CITY COUNCIL VOTES TO GET PORTLAND POLICE OUT OF THE TERRORISM TASK FORCE

For the second time, Portland City Council has voted to pull its officers out of the FBI-led Joint Terrorism Task Force (JTTF). Council’s 2005 decision (PPR#36) was reversed after an FBI-led sting operation targeted teen Mohammed Mohamud in 2010, first with a partial re-joining in 2011 (PPR #54) and a full one in 2015 (PPR #65) on a 3-2 vote. With the balance of City Council changed, Commissioner Jo Ann Hardesty, an elected community activist, led the new effort to another 3-2 vote on February 13.

This followed roughly two years of work by Portland Copwatch and community allies to push for a new withdrawal in light of San Francisco’s pull-out in early 2017 and the Trump administration’s horrible human rights record around immigration.

As noted by Oregon Public Broadcasting (February 15), Mayor Ted Wheeler suffered a blow not just because as the Police Commissioner, he championed remaining in the JTTF, but because of roughly 40 people who testified at the Council hearing, only two agreed with his position. Furthermore, those two people were not affiliated with any organization. Conversely, people spoke from organizations representing labor, faith, social justice, immigrant rights, environmental, African American, Asian American, Muslim, Jewish, Christian and other communities among the 49 groups who signed a letter asking Council to leave the JTTF. Leading off the testimony were the ACLU of Oregon; Michael German, a former FBI agent now working at the Brennan Center; and Zahra Billoo, Executive Director of the Council on American Islamic Relations– San Francisco Bay Area. There was some concern that only Commissioners Hardesty and Amanda Fritz had gone on record opposing PPB’s participation in the Task Force prior to the vote. (continued on p. 5)

PORTLAND POLICE KILL FOURTH BLACK MAN IN TWO YEARS

Latinx Woman Not Hit by Bullets Makes More Deadly Force in 3 Months Than Any Year Since 2006

After several years where the Portland Police seemed to be shooting at fewer people, the PPB was involved in more deadly force incidents over 99 days than in any full year since 2006, when James Chasse, Jr. was killed (PPR #40). There were seven incidents from September 30 when they shot and killed Patrick Kimmons (PPR #76) until the death of Andre Gladen on January 6. PPB also had not killed any African American Portlanders with gunfire since Keaton Otis in 2010 (PPR #51) until they killed Quanice Hayes in early 2017 (PPR #71). Including Terrell Johnson (PPR #72), Kimmons and Gladen they have killed four black men in just two years. They also wounded robbery suspect Chase Peeples in October 2017 (PPR #73). In addition to the five incidents listed in our last issue and Gladen, the PPB shot at, but did not hit, Anita Ruiz, 34, during a domestic dispute on January 2. Of the seven recent incidents, four involved persons of color. This is not to mention that at least three (Richard Barry, who died in custody, Samuel Rice and Gladen) appeared to have been in mental health crisis, even though the US Department of Justice came to town in 2012 ordering Portland to use less force in such incidents.

Officer’s Knife Used to Justify Death of Andre Gladen

Gladen, 36, who had been diagnosed with schizophrenia, was still in a hospital gown and barefoot from a visit to a mental health facility when he knocked on (continued on p. 6)
Over the first four months of 2019, the Citizen Review Committee (CRC), which in 2017 was holding so many appeals on police misconduct cases they had to schedule extra meetings, heard just one appeal.* They did not ask to significantly change the findings. A hearing that was scheduled to go to City Council in February was postponed until May. CRC’s Work Groups, which have been dormant for months/years began meeting again,* with the Crowd Control Work Group holding a public forum on April 10. Meanwhile, the “Independent” Police Review (IPR), which houses CRC, hired a former Portland Police Captain, Vince Elmore, to be one of their “civilian” investigators. In late March, Director Constantin Severe—who has served a record term of just under six years at IPR’s helm—announced he was resigning in early April to work as a policy advisor for Governor Kate Brown.

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

After CRC sent back case 2018-x-0004 for more investigation in September (PPR #76), the Bureau returned in February with the same findings. They claimed more witnesses and video did not prove Officer David Hughes (#50499) used excessive force when he pushed National Lawyers Guild (NLG) legal observer Christopher Kuttruff at a 2017 protest, nor that he failed to give a warning before using force. CRC’s appeal hearing touched on many key issues, such as whether the officer could have used less force and how close Kuttruff actually came to the officer. The supervisor who spoke at the meeting said he was within two feet, but video clearly shows Hughes took a step forward before knocking Kuttruff onto his rear.

CRC voted to uphold the Bureau’s “Exonerated” findings, but asked to add a debriefing about the use of force, noting that the amount of force and indeed the force itself were not necessary, even if they were within policy. The vote on the force allegation was 7-2, with Administrative Law Judge Vadim Mozorsky and aspiring politician Neil Simon voting against. The vote about whether the officer failed to give a warning was 9-0. However, to illustrate the limitations of the CRC’s ordinance, which requires them to defer to the Bureau if a “reasonable person” could come to the same conclusion, they took symbolic votes on each allegation as well. The outcomes on the force allegation were muddled because they did not vote on a motion: four members said they would have voted to find the officer out of policy, one would have affirmed the Exonerated finding with a debriefing, one would have voted there was insufficient evidence, and three abstained from the vote. For the lack of warning, six said they’d have voted to affirm the Bureau’s finding, one disagreed, and two abstained.

One person who abstained both times was Albert Lee, who made a speech about the futility of trying to make the CRC system work at all. Perhaps because he has missed the many years where the Standard of Review discussion has been going on, Lee did not realize that recording symbolic votes is an excellent way to show how things would be different with a less deferential review standard such as “preponderance of the evidence.” Notably, in its Fourth Quarter 2018 report, the Compliance Officer/ Community Liaison wrote: “We note that should the standard of review be changed, we do not believe it would impact the City and PPB’s compliance with [the US Dept of Justice Settlement Agreement].”

Crowd Control Work Group Listens to Community Concerns on Policing at Protests

After postponing their community forum in February due to weather concerns, CRC held its Crowd Control Forum at Portland State University on April 10. They heard from about a dozen community members (including three people from Portland Copwatch), who talked about being hit with chemical and physical weapons, the coy text messages between the cops and the alt-right (p. 1), and the general way in which militarized officers’ presence escalates things unnecessarily. The event was set up with small tables for specific topics, meaning many people never were able to hear the concerns that others brought to the conversation.

The Crowd Control Work Group has set up to meet monthly* and is expected to use the forum as a guide toward making recommendations for changes to PPB policy. They announced plans to hold more forums to collect public input.

Other IPR/CRC Activities January- April 2019

—CRC was unable to proceed with what will eventually be the third-ever appeal to City Council under the 2002-created system in February. This is the hearing about Case 2018-x-0003, in which CRC found an officer retaliated against an activist for video-recording him driving an armored vehicle when he ordered her to be cited for jaywalking (PPR #76). The appellant discovered two members of City Council would be absent and asked for the postponement.

—At the March meeting, PPB civilian employee Tammy Mayer made a presentation about Body Cameras (p. 5). Surprisingly for a group focusing on police accountability, no CRC member suggested discipline for officers who fail to record critical incidents.

—In April, Chair Kristin Malone and Vice Chair Candace Avalos were re-elected; Kayla Wade was made CRC Recorder.

—In December, CRC’s Recurring Audit Work Group asked IPR to pull files representing various paths complaints can take—investigations, mediation, dismissals and “Supervisory Investigations”— so they could do an initial review for patterns or concerns. As of mid-March, they had not begun reviewing the files.*

—CRC’s Force Work Group held its first meeting in early March, focusing on how CRC could effectively comment on the Bureau’s Directives when the group only meets once a month, while deadlines are 15 or 30 days from the time the policies are posted.

—Mary Hull Caballero, the elected City Auditor, posted a sarcastic remark on Twitter (January 17) after the lawyer for the person who was nearly killed by a PPB less lethal weapon last August expressed concerns to the media that IPR’s questions were more about blaming his client than seeking accountability. She wrote, “NEWS FLASH: Lawyer flummoxed to learn investigations to determine police misconduct involve questions and evidence gathering.”

—IPR has posted online data about the complaints it processes in an interactive database which allows users to check, for example, how many use of force allegations were filed by African American complainants in 2018. The link is <portlandoregon.gov/ipr/article/713752>.

For more information contact IPR at 503-823-0146.

*CRC did not hold a general meeting in January; the Crowd Control and Recurring Audit Work Groups canceled their meetings in April for lack of quorum.
The Portland Committee for Community Engaged Policing (PCCEP), the 13-member board created to oversee the US Department of Justice Settlement Agreement seeking to reduce Portland Police Use of Force, lost three members, a facilitator and a staff person in its first three months of operation. After first meeting in November (PPR #76), the group struggled to form subcommittees, which finally started meeting in February. Their January meeting included a presentation by the Compliance Officer/“Community Liaison” (COCL) on a new quarterly report looking at the city’s police accountability systems and community engagement—including PCCEP’s role. Despite the committee’s nascent nature and bumpy start-up, the COCL gave high ratings to the PCCEP, saying they foresee Substantial Compliance based on progress they “anticipate” the group will make. The COCL team, whose members are now split between Los Angeles and Chicago, continues to minimize problems facing Portlanders, including a rave review of the Bureau’s misleading data on Racial Profiling.

**Report Supports PPB Analysis that African Americans are Not Over-Represented in Traffic Stops**

The COCL’s report gave Substantial (or “Substantial-conditional”) ratings to 27 of 32 paragraphs they analyzed, including Paragraph 148 which requires continued collection and analysis of stop data. The Report talks about how the Bureau has done “excellent” work conducting a “thorough, sophisticated and transparent analysis” of the stop data, repeating without question the Bureau’s 2016 annual report declaration that there are “no significant racial disparities” in how Portlanders are stopped. However, the overall rate at which African American Portlanders are stopped is 13% in a City which is 6% black. The COCL and PPB say it makes sense to use traffic accident data to approximate what ratio of all drivers are African American, but that number is 9%, meaning there is still a disparity.

The COCL also claims the only racial disparity is in the Gang Enforcement Team (GET), which stops African Americans less than the Bureau would expect, even though an astonishing 61% of their stops are of black drivers. They say because 71% of victims of “gang violence” are African American, the GET is over-policing white and Latinx drivers. It does not make sense that presumed victims of crimes are more likely to be stopped by police. If crime victimization is the appropriate benchmark, then the statistic that 19% of crime victims are African American (per the FBI in PPB’s report) means the overall stop number should be higher than 13%.

Also, when reporting pedestrian stops are down by 87% in five years, the COCL ignores that the PPB claims they only stop people on foot or on bicycles 20-25 times per month. This is a falsehood based on the PPB’s too-lenient definition of “mere conversation.” To be fair, the COCL notes African Americans are searched at three times the rate expected (something Portland Copwatch [PCW] has pointed out for years), Native Americans are searched four times too much, and six out of ten people searched did not have contraband.

The COCL’s review of the city’s oversight system focuses on how long investigations take, with barely a mention of community complaints. They praise the civilian-run “Independent” Police Review (IPR) for holding joint trainings with the Bureau’s Internal Affairs (IA) unit. While that is troubling, the Report notes IPR seems to be more interested in prioritizing community concerns, while IA thinks everything is about the officer.

In terms of community engagement, the COCL seriously suggests one form of community engagement is when the police perform traffic stops. The COCL further shows themselves to be out of touch by saying (without evidence) the Bureau is responsive to the community through stronger accountability, and talks about how officers respond to “delinquent youth” without arresting them. Out of 12 paragraphs involving PCCEP, only three are listed in “Partial” compliance: requiring PCCEP to help conduct a community survey and work on the Bureau’s outreach plan; requiring the PPB to share precinct-related demographic data with the Committee; and requiring the DOJ, COCL and PPB to create metrics to measure the Bureau’s engagement progress for PCCEP to review.

**PCCEP Meetings Dominated by Official Presentations; Early Turnover on Committee and Behind Scenes**

In addition to the COCL’s presentation in January, PCCEP received briefings about the Bureau’s proposed body camera program (p. 5) both in January and February. The PPB’s Equity Manager and the new head of the Office of Equity and Human Rights (OEHR), which houses PCCEP’s staff, made a presentation in February on city efforts toward diversity. The March meeting included the Chief and Officer Natasha Hauensperger giving a forty minute long summary of how the Bureau’s outreach efforts taught them to listen, then taking questions. This does not leave PCCEP members a lot of time to discuss the issues assigned to them, much less make meaningful recommendations. They adopted general recommendations about the Bureau’s Annual Report (including a suggestion from PCW that the Bureau make public presentations as required in the Agreement), but other ideas such as tweaks to the city-wide survey about police have been trickling in from individual members rather than as representative of the whole group.

In December, it was revealed Brandon Lee, one of the two facilitators who had been hired to form and guide PCCEP, left his job after a dispute with the City. It is not clear whether it was related to Lee asking for his contract to be extended past May, a conflict with a member of PCCEP, a combination, or other items (Oregonian, December 19). Mandi Hood, who staffed the PCCEP’s predecessor the Community Oversight Advisory Board and PCCEP in its infancy, also quit in late 2018. PCCEP members Zachary Thornhill, Yolanda Clay, and Youth Member Kalonji Williams all resigned by the end of January. Because the City (foolishly) only appointed six alternates—one of whom, Taylor Ford, took himself out of the running—so only two more people were waiting in the wings in case other members quit. The City put out a call for more people to apply with a deadline of early March, with interviews taking place in April.

The other facilitator, Brad Taylor, was only present for the first meeting. This led to awkward moments in January when an OEHR staffer and local DOJ Attorney Jared Hager shouted out guidance from the audience.

While PCW has repeatedly cautioned the public body against having meetings out of the public eye, in February PCCEP held another “retreat” (in addition to several it held getting trained in October/November). It’s not clear whether this helped with group cohesion, as a community member who attended PCCEP’s March Steering Committee meeting reported only co-chair Lakayana Drury attended. The other subcommittees are around persons with mental health issues, people of color, policy issues and youth.

**Next Step: Hearing with Judge in June**

As a reminder, the DOJ Agreement is scheduled to head back to Judge Michael Simon on June 6, at which time the DOJ, COCL and PCCEP will all make presentations trying to prove the PCCEP is meeting the expectations of the Agreement (and the community). It seems a lot will have to happen in April and May to make a convincing case.

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See Portland Copwatch’s analysis of the COCL report at <portlandcopwatch.org/COCLquarterly0119_pcw.html>.
In September, the Training Advisory Council (TAC), a community-populated board attached to the Bureau’s Training Division, created a special Task Force to suggest how the Bureau could meaningfully incorporate data on the city’s demographics into Use of Force reports. This was after their recommendation to include those data (PPR #75) was rejected by the Bureau. The cops argue the percentage of people who have force used against them should only be compared to the people who are taken into custody, not the general population. This, of course, raises the question of why were 22% of the people taken into custody in the fourth quarter of 2018 black in a city with a 6% African American population. But it doesn’t mean the TAC should stop asking for a comparison to the percentage of black Portlanders subjected to force—which was 27% in Q4-2018, multiple times higher than the population would suggest, and a higher ratio than white people subjected to force. For whites, it was 2.7% (96 of 3586 custodies) and for African Americans it was 3.9% (50 of 1271 custodies). The TAC voted to adopt the Task Force’s suggested guidelines at their March meeting, saying the city’s demographics should be included with a clear caveat saying there isn’t necessarily a correlation. Adding insult to injury, an auditor from the Bureau’s Professional Standards Division (PSD) then presented the Q4 data without ever mentioning race. This compounds the Bureau’s statistical gymnastics trying to hide the racial imbalance in traffic stop data (p. 3). Member Danielle Droppers, who brought the issue up in the first place, took a moment at the end of January’s TAC meeting to remember Andre Gladen, the African American man who had been shot by police days earlier, saying “whether we’re from a community perspective or a police perspective, I don’t think anybody wants this.” Training Captain Erica Hurley seemed to nod in agreement.

In March, PSD explained that although the reports show roughly half the people subjected to force are “transients,” that designation could mean the person is houseless or it could mean they refused to give police an address. Since 52% of people arrested by the PPB are houseless (also PPR #75), it stands to reason that 51% (Q4—272 of 537 uses) of the force used is against people listed as “transient.”

The Force reports include a list of incidents the PSD’s Force Inspector thinks are out of policy. In the Q3 report, there are at least two incidents where the Taser use itself—not lack of a warning or failure to write a report—was deemed inappropriate. Also at the March meeting, TAC welcomed at least eight of their 13 new members, including Edna Nyamu, the first African American to serve on TAC in about five years. In January, they stated only 13 people applied, so all were appointed.

At both the January and March meetings, the TAC discussed “wellness” and “emotional intelligence.” The former seems to be about officers’ self-care and the latter about their ability to empathize with community members. TAC has set up Task Forces to look at both.

In January, the City Auditor’s office sent a staff person to ask the Council for ideas of areas to audit in the Bureau, such as use of overtime. Member Venn Wyld suggested looking to see if hiring more officers produces different outcomes such as a reduction in use of force. Portland Copwatch noted that the Auditor did not come to the TAC before doing its original audit of the Training Division in 2015 or its follow up in 2018. TAC’s recommendations, transcriptions of their meetings, and more can be found at https://www.portlandoregon.gov/police/61449.

**HOUSELESSNESS NEWS:**

**PPB Seeks Community Liaison, Activists Tweak Business District**

**Homeless Community Liaison**

As noted in PPR #76, in December, the Portland Police Bureau announced a new non-sworn position of Homeless Community Liaison to “represent the Bureau on matters relating to the homeless community.” As of March 17 this position has not been filled. The announcement for the position quotes the Chief calling it a “critical component” to respond to houseless persons, including networking with “social service and other governmental agencies so we are all on the same page.” The Portland Mercury reported (Dec 17), “It’s not clear if this liaison will be required to have a background in mental health care or substance abuse disorders—two issues that are disproportionately represented in Portland’s homeless community.”

**Compassionate Change District**

The Central Eastside (South of I-84 to Powell, from the Willamette river to SE 12th) has a new “Business Improvement District” (BID) plan resulting from community involvement. The initial proposal made by the Central Eastside Industrial Council was countered by a coalition of at least 28 groups with a vision of a Compassionate Change District. The result is a plan which includes gains for houseless people: “a bigger voice for residents who are homeless, better training and protocols for security and a stated opposition to sweeps” (Street Roots, February 6). This training, which will come from houseless persons, should result in more discretion about what is considered “trash” and less harassment than by the downtown BID’s “Clean and Safe.”

**City Sanctioned Camping and Mental Illness**

Several spin-off committees of the “Safety Off the Streets” Workgroup of A Home for Everyone (which includes the City of Portland, Multnomah County and Home Forward) have been meeting since late last year to come up with a pilot sanctioned camping program in Portland. So far there is a lot of talk of what would be necessary to develop policy, but no action. Meanwhile, camp sweeps are happening all over Portland. A lot of money that could be used for solutions such as showers, weatherproof storage, bathrooms and dumpsters is being spent harassing and moving houseless people from one site to another.

**Data and Audit Expose Issues with “Crime” and Sweeps**

Street Roots reported Portland’s 911 center received 133,000 “disorder” calls in 2018, of which 29,000 were about “unwanted persons” (March 15). An Emergency dispatcher estimated that 9% of calls for police are resolved by a police Sergeant (currently assigned to 911) explaining it is not illegal to sit on a sidewalk.

In an audit released March 13, the City Auditor found that the system used to “clean up” houseless encampments is not working as it should, noting particularly that identification and credit cards are sometimes disposed of along with other “collected” personal property.

**LEGAL BRIEFS:**

**Asset Forfeiture and Cell Phone Privacy**

On February 20, the US Supreme Court ruled unanimously that the Constitutional ban on excessive fines applies to states as well as the Federal Government. The unanimous decision was written by Justice Ginsburg and involved an Indiana case in which a man who had pleaded guilty to selling heroin to an undercover police officer had his Land Rover confiscated. This was the first case in which the Court explicitly indicated the Eighth Amendment clause about fines applies to the states. In previous cases, the Court ruled that the other restrictions of the Eighth Amendment forbidding cruel and unusual punishment and excessive bail applied to the states as well (NBC, February 20).

In a somewhat related case, Mark Patrick Johnson of Portland, who had his 2014 federal drug conviction thrown out in May 2018 by a three Judge panel of the Ninth Circuit Court of Appeals, found the Portland police no longer had any of his (continued on p. 9)
MAY 2019

or for that matter 9/11. JTTFs were first created in 1996 following the 1993 World Trade Center attack, and New York had one in 2001.

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importance of the JTTF by emphasizing the Task Force’s role in tracking down a man who posted a quasi-threat on Instagram to burn down

resources to enforce federal immigration law. Williams replied, “I believe it exists.”

She asked Williams whether he believed in Oregon’s “Sanctuary” statute prohibiting use of law enforcement

status to deport them if they can’t find a way to prosecute them for supposed terrorism crimes (PPR #76). She asked Williams whether he believed in Oregon’s “Sanctuary” statute prohibiting use of law enforcement resources to enforce federal immigration law. Williams replied, “I believe it exists.”

Wheeler cautioned JTTF officers “Mike” and “Brian” that Bureau policies require them to tell the truth, and asked if they ever were required to violate Oregon law— the Sanctuary law or ORS 181A.250 prohibiting

The reason for the flurry of activity isn’t clear, but in March, Portland Committee on Community Engaged Policing (PCCEP) member Sam Sachs made reference to wanting the program in place to impress Judge Michael Simon. Simon will decide in June whether the City has made sufficient progress in regard to the US Department of Justice Settlement Agreement on Use of Force. He has asked the City several times about implementing a body camera program, even though that is not written into the Agreement. Sachs’ plea that “everyone” supports body cameras came despite the PCCEP never having voted on a position. *

In her summary comments, Commissioner Chloe Eudaly said she wasn’t sure about her vote until after she had heard the testimony. Commissioner Nick Fish was the only Council member to vote “no” with Wheeler.

The day before the vote, Council held a Work Session, where only invited experts could talk and no vote could take place. The Mayor lined up the local FBI, Oregon’s US Attorney Billy Williams, a conference call with the two part-time officers participating in the JTTF, the City Attorney, the Executive Director of the Citizens Crime Commission (an offshoot of the Portland Business Alliance which was the only group testifying in favor of re-joining in 2015) and videos from Chief Outlaw and the Jewish Federation.

The general tenor of those who wanted to continue working with the FBI was set when Commissioner Hardesty pursued a line of questioning based on the local FBI admitting they will use a person’s immigration status to deport them if they can’t find a way to prosecute them for supposed terrorism crimes (PPR #76). She asked Williams whether he believed in Oregon’s “Sanctuary” statute prohibiting use of law enforcement resources to enforce federal immigration law. Williams replied, “I believe it exists.”

Wheeler cautioned JTTF officers “Mike” and “Brian” that Bureau policies require them to tell the truth, and asked if they ever were required to violate Oregon law— the Sanctuary law or ORS 181A.250 prohibiting police spying with no reasonable suspicion. The cops quickly answered they never had done so, but since the Truthfulness policy allows cops to lie in furtherance of law enforcement activities, it was a silly exchange.

German, Billoo, Kayse Jama of Unite Oregon and local attorney Brandon Mayfield, who was the subject of improper FBI surveillance and arrest in 2004 (PPR #33), all presented for the pro-withdrawal side, facing snarky questions trying to get them to prove the secretive task force had violated any Oregon laws or city policies.

The “let’s stay in” side predictably included the Oregonian, which ran its own editorial telling Council how to vote, also hosting in rapid succession op-ed's from Fish, Williams and FBI Special Agent in Charge Renn Cannon. They also provided an echo chamber for the importance of the JTTF by emphasizing the Task Force’s role in tracking down a man who posted a quasi-threat on Instagram to burn down Wheeler’s house with a Molotov cocktail. It turned out the man is seriously disabled, has mental health problems, and was only staying in Portland temporarily when he posted the “threat.” This sham investigation highlights what the community has been saying: the JTTF does not target the right people. Furthermore their actions did not prevent the attacks on the synagogue in Pittsburgh, the Boston Marathon, or for that matter 9/11. JTTFs were first created in 1996 following the 1993 World Trade Center attack, and New York had one in 2001.

The Resolution called for Council to take a second vote within two months to direct the PPB how to interact with the FBI in case of a real threat to public safety. On April 17, 21 of the original letter’s signatories wrote to Council noting the deadline had passed on April 9, urging them to act before the first Resolution’s final deadline of May 14 when officers must stop working with the JTTF. Apparently there are no consequences for City Council missing its own deadline. At press time, the second Resolution had not yet been scheduled for a hearing.

For more information on the JTTF campaign see <portlandcopwatch.org/jttf.html>.

BODY CAMERA PROGRAM GEARS UP, GRINDS DOWN AGAIN

For over two years, the Portland Police proposal to equip officers with body cameras (“copcams”) has been mentioned but not

acted upon. In January, the Bureau hired a specialist to revitalize the program. Tammy Mayer, a civilian employee (and former military police officer) made the rounds to community meetings and held three city-wide forums from January to March. Portland Copwatch (PCW) members heard Mayer’s presentation five times,* noting there was no discussion of punishment for officers who fail to follow policies around copcams. Just as City Council was about to authorize a $1.6 million pilot project, Mayor Wheeler pulled it off the agenda, worried he did not have three votes to pass the proposal. The Oregonian (March 17) suggests the snag may have been in part due to the Portland Police Association (PPA) reminding Council they can bargain over the copcam policy. PCW has taken a neutral position on copcams, since they are more likely to be used to prosecute community members for crimes than to hold officers accountable.

Mayer’s forums were not a great testament to the Bureau’s “community engagement” abilities; a total of roughly 30 community members attended the three general meetings. At the first, five people were forced to sit at different tables to talk about policy issues, along with police officers and City staff. At the third, the four community members present included a potential copcam vendor. Much of the dialogue was dominated by Assistant Chief Chris Davis, who responded to PCW’s suggestion for officers to be required to turn the cameras on when they go beyond the basic legal definition of a “mere conversation.” He admitted officers regularly approach people saying things like “this is a high crime area, you’re not involved in that, are you?” This pretty clearly is not a conversation you would have with a friend, and indicates police need guidelines on what constitutes a stop and how to engage with the community without trying to get them to incriminate themselves.

In reference to Sgt. Gregg Lewis’ request for officers to “go out and kill some black people” (p. 9), PCW asked whether precinct roll calls would be recorded. Mayer said that because they included tactical discussions, they would not, in the same way cops will likely be able to turn cameras off when they discuss tactics during a criminal situation. This means officers could be free to make denigrating remarks about community members if the cameras are ever adopted.

Copcams were part of the contentious renewal of the PPA contract in October 2016 (PPR #70). At that time, Council ordered the Bureau to create a stakeholder group to advise them about the copcam policy. PCW was, before the program was put on ice again, invited to be on that panel after we reminded Mayer and the Bureau about the Council’s directive. Because this body will be advising all of City Council, we believe the meetings will be required to be open to the public under Oregon law.

The reason for the flurry of activity isn’t clear, but in March, Portland Committee on Community Engaged Policing (PCCEP) member Sam Sachs made reference to wanting the program in place to impress Judge Michael Simon. Simon will decide in June whether the City has made sufficient progress in regard to the US Department of Justice Settlement Agreement on Use of Force. He has asked the City several times about implementing a body camera program, even though that is not written into the Agreement. Sachs’ plea that “everyone” supports body cameras came despite the PCCEP never having voted on a position. *

*including two presentations to the Portland Committee on Community Engaged Policing and one to the Citizen Review Committee; her presentation to the Training Advisory Council was canceled at the last minute after Wheeler pulled the funding request.

In late February, Memphis, TN proposed a law that would have an officer face felony charges for failing to record a deadly force incident.

In her summary comments, Commissioner Nick Fish was the only Council member to vote “no” with Wheeler.

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German, Billoo, Kayse Jama of Unite Oregon and local attorney Brandon Mayfield, who was the subject of improper FBI surveillance and arrest in 2004 (PPR #33), all presented for the pro-withdrawal side, facing snarky questions trying to get them to prove the secretive task force had violated any Oregon laws or city policies.

The “let’s stay in” side predictably included the Oregonian, which ran its own editorial telling Council how to vote, also hosting in rapid succession op-ed’s from Fish, Williams and FBI Special Agent in Charge Renn Cannon. They also provided an echo chamber for the importance of the JTTF by emphasizing the Task Force’s role in tracking down a man who posted a quasi-threat on Instagram to burn down Wheeler’s house with a Molotov cocktail. It turned out the man is seriously disabled, has mental health problems, and was only staying in Portland temporarily when he posted the “threat.” This sham investigation highlights what the community has been saying: the JTTF does not target the right people. Furthermore their actions did not prevent the attacks on the synagogue in Pittsburgh, the Boston Marathon, or for that matter 9/11. JTTFs were first created in 1996 following the 1993 World Trade Center attack, and New York had one in 2001.

The Resolution called for Council to take a second vote within two months to direct the PPB how to interact with the FBI in case of a real threat to public safety. On April 17, 21 of the original letter’s signatories wrote to Council noting the deadline had passed on April 9, urging them to act before the first Resolution’s final deadline of May 14 when officers must stop working with the JTTF. Apparently there are no consequences for City Council missing its own deadline. At press time, the second Resolution had not yet been scheduled for a hearing.
Portland Police Shoot Two More People of Color, Killing One (continued from p. 1)

Desmond Pescia’s door near SE 96th and Market, fearing people were trying to kill him. Pescia, a renter, asked his building manager what to do. Unfortunately, he took her advice and called police. Officer Consider Vosu (#569375), who has been on the force less than two years, arrived and struggled with Gladen, allowing himself to be backed into a rear bedroom. He claimed Gladen had a knife, leading him to shoot and kill the man. This incident is similar to when two officers came into close quarters with Thomas Higginbotham in early 2011 claiming his knife and the lack of an exit route led them to shoot.

Gladen’s family said he did not own the knife pictured in the media. It was no surprise after the Bureau changed their policy to prohibit knives being stored in officers’ vehicles (Oregonian, February 27) it was revealed the knife question belonged to Vosu, not Gladen. For an institution which constantly drums into their employees’ heads not to let people get hold of their firearms, it is ridiculous that this wasn’t a rule at the time of the shooting.

The family has hired a lawyer and is demanding justice. They came to Portland on February 22 to meet with Mayor Wheeler and Chief Outlaw, only to discover the Grand Jury had just come back with a finding that very day of no criminal wrongdoing by Vosu.

Anita Ruiz: Bullet Hits Wall

Ruiz, a Latinx woman who lived with her cousin Victor Noyola on NE 147th Ave, had been arguing with family members when the police arrived. Officer Onest Robert (#52367) said Ruiz came to Portland on February 22 to meet with Mayor Wheeler and Chief Outlaw, only to discover the Grand Jury had just come back with a finding that very day of no criminal wrongdoing by Vosu.

Updates: DA Lets Cops Off Hook in Barry’s Death; PSU Officers to Keep Guns; Chasse Cop as Mental Health Expert

In late December, Multnomah County’s District Attorney upheld the Medical Examiner’s finding Richard Barry’s death last Thanksgiving was an "accident," saying Barry had a heart attack due to a medical condition in addition to the presence of cocaine and meth (Oregonian, December 22). That does not mean Barry would have died if he hadn’t been “taken down and put in handcuffs” during a struggle with Portland Police and Portland State University Campus Police.

Speaking of which, in the wake of PSU Officers shooting and killing Jason Washington last year (PPR #75), the school ordered a consulting firm to examine the question of whether their campus officers should be armed. Though the consultants noted that 52% of staff and students want to take the cops’ guns away, they recommended the officers remain armed, but just receive better training (Oregonian, February 24).

In Wheeler County, Chris Humphreys, the former PPB officer who helped beat James Chasse, Jr. to death in 2006, resigned as Sheriff and will consult to train officers “how best to intervene when someone is having a mental health crisis” (East Oregonian, January 17).

Oregonian, February 27

Oregon Police: 12 Shootings in First 15 Weeks of 2019 Ended with 35 Deadly Force Incidents

On January 8, Portland Copwatch sent its now-annual report to Oregon’s Attorney General on the deadly force incidents involving law enforcement in Oregon. Whereas we reported on 34 incidents in 2018 in People’s Police Report #76, another one occurred on December 29 (see below), capping the record year at 35. The Portland Police kicked off the new year with the first shooting on January 2, as well as a second one four days later (p. 1). Other agencies—including officers from Vancouver, WA—were involved in at least 37 other incidents in just the first 15 weeks of the year, meaning this year’s total could match or exceed 2018’s. Here’s what happened:

— On April 13, Milwaukee Officer Daniel Duke exchanged gunfire with Douglas Teter, 30, when he walked away from a “contact”, both were wounded. Other officers hit Teter with a Taser and took him into custody (KATU-TV, April 15).

— On March 31, Springfield Sgt. Rick Lewis shot and killed Stacy William Kenny, 33, after a short car chase (Eugene Register-Guard, April 16).

— On March 16, The Dalles Police Officer James Finch shot and killed James Young, 77, who was allegedly firing a rifle on the front porch of his home (The Dalles Police Department, March 25).

— On March 14, Idaho State Police chased Victor J. Morales Zavala, 25, into Oregon where he punched in the city of Ontario; two uniformed Oregon State Troopers shot and killed Zavala after he pointed a gun to his own head (KIVI-TV, March 14 and Idaho Press, March 28).

— On March 13, Eugene Officer Lucas Blackwell fired shots at Officer Tyler Tremain’s patrol car—which had been stolen by Eli Perini, 36, while Tremain was running after Scott Saddler, whom he’d tried to stop along with Perini (Register-Guard, March 14).

— On March 9, Douglas County Sheriff’s Lt. Jerry Tilley, Sgt. Andrew Scriven and Deputy Erik Johnson, and Oregon State Police Trooper Sam Clayton shot and killed Kristofer Haynes, 25, near Roseburg after a chase ended and Eddings allegedly fired his weapon at them. His car caught on fire; it is unclear why (Roseburg News-Review, March 22 and KOIN-TV, April 5).

— On February 5, Vancouver Officer James Porter fired over 40 rounds at a truck driving on the I-5 Freeway in Portland. Porter had a trainee officer drive for him and they both shot 15-year-old Kenny for the alleged gunfight as he aimed at the other vehicle. The target was Erikson Bossy, 23, a suspect in a January 2018 homicide in Kelso. The two people in the truck were not hit by bullets. Other officers eventually used a Pursuit Intervention Technique to ram Bossy’s vehicle and end the chase, throwing one person from the truck with serious injuries (Oregonian, February 6 and March 8).

— On January 29, Clackamas Deputies Hayden Sanders, Tanner Davis, Ryan Castro and Nate Ariel shot and killed Mark Leo Gregory Gag, 42, near Woodburn after finding he had killed four members of his own family and was allegedly trying to kill a child (Oregonlive, January 20 and Oregonian, February 6).

— On January 11, Eugene Police School Resource Officers Steve Timm and Aaron Johns shot and killed Charles Landeros, 30, at a Middle School in Eugene, where video shows he pulled out a gun while officers confronted him following a dispute over whether his daughter could attend the school (Oregonlive, January 26).

— On January 5, Clackamas Deputies Scott Krause and Trevor Wolf shot at David J. Engebretson, 50, hitting him three times, having approached him after finding a warrant tied to his license plate. As with previous cases excusing officer actions, the Medical Examiner declared Engebretson died from four bullets he fired into his own head during the alleged gunbattle near Oak Grove—though police bullets hit him in the head and chest (Oregonlive, February 15).

— On December 29, Klamath County Sheriffs Deputies James Leach and Taylor McAdams shot and killed Mark Farrell, 33, near Butte by Farrell allegedly assaulted someone, then approached officers with a weapon (Klamath Falls Herald and News, December 31).

Also, on March 21, Oregon State Troopers chased Amber Lynn Mosey, 30, to an area north of Jefferson, where Mosey’s stolen car rolled over and crashed, killing her (Eugene Police Department, March 22).
In 2003, the same year Kendra James was shot and killed by a Portland Police Bureau (PPB) officer (PRR #30), the city received its first report looking at officer-involved shootings and deaths in custody (PRR #31). That report by the Police Assessment Resource Center (PARC) included a recommendation for officers involved in deadly force incidents to be interviewed immediately after a shooting. The most recent Report, issued in late January 2019 by the Los Angeles-based OIR Group, continues to hammer away at this point nearly sixteen years later. Portland Copwatch (PCW) analyzed the new Report, finding a lot of information the community had not previously known. While OIR is still unwilling to look at PPB actions as products of Racial Profiling, they do take some time in the new Report to note the distrust of police by the African American community. They encourage the Bureau to engage in “honest dialogue, receptivity to feedback, transparency and a demonstrable willingness to evolve and improve.”

In addition to that informal comment, PCW supports most of the OIR’s 40 formal recommendations.

However, the narratives still report suspects’ actions as fact, even though they are derived from testimony of involved officers and, sometimes, eyewitnesses—but rarely those shot or shot at. In six of the nine incidents reviewed, the suspects died. Even so, OIR presents several of the cases in a way that implies officers violated policy and/or training, most significantly in the deaths of Quanice Hayes (PRR #71) and Terrell Johnson (PRR #72). In Hayes’ case, the officers gave the 17 year old conflicting commands about crawling on his hands and knees and also having his hands in the air, with one officer reporting Hayes complained he could not do both. Issues also included failing to take cover and not deciding which officer would give commands. PCW’s reading is that the confusion caused by this lack of a plan led directly to Officer Andrew Hearst’s decision Hayes was defying police orders and then killing him. Hearst claimed he shot Hayes because he feared Hayes could draw and fire a weapon before the police had a chance to respond, based on the “action / reaction” principle which is taught to cops. OIR debunks this claim, but misses the key point: Hearst had his AR-15 pointed at Hayes at the time, meaning he already had the tactical advantage which the “action / reaction” theory uses as its premise. In Johnson’s case, Officer Ajir appears to have violated several facets of the foot pursuit policy, but that was never considered in the so-called “review” of the young man’s death. Ajir went after Johnson alone, did not radio in his location, and lost sight of the suspect. When he caught up with Johnson, he found he was in close quarters, which led to his backing up, tripping, and then shooting and killing the 24 year old.

In the new Report, following their critique of the District Attorney in 2018, OIR looked at another institutional apologist for police shootings: the State Medical Examiner (ME)’s office. Echoing community concerns, they urge the Bureau to convince the ME not to label officer-involved shooting deaths as “suicides,” as was done in the police killing of Michael Johnson (PRR #67).

OIR also has suggestions around the secretive Police Review Board (PRB), focusing on making sure they do thorough analysis, follow up on their recommendations and receive training. OIR says the PRB does not act as the independent check on officer involved shootings that it is supposed to be. They note issues that were either not discussed or not addressed thoroughly, including foot pursuits, prior shootings, and tactical decisions made leading up to shootings. Notably, they do not suggest changes which would stop the police from treating civilian PRB members as uninformed because they are not officers.

The Report includes a table listing all 50 cases OIR has reviewed since taking over for PARC in 2010. 13 of the 50 people subjected to deadly force were African American—26% of people shot or shot at in a city with a 6% African American population. 29 of the 50 people “had a history of mental health issues or were experiencing some type of mental health crisis.” That is 58% of people subjected to police deadly force. Since late 2012, the US Department of Justice has been overseeing reforms to reduce PPB use of force on people with mental illness. The reforms seem to be leading to the opposite result: in 33 cases reviewed dating from 2004-2012, 55% (18) involved mental health issues, while in the 17 cases since 2013—post DOJ—that number is 65% (11).

Besides Terrell Johnson, OIR reported on two other cases in which officers walked backward and tripped, which precipitated their (or their partners’) decision to use deadly force: David Ellis (PRR #66) and Nicholas Davis (PPR #63). PPB says their training is to go sideways instead of backward, which these officers failed to do, leading to injury and death of civilians. PCW raised this issue following OIR’s 2016 report.

PCW has also repeatedly pointed out when officers involved in reviewed shootings had previously been involved in other incidents. OIR has been taking note of this trend. Just in this report, they note, Officer Russ Coro, who was involved in two shootings they reviewed three years ago, was involved in the death of Michael Johnson, and Hearst was involved in the shooting of Merle Hatch in 2013.

In their 2016 Report, OIR told the Bureau to stop using the term “suicide by cop” as it suggests there was a pre-determined outcome driven by the suspect. In the new Report, OIR wisely cautions the Bureau against using the phrase “the officer had no other option,” which similarly implies officers were unable to make a choice about using deadly force.

OIR’s Report was finished early enough that the City received a response dated January 17, but it was not released to the public until February 1. The Mayor begrudgingly allowed Quanice Hayes’ grandmother Donna Hayes, the Albina Ministerial Alliance Coalition for Justice and Police Reform and Portland Copwatch to testify at City Council on February 6. Because the Bureau had already set some of the suggested reforms in motion, there was no meaningful way for the community to give input on OIR’s recommendations.

Given the apparent violations revealed in this report, the City needs to allow a civilian body to review deadly force cases at the time they happen, which likely would lead to more officers being found out of policy and perhaps even disciplined.

The OIR report can be found at <https://www.portlandoregon.gov/pr/article/71306>. PCW’s analysis is at <http://portlandcopwatch.org/shootings_analysis_0219.html>.

Oregon Police Shootings Around in 2019 (continued from p. 6)

In addition to the chase in Oregon, Vancouver Police shot and killed three men of color in a few weeks’ time, including a 16 year old immigrant High School student on February 19 (Oregonian, February 22), a man allegedly pointing a gun at people and threatening suicide on March 1 (Oregonian, March 3), and a man who was allegedly a gang member upon whom officers tried to serve a warrant on March 7 (Columbian, March 15).

As a follow up to the shooting of Adalberto Flores-Haro by Washington County Sheriff’s officers in 2012, which permanently injured him, the $7 million jury award granted in 2018 (PRR #74) was reduced to $1.13 million by a federal judge, citing limits in Oregon’s tort claim law (Oregonian, January 12).

PCW’s letter to the AG is at <http://www.portlandcopwatch.org/oregon_shootings_letter0119.pdf>.

Following the unprecedented eight-month delay in releasing its first Police Review Board (PRB) Report for 2018 (PPR #76), the Bureau finally published last year’s second mandatory report in December, five months later than usual. Portland Copwatch found incidents of shocking behavior including several ranking officers whose actions the PRB described as inappropriate for those who should know better. The PRB involves either five or seven people: three members of the Bureau (four in deadly force cases), a staff person from the “Independent” Police Review, and one civilian (plus one Citizen Review Committee member in deadly force cases). The Report covers 16 cases heard between July 2017 and June 2018. Ten incidents involved civilians, including two officer-involved shootings. The shootings were (unsurprisingly) found in policy, and both resulted in the suspects being wounded. The narrative about the August 2017 shooting of Jesse Brockner (PPR #73) shows bias by the Board, saying for example that the suspect reaching around in his car posed a “deadly threat,” even though that was just the officer’s perception. To their credit, the PRB requested a debriefing for Officer David Staab, who shot Brockner—not for any specific action, but as part of a suggestion to debrief all deadly force incidents. A similar bias can be seen in the summary of when Officer Ryan Reagan shot Chase Peeples in October 2017 (also PPR #73), claiming that Peeples holding out his wallet in a “shooting stance” was likely to cause death or injury to police or bystanders.

Two cases revolving around sex raised particular concerns. In one, an officer took home a duplicate hard drive containing evidence of child pornography, keeping it for two years—but only receiving one week off without pay. In the other, Officer Christian Berge used his position to engage in a sexual relationship with a woman (PPR #73), who provided proof of the officer’s on-duty texts including photos of his genitals and evidence of him masturbating. This case led to 10 Sustained findings, and Berge resigned before being fired. As with most PRB Reports, this one features an officer arrested for DUUI. In this case, the officer also failed to tell his supervisor he was arrested, but only received two weeks off without pay. One officer was involved in two cases, apparently threatening a civilian in emails, then intimidating that same person for filing a complaint. The first incident only merited a day off without pay, but the retaliation led to the officer being fired.

Supervisors are revealed to have been found out of policy: one for bullying other officers, another for using profane language in derogatory comments about another cop, and a third made demeaning comments. Another officer was found out of policy for making remarks so upsetting they were completely blacked out. The officer was reported to have “walked through the —blank—— while a —blank— was in progress” in 2016, then he or she “———blanked——, got up and made a comment before leaving the room.” The two allegations of what was said are also redacted. PRB Reports need to be more descriptive to prove the Bureau’s commitment to transparency. These violations were covered under a city rule which prohibits harassment, discrimination and retaliation. The officer resigned before facing a week off without pay.

The PRB found two officers had policy violations around pursuits. One re-initiated a chase after it had been terminated, punched the suspect in the face and failed to report it. Chief Outlaw reversed the Pursuit violation and gave the cop a Letter of Reprimand. Another officer failed to assess the risk of a pursuit, and failed to follow an order to report it, later using another officer’s computer log-in to do so. They were given two days off without pay.

One case appears to be about Captain Larry Graham, who sent a list of officers with histories of lying to the District Attorney’s office, for which PCW offered him a “Do the Right Thing” award (PPR #72). The unnamed supervisor used Bureau letterhead and mistakenly asserted that someone else had resigned while under scrutiny. He retired before being punished for being unprofessional by writing the letter.

In the September Report, five of 24 officers were fired; in the December document it was just one out of 15. In all, the Board considered 53 allegations and found 34 Sustained, 11 Exonerated/In Policy, and 8 “Not Sustained.” As usual, the high Sustain rate (64%) is because most incidents are referred to the Board only when someone recommends that finding in the first place.


School Resource Officer Agreement Suspended

In January, the Portland Public School Board unanimously voted to suspend their agreement with the City of Portland and Portland Police Bureau (PPB) to hire nine School Resource Officers (SROs) for $1.2 million per year. The agreement was initially approved in December 2018 (PPR #76). The Board Chair and Superintendent met with Mayor Wheeler on Jan. 14 to discuss concerns over the agreement. The Board felt they were given a false deadline for the agreement and led to believe if they didn’t quickly approve the agreement, PPB would withdraw their SROs and non-SRO officers would arrest more students. The School Board admitted they had rushed the vote, even with a large and growing outcry against the agreement and without taking proper measures to consult the community, students, and school staff. They promised to hold more meetings regarding SROs (Portland Mercury, January 30).

The Mercury reported on student arrest data from the City Budget Office (March 6). The report indicated PPB arrested 16 black students and eight white students at school during school hours. The arrest sample size is small but given Portland student demographics, black students were approximately 11 times more likely to be arrested at school than their white counterparts. When PPB presented their case to the School Board in December 2018, they did not include the data broken down by race.

A report by PPB Strategic Services Division for the 2017-2018 school year included a break-down of police calls for service and arrests based on age, location, and time but neglected race demographics. The data show SROs were 41% more likely than non-SRO officers to make an arrest of a minor per call for service on school property during school hours.

In December, the ACLU did an in-depth study of SROs in Nebraska. “From the Classroom to the Courtroom.” They found marginalized groups were significantly more likely (black students were more than twice as likely) to be arrested than their white, straight, cisgender counterparts. The ACLU reports “there is very limited data on school police and their effectiveness at keeping schools safe,” despite increased police presence, and the decrease of violent offenses by 82% between 1992 and 2014. School shootings only affect 0.1% of U.S. schools. With this information in mind, PPB should be decreasing their SROs, not increasing them on the school district’s dime.
If the City Attorney were doing effective training on state law, Niiya or one of the cops to whom he forwarded that email would have said “hey, we shouldn’t collect a list like this.” Instead, Criminal Intelligence Unit Sgt. Pete Simpson replied “Thanks, we got it already,” meaning he also received the email from someone feeding this unsupported information to police.

On the afternoon of February 21, Portland Copwatch (PCW) released a statement expressing concerns about the texting scandal in advance of a “listening session” set up by the Chief and Mayor at Maranatha Church in NE Portland. PCW warned “such a list released without redaction can have serious consequences for the people whose names are listed, one of the reasons law enforcement should not keep such lists.” Testifying at the session, two people said after their names were released in the emails, they received death threats.

The session devolved into shouting matches between right-wing and left-wing protestors. Each person was limited to two minutes to talk, allowing various perspectives to be shared. Many people focused on the police treatment of Patriot Prayer reflecting how officers show up at confrontational protests and turn their backs on the (armed) alt-right while facing down, then attacking the left with various weapons (PPR#76). The facilitator kept interrupting to tell people to propose solutions, but at a listening session, people needed to say what they wanted. PCW read from our statement on how officers can connect with people planning protests without feigning friendship, keeping a cordial and professional distance. We noted our parent group Peace and Justice Works has worked with community member liaisons to police for permitted marches, and that PCW meets with the Chief and other officials, but never puts personal relationships over institutional analysis.

The Portland Police Commanding Officers’ Association (PPCOA), which represents Lieutenants, quickly condemned Mayor Wheeler for questioning Niiya codding the agitators from Vancouver, WA. PPCOA President Craig Morgan alleged the Mayor violated a contract clause protecting officers from being “embarrassed,” and pointed out Niiya had also fostered a friendly relationship with a leftist activist in 2017 (Oregonian, February 20). While true, that person was an unseasoned activist who ended up being shunned by the movement. Her case is as much about our community needing to reinforce the reasons for Miranda warnings as police over-reach, keeping a cordial and professional distance. We noted our parent group Peace and Justice Works has worked with community member liaisons to police for permitted marches, and that PCW meets with the Chief and other officials, but never puts personal relationships over institutional analysis.

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At Fourth Meeting with Portland Copwatch, Still Disagreements on Terror Force, Crowd Control

As noted in previous issues, Chief Outlaw has been holding quarterly meetings with Portland Copwatch (PCW). In January, at the fourth such meeting, we raised a number of concerns which may or may not lead to any changes at the Bureau.

We continued to disagree around PPB participation in the FBI’s Joint Terrorism Task Force (JTTF). The meeting was two weeks before Council voted to pull the part-time officers out of the JTTF (p. 1), something Outlaw thought was not a good idea. And while she told the Skanner on January 24 “I’ll leave the politics to the politicians,” as she appeared via video at February 12 and 13’s Work Session and Council hearing to tout the importance of the spy unit, despite the FBI admitting they use people’s immigration status to deport those they suspect, but can’t prove, are “terrorists” (also PPR #76).

PCW expressed concerns about the high number of PPB-related deadly force incidents (p. 1) and asked the Chief to use her position to share concerns, as Chief Mike Reese did after a spate of shootings in 2010-2011 (PPR #53). The Chief did make mention of the high number of shootings at the February 6 OIR Group hearing before Council (p. 7). Chief Outlaw claimed one reason she hasn’t been holding community information sharing sessions quickly after shootings is that she does not get any more information than the public until after the Grand Jury has concluded. We encouraged the Chief to meet with the District Attorney to ask whether there has been a clamp-down on information since the demise of the “48 hour rule.”

Surprisingly, Chief Outlaw stated the crime scene tape which cut Chapman Square in half on November 17, separating alt-right and anti-fascist protestors, was not a formal dividing line and people could have gone under or around it. Knowing the consequences of overstepping police lines, most people would not try to do that. This seems like a form of deception which may have crossed from crowd management tactics to abuse of authority. A Copwatch member who attended the rally noted people on the sidewalk were told to leave, then cordoned off and cleared out, leading to arrests.

We also continue to push the Chief in regard to “sweeps” of houseless persons. Most “sweeps” are done by private security, with PPB standing by for support. We noted this sounds like aiding and abetting inhumane treatment.

PCW also raised concerns about profiling, PPB’s strategic plan, and new unarmed police officers—who, it was revealed after the program was approved, will not conduct meaningful police actions.

We will continue to meet with the Chief so long as it seems useful, and report back to the community both to be transparent and to hear whether people disagree with concerns we bring forward.

*-in the context of a question about the state legislature, but applicable here.

Low Recruitment Due to “Anti-Police” City?

Turner let loose in an April 8 diatribe claiming the number one reason the Bureau can’t recruit new officers is the “intense anti-police sentiment in our City that City Council seems to share.” He reports Chief Outlaw tried to tell Council about this problem at a budget hearing by saying officers “work under a microscope” and are “villified.” Turner dismisses other reasons police departments around the country can’t recruit, including low unemployment rates and the dangers of policing, instead saying “City Hall has put a stranglehold on proactive policing.” Perhaps a prelude to legal action, he calls this attitude a “hostile work environment.” Days earlier, on April 2, Turner posted a KPTV-Fox 12 piece saying the Clackamas Sheriff is pulling back from doing support work in Portland due to “anti-police” issues... such as holding cops accountable for misconduct.
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Despite the end of elections season, lack of any major protest actions, or other apparent distractions to Portland Police Association (PPA) President Daryl Turner, the PPA’s Facebook page has continued to have far less content than in the past. (Furthermore, the PPA’s aggregating “newsletter” page, “The Rap Sheet,” led to an error page in March, replaced by the PPB’s Instagram feed in mid-April.) Only 19 pieces were posted from late December to mid-April. As noted in PPR #76, the reduction in number did not change the focus of Portland’s rank-and-file police “union.” The greatest proportion—26% (5 pieces)—was dedicated to stories about “officer friendly” activities which PCW has labelled “bluewashing.” The other repeat topics were houselessness, protests, and “anti-cop” attitudes, with two posts each. Returning to a point he has raised previously, Turner posted an homage to Martin Luther King, Jr. on January 18, emphasizing the civil rights leader’s work with the sanitation workers’ union at the time of his death. Again, Turner ignores how the police frequently attacked MLK and his followers (PPR #75).

Railing Against City Council’s Concerns of Bias at Protests

In the wake of the scandal that revealed friendly texts between Lt. Jeff Niiya and the right-wing Patriot Prayer group (p.1), Turner posted two pieces. The first, from February 19, also appeared on the PPA’s main website, ppavigil.org as a “President’s message.” In it, he complains three members of City Council—the Mayor and Commissioners Chloe Eudaly and Jo Ann Hardesty—raised concerns about Niiya’s cozy relationship with the man whose protests are deliberately designed to provoke backlash. Turner writes the Council needs to “put facts ahead of political agendas.” This from the man who described Portland as a “cesspool” because of houseless people (PPR #75). He claims by befriending Patriot Prayer, the police were being “proactive” and prevented a clash between protestors on August 4 last year. There is no mention the police went on a rampage against the counter-demonstrators, seriously injuring two people with so-called “less lethal” weapons. Turner says the elected leaders “pushing out sensationalized soundbites ahead of an investigation does a disservice to our citizens and our rank and file officers.”

Two days later, Turner jumped on Commissioner Eudaly for responding to the head of the Lieutenants’ “union” which represents Niiya. On February 19, Willamette Week quoted Lt. Craig Morgan saying Mayor Wheeler does not understand “basic police work,” and Eudaly asked whether that included “ignoring racist and right wing extremist thugs… and arresting left wing activists for no reason.” Turner’s post, labeled “In response to Commissioner Eudaly’s accusation,” accuses the Commissioner of anti-police bias (a tired trope aimed at anyone calling for accountability). He then asks what she has to say about protestors who damage property, set fires, block transit, throw objects and endanger the police and “peaceful protestors.” Never mind, again, that the peaceful protestors are in danger because the police choose to impose collective punishment against such actions rather than arresting or making note of those who do such things for later arrest. Turner touts his 28 years of experience as an officer and asks Eudaly for an apology. As far as we know, that has not happened.

Back to Bashing Houseless People and Lifting Up Cops, No Questions Asked

Two of the three pieces posted to the PPA Facebook page about houseless persons, on December 21 and March 18, are reposts of news stories about accumulated campsites in northeast Portland (KPTV) and along a bike path (KGW). However, the earlier story was linked through the Lents Neighborhood Livability Association, a “shadow” neighborhood group which is virulently anti-houseless. The third piece, posted April 1, featured a Seattle TV news story about the city “dying” due to houseless people. (continued on p. 10)