a male shoplifting suspect who was running away. Acting Chief Matt Wagenknecht only gave Command Counseling to an officer who in September 2013 inappropriately used pepper spray on a protestor, even though the protestor was not actually resisting police.

Regarding the four Assistant Chiefs and Internal Affairs Captain Derek Rodrigues who were accused of covering up O’Dea’s shooting, three of the four Chiefs were given a finding of “Unfounded,” meaning the cover-up did not happen, while the fourth was “Exonerated.” This was Donna Henderson, who was in charge of the Investigations unit and thus had a duty to look into the shooting. Rodrigues took the fall with a Sustained finding and two days’ suspension. Another case involved Rodrigues and A/C Kevin Modica failing to follow up on a complaint filed by a female Asian American non-sworn employee against Bureau diversity manager Elle Weatherly. Rodrigues and Modica were both found out of policy for not following up, with Modica additionally accused of retaliating against the non-sworn employee by talking to her about the complaint despite a gag order. Ultimately Chief Marshman agreed to give Modica three days off without pay... but he cut a deal to retire with his rank of Assistant Chief before the discipline was imposed (PPR #72).

In all there were nine Bureau-initiated cases which do not involve misconduct against civilians, ten community-related, and five which PCW labels “Bureau/Community” since they did involve civilians (the four shootings plus an officer who inserted himself into a case involving a family member). The Board considered 91 allegations and found 48 Sustained. As PCW has noted before, the high 53% Sustain rate is because most incidents are referred to the Board only when someone recommends that finding in the first place.

As with previous PRB Reports, there are too few details, too many redactions, and little indication there were detailed discussions about the most egregious cases. While the summaries now list the date and location of deadly force cases, the PPB still fails to realize that shootings and deaths cause great concern in the community and erode public trust in law enforcement. The survivor of a shooting and/or survivors of those who have died are still not allowed to address the PRB, even though the officers involved are afforded that opportunity. Find the PRB Reports at portlandoregon.gov/police/55365. PCW’s full analysis including summaries of all 24 cases can be found at http://portlandcopwatch.org/PRBAnalysis9018.html.

*The Oregonian’s was the only media coverage of the PRB Report, published two days after PCW posted our analysis.
THE PPA AND THE CHIEF (continued from back page)

appearance, and that it suggests the reason she has a close relationship with Turner is that they are both black. In fact, the article notes that it is unusual for the Chief to have such a close relationship with the “union” but does not speculate why, saying that Turner refused to comment. Turner defends management and labor’s tight ties by accusing the WW of engaging in “heightened anti-police rhetoric that continues to vilify law enforcement no matter what we do.” Interestingly, two weeks later the WW revealed that at the behest of the PPA, unarmed officers who had been promised to the community as patrol cops who can deal with low-level offenses are going to be relegated to desk duty or tow truck calls (November 22). That the Chief and Mayor who tout community policing would go along with this “bait-and-switch” (as PCW referred to it in the article) shows the insiduousness of the close relationship. On December 6 Turner posted a “clarification” to Council in which he said the unarmed cops will fill out reports at precinct desks, berating the Commissioners for failing to talk to him. Perhaps he could have shown up in City Hall to testify for himself and that would have helped.

Oh, the Irony: PPB Helps Houseless People Replace IDs

In stories that ran both on KGW-8 and KPTV-12 (posted by the PPA on September 13 and October 11), Officers Todd Engstrom and Ryan Engwiler are shown helping houseless people obtain replacement identification cards. While the stories are important in highlighting how hard it is for houseless people to do anything without ID — and the hurdles it takes to prove who you are, it ignores a glaring irony: much of the time when people lose their IDs, it is because the police (or private security) confiscate them and don’t give them back. The program is in conjunction with Cascadia Behavioral Healthcare and involves the two officers being certified as notaries, a task which probably should be left to other city employees. PPR readers may recognize Engstrom’s name — he is the cop who pinned a houseless person’s dog to the ground and then pepper-sprayed a man in the ensuing backlash (PPR #63).

Other articles about houselessness include a letter to the Oregonian complaining about how humans are not meant to sleep on sidewalks (September 12), the anti-houseless group that calls itself “Enough is Enough” organizing against “drug use and camping” (via KOIN-6, September 17), and a piece posted August 20 by the PPA involving a study reporting Oregon is one of four states with over 50% of homeless people living unsheltered (the others being California, Nevada and Hawaii).

Friendly Neighborhood PPB: Hanging with Youth, Showing Off Paramilitarism

As with previous articles showing the PPB attempting to sway public opinion with happy stories, several pieces showed officers working with young people. Perhaps the oddest was a picture of Officer Madison Ceaser with a tot on his shoulders as a promotion for recruiting officers, claiming the PPB is a “leader in community policing” (September 6). Following the link to the recruitment page, it turns out officers get a $64,409 starting salary (possibly as much as $89,039 if they are recruited from another agency), which belies the argument that so few officers live in Portland because they can’t afford it (p. 5).

Other pieces included the PPB highlighting the Youth Services Division, where they say partnerships with the Timbers (soccer team) and Boys and Girls Clubs focused on race, ethnicity and diversity help break down stereotypes — about police (August 22). As with other outreach events we have reported on, their open house at Multnomah Days included the Explosive Disposal Unit, the Special Emergency Reaction Team and the K-9 unit, all of which are more paramilitary and/or violence-related than community-oriented (August 17). In an affront to PCW’s institutional place as part of a peace group, the North Precinct is shown re-dedicating a Peace Pole with the Crisis Response Team on August 26. Also, the group Word is Bond (WIB) put on a “peace jam” including basketball games with police and youth (posted September 22), WIB has three regular and one alternate member on the new Portland Committee for Community Engaged Policing, which is supposed to oversee the police to be sure they are reforming and using less force (p. 8). This relationship calls into question WIB’s objectivity.

The Portland Police Association does not set policy. However, some PPA leadership, officers, and guest authors express negative attitudes toward citizens and civilian oversight in their postings. We worry these ideas may spread through the rank-and-file.

We need you to stop spreading rumors and false information

PPA COMFORTS FAMILY WHO LOST LOVED ONE (JK)

On October 31, PPA President Daryl Turner posted a statement about the Grand Jury finding in the shooting of Patrick Kimmons, killed by multiple police bullets — most of which hit him in the back — on September 30 (p. 1). Turner stated officers “tried to protect their community,” explaining officers “acted to stop a person who posed an immediate, deadly threat.” However, the cops stood and watched as Kimmons shot and wounded two people moments earlier. Turner claims the officers were “faced with no other reasonable option but to use deadly force.” The Grand Jury only asks whether officers committed a crime — not if they violated Bureau policy, yet Turner said the finding was that the use of deadly force was justified. The gist of the piece was to say that there was anger at the police “fueled by false narratives” warning that “we must stop the spread of false information.” The fact that the Bureau released almost no information about the shooting until the Grand Jury concluded is not even on his radar — not to mention that he doesn’t extend condolences to those who lost a loved one.

The Portland Police Association does not set policy. However, some PPA leadership, officers, and guest authors express negative attitudes toward citizens and civilian oversight in their postings. We worry these ideas may spread through the rank-and-file.

Eudaly’s speech before the November 14 vote included an accurate definition of anarchism as a philosophy based on mutual aid and non-violence, saying she would take an anarchist over a fascist any day.

Curtailing Protests (continued from p. 1)

and later in writing. Mayor Wheeler was authoritarian in defending the curtailng of civil rights. Chief Outlaw and others referred to a past golden age of peaceful protest, ignoring the history of violent police actions including use of military grade “less-lethal” weapons. On November 14, City Commissioners voted the plan down, 2-3, with Commissioners Fritz, Eudaly and Fish voting against it.

Three days later, a “Him Too” rally in Terry Schrunk Plaza was countered by a larger rally in Chapman Square supporting survivors of sexual assault. The events were separated by a police designated no-persons land, including shutting down the half of Chapman which is directly across from the Plaza. These actions were consistent with the Mayor’s failed ordinance and allegedly were done using existing laws, perhaps proving critics right that the Mayor did not need enhanced powers. The enforcement was paternalistic and perpetuated the appearance of police protecting neo-Nazis and not anti-fascists. Police arrested six people, including both nationalist elements and counter-protesters.

At two rallies protesting the Sept. 30 police killing of African American Patrick Kimmons (p. 1), civilians drove their cars into protestors. On October 6, police did not intervene. After the grand jury decision not to indict Kimmons’ killers on October 31, drivers hit two protestors. One driver, a white male, was arrested. ■
PPB Strategic Plan Moves Forward

The Chief’s five-year strategic plan (PPR #75) moved forward with community sessions seeking feedback. PCW members attended a session with the project's consultants in late August, and later offered suggestions on a community survey to make the questions less one-sided. The Bureau adopted some of our suggestions, showing the Chief’s willingness to listen, though they still seem to think community policing means the community becomes the police, rather than the other way around. The PPB held “feedback loops” in December. The summary of previous community input barely used the word “accountability” at all, but the new meetings pushed the term to “major theme” status.

Outlaw’s Outpost

More Fallout for Protest Tactics and Chief Meets a Third Time with Copwatch

One Year Later: Article Criticized for Artwork; Substance Overlooked

A n article in the November 7 Willamette Week offered a look at Portland Chief Danielle Outlaw one year into her tenure. The questionable cover art drew a criticism for distorting the Chief’s image into what some called a “Jim Crow-era caricature.” In the controversy, much of the article’s substance was overlooked.

For example, one paragraph revealed Outlaw traveled to Israel, a country where tactics of suppressing protest has included shooting hundreds of Palestinians and killing dozens just in the past year. The article focuses on how Outlaw pushed Mayor Wheeler to propose an ordinance to restrict protests downtown to stop brawling between alt-right and Antifa factions (p. 1). PCW has said it before: when the police are the ones making the laws, we live in a police state. Cooler heads prevailed and the ordinance failed one week after the article was published.

The article also notes times when Outlaw ignored policy direction from the Mayor—her direct supervisor and the Police Commissioner—including sweeping the Occupy ICE encampment (PPR #75) and failing to stop towing stolen vehicles to help low-income Portlanders save on the related fees.

WW suggests Outlaw may be using Portland as a stepping stone for greater things, having risen through the ranks in Oakland at a relatively young age, living here and networking on a national scale.

Copwatch Raises Concerns About Police at Protests, Chief’s Remarks

As noted in our last issue, the Chief made concerning remarks on a conservative radio show following police violence against counter-protestors on August 4. Specifically, she implied the anti-fascists were like people who challenged the school bully to a fight and got their “butts kicked.” Outlaw also stated anyone who stayed after the police gave dispersal orders was “looking to fight.”

In an August 23 email, Portland Copwatch (PCW) noted video shows the police fired their “less lethal” weapons before any protestors threw objects at police. The Bureau later revised their story, saying they were concerned police cars trapped inside the crowd might be vandalized. In the media, the Chief denied favoring the “Proud Boys” over Antifa by questioning why she, an African American woman, would side with white supremacists. PCW noted that the optics of the situation—the PPB lined up in riot gear facing anti-fascists while people known to be carrying firearms gathered behind their backs—was a problem, not to mention a safety issue for the cops themselves. We noted the bias toward white supremacists wasn’t about her as a person but was about her as the figurehead of a biased institution.

During our subsequent third meeting with the Chief (PPRs #74-75), the Chief called our measured email “scathing” but was willing to engage in dialogue about our perspective on the protest. A few PCW members had been at the event as individuals (not copwatching) and verified the dispersal orders were unclear, nobody had provoked the police before the weaponry was used, and there was a deep perception of bias.

Outlaw stated that her school bully analogy was a “poor choice of words” and the PPB should never “brag about use of force,” which PCW appreciates. In our follow up comments, we stated that:

“the idea of ‘if you choose to stay, you will be subjected to chemical and physical weaponry’ is frightening. The Bureau is not there to be a disciplinary parent for the community as ‘children.’ [W]e are all adults in the room and people should be allowed to make decisions protected by the First Amendment. If people are behaving less than maturely, cracking down on them with violence is not going to improve the situation, nor build respect for police in the future. And while it is true that some people accuse the police of not ‘doing enough,’ that doesn’t mean the Bureau has to itself become a violent mob.”

Outlaw Stated that Her School Bullly Analogy Was a “Poor Choice of Words” and the PPB Should Never “Brag About Use of Force,” Which PCW Appreciates.
Perhaps because Portland Police Association President Daryl Turner was busy running around Portland promoting the use of the empty Wapato Jail as a homeless shelter (p. 7), the Portland Police Association’s online presence was intermittent between mid-August and mid-December. Portland Copwatch (PCW) only found 26 pieces posted to their Facebook page, about half the regular amount. However, the themes are fairly consistent. The largest number of articles—nine, or 35%, were the usual “bluewashed” feel-good stories meant to mask the stench of racism, corruption and brutality that have not gone away from the Bureau as an institution. Six were about homelessness, and three had to do with the PPB’s controversial crackdowns on protests.

**Police Association Ignores Racism, Calls Protestors “Privileged”**

On October 22, Turner posted a piece called “A Line in the Sand” where he said violence at protests is nurtured by “the culture of enablement, restriction of enforcement, criticism of police when we act, [and] over-emphasis on de-escalation and disengagement.” He calls Portland “one of the most politically violent cities in America,” urging the City to focus on “livability issues, the affordable housing crisis and homelessness.” He claims the PPB upholds the right to free speech, but will stop violence that “erupts” by arresting people and call on the criminal justice system to “ensure wrongdoers are held accountable.” Thus, he argues, there need to be “adequate resources” thrown at the police. The PPA also reposted a KGW-8 story about stopping violent protests which quoted Turner (October 17).

On November 16, two days after City Council voted down the Mayor’s draconian anti-protest ordinance (p. 1), Turner posted a statement “Calling on City Council to Stand Together Against Lawlessness.” In the piece, he asks Council to “decry violent assaults against other citizens or police officers, destruction and damage of property, and violation of traffic laws during protests.” No doubt the menace of people jaywalking is a threat to democracy; Turner doesn’t talk about the people who have been hit by cars during recent demonstrations (p. 10). Instead he blames the Council, saying they “chastise and second-guess the Bureau every time someone comes before [them] with an unproven allegation about the police.” This is likely a reference to the well-documented injuries from August 4 where a man nearly died from a police projectile hitting him in the back of the head (PPR #75).

Turner then makes it sound as if protestors are related to the wealthy elite by saying the City has to protect everyone, “not just the privileged few who choose to do what they want at the expense of everyone else.” He criticizes the fact that no Council member other than Mayor Wheeler (who, he fails to note, is the Police Commissioner) has sat in the PPB’s Command Center during protests. The closest Turner gets to acknowledging the street brawls being instigated by out of town white supremacists is in closing when he asks Council to “tell those who come to Portland to hurt others and to destroy our City that their bad acts will have consequences.”

**Tight Relationship Between “Union” and the Chief Exposed**

In a November 8 letter to the Willamette Week criticizing their cover story on Chief Outlaw (p.11), Turner expresses his “anger and outrage” at the “Jim Crow fashion” illustration of the Chief. He accuses the reporter of trying to “discredit and demoralize our Police Chief and the Portland Police Bureau.” Turner suggests the article was racist and full of stereotypes. His reasoning is that the article describes the Chief’s physical (continued on p. 10)