Community Campaign Pushes for More Accountability in Police “Union” Contract

Hoping to avoid a repeat of 2016, when the City secretly negotiated the Collective Bargaining Agreement with the Portland Police Association (PPA), leading to angry protests put down brutally by police (PPR #70), community groups have been organizing to demand improvements to the contract. The City Council itself has also taken a proactive approach this time around, and the community even had a chance to have a dialogue with PPA President Daryl Turner about the issue.

Echoing calls for it to be easier to fire officers who use deadly force or racially profile, stronger and more responsive civilian oversight, and a more transparent process, many organizations have placed the contract in the public eye. On August 26, the Albina Ministerial Alliance Coalition for Justice and Police Reform (AMAC) held a community forum attended by over 70 people, at which a panel briefly outlined issues around the law, past history, and how the labor movement can support contract changes without being against the right to collectively bargain.

A campaign headed up by Unite Oregon then kicked off publicly with a news conference on September 11, releasing a letter outlining community demands which is now signed by over 30 organizations including Portland Copwatch (PCW), the AMAC, Portland Jobs with Justice, and environmental, human rights and religious groups. The event was widely covered in the media and led to an angry diatribe by Turner in response, claiming an attack on workers’ rights (see pcwnews.org). A separate letter signed by Turner in response, claiming an attack on workers’ rights (see pcwnews.org).

On December 9, Portland Police shot and killed a man in mental health crisis. Other developments at PCCEP included November’s (continued on p. 9)

Compliance Officer: City Met DOJ Standards, Does Not Have to Change Behavior

Oversight Committee Pushes Back Mildly, Talks Police “Union” Issues

In a shocking statement at the October meeting of the Portland Committee for Community Engaged Policing (PCCEP), Dr. Dennis Rosenbaum said the City has met all technical requirements of the US Department of Justice Settlement Agreement, but there doesn’t have to be a change in outcomes. In other words, Dr. Rosenbaum, the Compliance Officer/ Community Liaison (COCL), is saying the community, city and bureau have been working for the last seven years to address the unconstitutional use of force the Department of Justice (DOJ) found, but the City only has to create policies, collect and analyze data in order to comply. As PCCEP members pointed out, the large number of people in mental health crisis still being killed by Portland Police is not relevant to the assessment. In early October, Rosenbaum presented the COCL’s quarterly report on the progress of the Agreement, finding the City in “Substantial Compliance” with every paragraph. The City, they say, checked all the boxes once the Police Chief presented the Bureau’s 2018 Annual Report and Community Engagement Plan at City Council on October 2. At their October meeting, PCCEP members made clear they disagreed, but only singled out one item about mental health issues. Other developments at PCCEP included November’s (continued on p. 9)

Police Deadly Force in Oregon: Over 30 Incidents Continues Over-Average Trend

On September 30, Portland Copwatch (PCW) published a news release noting there had already been 26 deadly force incidents in Oregon in 2019. Prior to last year, when there were 37 shootings in the state,* the average had been 25 per year, but 2018 pushed that number up to 26. By mid-December 2019 there have been 34 incidents. This is of great concern as the national trend has been steady while Oregon’s rate jumped 40% and appears to be staying there. Here are the thirteen officer-involved deadly force incidents outside Portland since our last issue was published:

—On November 30, Eugene Police officer Samuel Tytol shot and killed Elbirio Rodrigues, Jr., 40, when a traffic stop escalated into a physical fight (Eugene Register Guard, December 6). (continued on p. 7)

*including two which PCW found info on recently-p. 7.
The Citizen Review Committee (CRC), Portland’s version of a civilian review board, heard two appeals of misconduct cases in the last several months. One case involved a man in mental health crisis who appears to have been injured by police, but CRC supported the Bureau’s findings of no wrongdoing. In the other, they found an officer violated policy by failing to help a woman trying to report a stolen car. Most of their November meeting was taken up by a presentation on what it means to be a “public official,” a training which seemed to leave most members more confused rather than feeling more confident. The new directors of the “Independent” Police Review (IPR) met with members of Portland Copwatch twice to get up to speed on the history of the system, in part because the three people making up IPR’s management all quit at once (PPR #78). Meanwhile, the CRC’s Crowd Control Work Group continues to meet, prompting a TV news report in October when they discussed racially charged arrests at a recent protest action.

Case #2019-x-0001: African American Man in Crisis Roughed Up By Officers

CRC heard the case of an African American man who said three officers used excessive force and failed to acknowledge him telling them he was injured (#2019-x-0001). A person who witnessed the incident filed the original complaint, and the injured man filed the appeal; however, he could not reach directly or through an attorney to appear at the hearing. The Appellant was ejected from the downtown Safeway for flushing the toilet repeatedly, then police followed him as he moved from the street to a retaining wall outside the Art Museum. He tried scaling the wall but fell to the sidewalk, apparently injured. Officers “determined he was a danger to himself,” but did not handle him as an unarmed person in mental health crisis. Rather than leave him alone and wait for medical aid, the officers handcuffed the Appellant, searched him, found “drug paraphernalia,” then diagnosed that he was experiencing “Excited Delirium,” a syndrome not established in medical science and a term often used to justify custodial force.

The cops then tried to put the man—who they thought was experiencing a medical condition—into their patrol car, and he allegedly ran up the side of the car. They struggled with him on the sidewalk, pinning him to the ground and putting a “hobble” on his legs. Eventually EMTs arrived and he was taken to the hospital. The witness said the officers were not listening to the Appellant’s claims of being injured. The witness took a short video while concealed behind a door in the museum. Central Precinct Commander Mike Krantz, who was there to defend the findings which exonerated all three officers on both allegations, showed both that video—which is not long enough to get a full sense of the discussion between the cops and the Appellant—and a security video with no audio from the Museum. On the witness video, the Appellant can be heard saying something about pain in his neck. Overall, Krantz was able to present the police narrative because the Appellant and witness were both not present at the meeting, and there was nobody to officially push back on his story. Three officers attended but did not say anything; it is likely these were officers A, B and C.

During public testimony, Portland Copwatch (PCW)’s Dan Handelman challenged Krantz for telling CRC the man was experiencing “Excited Delirium.” That night, Krantz sent PCW an email having found the term mentioned in one medical publication via an internet search as if to prove it was reasonable for the officers to diagnose this syndrome. PCW has seen a follow up statement from the Public Information Officer which says the state Department of Public Safety Standards and Training now uses the term “agitated chaotic event.”

Additionally, the case summary says “the [Internal Affairs] investigator showed Officer A a photo of Appellant with a scrape or bruise on his face and Officer A was not sure if the injury had been there before officers arrested Appellant or if it had been caused by officer use of force.” Thus, the CRC could at least have proposed to change the findings about the officers’ use of force to insufficient evidence (known in Portland as “Not Sustained”). Only five CRC members were present, and they voted unanimously to affirm all of the Bureau’s findings.

Case #2019-x-0003 Woman Says Police Fail to Help with Stolen Car

A woman whose car was stolen before she received the full proper title complained that an officer refused to take a report, ending up costing her $1800 to recover it from impound. At the December hearing on this case (#2019-x-0003), Appeals Process Advisor TJ Browning noted the woman had a receipt from the DMV showing the title transfer was underway. Commander Tashia Hager argued the Directive’s reference to the ownership change being “in process” meant that the paper in question wasn’t sufficient, because anyone could go to the DMV and create a fake application showing car ownership. Rather than succumb to this cynical take—that it is ok for officers to assume the civilian is lying (instead of, say, calling the registered owner to confirm the sale), CRC voted 4-3 to suggest a “Sustained” finding of misconduct. The three other members had suggested an insufficient evidence with debriefing finding. A second allegation referring to a “missing vehicle report” was affirmed unanimously as “Unfounded” since the police do not issue such reports.

IPR Directors Seek Body Cameras

The new IPR Director Ross Caldwell (PPR #78) and his Deputy Director Dana Walton-Macaulay, previously a dean adjudicating complaints at Portland State University, sat down with members of Portland Copwatch in September. Among other things, we discussed the history of PCW and the development of IPR after the Portland Internal Investigations Auditing Committee was retired in 2001 (PPR #24). PCW also expressed concern about problems with how IPR relates to the community—and to our group, such as having stopped inviting the public to observe CRC trainings several years ago, shutting PCW out of a reception for a newly-appointed CRC member in City Hall, and the Auditor (whose office houses IPR/CRC) and the City Attorney no longer showing up at CRC meetings. Director Caldwell was interested in pushing for body cameras, thinking this might improve misconduct investigations. PCW relayed concerns that the cameras point the wrong way (at community members, not police), and that body camera footage is more often used to prosecute civilians for crimes than to hold officers accountable. However, PCW’s official stance is still neutral on the devices. At a second meeting in November, PCW talked about CRC’s history, including various policy recommendations they used to make which have now trickled to a halt. (continued on p. 3)
Other Info from CRC Meetings

The presenter at the November meeting from the Office of Community and Civic Life spent roughly two hours discussing diversity issues and how to follow Oregon’s Public Meetings Laws. The presenter admitted she was not an expert but was asked to go to all the advisory bodies in the city and relay this information. As a result, when CRC members asked, for instance, whether the three-person executive committee getting together every month to set the agenda might constitute a public meeting, the presenter told them it was. Chair Kristin Malone became deeply concerned about needing to send out notification for this task. Director Caldwell opined (and PCW agrees) this is an administrative function and not a decision making process which will lead to CRC making a recommendation. Besides which, CRC has old and new business on its agenda and can always modify the agenda based on the rest of the Committee’s input during the meetings.

Surprisingly, CRC did not discuss the fact that the Chief undermined their recommendation to sustain a finding of untruthfulness against Sgt. Erin Smith for knowing it was untrue when he told a protester they could be arrested for videotaping police (p. 8). They also did not discuss at either the September or November meeting the change made to City Code which requires CRC members to sit in on Police Review Board hearings involving Use of Force, not just Deadly Force cases as has been routine.

Crowd Control Work Group Discusses Racially Charged Arrest

While they have not taken any concrete actions since holding their public forum on PPB policies back in April (PPR #77), the CRC’s Crowd Control Work Group began meeting again in recent months to discuss gathering more information to develop recommendations. Their October meeting took place a few weeks after officers pushed through white students at the September 20 Climate Strike protest to arrest one African American teen and a white ally who defended him (p. 11). The controversy over that arrest drew two special attendees: A member of 350 PDX (one of the main groups who helped organize the Climate Strike) and KatU-2 TV news. The 350 PDX member, CRC Vice Chair Candace Avalos and PCW all raised concerns about how the police seemed to single out one of the few teens of color in a large crowd, including throwing the two teens arrested to the ground in a lane of moving traffic.

For more information see the IPR website <https://portlandoregon.gov/IPR> or call 503-823-0196.

Joint Terrorism Task Force: As First Council Report Approaches, New Information Supports Staying Out

Aside from the publication of the Police Bureau’s Directive on the Joint Terrorism Task Force (JTTF), the Bureau’s Annual Report and stories about a man who had his guns taken away, the people of Portland have heard little about the situation— if any— between Portland Police and the JTTF since the City withdrew its two officers in early 2019 (PPRs #77 & #78). However, information rolling in from other cities and sources indicates Portland’s decision to stay out was a good one. A document surfaced in San Francisco revealing the FBI misled their City Council and, in fact, were having officers skirt local laws to work on investigations which were not based on suspicion of criminal conduct (The Intercept, November 1). Oregon has a similar law which led in part to Portland’s withdrawal. An article published October 31 by the Marshall Project points out that in addition to Portland, two other Police departments pulled officers out of federal task forces in 2019 because their local cops would no longer be able to be held to local standards. A report from Defending Rights and Dissent delves into how the FBI continues to spy on people expressing opposition to US policies, with a short chapter on JTTFs including info about Portland’s withdrawal. And more information came out about federal spying in the Oregon coastal area of Coos Bay.

Here are some updates on spying-related issues:

— The Bureau’s Directive on how officers can interact with the JTTF was put out for a second set of comments in early September. The new draft included a fix proposed by Portland Copwatch to ensure officers will act in compliance with state law, but not other proposals trying to enable oversight of the FBI’s training materials.

— The PPB’s Annual Report, which was finally presented to Council on October 2 (p. 1), revealed the only time the Portland Police worked with the JTTF in 2018 was tracking the paraplegic man who threatened to throw a Molotov cocktail at Mayor Ted Wheeler’s house (PPR #77).

— The FBI seized weapons from alt-right protestor Shane Kohfield, a military veteran who threatened to kill anti-fascist activists while protesting outside Wheeler’s home in July. The PPB was clearly involved in this case, opening a “threat investigation” on Kohfield and helping Clackamas County Deputy (and JTTF member) Jeremy Stinson get a year-long protection order in place which required Kohfield to surrender four weapons he owned (Oregonian, September 1). This is a rare case of the FBI taking action against a right-wing activist, and should not be taken as an indication the PPB’s ability to work with the JTTF on a case by case basis will only be used for such potentially productive enforcement.

— The two other agencies which pulled out of task forces were both the results of the US government not allowing local officers to wear bodycams: the St. Paul and Atlanta police got out of Federal Marshals’ task forces, with Atlanta doing so after one of their officers shot an unarmed man while working with the feds.

Meanwhile, more damning news came out about the South West Oregon Joint Task Force, formed to spy on activists opposing a proposed gas pipeline in the Coos Bay area (PPR #78). On September 24, over 40 environmental organizations sent a letter to Governor Kate Brown calling on her to stop the surveillance. On October 2, the Guardian revealed Oregon’s “Titan Fusion Center,” which is a project similar to JTTFs set up in every state to “track terrorism,” helped disseminate information about activists opposed to the pipeline.

In other spying news, Commissioner Jo Ann Hardesty is helping Portland examine the possibility of banning all facial recognition technology not just for law enforcement, but also for private use. The ban would be based mostly on the technology’s poor track record for identifying women and people of color. While Portland officers don’t universally have body cameras yet, Oregon state law already bans the coupling of bodycams to facial recognition.
On October 1, DeRay McKesson and Sam Sinyangwe of the national group Campaign Zero were invited by Commissioner Jo Ann Hardesty to present information at a City Council Work Session. They showed how certain kinds of contract provisions such as those guiding discipline have led to better results in various cities. They also pointed out how improving policies and state laws might, in addition to improving the contract, make things safer not just for the community, but for the officers as well. Turner accused the people asking for accountability of being anti-worker and, as he did in September, of being “self-serving.” The presentation was unprecedented and was only hampered by the City Attorney’s caution that Council members expressing opinions about what should or should not be in the contract could be accused of bad-faith bargaining.

Rolling with that caution, Mayor Ted Wheeler and Commissioner Hardesty co-sponsored two community forums to hear the public’s concerns and ideas for bargaining. The elected officials were not allowed to participate in the discussion, but listened carefully at the discussion tables which were based on people’s greatest concerns. At the first forum on November 18 held at PCC Cascade, those topics matched the campaign’s: oversight, accountability and deadly force. The second forum on December 16 on PCC’s Southeast campus had a comparable size audience of about 80 people, focusing again on oversight and accountability, but adding hiring, firing and training.

At the Portland Committee for Community Engaged Policing’s November 19 meeting, Officer Turner appeared and answered questions from the PCCEP and the community (p. 1). While members of the campaign had previously met with Turner in private, it was a rare opportunity to get his responses to community concerns in a public forum.

The negotiations are slated to begin in January. In 2010-11, the negotiations were held in public but were actually discussed behind closed doors (PPR #54); in 2013, they alternated public and private sessions, only talking about issues other than public policy in the open ones (PPR #61). In 2016, nobody knew the negotiations had started, leading PCW, the AMAC and the local NAACP chapter to send a letter to Council in August... when the negotiations were held in public but were actually discussed behind closed doors (p. 5). It seems easy for the police to garner how many people against whom they used force had Portland addresses or not. Perhaps part of their reluctance may come from the fact that about 50% of those subjected to force are houseless or do not give them an address. Regardless, police generally do not know where a person is from when they approach and use force on them, so the demographics would still give the public a better idea of the likelihood of force being used on them based on their race. At the end of the meeting, the person who pushed hardest to include the demographics, TAC member Danielle Dopper, announced she was resigning out of frustration.

The Bureau had also responded to several of the TAC’s other recommendations, mostly saying they agreed and/or were already doing what was recommended, even when the implementation didn’t line up with the Council’s proposal or the police claimed they couldn’t get around to acting on the ideas due to backlog.

At the September meeting, the TAC adopted recommendations about the Bureau’s Procedural Justice training, based on attending a dry run. The suggestions indicate officers aren’t given enough of a variety of interactions in the single traffic stop scenario being used. They also discussed the Bureau’s nascent program on officer wellness, and ideas to broaden the “emotional intelligence” ideas they discussed with the cops, which would in theory improve officers’ ability to “be aware of, control and express their emotions.”

At that meeting, a Bureau analyst presented a 2017 audit of the Training Division, previously summarized in Compliance Officer reports as required under the US Department of Justice Settlement Agreement. Ironically, before the discussion on use of force at the November meeting, the Bureau made a presentation on their Equity and Diversity efforts. Lt. Jeff Niiya, infamous for texting with alt-right activist Joey Gibson (PPR #77 and p. 1), was transferred from the Rapid Response Team to be the “Force Inspector.” Thus, he presented the Use of Force data for Q2 and Q3 2019 in November. While Niiya did briefly stop on his slide showing how many people of color were subjected to force, he did not engage in a long discussion about it with the Council. The PPB’s general excuse is to compare the force ratio to custodies; in other words, those who are being arrested or cited are more likely to be subjected to force than the general population. But this doesn’t answer the question, why are police arresting and citing so many more African Americans than is proportionate to who they are likely to encounter on any given day in 77% white Portland?
WILL NEW PROGRAMS HELP THE UNHOUSED COMMUNITY?

Two new programs focused on unhoused people have recently been in the news. A new city-county Navigation Team is visiting those who have been camping outside in order to get acquainted with them and help with resources, sometimes weeks in advance before they, and their belongings, are swept. Creating trusting relationships and determining needs are central to this program. An area in Southeast Portland near Johnson Creek and the Springwater Corridor has been receiving the most attention. It is also the area which generates numerous public complaints to the city’s One Point of Contact. Community health workers from Central City Concern and outreach and housing staff from Transition Projects talk to people and work towards trying to get needs met, including permanent housing. On occasion, a mobile hygiene unit is deployed. Thus far, it appears the program is working well and confirms that when friendly and non-judgmental approaches are taken there is often success (Oregonian, November 3).

On November 21, Portland City Council approved $500,000 for a new Street Response program. Commissioner Jo Ann Hardesty led this project and was concerned about statistics showing 52% of all arrests in Portland were of houseless people (PPR #75). The pilot program will begin in the Lent area in 2020 and, instead of police responding to calls regarding houseless people, there will be a two person team dispatched made up of a Fire Bureau EMT and a mental health worker. Fire Chief Boone and Police Chief Outlaw were both present at the Council meeting and testified as to their support for this program. Kaia Sands, the Executive Director of Street Roots, whose editorial was the impetus for the program, gave a statement about how the current situation has been so harsh on those who are houseless. As is seldom the case, those most involved were part of the initial and ongoing process both in listening sessions and through surveys. These revealed eight findings, the top two of which were (1) that this program be separate from the police, and (2) that those responding not be armed with guns. While the program is a good step to keep police out of pushing people around, Portland Copwatch will wait and see whether the Fire Bureau is the proper place for this program. The Eugene system used as a basis is run by a non-profit, not a city department.

Rather than being supportive that supposedly “stretched thin” police officers will not be going out on calls which can be handled by the Response team, Police Association President Daryl Turner issued a negative spin, indicating it would not be a full solution to homelessness, and more honestly noting he feared future funds would be diverted from the police to these new first responders (Oregonian, November 22). On December 9, Turner appeared on OPB’s Think Out Loud to push for his officers to continue to be first responders. He stated misleadingly that the Bureau’s Behavioral Health response teams, made up of one officer and a Project Respond mental health professional, can go to calls “24/7.” They actually only have one team per precinct, and only on weekdays.

Turner was present at a November 8 tour of the Wapato Jail by owner Jordan Schnitzer, who continues to hope the facility will be turned into a “wellness center” for homeless people. Schnitzer apparently wanted a gathering of neighbors who support the effort, with hopes of getting together funding for the project which Multnomah County has rejected. The event was advertised through neighborhood association channels. Turner is one of the main vocal supporters of putting houseless people in the former jail (also see “Rapping Back,” back page). In early December, Schnitzer brought federal housing officials to the site, but they made no commitment to help (OPB, December 3).

In November, two reports came out on Portland Police Bureau (PPB) traffic stops: one by Oregon’s Criminal Justice Commission and one by the PPB. Both show (as has been the case every year since 2001) the Bureau stops more African American drivers than is proportionate to the population. Both reports use similar figures, that African Americans make up 6% of the population but 17% of the drivers stopped. The big difference is the state’s report notes African American drivers than is proportionate to the population. Both reports use similar figures, that African Americans more into the Portland area (which they then show in the report as being lower than 6%) and many commute to work or are tourists, throwing off the numbers. Both reports show African Americans are over-searched, with the state showing a rate of 11% of stops vs. 5% (OPB, December 1). Contraband is only found 85-90% as often on black drivers as white ones. While this narrows the gap (it used to be 80%), it is clear Portland still has a problem. The PPB needs to admit that problem as a first step to making change.
A
fter four months in which officers of the Portland Police Bureau (PPB) were able to keep their firearms mostly in their holsters, they shot and killed a man with mental health issues on December 8 (as for the rest of the state, see p. 1). During that time, a considerable amount of new information about old cases was released: the latest Police Review Board report was published in September, while grand jury findings, police investigations, and related news reports covering the deaths of David Downs and Lane Martin (PPR #77) came out. In addition, Don Perkins, a man who was in mental health crisis but lived after police shot him the same day Quanice Hayes was killed in February 2017 (PPR #71), was granted a $67,000 settlement by the City on September 4.

**Man Running In and Out of Traffic Shot and Killed in Broad Daylight**

Officers responding to a call about Koben Henriksen, 51, running in and out of traffic with a knife, reportedly did not take long trying to de-escalate the situation before Officer Justin Raphael (#52780) shot and killed him. Witnesses reported being nervous that what appeared to be Raphael’s AR-15 rifle might have killed him as it was just before 2 PM in a busy area of SE Stark Street (not far from East Precinct). Many of the witnesses said they did not see Henriksen with a knife, but that he seemed confused and “zombie-like” (Oregonlive, December 9). It was only 13 seconds from the time officers radioed in contact with Henriksen to when they reported shots fired.

**Four Cases Covered in Report: No Wrongdoing by Cops**

As usual, the Police Review Board (PRB) did not find any officers out of policy for using deadly force. Because of the delay in releasing PRB reports, all four cases date back to 2018. The summaries have a distant and clinical feel to them. The facts surrounding John Elifritz’s case in which multiple officers shot a man in mental distress and Richard Barry’s case, where cops joked as he lay dying, raise concerns about the PRB ignoring the humanity of “suspects.”

The summary reports on deadly force incidents show officers’ narratives are treated as gospel. This is not surprising, as the Board’s makeup for these hearings is four police members, one staff person from the “Independent” Police Review (IPR), one member of the Citizen Review Committee, and one civilian from a pool of about 15.

Sarah Michelle Brown, who was shot and wounded in March 2018 (PPR #74), allegedly shot at Officers Darrell Shaw and Joseph Webber, prompting them to return fire. The Board found the shooting “reasonable and appropriate given circumstances.”

There is no description of de-escalation tactics the Board claims were used prior to the shooting. Both officers were found in policy even though two PRB members suggested a debrief for one supervisor, suggesting the “response might have been improved slightly to ensure all officers were available prior to firing on the subject.” The cover memo shows all officers were given this debriefing.

In the report on the April 8, 2018 killing of Elifritz (also PPR #74), it is not immediately clear which officers (labeled #6-10) are Brad Nutting, Kameron Fender, Chad Phifer, Alexander Martinuc or Andrew Polas. Three Board members say a Sergeant (presumably Roger Axthelm) worked to “minimize the use of force.” Five Board members noted Axthelm himself approached Elifritz to provide medical aid, recommending a debriefing to point out that action took him away from his supervisory duties. Though Elifritz was shot and killed 37 seconds after police entered the Alcoholics Anonymous meeting where Elifritz was harming himself with a knife, the Board praised the officers for “attempt[ing] to de-escalate.” Two other supervisors are called out for a debriefing to better communicate about the shooting to required parties, including IPR.

The summary report in the September 2018 death of Patrick Kimmons (PPR #76) doesn’t address that at least one bullet hit Kimmons in the back, meaning he was turned away from police. When asked whether officers may have accidentally put bystanders in harm’s way, one (police) Board member said “officers are trained to be very aware of their surroundings as soon as they exit their vehicle.” This doesn’t answer whether officers Gary Britt and Jeffrey Livingston thought about where their bullets might land on this occasion. One Board member suggested a debriefing since Officer #4 got directly involved rather than continuing to supervise, echoing a recommendation from the OIR Group’s February report (PPR #77). The cover memo says Chief Outlaw asked for both Sergeants in the case to get debriefings.

There is no mention in the summary report on the November 22, 2018 death in custody of Richard Barry (PPR #77) that at least one involved Portland State University (PSU) officer was wearing a body camera. His footage shows either Portland Police Officer James DeAnda or Jared Abby with his knee on Barry’s shoulder, following shortly by Barry ceasing to move at all. The cops do not seem to check for breathing, noting only that Barry was lying on his hat and may have gotten blood on them. Officer #1 decided not to give Barry medical aid, recommending a debriefing to point out that action took him away from his supervisory duties. Though Elifritz was shot and killed 37 seconds after police entered the Alcoholics Anonymous meeting where Elifritz was harming himself with a knife, the Board praised the officers for “attempt[ing] to de-escalate.” Two other supervisors are called out for a debriefing to better communicate about the shooting to required parties, including IPR.

**David Downs and Lane Martin: No Criminal Wrongdoing**

The Grand Jury transcript in the June 9 killing of David Downs was released in late September. The Oregonian’s coverage (on October 2) reveals Officer Nathan Kirby-Glatowski decided to shoot while Downs was holding a woman at knifepoint. The other officer, Cassandra Wells, said she did not “have a good angle to take a shot.” Regardless, the fact that the woman, who was reportedly already bleeding due to her encounter with Downs, was not injured by bullets is just lucky. Officers shot and killed both 12 year old Nathan Thomas and the man who was holding him at knifepoint back in 1992. Kirby-Glatowski reportedly said Downs “went down like the proverbial rag doll... there was blood everywhere.” There’s no mention about Downs’ behavior including lying about having a bomb indicated he was in some kind of mental health crisis.

There is no explanation why the Grand Jury did not hear the case of Lane Martin until mid-October, 76 days after he was killed by Officer Gary Doran in late July. The Oregonian reports the Jury found Doran acted in self defense, though Martin had dropped the hatchet he was carrying after being shot by less lethal rounds. The officers say he pulled out a knife after they cornered him in an apartment complex’s common area (October 16). The O had to ask for the autopsy paperwork, which wasn’t mentioned in the transcripts. They reported Doran fired 11 shots at Martin, hitting him nine times (October 19). Martin’s family announced their intent to sue around the time of the Jury’s decision (Portland Mercury blog, October 14).
Don Perkins: $60K Probably Barely Covers Injuries

Don Perkins’ lawyer Greg Kraus told the Oregonian he was glad Perkins was given money, but “I wish he could have gotten more” (August 30). This was not the attorney wanting to recoup more fees: the article says “Perkins required multiple surgeries, ongoing neuropathy in his arm, permanent injury to his lungs and post-traumatic stress disorder.” Nonetheless, it is rare for a person shot by Portland Police to get any compensation at all, particularly when they live to tell the tale. The last such settlement went to William Monroe, who was shot by live rounds out of a “less lethal” shotgun in 2011 (PPR #60).

Other Portland Law Enforcement Deadly Force News

In area news not involving the Portland Police:

—Portland State University decided to increase the number of armed officers on its campus from 6 to 10, despite pleas from students and the family of Jason Washington, who was killed by PSU cops in 2018 (PPR #75). The two officers have both resigned from PSU (Oregonian, October 11).

—Vasile Manta, the only person in our records shot at on two separate occasions by law enforcement (PPR #75), was sentenced to five years in prison for crimes including criminal mischief and fleeing from police (Oregonian, August 11).

—A man who struggled with a Port of Portland police officer in September allegedly injured himself with his own gun, despite original reports of an officer-involved shooting (Oregonian, September 29).

For more information on the Police Review Board report see p. 8.

Oregon Police Deadly Force Tops 30 Incidents Again

—On November 29, Deschutes County Sheriff’s Deputy Clint Baltzor shot and wounded Adam Gilliam, 25, near a Bend shopping mall after police rammed a vehicle Baltzor reportedly stole (KTVZ-21, December 5).

—On November 12, Klamath Falls Police Sergeant Maury Smith shot and wounded Robert Lee Faulkner, 34, after they “found Faulkner hidden in some brush, reportedly armed with a handgun” (KDFR-12, November 13 and Klamath Alerts, December 13).

—On October 23, Albany officers Emily Schiff and Gina Bell used Tasers to zap James F. Plymell III, 45, after he got into a fight with a “community service officer” while he was attending to his car which had broken down; Plymell died after the tasering (Albany Democrat Herald, December 17). According to PCW’s records this is at least the 12th Taser-related death in Oregon since the weapons were introduced.

—On October 21, Hillsboro Officer Bobby Voth shot and killed Jason Livengood, 29, in the parking lot outside of a police station when Livengood allegedly refused to drop a gun (Oregonian, October 25).

—On October 17, Oakridge Officer Steve Davidson shot and killed Marcus Phillip Hartsfield, 27, after he had cut his own throat and moved toward Davidson with a razor (KVAT-TV16, November 1).

—On October 7, St. Helens Police officer Elijah Merkwan used his patrol car to kill Michael Veatch, 32, after Veatch reportedly threatened someone with a gun, fired rounds at vehicles, sped away in a car and ran from that car when Merkwan approached. The Columbia County District Attorney found Merkwan was justified in running over Veatch (Oregonlive, December 3).

—On September 29, Allen Pitts died due to his interaction with unnamed Salem police at the “Best Little Roadhouse,” including use of a Taser. Pitts was reportedly causing a disturbance and threatening people, apparently in a mental health crisis (Oregonlive, September 30 and Salem Statesman Journal, November 27). This was Taser-related death number 10 in Oregon.

—On September 27, unidentified Yamhill County Deputies fired one bullet at a male and female in a car in a cemetery in Lafayette, likely missing them; the Deputies say the car nearly hit one of them (KPTV-12, September 28).

—On September 22, Medford Police Corporal Joshua Schilder shot and wounded Steven Myers, 55, following a call that Myers was suicidal. Police claim he moved toward them with a knife. Simultaneous to the gunfire, two officers hit Myers with Tasers (Oregonlive, September 22 and KDRV-12, October 9).

—On September 18, Dallas Officer Darren Buchholz shot and killed Scott Gabriel Spangler, 43, at a Goodwill store in West Salem as police sought to arrest Spangler on narcotics charges. Interestingly, Buchholz had previously arrested Spangler after he shot and wounded himself while suicidal (Oregonlive, September 20).

—On September 14, Hillsboro Officer Jaime Williamson shot at Elliot Carr, 34, after Carr supposedly pulled out a gun during a struggle in a hotel hallway; the bullet did not hit Carr but officers injured him in the fight (KATU-2, September 20).

—On August 24, Lane County Sheriff’s Sergeant Levi McKenny shot and killed Larry Leonard Lowry, Jr, 34, in Cottage Grove after Lowry allegedly “broke through the wall of a shed” and ran towards deputies with a large knife (Eugene Register Guard, September 4).

There was also another reported incident where an officer discharged his firearm, but it wasn’t while on duty or intentional. Clackamas County Sergeant Chris Keyser accidentally fired a bullet from his gun while cleaning it in his garage on January 1, luckily not hitting anyone. He literally tried to cover up the shooting by pushing a garbage can in front of the hole from the bullet. He retired before he could be fired for lying to investigators (Oregonian, October 25).

PCW’s research found two more 2018 incidents: Deschutes County Deputy Chris Jones shot and wounded Brandon Barrett, 33, on October 12 after Barrett drove his car away from Jones (Bend Bulletin, October 15, 2018); on August 7, Benton County Sgt. Ryan Moody fired two shots but did not hit Charles Wesley Praither IV (age unknown) near Philomath (Corvallis Gazette Times, September 11, 2018).

In national news, a study from Rutgers University showed that African American males are the most likely to be killed by police, at a rate 2.5 times higher than white men and boys, while Latino and Native American men had a rate about 1.4 times higher. Women are overall 20 times less likely than men to be killed by police (Los Angeles Times, August 18).
Police Review Board Report: Bait & Switch Discipline, Sexual Misconduct, Ubiquitous DUII and PPB Influence

S sometime around September 23, the Portland Police released the first of a required twice-yearly set of Police Review Board (PRB) summary reports. The published info (which we will refer to here as “the PRB Report”) included a stunning switcheroo by the Chief to avoid firing an officer, a few officers engaged in sexual harassment, and a high-ranking officer who drove drunk. There were also four reviews of deadly force incidents. The PRB Reports used to be published in January and July each year, but are now bunched up toward the end of the year. The new Report included 17 cases heard between December 2016 and April 2019. The reports continue to be ridiculously redacted — in addition to officer names, the dates, locations, and genders of people involved are generally blacked out.

One of the most troubling cases involves what appears to be some administrative sleight-of-hand by the Chief. While Sgt. Erin Smith was found to have violated three separate policies when threatening to arrest activist Benjamin Kerensa in November 2016 (PPR #76), only one of those allegations was considered by the Board. The Citizen Review Committee (CRC) recommended changing the PRB’s “Not Sustained” (insufficient evidence) recommendation to “Sustain” that Smith had lied when telling Kerensa he could not video-record police activity — something which is protected by state law. Rather than find Smith violated the Truthfulness Directive in question, which would have led to an automatic firing, the Chief changed the finding to a “Performance Issue” and gave Smith one day off without pay. The other two findings — one of which came from former PPB Captain Mike Crebs, the other of which the Chief also Sustained at the request of CRC — had to do with Smith giving out false information and making a threat. Overall, the Chief’s action undermines community trust (such as it is) in the system: It’s bad enough when the finding gets changed, but in this case Chief Outlaw changed the allegation.

One unusually long summary report focuses on Officer Jimmy Harrison, Jr. taking car keys from a person he suspected had been driving drunk but not giving them a receipt or documenting the seizure. Harrison was given the minor discipline of “Command Counseling.” The summary details the back and forth among Board members and seems to corroborate previous descriptions of PRB meetings including coercive input from Bureau members trying to dissuade dissent. Several questions are sidelined with the explanation that “officers do that all the time,” not allowing the discussion to focus on (a) whether the behavior in question follows policy or training or (b) whether the behavior should be prohibited in the system.

An officer who gave an unwanted hug and kiss to another cop on duty in March 2016 was given two weeks off without pay for that allegation, and because he (presumably a male) also tested a Taser on himself in a public place with civilians present. Two other (presumably female) officers made allegations of unwanted passes, but the officer was “Exonerated” for those because one woman was allegedly in a consensual relationship with the offender and the other incident happened off duty.

Other sexual misconduct cases: (1) A supervisor who had a relationship with a subordinate for two years and failed to report it was given two days off without pay, and (2) An officer contacted a teenager — apparently using the officer’s personal social media account — late at night. The summary states the “tone and content of the messages raise the perception of misconduct.”

The DUII case involves Commander Steve Jones, who broke a telephone pole in June 2018 in a crash (PPR #75), destroying his police cruiser and luckily not hurting anyone. Jones resigned before being terminated per the Board’s recommendation. On October 24, the Department of Public Safety, Standards and Training revoked Jones’ certification for 10 years (Oregonian, October 25).

Also in the report:
— In another case from 2016, an officer who falsely claimed to have had his police car hit by a civilian’s car was fired.
— Receiving a week off without pay were a supervisor who sang an inappropriate song with officers from other jurisdictions nearby, an officer who fouled up a Domestic Violence investigation, and an officer who ignored a former colleague’s inability to pass a firearm test to get the other officer re-hired. This last officer retired before facing punishment. About the singing Supervisor, the Report reads “Employee sang the song —blank— during the —blank blank blank blank— at —blank blank—.”
— In another case from 2016, an officer who falsely claimed to have been driving drunk but not giving them a receipt or documenting the seizure was fired.
— Other than Sgt. Smith, two other officers were given one day off as punishment: the one who contacted juveniles late at night over social media — who also failed to document a sexual assault, and an officer who used pepper spray inappropriately during a protest.
— Other than the four deadly force cases, the only incident which led to no disciplinary findings was an allegation of excessive force using less lethal weapons during a protest on February 20, 2017.

Overall, the Board considered 76 allegations and found 24 Sustained (one of which the Chief changed to Not Sustained), 33 Exonerated/In Policy, and 19 Not Sustained (one of which was changed to Exonerated, another which was Sustained by CRC and the Chief). This may be the lowest “Sustain” rate yet for a PRB report: 32%, which is still much higher than most misconduct investigations simply because most incidents are reported to PRB when a supervisor thinks the officers violated policy to begin with.

The report can be found at <https://www.portlandoregon.gov/police/article/742497>. PCW’s analysis is at <http://www.portlandcopwatch.org/PRBAnalysis0919.html>.

LEGAL BRIEFS: Oregon Supreme Court Throws Out Fishing Expeditions

In November 15, the Oregon Supreme Court ruled that during a traffic stop, a police investigation must be reasonably related to the purpose of the traffic stop or have independent justification, such as probable cause that a crime has been committed, to investigate other matters.

The case involved Mario Arreola-Botello, who was pulled over for failing to use a turn signal. While searching for his registration and insurance the officer inquired about drugs and weapons and asked to search the car. The Supreme Court ruled the questions about drugs, weapons, and the request to search were unrelated to the traffic stop and therefore violated the Oregon Constitution’s protection against unlawful search and seizure. The contraband obtained in the search was not allowed as evidence and the case against the defendant was overturned.

Prior rulings led the State to believe officers could make investigative inquiries unrelated to the stop only if the inquiries did not significantly extend the duration of the stop. This ruling strengthens Constitutional rights by restricting investigations unless the officer has independent justification, such as the odor of alcohol, to extend the investigation. The ruling makes it more difficult for officers to make pretext stops to fish for more serious crimes and may lessen the profiling of people of color.

PCW’s analysis is at <http://www.portlandcopwatch.org/PRBAnalysis0919.html>.
two presentations related to the Police Association contract leading to meaningful discussions, changes to their voting procedures, more turnover in membership, and changes in leadership at their one-year anniversary meeting (also November).

Mental Health Requirements Fall Short, Other Items Too New to Tell

PCCEP’s founding documents call on them to independently assess the implementation of the DOJ Agreement. At the October meeting, PCCEP voted on two recommendations directly related to the Agreement. The first disagreed with the COCL’s “Substantial Compliance” findings and asked the City to define what outcomes would be needed to fulfill the purpose of the Agreement. The City Attorney defended Rosenbaum’s analysis, saying from a legal standpoint all the City has to do is put in place those items outlined in the Agreement; whether or not the outcomes of police encounters change as a result isn’t required. Portland Copwatch (PCW) wonders, then, why the COCL’s quarterly reports are written into the Agreement as Compliance and Outcome reports (Paragraphs 159 and 170-171). While the PCCEP’s public disagreement showed independence and made it onto the news, they were unable to pass the resolution. The vote was four in favor, four against and three abstentions. The second PCCEP recommendation made it clear the Unity Center, a medical facility which centralized treatment of people with mental illness, is not the “walk-in/drop-off center” envisioned in Paragraph 89. Rather, the Unity Center does not allow walk-ins and moreover has been in disarray. The County is working on a downtown facility which might fulfill the need described in the Agreement. PCCEP’s recommendation to rethink whether Paragraph 89 is in compliance passed on a vote of 10-2.

PCW analyzed the COCL report and found there were too many generous findings, including that only 90% of misconduct investigations are being completed in 180 days—when paragraph 121 requires all investigations be done in that time frame. Moreover, the Community Engagement plan which went to City Council did not mention the word “accountability” and did not involve the PCCEP’s input in a meaningful way as required. For example, in the PCCEP meeting on August 30, Chief Mike Reese was asked about the process for a Truth and Reconciliation process between the police and community, but the Bureau promised to “actively engage with the Mayor and City Council, relevant bureaus, as well as other civic leaders to develop a workgroup to explore the creation of a Truth and Reconciliation program.” This makes the program three layers deep into this goal.

In addition, this was the first Annual Report to be presented to Council (per paragraph 150), though required since 2014. Public notification was made a mere eight days in advance at PCCEP’s September meeting. Even less information was put out in advance of presentations in two of the Bureau’s three precincts in August. The Annual Report does not include data on Use of Force, the main focus of the Agreement, nor of traffic stops, one of the flashpoints of community concerns noted in Paragraph 148.

PCCEP Hosts Police Association and Auditor, Shedding Light on Contract Issues

At the November meeting, PCCEP hosted Portland Police Association (PPA) President Daryl Turner to talk about PPA’s collective bargaining contract with the City (p. 1 and “Rapping Back”). Turner deferred talking about specifics in the contract for fear of violating the “good faith bargaining” law, but hinted he is willing to change the Discipline Matrix so officers who engage in bias-based policing can face more serious discipline than three weeks off without pay (PPR #78). He also stated that while police are “the same as any public employee with the same rights,” they do need to be held “to a higher standard” because of their ability to restrict people’s rights and to use force, including deadly force. In December, PCCEP passed recommendations about the contract reflecting community concerns.

The second guest was Auditor Mary Hull Caballero, who along with Elizabeth Pape from her office presented data from their audit of Police Bureau overtime. One main focus of that audit was that various officers worked more than 20 hours of overtime 1100 times in 2018. Much of it was as private reserves allowing private businesses to hire uniformed police officers to patrol their stores or events (PPR #414). When pressed, the auditors did not call to end this practice, but only saying the Chief’s office should be who decides whether such use of police is “in the public benefit.” The audit noted officers working so much overtime can lead to lack of community engagement as officers get tired and cranky. When PCW asked whether they would correlate the officers who work 20 hours of overtime regularly to the 400 or so who are subject to complaints, they did not seem to think that was important.

Changes at PCCEP: Resignation, Executive Changes, Questionable but Well Intentioned Bylaws Amendment

At the end of the October meeting, PCCEP member Sam Sachs announced he was resigning from PCCEP. Sachs often came down on the side of defending police—and in fact was one of the “no” votes on rejecting the COCL report. Yet he made an impassioned speech against officer sweeps of houseless camps during his final meeting after testimony from houseless people attending. However, he also helped coordinate the Race, Ethnicity and Other Subcommittee’s early October forum featuring the Gun Violence Reduction Team, where community panelists expressed thanks for the GVRT’s actions, but nobody who was racially profiled by the Team was invited to speak.

At the November meeting, previous alternate co-chair Andrew Kalloch was elected to move up to co-chair. Kalloch replaced Lakesha Dumas, whose main contribution to the group has been implementing a moment of silence at the beginning of each meeting to remember people who have died. The new alternate co-chair is relatively new member Elliott Young, a professor from Lewis and Clark College.

At their August meeting, PCCEP had trouble voting on the Mental Health subcommittee’s proposal for the City to offer condolences to families who lose loved ones to police violence, which failed on a 6-0-2 vote because their bylaws require seven votes. In two unused moves, the subordinate committee (a) told the full Committee they would not accept any modifications to their proposal and (b) sent the recommendation to the Chief and Mayor even though it was not approved. At the time of that meeting, only 10 members were able to vote as there were two empty seats and one person had not completed training.

To fix this problem, PCCEP voted to change their bylaws so only a majority of members at a meeting can pass a recommendation. PCW strongly suggested the requirement be a majority of seated members. Otherwise, if only seven members show up, four of thirteen people can make a decision for the whole group. With PCW’s plan, when there were only 10 voting members in August, they would have only needed six votes to pass, and the recommendation would have made it through. We have seen such low thresholds cause division, especially in groups with as diverse a membership as PCCEP. Perhaps PCCEP will reconsider their policy before such an issue creates conflict.
Making a Federal Case of It

On August 29, the PPA reposted a Facebook article by UCOPS, with a video pushing for the passage of the “Back the Blue Act.” This is a piece of legislation which would make it a federal crime to assault or kill a police officer. A more comprehensive post on the PPA’s website on August 30 includes a note from President Turner asking for people to write their legislators to back SB 1480. The graphics in this post claim attacks on officers are on the rise and people will shoot at cops “to get away with a crime, avoid arrest, or simply because they hate cops.” The text implies this statute is to be used when a state doesn’t use its laws to prosecute the offenders. Knowing cops will accuse people of “assault” if they just touch an officer (or a police animal), and seeing the trend of giving more federal control to police, it goes without saying Portland Copwatch is not in favor of such a law. Govtrack.us, a website devoted to tracking federal legislation, gives SB 1480 a 3% chance of passing.

On September 20, the PPA shared a 10-minute video with slick production values, including interviews with a few houseless people, Turner, and Jordan Schnitzer, the multimillionaire who bought the property for a vastly devalued sum and tried once again to re-purpose the jail. While expressing empathy for houseless folks it really boils down to finding an “out of sight, out of mind” place to hide poverty from consumers and tourists. On its website, the Oregonian reported (September 18) the video was made by the Silent Partner Marketing Agency, but not whose money was used. Was it the rank-and-file’s hard-earned dues? Did Schnitzer filter money through the PPA to push through his dream project?

A few weeks later, on October 10, an animated infographic was up showing how Wapato has 66 showers, calculating that even at 30 minutes per shower 1056 people could shower in an eight hour day. It refers to how the people will have “dignity” and “privacy,” even though—so far as we know—most prisons have collective open shower spaces. October 10 is known as World Homeless day, so there’s that.

On November 20, Turner posted a screed against the proposed Portland Street Response program (p. 5), saying it’s based on the “false premise that officers are ill suited to address mental health and homelessness.”

The PPA also posted a November 6 story from KOIN-TV about a town hall in Lents where local residents unloaded their anti-houseless diatribes on Mayor Ted Wheeler and Chief Danielle Outlaw. The reporter claims the residents felt nobody was listening to them and their patience is wearing thin. Wheeler encourages people to have patience, noting it takes a long time to get new officers on the street and the City has to act with compassion and provide resources—a good talking game while police continue to sweep camps, arrest and use force against houseless folks. The PPA’s only comment was quoting the Chief saying some people complained the police do too much enforcement against houseless folks while others say they aren’t doing enough. Contextually, we know which side Turner is on.

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.

Find their Facebook feeds at ppavigil.org/rapsheet

PPA CRYING TO THE BANK (continued from back page)

self-serving to ask not to be harmed by armed agents of the state who suffer no consequences, I guess guilty as charged?

This piece is one of the which jumps into a discussion about the Bureau being in a “catastrophic staffing crisis like none other.” It ignores the City’s approval of 50 new officers in the last budget cycle and that those cops aren’t on the streets yet, since it takes so long to train them.

On October 1, experts from the national Campaign Zero testified to City Council about how improving the police contract and certain state laws and city policies could lead to safety both for officers and the public. The same day, Turner put out another screed, scare-quoting Campaign Zero’s claim of “national best practices” (saying their presentation was used “under [that] guise”) and accusing them of trying to take away constitutional and collective bargaining rights. He called the presentation “nothing more than attack on workers.” He repeats the quote about being self-serving, word for word from the September post.

As a reminder, the PPA managed to get the City to agree to pay increases which total somewhere between $9 million and $18 million with their agreement to give up the so-called “48 hour rule” in 2016 (PPR#70). It is time for the police “union” to stop whining about having their rights taken away while their members over-police vulnerable communities and their leadership defends cops like Officer Ron Frashour, who shot an unarmed African American man (Aaron Campbell) in the back with a sniper rifle, was fired, and got his job back (PPR #56).

There’s Still a Fine Line Between Friendly and Creepy

The PPA re-posted a Police Bureau Facebook entry on August 28 showing “traffic, youth services and precinct officers” welcoming parents and students back to Creston Elementary School. Considering how “short-staffed” the Association says they are, why were cops from three divisions all sent to smile at young kids—at just one of dozens of Portland schools?

While it’s a heart-warming story, the September 4 PPB post about Officer Dustin Lauritz driving a young woman home after her bike was stolen, then getting 911 dispatchers** and cops to chip in for a new bike features a photo of the girl. Many people worry about adults posting photos of kids. We worry about kids being used for propaganda and indoctrination to deter meaningful criticism of police.

In the PPB’s August 26 post for “Happy National Dog Day,” there are photos of the Bureau’s 10 canine (K-9) cops—who knew there were so many!—including “Mac,” a dog being hugged by a little girl. We assume she wasn’t shown the dog’s training where he clamps down on the arm of a suspect with his teeth and not letting go (PPR #53).

Speaking of Not Letting Go—PPA, Business Team Up to Put Houseless People in Jail

Turner has made numerous and repeated statements urging the County to use the mothballed Wapato Jail to house people living on the streets (PPRs #73 and 76, for example).
Police tactics during climate strike under fire

Videos show clash between officers, teens on bridge

By ZANE SPARLING
The Tribute

The Portland Police Bureau is back in familiar territory — engaging in what some might call Monday morning quarterbacking about crowd control tactics during a protest.

adults,” the authorities wrote in a news release Sept. 24. In the aftermath of the demonstration — which was attended by more than 6,000 students from Portland Public Schools alone — some participants questioned why police directed marchers on the Hawthorne Bridge onto the south sidewalk and a lone closed auto lane, leaving the other three lanes open to traffic.

Portland Tribune,
October 1

The two teens arrested at Climate Strike will not face charges, but may have to enter a diversion program which could include discussing their behavior with Portland officers (Oregonian, October 12).

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NEW! Contact our Incident Report Line (503-321-5120) by text in addition to voicemail!

On September 20, thousands of Portlanders led mostly by student activists took to the streets to take part in the “Climate Strike,” a worldwide series of protests against climate change. Portland Police faced well-deserved criticism for singling out one of the only African American teens in the crowd for arrest, throwing that teen and a white ally to the ground in the process. Meanwhile, the fallout of the August 17 anti-fascist vs. alt-right protest (PPR #78) has continued as the City— backed by unquestioning media outlets and the police “union”— claimed their use of 700 officers to “control” roughly 1400 demonstrators was a blueprint for future actions. Cue the song Surf City (“Two girls for every boy”) but replace “girls” with “protectors” and “boy” with “cop.” In September, Lt. Jeff Niiya was cleared of wrongdoing for his overly chummy texts with alt-right Patriot Prayer leader Joey Gibson (PPR #77), which included Niiya warning Gibson of counter-protesters, congratulating him on running for US Senate, and warning Gibson to keep his ally “Tiny” Toese from the protest so cops wouldn’t arrest him on a warrant. Toese was eventually arrested in early October after fleeing the mainland for his original home in American Somoa and being detained by US Marshals (Oregonian, October 6). Some of these developments led Portland Copwatch to write to City Council saying they still don’t understand the problems with the text scandal, including how information was collected on people for their political affiliations rather than for any suspected crimes.

While the police also arrested Gibson for his part in provoking violence outside the Cider Riot establishment on May Day (Gibson pleaded not guilty), they also continued to focus their arrests both at and after street protests on leftists. The African American teen picked out at the Climate Strike had allegedly been sticking a protest sign out in traffic on the Hawthorne bridge a considerable time prior to the cops moving in to arrest him, when he was off the bridge and in a crowd. The video of the officers moving through a mostly white crowd to get this one person led to accusations of racial profiling (also see p. 3). It’s notable the police did not shut down traffic on the bridge for the event, even though there were roughly 20,000 people trying to cross from downtown to the east side versus on August 17, when the bridge was closed with less than 1500 protestors present. On and after August 17, most arrests made appeared to have been of anti-fascists, including one woman who revved her motorcycle engine at the “opposing side” and another who spit on the street near officers. Afterward, progressive activist Antonio Zamora was arrested in a house raid for his alleged part in crowding a bus of alt-right protestors who tried attacking the Antifa side with a hammer, only to have it taken away and thrown back into the bus. And, one protestors who threw one milk shake at four alt-righters— described as victims— was sentenced to 50 hours of community service for the crime of harassment (Oregonian, October 30).

As for Niiya, the investigation into his actions at least led to the admission he was not specifically trained to communicate with protest organizers, prompting Chief Outlaw to promise better training for future liaisons.

In other developments, three people who were harmed at the August 4, 2018 demonstration (PPR #75) sued the police in October for using excessive force and causing injuries, including one man with wounds to his arm, a woman tackled for not moving fast enough, and the man who was hit in the back of the head with a police “flash-bang” (Portland Tribune, October 17). The woman who was also hit with a flash-bang and injured that day filed suit in August (Tribune, August 8).

In PPR #78, we mentioned briefly Chief Outlaw implied Portland asked for help from the Oregon National Guard for backup at the August 17 protest. News broke in late October that Mayor Ted Wheeler actually made that request, and found out that Governor Kate Brown denied it via a memo that went to the FBI two days before the event (OPB, October 29).
Since our last issue, the Portland Police Association (PPA) seems to have gotten their “Rap Sheet” page back up and running with feeds from their Facebook page and that of the Oregon Coalition of Public Safety (ORCOPS). They have added the national version—United Coalition of Public Safety (UCOPS), as well as the Portland Police Bureau (PPB) Facebook and Instagram pages. Since our main concern focuses on the PPA and what articles they choose to highlight, we will continue to focus on the PPA’s Facebook page and website.

Since August, there have only been 18 pieces posted to the PPA Facebook page, with two pointing to news releases on the PPAvigil.org website, where a third, separate release lobbied for a national piece of legislation. Of the 19 pieces we found, the two most common themes were ongoing “bluewashing”—showing officers helping or shaking hands with the community while ignoring police violence and misconduct—and houseless people (five posts each). To be fair, one of the pieces about houselessness also showed an officer in a positive light, allegedly tracking down a person who violently attacked houseless people (August 27, featuring a KGW-TV story). Other recurring themes were gangs/crime (3 pieces), the supposed short staffing of the Bureau (mentioned in two pieces which mainly focus on other issues), and the PPA collective bargaining contract (also see p. 1).

**Crying All the Way to the Bank: PPA Calls Accountability Advocates “Self-Serving”**

Unlike, say, the officers of the Police Association whose job it is to build political and economic power and be sure its members are both well compensated and rarely held accountable, PPA President Daryl Turner twice accused people pushing for changes to the PPA contract of being “self-serving.” His first screed was in response to media coverage of community organizers releasing demands for the City. The day after the campaign for a fair contract released its letter (September 12), Turner put down the ideas by referring to them as “reforms” in scare quotes, claiming the push for accountability was an attack on the officers’ constitutional rights of free speech and association, protection against self-incrimination and due process. Au contraire, the demands do not limit the PPA from doing or saying anything—they call for officers to be held accountable for bias-based policing and excessive or deadly force. They call for an independent agency to review deadly force cases, not for a removal of due process. They call for an independent agency to review deadly force cases, not for a removal of due process. As for self-incrimination, Turner well knows the criminal aspects of misconduct cases (especially deadly force) have to be walled off from administrative investigations (about whether officers violated training or policy) to prevent abridging those rights.

Turner states police need to be treated the same as other public employees, missing the point that if any other City worker were to shoot or kill someone, they would most likely lose their job and be prosecuted. He says all PPA members want is to reflect the community’s desire for a “clean and safe”* Portland. He says the “community wants clean streets, free from garbage, human waste and drug paraphernalia [and] real, tangible and visible solutions to combat gang and gun violence and help people in mental health crisis, experiencing homelessness, and struggling with addiction issues.” Since the PPB’s rate of shooting and killing people in mental health crisis went up after the US Department of Justice imposed new rules, it is not clear how officers’ actions reflect these desires.

The pull-quote Turner posted for social media states “We will not be distracted by those with self-serving agendas to derail the basic rights of our police officers.” If it is

*-it’s not clear if Turner was deliberately invoking the name of the downtown business association’s pseudo-cop program funded by extra taxes.