CITY DECLARED IN “FULL COMPLIANCE” WITH FEDERAL OVERSIGHT
Judge Forces Attention on Community Board

On February 25, Judge Michael Simon held yet another “status conference” about the US Department of Justice (DOJ) Settlement Agreement with the City of Portland, created after the DOJ found the police were using too much force against people, particularly those with mental illness. The DOJ and the Compliance Officer/Community Liaison (COCL) had each, prior to the hearing, declared the City had made all the changes outlined in the Agreement. Their analysis ignored that the number of people shot by the Portland Police has gone up since the Agreement went into effect, including the December death of Koben Henriksen, who was in mental health crisis (PPR #79 and p. 5). Unfortunately, the Agreement establishes the DOJ as the final arbiter of full compliance, not the judge. Simon deferred accepting the 2018 changes made to the Agreement for establishing the Portland Committee on Community Engaged Policing (PCCEP). The judge noted he previously thought the Community Oversight Advisory Board (PCCEP’s predecessor) was “fair, adequate and reasonable,” but that body imploded after just two years. After protestsations from the DOJ and the City, Simon challenged them to hold an evidentiary hearing prior to February 2021 (when he set the next status conference) if they wanted to prove that his failing to accept the Agreement for establishing the PCCEP’s structure would hinder their (continued on p. 8)

FIRST ANNUAL JOINT TERRORISM TASK FORCE REPORT TO COUNCIL PROVIDES SOME ANSWERS... After Community Action

After Portland withdrew its two part-time officers from the FBI’s Joint Terrorism Task Force (JTTF) in 2019, a Council Resolution required annual public Reports to provide transparency on how the agencies were working together on a case-by-case basis. In anticipation of the first Report’s release, Portland Copwatch and seven other organizations released a “People’s Report” about the JTTF on January 15 outlining issues which were publicly known, to outline for the Portland Police Bureau (PPB) items they should not overlook. The PPB did not release their Report until January 24, and while it did not include everything which was in the People’s Report, it was more substantive than Reports which came out between 2012 and 2015 when Portland first re-joined the JTTF (PPRs #56, 59&62). However, several community groups involved in the campaign around the JTTF felt there were too many unanswered questions. Knowing Mayor Wheeler has a blanket policy not to allow public testimony on Reports (even though City Code allows him to), the groups held a mock City Council hearing on January 28, setting up an empty table and chairs outside City Hall representing the absent Council members. The action received media attention and led to some of the questions raised being answered at the Council hearing the next day.

The People’s Report noted, among other things, that the Bureau’s 2018 report on JTTF activities, which was released (continued on p. 10)

Police Association Contract Sessions Focus on Ground Rules, Victims’ Families Attend Action

Mid-day on March 13, down the block from Portland Police Association (PPA) headquarters, members of a number of groups met at the site of the Dickie Dow memorial at N. Fenwick and Lombard. Dickie Dow was killed after a number of Portland Police officers piled on him there in October 1998 (PPR #19). The gathering included Dickie’s mother Barbara Vickers and Donna Hayes, the grandmother of Quanice “Moose” Hayes. Quanice Hayes was killed in February, 2017 by a police sniper (PPR #74). The event began a half hour before the third round of collective bargaining negotiations were set to take place inside the PPA office, closed to the public. The previous two sessions had been held in public spaces at Portland Community College in Southeast and the Portland Building Downtown on February 7 and 24, respectively. The first two meetings were entirely taken up by debating the ground rules for bargaining, so it was unfortunate the closed-door meeting was likely the first to delve into issues to be included (or not) in the actual contract. Community groups led by Oregon Action have been pushing for more accountability and transparency in the contract for nearly a year (PPRs #78&79).

The City’s bargaining team seems to be mostly more prepared to push back against the PPA’s shenanigans than in the past, in part because they hired a seasoned labor attorney, Steven Schuback, to lead them. The City’s (continued on p. 2)

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Portland Police Implicated in
West Linn Racial Bias Case

The City of West Linn, just 20 miles south of downtown Portland, settled a racial bias claim by Michael Fesser, an African American man, for $600,000 in early February. Former West Linn Police Chief Terry Timeus had Fesser investigated as a favor to a friend who owns a tow yard, after Fesser filed complaints of racial bias at work. The twisted tale also involves some current Portland officers and even an investigator now with Portland’s civilian oversight agency. In other racial profiling related news, the Portland Police Bureau (PPB) released the traffic and pedestrian stop data for the 4th quarter of 2019, and the City has been studying the possibility of an ordinance to ban both law enforcement and private use of facial recognition technology.

West Linn Calls Notorious PPB Task Force

The connection between Fesser’s case and the PPB came when the tow yard owner’s trumped-up theft charges precipitated an arrest. In 2017, West Linn Lieutenant Mike Stradley contacted the PPB’s Gang Enforcement Team, where he worked as a Portland Police Officer, to help arrest Fesser (Oregonian, February 19). Even though Fesser has acted to help at risk youth avoid gangs based on his experiences from nearly 20 years ago, Stradley told West Linn Detective Tony Reeves that Fesser was a “Gang Associate.” Eric Benson, owner of the tow yard, had hoped Fesser would be arrested in Clackamas County so there would be “some real racist boys” involved. Instead, five Portland officers assisted a West Linn officer make the arrest in SE Portland (Oregonian, February 12). Stradley has since left the West Linn Police to be part of the state’s police training academy.

Depositions in the lawsuit revealed Benson was trying to retaliate against Fesser for complaining about racism in the workplace. Fesser tried filing a state Bureau of Labor and Industries complaint, but it was dismissed for alleged lack of evidence. The investigator, Katherine Kestell, now works for the city’s “Independent” Police Review (IPR), but is apparently not involved in the inquiry into the PPB’s part of Fesser’s arrest (Oregonian, February 22). Another former Portland Officer, Terry Kruger, was promoted to West Linn Chief after Timeus retired following being cleared of drunk driving charges in late 2017. Kruger shot and killed Deontae Keller, a young black man, in 1996 (PPR #35). Hearing Kruger was defending the officers involved, West Linn residents have called for Kruger’s resignation (Oregonian, February 19).

Statistics: No Slow Down in Over-representation of African Americans

The quarterly report on stop data released in January shows 18% of both drivers and pedestrians stopped by Portland Police were African American in a city which is just 6% black. This was the same rate for traffic stops in 2018 (PPR #79) and a slight increase for pedestrians. More detailed information, such as the search rate, contraband found, and other stop outcomes is expected in the 2019 annual report, but those reports tend to be delayed by months or even years.

Facial Recognition Ban Could Be Strongest in Nation

At a January 28 City Council Work Session, local and national experts presented on limitations of using facial recognition technology to identify suspects. Portland Police, while noting they do not yet use such tech, seemed to be angling for a carve-out in City policy to make limited use of the flawed software. Numerous studies have shown matches were far less reliable for people of color, particularly African Americans, and for women. An op-ed by the City’s “Smart City” program defended the proposed ban on public and private use of the technology, pointing to an American university student mis-identified as a bombing suspect in Sri Lanka (Oregonian, February 12).

Facial Recognition Ban Could Be Strongest in Nation

A March 8 Oregonian piece says the Bureau found 99 records designating people as “gang members” despite having claimed to purge such records in 2018 (PPR #74). Despite data still not having been released to show whether the Gun Violence Reduction Team, which replaced the Gang Enforcement Team, is carrying on the GET’s tradition where 60% or more of their stops are of African Americans, the PPB urged City Council to keep funding the Team at a Work Session on February 4.

Police Association Contract Sessions Begin (continued from p. 1)

The current BHR published a document in mid- February summarizing the two public forums held in November and December. While it contains a lot of information, the report missed some broad nuances and important specifics which were brought up at both hearings. Some important issues around oversight and discipline received one sentence, while hiring was given four. There was no mention, for instance, of the controversial “standard of review” by which the Citizen Review Committee has to defer to the police when hearing appeals of misconduct cases (p. 3). Unsurprisingly, PPA attorney Anil Karia made mention of this document at the second session, angrily noting that once the sessions were underway, the only opinions which matter are the City’s and the “union’s.” PPA President Daryl Turner released a nasty screed putting down the public forums and the community concerns in January (see “Rapping Back”).

A good portion of both meetings was taken up by both sides heading into caucuses, meaning they were having private discussions and the dozen or so community and media members there to observe were sitting alone in the large meeting rooms making small talk to pass the time. At the March 13 event, Barbara Vickers reminded everyone things will only change if we stand up and demand it together. Donna Hayes talked about Quanice, his life, how the loss affected her family, and ways she has been organizing through Pacific Northwest Family Circle. Most of the 20 people present then began a “picket line” with signs calling out for justice, marching up and down the block to connect the memorial with the PPA’s front door. As the event wrapped up, Quanice’s great-grandmother Sylvia Dollarson told the crowd the movement needs more people in order to make a difference.

Watch a video of the March 13 event at <youtube.bf/8ZYYAH34KLs>. Look for news releases about the bargaining sessions at <beta.portland.gov/wheeler/2020-ppa-negotiations/news>.
TWO PROMINENT MEMBERS OF CITIZEN REVIEW COMMITTEE RESIGN IN FRUSTRATION

The February meeting of the Citizen Review Committee (CRC), the civilian body which hears appeals about officer misconduct cases, was cancelled one day after the group’s Chair, Kristin Malone, announced her resignation. Malone resigned shortly after member Daniel Schwartz expressed frustrations with City Council, the Chief, and the Auditor (who oversees the system) in his own resignation letter. Acting Chair Candace Avalos took time at the March meeting to read these two members’ resignation letters into the record, prompting a healthy discussion among CRC members questioning how to accomplish their work with the odds stacked against them. In January, member Vadim Mozyrsky chaired a highly unusual (and short) meeting at which the Appellant called in from jail, leading CRC to ask the Bureau to conduct further investigation of his 2016 incident. At the same time, the “Independent” Police Review (IPR), which houses the CRC, signaled its intentions to further decimate their once robust Annual Reports by removing more data and focusing on their internal workings.

Membership Musical Chairs: Four Open Seats Means Less Continuity; One Nominee Admits Conflict

Former Chair Malone’s resignation was short and noted that the concerns raised in Schwartz’s letter were “uniformly ignored,” indicating agreement with most of what he had said. Schwartz mostly focused on two key concerns. The first is that CRC had made inroads with most of City Council to change the standard by which they review cases to be less deferential to the police. The “reasonable person” standard requires CRC to agree with the commanding officer’s decision even if they disagree with it, so long as it was made in good faith. The reason for the dismissal? Nobody could figure out what they did wrong.

The second key point related to a case in which Schwartz was key to CRC’s decision-making. In Appeal #2017-x-0007, they found Sgt. Erin Smith had threatened a community member improperly by saying he could be arrested for video-recording police (PPR #73). Schwartz likened the threat to the mafia pressuring business owners for payola. Former Chief Outlaw agreed that there was misconduct, but sent the case back to be reviewed for truthfulness issues. That second case (#2018-x-0005) came back and CRC voted to find the officer in violation, and the Chief agreed (PPR #76). But the September 2019 Police Review Board Report (and its coverage in the Oregonian) revealed that rather than fire Sgt. Smith (the only presumptive punishment for lying), Outlaw changed the allegation to a performance issue and give Smith one day off without pay (PPR #79). Schwartz noted that CRC had been uninanimous in recommending the finding, and the Chief had agreed, but had “inexplicably changed her mind.”

In far less detail, Schwartz expressed frustration that the Auditor stopped coming to CRC meetings and would not push the City Attorney to send an employee to advise them. This last point triggered much of the discussion at the March meeting, with CRC wondering why the Auditor was not responding to their requests to meet. IPR Director Ross Caldwell and Assistant Director Dana Walton-Macaulay interjected that they were deputy auditors and at least one of them was at each CRC meeting. They did not convincingly state they would relay CRC’s concerns to the Auditor about the structural issues surrounding the standard of review and the Chief’s decision.

At some point toward the end of 2019, CRC members Kayla Wade (about one year into her term) and Neil Simon (whose three year term ended in September) also left the group, meaning there were four seats to fill. Scheduled replacements were posted for the March 18 City Council agenda, but rescheduled to April 1 after most city business was shut down due to the COVID-19 pandemic. Andrea Chiller, who has been on CRC for three years, was reappointed along with four new members and one alternate. The April meeting was also canceled, due to coronavirus. There have been a few times where there was mass turnover at CRC, including five people on the then-nine member board resigning en masse in 2003 (PPR #30) and four of the 11-member team not reapplying for new terms in 2015, with two other seats filled at the same time (PPR #65). Such large turnover, especially the loss of Malone’s important legal insights (even when we disagree with her conclusions), is not helpful for continuity of the Committee.

Analysis: What’s Next for CRC

It cannot be overstated how damaging it was for Chief Outlaw to undermine the decision made by CRC after originally agreeing with them. As CRC members discussed at the March meeting, the system is set up so if there is a disagreement between CRC and the Chief, either they work out a compromise at a “conference hearing” or the case must be sent to City Council. The fact that the Chief changed the allegations in the Erin Smith case rather than letting it go to Council throws into question the integrity of the system. Was this a decision made because the officer threw himself on the mercy of the Chief at a “mitigation” hearing? Did the Chief not want to bring a case before City Council because the last time that happened, they affirmed CRC’s proposed “Sustained” finding, leaving the Bureau with no options to mitigate the effects (PPR #78)? It is not known. Combining this failure with the lack of interest in CRC’s standard of review during “union” contract negotiations (Contract, p. 1) and the lack of attention to details about whether members of the public were satisfied with the complaint system (DOJ, p. 1), it is up to the CRC and members of the community to demand a meaningful system of oversight.

Case #2020-x-0001: Man Claims Injury from Handcuffing by One of Seventeen Officers

As noted above, at the time of the CRC meeting in January, the Appellant in case #2020-x-0001 was incarcerated. After some confusion by jail workers, the man was able to relate he felt the long-term injury to his hand(s) was the result of a violent arrest made by the Special Emergency Reaction Team in 2016. His case took so long to get to CRC because IPR dismissed the case, even though the DOJ agreement requires all force allegations to be investigated. The reason for the dismissal? Nobody could figure out which of the seventeen officers involved had actually taken the appellant into custody. There was no dispute force was used on the man. CRC asked the Bureau to go back to find out which officer was responsible, perhaps through notebook entries. The hearing was very short—the entire CRC meeting including public comment lasted only about 45 minutes.

(continued on p. 4)
Case #2019-x-0003: Woman Says Police Failed to Help with Stolen Car (follow up)

This case, originally heard in December, was slated to come back to CRC for a “conference hearing” with Chief Resch, who apparently was not willing to accept CRC’s recommended “Sustained” finding. They felt the Appellant was right that an officer failed to take a police report, which led to her car being impounded after it was recovered from being stolen. In PPR #79, we noted the cost to retrieve the car was $1800; PCW has since learned the Appellant was not able to afford that and so never got the car back. A special meeting to hold the conference hearing was scheduled for March 26th, but delayed.

IPR Looking to Streamline Their Streamlined Reports

IPR’s Annual Reports started out as 100+ page tomes with loads of tables, analysis and explanations of how systems work, who the members of CRC were, and more. In the last several years, the Reports went from more streamlined 30 page documents to 17 pages mostly full of infographics, and no data tables. In their first 2020 Quarterly Report, IPR announced that “because information normally included in the Annual Report is updated more often through IPR’s interactive dashboards, the 2019 Report will have a new look and focus.” They announced new sections which will “share more about the office’s goals, procedures and topics we want to look into in 2020.” There is no real reason Reports can’t include both data and such internal information, except that the Auditor claims nobody will read the Reports. PCW believes nobody will go on line to look at the data for one particular year, and even if they do, it is IPR’s job to publish those data with analysis explaining trends and concerns from the City, the Bureau and the community. If you agree IPR needs to do a more thorough job, email ipr@portlandoregon.gov asking for a thorough Annual Report with information on common complaints, deadly force, investigation/appeal outcomes, discipline and more, also highlighting the hard work of CRC members. If CRC is actually put forward as the hard-working body it is, perhaps fewer members would feel like resigning and others would want to volunteer.

For more information on IPR call 503-823-0146 or visit <portlandoregon.gov/ipr>.

Bureau Continues Revising Policies, Copwatch Continues Sending Mildly Successful Comments

From late December to late March, the Portland Police posted 26 policies, known as Directives, to their website for public feedback. Portland Copwatch (PCW) made comments on all of them, made easier by the facts that (a) six came up twice in that period, and (b) only five were new, meaning we had previous recommendations for 15 of 20 unique Directives. While the Bureau did make some changes based on our input, they were generally technical items like typos, not more substantive ideas which would make the police more responsive to community concerns.

—December: Comments on the Special Emergency Reaction Team policy (720.00) included that they are called the Special Emergency Response Team in some City documents and should be renamed thusly. When this Directive came back in March, the Bureau followed our suggestion to include a definition for the Rapid Response Team, which mostly does crowd control but apparently sometimes works with Portland’s version of SWAT. We repeated comments from August 2019 on the Arrest with Warrant Directive (840.00).

—January

The Bureau reviewed policies on Secondary Employment (210.70) and “Extra Employment” (210.80), probably in part due to the overtime study released by the Auditor’s office (PPR #79). Secondary employment includes gigs off-duty officers can get as security guards. We asked the Bureau to define what they meant by whether officers in this capacity “provide a benefit to the greater community.” On the idea of non-police jobs (Extra Employment), officers are allowed to sell creative products. We raised the concern they should limit this “creativity” if the sales are of “Blue Lives Matter” flags or other potentially inflammatory messages which could bring discredit upon the Bureau.

We also commented on the four Mental Health Directives which are critical to fulfilling the US Department of Justice (DOJ) Settlement Agreement, and previously came forward in May 2018. Most all of our comments were ignored, particularly our ongoing concern about officers bringing weapons into mental health hospitals. The Bureau posted the policies again in April, with almost no changes at all, and PCW re-submitted our old comments.

—February

We noted four of the six Directives under review related to high-profile cases. Traffic Crash Investigations (640.50): Officer Alfonso Valadez chased a suspect down an off-ramp of the freeway, leading to the suspect’s fatal head-on crash in 2018 (PPR #75). Alcohol Use (316.50): Commander Steve Jones cracked a utility pole in two with his car in June 2018, then lost his job (PPR #75). Reserve Officer Program (630.23): The whole Reserve Officer unit resigned in 2018 when the Bureau failed to train them to the US DOJ Agreement standards (PPR #78). Use of Bureau Resources (317.40): Detective Norville Hollins III was demoted after he repeatedly took a police car to the Oregon coast, racking up hundreds of non-work miles (see p. 7). We repeated our in depth comments about the Vehicle Tow policy (630.60) including ideas from a 2007 Citizen Review Committee report.

PCW continued to question the use of temporary holding rooms (870.25) for juveniles just based on whether they have “engaged in criminal behavior,” since there is supposedly a presumption of innocence until a court hearing establishes otherwise.

—March

In five separate batches, the Bureau released eleven policies, including an only slightly revised Training Directive (1500.00), which we’d also commented on in January. One change made relating to our comments may have made matters worse: rather than reminding Supervisors to review their employees’ training records when reports are generated every six months, the revised version suggests they wait to look at them until an annual review. A similar change for the worse was in the new Eyewitness Identification Directive (870.80) which carves out exceptions allowing officers to manipulate suspect photos, rather than prohibiting it after controversy from last year (PPR #79).

Links to some of our comments can be found at <portlandcopwatch.org/doj.html#Directives>.
Fortunately, after a few years that seemed more Wild West than appropriate in a city whose police are under investigation for using too much force, there have been no Portland officer-involved shootings since the death of Koben Henriksen on December 8 (PPR #79).

In the interim, records revealed Henriksen, who was shot and killed 13 seconds after police arrived to confront him, was shot by less lethal and lethal rounds at the same time. In the lawsuit seeking justice for Quanice Hayes, the teen killed by police in February 2017 (PPR #71), the City withdrew its legal strategy to blame Hayes’ mother for being negligent, and a judge threw out most of their argument blaming Hayes himself. Regarding the death of Lane Martin, who was in a mental health crisis when police killed him in July 2019 (PPR #78), police released video of Martin showing officers did not prove he posed a threat when he was killed. The December Police Review Board report (PPR) had the biggest reveal: Officer Alfonso Valadez resigned before he could be fired for lying about whether he chased Christopher Cannard down a freeway off-ramp, leading to Cannard’s death in a head-on crash in 2018 (PPR #75). The PRB also reviewed six other deadly force cases, but none led to discipline. In January, Portland Copwatch (PCW) joined other groups remembering Aaron Campbell 10 years after he was killed by a police sniper (PPR #50).

**Quanice Hayes: City Backs Down Voluntarily and By Court Order on Victim-Blaming Strategy**

On February 26, lawyers for Quanice Hayes’ family asked US Magistrate John Acosta to disallow the city’s arguments about Venus Hayes being unable to “control” her son and that Hayes should have known his alleged criminal actions would lead to police shooting him (Oregonian, February 28). Several City Council candidates wrote a letter asking that the City drop this line of argument (Portland Mercury blog, February 27). The City Attorney filed paperwork with the court to do so a few days later (Mercury Blog, March 5). Acosta then ruled if the City’s contention about Quanice Hayes were true, then if by “stealing property and failing to get enough sleep risked getting shot, then anyone who commits theft or burglary should reasonably expect not to be arrested, but to be shot. That is not the law” (Mercury Blog, March 11). He did leave in place some possibility that Hayes could be at fault during the confrontation, but mostly eviscerated the City’s cynical stance.

**Koben Henriksen: Officers Fired Less Lethal and Lethal Rounds Simultaneously**

Our last issue briefly covered the shooting of Koben Henriksen by Officer Justin Raphael. In the weeks following the shooting, the City’s efforts to blame the County’s mental health system were rebuffed by County leaders who wrote “anyone experiencing a mental health crisis should not have to face a violent death at the hands of law enforcement” (Portland Tribune, December 19). The police knew Henriksen from an encounter just days earlier when he also had been wandering around with knives in his hands, but were able to talk him down. The Bureau published police reports shortly after the conclusion of the Grand Jury, which revealed Officer Dan Leonard (#50211) fired a 40mm “sponge round” at the same time Raphael fired three rounds from an AR-15 rifle (Oregonian, February 1). This flies in the face of the reforms the PPB is supposed to have implemented due to the agreement with the US Department of Justice to use less force, especially when someone appears to be in mental health crisis. Policy suggests officers fire the “less lethal” weapon and see whether it was effective before trying other force options. Leonard told the grand jury he was delayed in using the launcher because the rules require him to carry it unloaded (OPB, February 24).

**Lane Martin: What We Learned From the Videos**

Over six months after the incident, the PPB released videos of Lane Martin in the time before officers killed him, showing him walking away from police holding a hatchet, being hit by “less lethal” rounds in the legs (when he dropped the hatchet), and part of the confrontation where Officer Gary Doran thought Martin was reaching for a knife (Oregonian, February 8). The police claim “a black folding knife attached to his keys was found under [his] body after he was shot,” but that is not shown in the video. The police were also sure to note that Martin had meth in his system, though as usual the officers involved were not drug tested.

**Police Review Board Report: Seven Deadly Force Incidents, One Instance of Discipline— But Not For Death**

The Police Review Board is primarily made up of Bureau personnel and meets behind closed doors. In use of force cases, one member of a civilian volunteer pool and one member of the Citizen Review Committee are allowed to vote, along with a member of the “Independent” Police Review and four officers of various ranks. The December 2019 and March 2020 PRB Reports revealed the following.

- a) In the April 2018 incident where Officer Valadez chased Christopher Cannard, the officer was violating several policies, notably the Vehicle Pursuit and Satisfactory Performance Directives. He did not balance the risk to the community with the decision to chase a hit and run suspect. He was facing termination— the only possible discipline for violating the Truthfulness policy— because he was “evasive and deceptive” about whether he even engaged in a car chase at all in an effort to avoid responsibility.

- b) The Board did not find any issue with Officer Consider Vosu moving the knife which he claims Andre Gladen took from his vest, then putting it back before officers came to investigate his killing Gladen in January 2019 (PPR #77). They wrote it off as Vosu being a “two year officer not trained in how to process a crime scene.” Also, Vosu initially used a Taser against Gladen, which was also found in policy. The Board recommended a debriefing for Vosu about asking for cover officers, but it is not clear whether this happened. They also recommended training on guidelines for officers’ knives intended to be used as weapons, and a policy change around securing weapons used in a deadly force incident.

- c) Officer Kameron Fender was praised for shooting and wounding Jason Hansen, a car theft suspect who ran away from police in October 2018 (PPR #76). The Board said they were “pleased” that Fender attended the hearing and had recovered from his injuries, which are nowhere noted being the result of the Clackamas Deputy’s dog biting Fender, who himself is a PPB K-9 officer.

- d) The December 7, 2018 shooting of Ryan Beisley (also PPR #76) is confusing as it involved fourteen officers, all listed with numbers and not names because PRB Reports are redacted. The Report lists the perspectives of Officers Lucas Brostean, Dustin Lauitzon, John Sapper, and John Shadron, who all used deadly force, with several describing Beisley as coming out of a coffee shop “with a purpose.” One officer said he fired because he heard gunfire, which sounds as if officers were engaging in “contagious fire” based on law enforcement gunshots, since the suspect did not use a gun. There are other uses of force listed by other officers following Beisley being wounded, with six officers getting on top of the man to take him into custody.

(continued on p. 6)
In late February, Portland Copwatch sent its now-annual letter to Attorney General Ellen Rosenblum outlining the number of deadly force incidents involving Oregon law enforcement. PCW’s initial letter covered four and a half years from 2010-2014; the new letter revealed there have been at least 268 such incidents in the 10 years from 2010-2019. In addition to highlighting 35 incidents from 2019 — making it the second highest year after the 37 in 2018, the letter once again broke down the number of deaths (151 total, 20 in 2019), agencies involved (85) and locations of the incidents (27 of Oregon’s 36 counties). So far in 2020, there have been eleven deadly force incidents, with a sixth of them clustered in the month after the Governor announced a state of emergency due to the coronavirus.

Here are the eleven incidents that happened so far in 2020, plus the 35th incident from 2019 which occurred after the deadline for PPR #79.

— On April 13, Eugene SWAT officers Aaron Johns and Tyler Richards shot and wounded Scott Edward Gardner, 53, who had refused to leave a family home. Hoff allegedly shot and wounded a State Trooper (KMVU-26, April 13).

— On March 28, Oregon State Troopers Sherron DeBerry, Michael Jacob and Caleb Yoder and Recruit Trooper Joshua Buckles shot and killed William Patrick Floyd, 51, with 16 shots in seven seconds after responding to a “driving complaint” on the freeway south of Salem, where Floyd allegedly reached for a gun (Salem Statesman Journal, April 11). The PRB did not seem to be disturbed that at the time Officer Kelly VanBlokland shot Samuel Rice in the head on October 10, 2018, Rice was not posing an immediate threat of death or harm to anyone (also PPR #76). The report says VanBlokland, knowing Rice had taken a female companion into his hotel room against her will, felt this was his “last chance to rescue the victim [sic] by disarming the suspect.” Rice was in the bathroom alone. Shooting a person when there is no immediate threat is a violation of law and policy.

— On March 14, Springfield Officer Eric Pardee shot and killed Chase Eldon Brooks, 32, in the parking lot of a big-box store after Brooks allegedly damaged a vehicle with a crowbar (Eugene Register Guard, March 14).

— On March 9, Bend Officer Tim Williams and Sgt. Thomas Russell fired 14 times, seriously wounding Danielle Nicole Bower, 29, with 4-5 bullets. Bower had driven away from a hospital after acting “erratically” and the officers were attempting to arrest her at the side of a highway east of Bend (Bend Bulletin, March 12 and KTVZ-12, April 10).

— On January 25, the Albina Ministerial Alliance Coalition for Justice and Police Reform organized an event called “Remembering Aaron Campbell: Stop the Violence.” The purpose was to connect police violence to other kinds of violence in our society while also highlighting it has been a full decade since the controversial police shooting by Officer Ron Frashour. About 75 people attended. Marva Davis, mother of Aaron Campbell, spoke passionately about the need to change the way police conduct themselves, and to go beyond words into action. There were also speakers encouraging the end of gun violence, domestic violence, violence against immigrants, and war violence — the latter being a member of Portland Copwatch connecting the use of state-sponsored violence by police and the military.

— On February 24, Umatilla County Sheriff’s Deputy Jason Post and Milton-Freewater Officer James Farr shot and wounded Stacy Albert Clark, 43, a man who had reportedly been firing a gun in Umatilla (Elkhorn Media Group, March 6).

— On February 14, Silverton Police Officers Jonathan Lamoreaux and Tim Hein shot and killed domestic violence suspect William Bluestone, 21, after allegedly trying to negotiate with him for over an hour (KPTV-12, February 20).

— On January 2, Hillsboro Officer Christopher Taaca and Washington County Sheriff’s Sgt. James Haxton shot and killed Stanley Hayes, 69, after he was reportedly firing a handgun and a rifle inside a condo at 1 AM (Oregonlive, January 6).

— On January 1, Jackson County Sheriff’s Sgt. Benjamin Weaver shot and killed Teddy James Maverick Varner, 29, with three shots while Weaver and Deputy Thomas Hehl were investigating the scene of a previous shooting near Central Point and Varner pointed a gun at them. A witness said Varner was living with post traumatic stress disorder (KDRV-12, February 5).

— On December 25, Deschutes County Sheriff’s Deputy Anthony Ramos fired eight shots at James Lamkin, 29, near La Pine after Lamkin allegedly led officers on a chase, then fired his weapon at another Deputy; nobody was hit (Oregonlive, January 10).

In other Oregon deadly force news, Eagle Point has agreed to pay $4.5 million to the family of Matthew Graves (Oregonlive, January 21), who police killed in the bathroom of a fast food restaurant in September 2018 (PPR #76).
Police Review Board Reports: More Disturbing Behavior, More Unusual Discipline Choices

With little fanfare, the Portland Police released their second (and final) required set of 2019 Police Review Board (PRB) summaries on or about December 23rd, and the first 2020 report around March 16. As in the past (see PPR #79 for instance), the new Reports described troubling behavior by officers, unusual discipline decisions by the Chief, and lenient oversight by Board members. A silver lining: these are the first PRB Reports, perhaps ever, which did not include officers Driving Under the Influence. However, there are incidents of racial bias, a Detective demoted (but not fired) for two cases involving misuse of police vehicles, and seven deadly force incidents, which we analyze in our article on shootings in this issue (p. 5). Though former Chief Outlaw made several findings lessening the severity of the Board’s recommendations, she did find an officer used force improperly when he “accidentally” fired a Taser at a fleeing suspect.* The time frame for addressing misconduct and releasing these reports is mildly improved, covering cases from early 2017 to sometime in 2019. The summaries continue to redact such information as the locations, dates, and (mostly) gender pronouns identifying people involved. Nonetheless, PCW is able to identify officers in ten of the 23 cases.

Two of the 16 disciplinary outcomes appear to involve Detective Norvell Hollins III driving Bureau vehicles for personal use. The PRB recommended terminating Hollins’ employment for the two vehicle misuse cases, including lying in the second case. The first case involved Hollins putting 15,635 miles on his take home car in five months, with a total of 100,000 miles in three years. The Detective did not dispute violating the Vehicle Use Directive, saying he took trips to Seaside (80 miles from Portland). In the second case, Hollins put 145 miles on a cop car while supposedly on a stakeout. The Board found Hollins guilty of twice violating the Satisfactory Performance Directive, and of lying by not telling investigators he picked up a family member at school. Chief Outlaw changed the finding on the truthfulness allegation to “Not Sustained” (not enough evidence), then demoted Hollins rather than fire him. The Oregonian’s September 17 says Hollins had retired from the Bureau and was rehired for a two year stint ending in September anyway.

In another case including an allegation of lying (which was not Sustained), the officer was found in violation of the Conduct policy for drawing another cop’s face and name on a target before firing at it in the practice range while laughing. Four Board members recommended two days off without pay, but Outlaw lowered that to one day off.

One case in the March Report involved a mid-level supervisor who disobeyed their supervisor’s order by releasing confidential personnel information to another officer. Four Board members recommended a demotion, and one suggested two weeks off. The cover memo says Chief Outlaw “agreed,” yet only imposed one week off without pay.

As with deadly force cases, the Bureau labeled as “Bureau-only” (not involving a civilian complainant) both a car chase in which the suspect and the officer drove over an uninvolved person’s property, and the texting scandal involving Lt. Jeff Niiya and protestors (PPR #77). With the car chase, the Board found Officer #1 did not weigh the risk benefits or adequately update a sergeant about what was going on when they could have ended the chase, violating the Vehicle Pursuits Directive. Three members of the Board suggested a Letter of Reprimand, which the Chief accepted. The Niiya case went to the Board only because an Assistant Chief controverted the original “Not Sustained” findings and said they were “Exonerated.” The allegations were that Niiya had communicated unprofessionally (overly friendly) with all-right activist Joey Gibson, and violated the “dissemination of information” directive by warning Gibson ally “Tiny” Toese about a warrant for his arrest. The Board claims the public backlash to the published texts was due to a lack of information, but added Niiya should have been clear about his intent.

* The suspect escaped.

Similar to Sgt. Gregg Lewis, who was fired for racist remarks but reinstated and retired (also PPR #77), a supervisor who made remarks about a subordinate of color not receiving harsh enough punishment because of their race was only given two weeks off without pay. That supervisor retired before being disciplined. There were three other cases involving officers making inappropriate comments (one was sexually explicit) or taking inappropriate action against their fellow officers.

The March report shows two officers who stopped a man on a light rail platform and patted him down, thinking he was an armed suspect, were “Exonerated” of biased behavior. One Board member pointed out that the only attribute the complainant and the suspect shared was that they were both African American. While that clearly is a violation of the Bias Based Policing Directive, four members upheld the exonerated finding and the lone dissenter only felt it should be “Not Sustained,” meaning there wasn’t enough evidence to prove the cops’ bias.

The newer report also showed Chief Outlaw changed a “Sustained” finding where an officer was rude to a male domestic violence survivor and failed to make a mandatory arrest of the subject of that man’s restraining order. She changed the finding on the failure to arrest to “Not Sustained,” meaning there wasn’t enough evidence, even though the officer clearly did not arrest the perpetrator. Per the Board’s recommendation, the officer received a Letter of Reprimand. In a separate case, another officer failed to arrest a DV suspect who had a gun, although that violated the restraining order. The officer felt confiscating the gun solved the problem, though the violation should have led to a mandatory arrest. The cop got two days off without pay.

Also, a person who was arrested and a witness complained an officer used excessive force taking the arrestee into custody. The Board reviewed a video and admitted watching the officer repeatedly punch the complainant looked bad, but people needed to know a broader context. Perhaps because at least four of the original allegations did not make it to the PRB, the officer using a Taser to no effect wasn’t highlighted in the review. Though one Board member wanted to Sustain the complaint, five of the seven “Exonerated” the cop. Deputy Chief Chris Davis added a debriefing at the suggestion of three of those members.

Officers also used force on a man one of them chased from a traffic stop, but the PRB didn’t review that force. However, they found the foot pursuit violated Bureau policy for posing a risk to the passenger left in the car with another suspect. It makes no sense to separate the force from the totality of the circumstances, since force was only used because of the improper pursuit. Chief Outlaw agreed the pursuing officer needed Command Counseling.

Of 97 allegations, 61 were found “Exonerated” or “In Policy” and eight “Not Sustained.” Overall, the Board made 21 policy recommendations, at least four of which were progressive, including suggesting suspects’ criminal histories should not be part of the PRB presentation unless the officers knew it at the time of the incident. It is not clear what happened with the recommendations.

In 2019, consultants hired by the City suggested the Board should ask tougher questions in deadly force cases. PCW reminded the Bureau their commitment to building community trust requires more open PRB reporting and process.

The Reports are posted at portlandoregon.gov/police/55365. PCW’s analyses are at portlandcopwatch.org/shootings.html#background.

PPR #77, a supervisor who
**Houseless Issues During the Coronavirus Emergency**

Early on in the coronavirus pandemic, people were reporting continuing sweeps in Portland. On February 20, Portland Copwatch members talked with a number of houseless people on the inner east side who reported continuing sweeps. After discussion of how forcing campers to disperse is especially bad practice during a pandemic, Mayor Wheeler announced on March 27 that Portland suspended camp “clean-ups” except where camps are posing an immediate danger. He added that when the state of emergency is lifted, the City will go back to “business as usual.”

On January 29, the Oregon Court of Appeals upheld the 2014 conviction of Alexandra Barrett for violating Portland’s ban against camping on public property ordinance. Though Barrett lost the case, nine of the 11 appeals court judges carefully pointed out they were not ruling on the constitutionality of the ban, only that Barrett did not provide enough information to support her case. This means another challenge could invalidate the law (Oregonlive, January 29).

Portland Copwatch put out a reminder to the community on March 31 urging people to call or text our incident report line at 503-321-5120 if police issue warnings, citations or arrests for violating the stay-at-home orders, since we know the first people targeted will be those in vulnerable populations like houseless folks and people of color.

**City Declared in Full Compliance with DOJ Use of Force Agreement (continued from p. 1)**

Judge Simon also encouraged the five parties to the suit (DOJ, the City, the Portland Police Association, the Albina Ministerial Alliance Coalition for Justice and Police Reform and the Mental Health Alliance) to collectively create metrics for measuring PCCEP’s effectiveness. There was talk of quarterly meetings, but the future of those meetings is uncertain in the age of COVID-19. The determination sets in motion one year in which the City has to maintain compliance after DOJ approval, which occurred on January 10 — the day the DOJ received its final information, not the date of its compliance report. Four members of Portland Copwatch (PCW) testified in court. One member pointed out that January 10, 2021 is 10 days before the next Presidential inauguration, so if the DOJ were to begin taking police misconduct allegations seriously again, the City would be out from under the Agreement before a new administration came in. That said, the outcome of Simon’s maneuver is the City will have to work extra hard to be sure PCCEP does not fail in the coming year.

PCW also pointed out: From 2005-09, 15 people were subjected to deadly force by on-duty officers. From 2010-14, while the DOJ investigation was initiated and the Agreement was being finalized, that number was 23, a 53% increase. From 2015-19, there were 27 deadly force incidents, a total increase of 80% since the late 2000s.

PCCEP met the night before court to vote on their presentation. Even though PCW outlined ways in which the PCCEP and the City are not yet in compliance with the “Community Engagement” section of the Agreement (for instance, the Bureau’s poor public presentations of the PPB’s annual report), the group voted to tell the Judge they felt the work meets the expected standards. PCCEP member Elliott Young proposed an amendment to clarify that the City has to lift the letter of the Agreement without meeting the spirit of it; that amendment passed 7-3. PCCEP co-chair Andrew Kalloch and Secretary Vadim Mozyrsky, two of the three people who voted against the amendment, spoke to the judge. Mozyrsky stated for the record he objected to the amendment. In fact, adopting the amended document passed 8-1 with him being the only holdout. But because their statement was sent in writing, they chose not to tell Simon about the substance of the PCCEP’s analysis.

Other issues with the DOJ and COCL’s analysis include:

—Racial profiling, the issue which precipitated the DOJ’s involvement, is handled by the PPB delivering stop data to PCCEP, with no public discussion or analysis (see p. 2).

—The Agreement calls for all misconduct investigations to be completed in 180 days, but the Bureau and the “Independent” Police Review only met that standard 90% of the time.

—Neither the DOJ nor the COCL talked to a single complainant about whether they thought the oversight system gave them confidence that police are being held accountable.

—The Agreement requires a walk-in/drop-off center for people in mental health crisis. The DOJ and COCL have contended for years that this exists in the form of the Unity Center, a project of various area hospitals to centralize urgent mental health care. However, the Unity Center is facing problems for the staff and financial woes, and never really met the criteria in the first place.

Despite those inadequacies, the DOJ and COCL have occasionally prompted immediate corrections by the Bureau; for example, they both called attention to PPB training on the use of knives even though no policy existed to guide those classes. PPB halted the training immediately. PCW raised the question, once the DOJ and COCL are gone, will who be able to do this? Institutionally, the police cannot be left to police themselves, otherwise it would not have taken over five years to reach so-called substantial compliance. The volunteer members of PCCEP do not have the time or bandwidth to monitor the Bureau’s ongoing compliance with these requirements.

Meanwhile, several more members quit PCCEP, including Patrick Nolen, the Subcommittee on Mental Illness Chair, who resigned after speaking to Judge Simon about ways the full committee sidelined his group. This leaves just two original members — Kalloch and co-chair Lakayana Drury — of the original 13 seated in November 2018. That is at least an 85% turnover in 15 months.

Mayor Wheeler and Chief Resch appeared at PCCEP’s January meeting to declare support for PCCEP and its work. The renamed Racial Equity Subcommittee proposed, and the group passed unanimously, a recommendation for police to approach people at traffic stops calmly, stating their name and ID number, the reason for the stop, and asking what they can do to make the person feel at ease. At the Subcommittee’s February meeting, a Bureau representative said the Chief did not oppose the recommendation but might have some disagreements with it.

On December 19, City Council adopted changes to PCCEP’s founding document to make it easier to appoint new members, by essentially eliminating a community body to screen applicants. They also made it easier for new members to start voting so long as they have basic training and can attend the Bureau’s community founding soon after being seated. Council also broadened the definition of youth members to include people up to 23 years of age rather than just 16-18 year olds.

See Portland Copwatch’s analysis about the DOJ and Compliance Officer’s reports on “Substantial Compliance” at: <portlandcopwatch.org/COCL_DOJanalysis0220_pcmw.html>.
In a move as surprising as it was expected, Chief Danielle Outlaw left Portland at the end of December for a higher-profile job as Commissioner of Police in Philadelphia. Outlaw’s status as an outsider both to the community and the Bureau were equal parts hindrance and benefit, and from day one there was speculation she was using the job here as a stepping stone in her career. Before she left, Portland Copwatch (PCW) had our sixth meeting with the Chief. Also present were Lt. Robert Simon and Assistant Chief Andrew Shearer, while at previous meetings Jami Resch had attended as an Assistant Chief before her promotion to Deputy Chief in May 2019. Mayor Ted Wheeler’s announcement that Resch would replace Outlaw was slightly controversial and seemingly hypocritical. The controversy and hypocrisy stem from the same concern: Outlaw was chosen after a months-long national search where Wheeler wanted to find just the right person for the job, while Resch just stepped into it. That said, Resch has promised to keep working on reforms started by Outlaw, which is also a mixed bag. For instance, while Outlaw is African American and Resch is white, neither is willing to delve deeply into the reasons Portland Police over-patrol black communities, or why so many African Americans and people in mental health crisis are shot and killed by the PPB.

Chief Resch engaged with PCW shortly after her appointment, letting us know she expected the Joint Terrorism Task Force annual report to be done by mid-January (p. 1), and that we’d be put on a list to meet with her. Once the coronavirus crisis hit, there has been no movement on that meeting. One overall benefit of the quick changeover is because Resch has been in the PPB for a long time, she knows the history of PPB-community relations, and won’t have to get up to speed as Outlaw did.

Copwatch’s Areas of Concern from Previous Chief to New Chief

Following our meeting with Outlaw, in early January PCW sent a follow-up email to Chief Resch outlining issues we had brought up with her predecessor. Major issues included that the Chief (and Mayor) pointed fingers at the mental health system, not taking responsibility for the police shooting of Kober Henriksen on December 8 (p. 5). In the email, we noted: “The mental health system did not kill Kober Henriksen, a Portland Police officer did.”

We also raised concerns about the two then-recent reports on traffic stop data, one by the PPB and one by the state’s Criminal Justice Commission (PPR #79). When we pushed back against the Bureau’s benchmark of looking at crime victimization as an indicator of how often people should be pulled over by police, A/C Shearer stated there is a study showing crime victims are likely to become perpetrators. He also stated the data include when the same driver is pulled over multiple times, skewing the numbers. PCW continues to believe the Portland Police are not willing to admit there is a problem with the over-representation of African Americans in both traffic and pedestrian stops. The state data showing black people are over-stopped used filters to adjust for time of day because officers supposedly can’t see the race of the driver at night. There is no analysis of why the PPB stops of pedestrians stand at almost 18%, three times their representation in the population. We asked again that reasons for the stops be broken down again to include Equipment Failure, which is especially important in light of the Oregon Supreme Court ruling limiting what officers can ask a driver about (also PPR #79).

Copwatch told both Chiefs the Bureau should not have declined the Training Advisory Council’s request to include demographic data in Use of Force quarterly reports. The Bureau argues that African Americans are coming in from Gresham, Vancouver and elsewhere. If that is true, stop and force data should be scrutinized to see how often people stopped or subjected to force (who also give an address) are actually from Portland.

We also pointed to the case which apparently helped trigger the resignation of two members of the Citizen Review Committee (p. 3), wherein Chief Outlaw changed an allegation from Truthfulness to a Performance violation, undercutting her agreement with the Committee’s finding. Outlaw did not give details about why that happened, but pointed to a complex bureaucracy involved in discipline matters, constituting a giant notebook of rules.

PCW also made it clear that even though the PPB does not conduct the majority of the physical “clean ups” of houseless camps, officers act as “security” when Rapid Response Bio Clean or other private entities conduct those sweeps. We wondered whether the security was for the contractors or the people being forced to move. We encouraged Outlaw to find ways to have officers call out the contractors for violations of the “Anderson Agreement,” which restricts how the City handles posting notice before and then seizing the belongings of houseless people.

We also briefly talked about issues surrounding the Police Association’s contract (p. 1), including fixing the “discipline matrix” so officers can be fired for making overtly racist remarks, rather than being given a second chance as is now required. When we noted more officers should be found out of policy for deadly force incidents, the former Chief suggested we should change the state law as California did, restricting the standard from a reasonable belief deadly force was justified to when it is “necessary.” PCW pushed back that the PPB’s administrative rules are already stricter than state and federal law (“Graham plus”) and that officers who do not de-escalate can already be disciplined for shootings which are deemed lawful.

About how the PPB handles protests, we noted having 700 officers police 1400 protesters for the August 17 alt-right/anti-fascist demonstration was too much. Chief Outlaw agreed with us that is not a sustainable plan. We stated the City’s news conference sounded as if they were discouraging people from counter-protesting the alt-right, while elected officials in other cities have joined large crowds to outnumber those with narrow views about America. The former Chief was clear her intended message was to stay away if you wanted to engage in violence. Chief Outlaw became quickly irritated when we suggested the arrest of an African American teenager at the September 20 Climate Strike seemed like bias-based policing. We suggested even if the arrest was justified, the Bureau needs to think about the optics of what they are doing when pushing teens to arrest one of the only youth of color.

PORTLAND PROTESTS: KKK CANCEL RALLY WHEN POLICE REJECT SECURITY REQUEST; AUGUST “TWERKING” PROTESTOR CLEARED

On February 8, a rally organized by the Ku Klux Klan to take place outside the Multnomah County Courthouse was called off, but that didn’t stop anti-fascists from congregating nor Portland Police from making arrests. According to the February 20 Portland Tribune, the KKK rally organizer asked police for protection arriving at and leaving the protest, but the PPB told them they would not do so. The Tribune read police reports indicating that the organizer may have never intended to hold a rally. The police ended up making three arrests after alt-right media activists clashed with the Antifa protest and some activists sprayed graffiti on a war memorial across the street from the courthouse (Oregonian, February 9).

In other news, Alonna Mitsch, an African American woman roughly arrested by Portland Police on August 17, was found not guilty of disorderly conduct for stepping into the street and twerking to nearby music. In March, it was reported two other women—a motorcyclist who revved her engine and a woman who spit near officers (PPR #79)— both still face charges, despite having written to the District Attorney asking for dismissals and threatening to sue (Portland Mercury Blog, March 3).
Activists Hold Mock Hearing on Terrorism Task Force Report (continued from p. 1)

PPA Defends Contract (continued from back page)

Tangentially related to the bargaining issue, Turner again used Martin Luther King’s support of labor unions in a memorial post (January 19), ignoring how the police were actively part of the effort to undermine King and his work. Turner recalls King’s work with the sanitation workers in Memphis just prior to his assassination and calls him an “inspiration” and a “visionary ahead of his time.” If only that were to include MLK’s devotion to non-violence and the end of militarism and war, maybe we could take this adulation seriously.

The Portland Police Association does not set policy. However, some PPA leadership express negative attitudes toward citizens and civilian oversight in their web postings. We worry these ideas may spread throughout Portland’s ranks. The PPA’s website is <ppavigil.org>.

During the February 2019 debate on withdrawing, revealed Portland officers worked on 29 “assessments.” These are low level reviews the FBI is able to do based on speculation, rather than reasonable suspicion of criminal conduct as required in Oregon’s anti-spying statute. It listed one full investigation involving a person who was “espousing increasingly violent ideology” and physically abusing family members. However, in the PBB’s Annual Report about its general activities, they say the Criminal Intelligence Unit (CIU), which includes the officers who work with the JTTF, “conducted 64 assessments and investigations on threats of violence, including one investigation with the Joint Terrorism Task Force, resulting in a federal indictment for Transmitting Threatening Communications with Intent to Extort.” This was no doubt the case of Kermit Paulson, a paraplegic man who made a clearly unachievable threat to toss explosives at Mayor Ted Wheeler’s home (PPR #77).

Furthermore, the People’s Report noted the Portland Police’s explicit promise to inform the South West Oregon Joint Task Force when Portland activists would be heading south to protest against the Jordan Cove Liquid Natural Gas project (PPR #78).

At the mock Council hearing, members of Portland JACL, 350 PDX, Peace and Justice Works/Portland Copwatch, League of Women Voters, Portland Democratic Socialists of America, Jewish Voice for Peace-Portland and Portland’s Resistance “testified” about these concerns and the shortcomings of the Bureau’s Annual JTTF Report, which had been released four days earlier. PCW raised questions about why the PPB was asked by the FBI to investigate a man “making threats against the British royal family,” or where a person felt uncomfortable because a man in a bar was espousing white supremacist ideology. While that may be repugnant, it is not terrorism nor is it illegal. Written testimonies were delivered to Council offices and the Council Clerk. The conference was covered by the Oregonian, KPTV-12, KATU-2, and community media activists who posted the content online.

At City Council the next day, the PPB noted they included information about cases they referred to the FBI, though not required by the Resolution. However, as a result, the information on those cases is vague, with generalities like “threats to public officials.” Perhaps Council will strengthen the Resolution before next year so those cases can be more fleshed out. Sgt. Pete Simpson of the CIU also attempted to explain the issue of the PPB offering information to the Coos Bay task force, inserting the words “with the intent of committing criminal acts” into the promise to let them know if Portlanders were going to protest there. The Guardian article which reported PPB Officer Andrew Hearst’s words did not mention criminal activity. If Hearst did mention such activity, it could technically make the spying legal under Oregon law. Simpson also addressed a concern raised about Immigration and Customs Enforcement being part of the JTTF. The City could be violating its own sanctuary policy (not to mention state law) by cooperating with ICE. The Sergeant asserted that because the immigration group in the JTTF is Homeland Security Investigations, which is not the enforcement division of ICE, there is no problem.

Because the details of the cases the FBI sent to the Portland Police included the required demographic information, Commissioner Chloe Eudaly commented on the fact that the bulk majority of the people being investigated by the FBI were white, reflecting the true face of American terror. Commissioner Jo Ann Hardesty, who led the Council’s effort to withdraw (and to ensure the Annual Reports) wanted to be sure the Bureau does not use language in the future like the clause stating there are no laws “that would preclude [the Portland Police] from legally working with the JTTF in any capacity,” which sows confusion about the limits of Oregon law and the City’s policy.

Afterward, a Copwatch member asked Sgt. Simpson why he didn’t address a key question— whether the PPB was violating state law by conducting “assessments” with no allegations of criminal conduct. Simpson said if a person feels threatened and the PPB can identify and call the suspect, they might prevent escalation to action. PCW compared this scenario to calls police keep receiving from people “feeling threatened” by houseless folks in their neighborhoods. The FBI cases take such discomfort and escalate it into suspected terrorism. Simpson said the Bureau has a bright line between political views and threats. This discussion would have been better held at the Council hearing, if only the Commissioners had over- ridden the Mayor’s decision to shut out public voices. Due to the untimely demise of Commissioner Nick Fish in early January, there are now only three other members of Council, and it takes four to over-ride the Mayor on this procedural issue.

Training Advisory Council Prompts Bureau to Promise Quicker Responses to Recommendations

In January, the Training Advisory Council (TAC) sent a recommendation to the Chief changing the group’s bylaws to require responses to TAC recommendations within 60 days. The Portland Committee on Community Engaged Policing (PCCEP) has a similar provision in their founding document. At the March meeting, TAC Chair Shawn Campbell announced the Bureau had accepted the change, which in theory should prevent future problems like the six months it took the Bureau to tell TAC they would not put demographic data in quarterly Force reports (PPR #79). Of course, this doesn’t stop the Bureau from rejecting the community body’s suggestions, nor does it provide them the ability to override the Chief’s decisions. Also in January, Lt. Jeff Niiya presented the third quarter 2019 force data, and a representative of the Auditor’s office summarized their analysis of Bureau overtime use. New in 2020 were changes in the Training Division’s leadership and the membership of TAC. At their March meeting, the TAC discussed what areas to examine in the coming months.

Niiya’s presentation was typically clinical, though he did call attention to an increase in “takedowns” performed by officers in fall 2019, saying those actions are getting more scrutiny as a result. He did not, however, highlight that 31% of the people subjected to force were African American and 47% were listed as “transient” (ie most likely houseless). Chair Campbell was the first to ask a question about the over-representation of African Americans as recipients of force. Niiya said the Bureau’s equity office could look at that but he knows officers “bend over backward to de-escalate.” Though Niiya said the PPB would scrutinize data spikes such as an uptick in the use of Tasers, he did not explain why the recent quarter had 31 Taser uses versus 18 in the previous three months.

The Auditor’s presentation was similar to the one given at PCCEP in November (also PPR #79). There was a discussion about officers working 13,000+ hours at private events while saying they are stretched too thin to attend to calls for service.

The Bureau showed a video by the group Youth Engaging Police which was used at their in-service training to expose officers to concerns of young people. In it, officers said they were aware they should find ways to avoid funneling youth into the criminal justice system, so while it mostly tilted toward “cops are people too” rhetoric, there was at least some progress being shown.

At the January meeting, it was announced that Captain Craig Dobson, formerly the Bureau’s Force Inspector, had been promoted to replace Erica Hurley at Training (Hurley is now at the Transit Division). In March, the TAC included 10 new members, and plans to appoint four to five more in the coming months, bringing the Council up to 25 members. There appeared to be at least one black member, a rarity since the early days of TAC in 2012.

The discussion about what to study in future months had been intended as a work session where the group would break into clusters. Fortunately for the few members of the public in attendance, the bulk of the information was shared with the full Council with only a short break-out at the end. Key areas will be leadership training, education for officers, and the training for Public Safety Support Specialists (PSSSs). Lt. Greg Stewart noted that the first batch of 12 PSSSs were trained quickly with most of the training lifted from another city. Until Portland Copwatch raised the concern during public comment, nobody seemed concerned whether the PSS Specialists (officers with no arrest powers and only pepper spray as weapons) would be trained in de-escalation and mental health curricula established by the US Department of Justice Settlement Agreement to lower the force used by the PPB, nor whether the PSSSs would be subject to the same complaint system as regular officers.

The TAC usually meets once every two months, the next meeting might be May 13. Check <portlandoregon.gov/police/61449> for information.

Washington County Sheriff Collaborates with ICE

Citing what they see as Federal Law superseding Oregon State law, the Washington County Sheriff’s office stated they will comply with ICE requests for information on immigrants held by Washington County. So far, Washington is the only Oregon county to collaborate with ICE (Oregonlive, March 9). Commonly known as a state sanctuary law, ORS 181A.820 prohibits most involvement of public bodies in federal immigration law enforcement. Washington County’s decision came several weeks after ICE issued subpoenas requiring law enforcement agencies to hand over information about incarcerated immigrants. Other counties are considering legalities involved before complying with the ICE subpoena. Hillsboro, a city in Washington County, has refused to comply, calling the subpoenas “a new tactic to circumvent state and local laws.”

Legal threat drives decision to comply with ICE subpoenas

Washington County Sheriff's Office to discuss details about issues

Portland Tribune, March 5
Rapping Back

Cops Broadcast Collective Bargaining Case, Blatantly Claiming Burdened Capacity

Reviewing the posts from the Portland Police Association (PPA)’s Facebook page, reflected in the media feeds on their “Rap Sheet” news site, we found just 13 items posted from mid-December through mid-April. One of them led to that rare overlap of agreement between Portland Copwatch (PCW) and the PPA—in honoring the memory of deceased City Council member Nick Fish in early January, PPA President Daryl Turner noted “even when we didn’t agree, [Fish] was honorable and a man of his word.”

Most of the other pieces were designed to support the PPA’s narrative focusing on their good work and need for more officers, ignoring concerns about increased use of deadly force and heavy handed policing of houseless persons, African Americans and protestors. Six pieces relayed such “bluewashing,” with posts about National Law Enforcement Appreciation Day (January 3), two reposts from Bureau-related nonprofit the Sunshine Division (February 7 & 12), news about officers who rescued three people from a burning car (January 15), cops helping celebrate a child’s first birthday (April 16), and a post to reassure the public officers are doing their jobs during the COVID-19 pandemic (March 16). A separate Oregonian article (March 20) talks about Chief Resch limiting officers’ in-person contacts in light of the pandemic, with the PPA’s Facebook post highlighting one quote. In it, Turner calls for testing of officers because they are at risk of being infected, and wondering what would happen if 20% of officers could not come to work due to illness. Perhaps the world will not stop spinning and, as with many other things we are finding out in this crisis, we will find tax money going to militarized institutions could instead be used to directly help people. On that note, at least three April posts thanked frontline workers for carrying forward in the crisis.

The remaining two pieces relate to the collective bargaining process now underway (p. 1).

Oldies but Goodies: PPA Repeats Some “Greatest Hits” Against Activists, Houselessness in Contract Talk

The main post from Turner, made on January 13, which touches repeatedly on the City’s efforts to negotiate a new “union” contract, trots out some of the more alarming things Turner has said in the past two years, featured previously in this column. The PPA’s pull-quote highlights this gem: “In July 2018 I called the City a cesspool and I stand by that assessment; our once vibrant city is on the wrong track.” This statement comes after he lists the amount of garbage, human waste and needles picked up by the City’s special houselessness program over the course of a year, leading to a slam against Mayor Ted Wheeler and Commissioner Jo Ann Hardesty for holding community forums to hear community concerns about the PPA’s contract. “While Mayor Wheeler and Commissioner Hardesty were eager to hold narrowly focused forums on the contract, they have neglected to prioritize, with the same sense of importance and urgency, the issues affecting the day to day safety and livability of our communities at large.”

There is no clear connection between the lack of affordable housing and treatment programs and Turner’s conclusion, which is that because the rank-and-file officers and emergency dispatchers (now part of the PPA) “are the foundation of public safety in our city,” they should be listened to. In fact, if Turner were really interested in “adequate resources for those who are homeless, in mental health crises, and experiencing addiction issues,” he would suggest redirecting money out of the Police Bureau and into those programs.

Earlier in the piece, Turner repeats a line (albeit with a new twist) from his reactions to the campaigns for a contract which includes accountability and transparency. “We will not be distracted by the false narratives and self-serving agendas of those who seek to drive a wedge between police officers and our community.” He then (once again) relates how the researchers from Campaign Zero who presented data to Council on national best practices for police contracts are “anti-police,” saying their presentation was “obviously choreographed and orchestrated, but it lacked context and fundamental knowledge on the rights all public employees have.”

Regarding the public forums, Turner says “As an organization, the PPA believes our community should have input on public safety priorities,” but claims the forums were not “widespread across the City” (one was held in North Portland and (continued on p. 10)