

The People's POLICE REPORT

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State Legislature passes police bills—p. 4

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BLACK LIVES DO, INDEED MATTER: Uprising After Minneapolis Police Murder Continues for Months Local and Federal Officers Prove They Use Excessive Force by Attacking Protestors

The amount of activity that has happened in the wake of the murder of George Floyd by Minneapolis police could fill up several issues of this newsletter— even if just focusing on Portland. A worldwide movement against systemic racism and police brutality sparked by the recording of Floyd's death has led to increased

More protests in Portland, mayor signs police reform pledge



Portland, Ore. (AP) — More than 10,000 people demonstrated peacefully in Portland in one of the largest U.S. protests Tuesday before police officers broke away and engaged with police.

Associated Press, June 3

awareness, amplification of Black voices, and, in some cases, changes to police funding and policies (pp. 1 & 4). At least on a short-term basis, it has also led to nominal limits on tear gas use and protections for journalists, legal observers and medics present at the ongoing protests in Portland, which continued daily for over 80 days starting on May 28. The protections came from court orders after people were hit with chemical agents and other weaponry. Both Don't Shoot Portland (via the Oregon Justice Resource Center) and the ACLU filed lawsuits to restrict both Portland and Federal police. In the weeks since the court orders went into effect, though, the police have continued to use those tactics. The federal police, who famously began patrolling Portland's downtown "to protect federal property" in early July, shot a man holding a boom box in the head with a "less lethal" round, causing brain damage, and broke the hand of a Navy veteran with a baton while pepper spraying him. These are just some of the most egregious examples of the police using excessive force against people protesting police use of excessive force.

Most of the protests have been led by or at least featured speakers from Portland's relatively small Black community. During one early protest, thousands of people lay down on one of Portland's bridges for 9 minutes to echo how long the (continued on p. 5)

BUDGET BATTLE: Council Cuts Gun, Transit, School & Emergency Units, Carving \$15 M from Police Community Demanded \$50 Million Defunding

In 2019, Commissioner Jo Ann Hardesty failed to muster the votes needed to amend the City's budget by cutting the Gun Violence Reduction Team (GVRT) and School Resource Officers (SROs). Initially, pushing those cuts in 2020 seemed like an uphill climb, too, until the murder of George Floyd in Minneapolis sparked a movement too large and loud to ignore. Although the City truncated the usual public input into the budget, when it came time to vote, roughly 700 Portlanders testified, demanding the police be defunded and the money be used to support those communities most harmed by law enforcement violence. This made Hardesty's proposals more palatable to Mayor/Police Commissioner Ted Wheeler, particularly as he recognized he as a white man needed to listen to the first African American woman elected to Council and the voices of the people protesting. The GVRT and SROs (see sidebar, p. 10) were cut, along with the Transit police and eight members of the Special Emergency Reaction Team (SERT) for a total of \$15 million in cuts.

However, since the Police take up the largest chunk of the City's discretionary funds at \$250 million, community demands (including from Unite Oregon and the Portland African American Leadership Forum) were to cut \$50 million. While supporting Hardesty's amendments to cut the abovementioned (continued on p. 10)



STAFF CHANGE: Commissioner Jo Ann Hardesty gets her wish on GVRT.

Defunding the Police

Commissioner Jo Ann Hardesty is on the cusp of achieving a long-desired reform. Here's how it might work.

On June 10, the Portland City Council will vote to defund the police—or at least a specific portion of the police.

Mayor Ted Wheeler on June 9 accepted to demands from City Commissioner Jo Ann Hardesty and others that Portland disband a unit of the Portland Police Bureau called the Gun Violence Reduction Team. Wheeler said the council would take that step and shift \$12 million from police and other bureaus to new programs.

Team. Hardesty and other critics say GVRT and new GVRT disproportionately focus on young Black men. In a waterfront speech to protesters June 5, Hardesty told the crowd that 52 percent

Willamette Week, June 10

DOJ Agreement: Compliance Officer, Community Board Question Police Protest Tactics Committee Makes Strong Recommendations, Holds Numerous Meetings

A reckoning could come for the US Department of Justice in October, when the first official reports come out regarding whether Portland Police used excessive force during the ongoing protests that began in late May (above). The Settlement Agreement they signed with the City in 2012 requires the City to change its policies, training, and tracking to ensure constitutional policing without inappropriate use of force. For the first time since being hired in 2014, Compliance Officer/Community Liaison (COCL) Dennis Rosenbaum wrote a report in July which raised real questions whether the police are following that mandate, repeatedly referring to the death of George Floyd and urging the Bureau to listen to the voices of the community around racial justice. While this is late in the game for the COCL to be waking up, it is a welcome change. The Portland Committee on Community Engaged Policing (PCCEP), created in 2018 to add community input (continued on p. 9)

Leader of Portland police oversight group blasts latest consultant report on police reforms

Updated Apr 29, 2020 Posted Apr 29, 2020



By Maxine Bernstein | The Oregonian/OregonLive

One of the leaders of Portland's revamped community police oversight group blasted Tuesday night to city-hired consultants report that the Police Bureau is still meeting training, use-of-force reporting and crisis intervention requirements under a federal settlement agreement.

Lakayana Drury, co-chair of the community group, then delivered a scathing assessment of the work.

"I find this report to be weak, incomplete and insulting to everybody

Oregonlive, April 29

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Oversight System Faces Potential Overhaul; Current Group Steps Up with Movement for Change

Crowd Control Forum, Other Public Meetings Draw Increased Interest

The biggest news about Portland's civilian review system, the "Independent" Police Review (IPR) is that it could be replaced sometime in 2021 by a stronger, more empowered review board led by community members. Commissioner Jo Ann Hardesty put forward an amendment to the City Charter (like Portland's Citizen Review Committee (CRC). For their part, the 11-member volunteer CRC was mostly dormant between the pandemic-related lockdown in March and their first public meeting (on the internet) on June 3. But from that point forward, they were active, visible and vocal. New members appointed by City Council in March were able to plug in as CRC revived its Work Groups.

constitution) which would create a review system with many powers and abilities not currently delegated to IPR or its Citizen Review Committee (CRC). For their part, the 11-member volunteer CRC was mostly dormant between the pandemic-related lockdown in March and their first public meeting (on the internet) on June 3. But from that point forward, they were active, visible and vocal. New members appointed by City Council in March were able to plug in as CRC revived its Work Groups.

Oversight System Change Addressed at Other Advisory Group

CRC Chair Candace Avalos and Auditor Mary Hull Caballero, whose office houses IPR, spoke at a forum hosted by the Portland Committee on Community Engaged Policing (PCCEP) on July 9 to address the ideas for change proposed by Commissioner Hardesty (who also spoke). The Auditor urged slowing down the process for more discussion. PCW is hoping that if the new system is adopted in November, the next year will be spent on a thoughtful transition from the current system to the new one so the institutional memory of IPR/CRC isn't lost. Additionally, leaving IPR in place will ensure investigations and review do not fall back to being police investigating police.

The Auditor put out a detailed document outlining some of the obstacles baked into the IPR system which require legislative changes or modifications of the police collective bargaining contract (p. 7). However, recalling that this same Auditor tried to move CRC meetings behind closed doors in 2016 (PPR #69), yanked CRC's deadly force report off the City Council agenda (PPR #76), and refused to meet with CRC about their debilitating standard of review in misconduct cases (which requires them to defer to police commanders if a "reasonable person" could agree with the original finding), we are not convinced Hull Caballero is the change agent the system needs.

That said, Portland Copwatch (PCW) testified to City Council about the proposed Charter amendment, cautiously optimistic since the Auditor's point about obstacles to the proposed new system correctly identifies things which need to change. For example, in the Portland Police Association (PPA) contract, IPR is specifically prohibited from investigating deadly force cases.

On July 1, PCW co-authored an op-ed for the *Oregonian* with the League of Women Voters outlining some of the main shortfalls of the IPR/CRC system. The piece called for a model which could be made independent, like the city's development commission, in the City Charter, an idea tossed around at the last two Charter Commissions (PPRs #38 and 56). Former IPR investigator Andrea Damewood penned an article for the *Willamette Week* (June 17) explaining how IPR is hampered by the inability to be thoroughly transparent about misconduct complaints. Former public records advocate Ginger McCall wrote about changes to public records laws which would help fix that problem in a separate op-ed in the June 24 *Oregonian*.

PCW intends to keep pushing for change whether or not the Charter amendment is adopted and to continue monitoring the oversight system regardless of its structure.

CRC Meetings, Forums Draw Crowds During Uprising; CRC Speaks Out

CRC's June meeting occurred about a week after the first Portland demonstrations about the police murder of George Floyd in Minneapolis. Over 40 people attended, compared to fewer than 20 at past in-person CRC meetings. Their Crowd Control Work Group quickly planned a public listening session, which was held on July 8 and had over 100 attendees. While it was frustrating that members of the public were assigned randomly to various "chat rooms" on Zoom, thus not being able to communicate with or hear everyone's stories, overall the event was a good place for people to vent about excessive force used by the Bureau at the weeks-long protests.

They also held a forum about the state of policing in Portland a few days later, on July 13. Speakers included Chief Chuck Lovell, PPA President Daryl Turner, people from two different neighborhood associations (Lents and Goose Hollow), and Dr. LeRoy Haynes, Jr. of the Albina Ministerial Alliance for Justice and Police Reform. About 100 people attended this forum as well. Despite the tenor of the rallies in the streets, the discussion veered a lot toward the "police are necessary" point of view rather than the "defund, demilitarize and hold accountable" demands outside. Dr. Haynes' voice brought an important counterbalance to the somewhat biased presentation. Interestingly, unlike if this had been an in-person event, there was a lot of lively discussion among community members in the text-based chat on the Zoom conference, which was helpful as the panel talked for nearly a full two hours before opening up for Q&A.

CRC also held a special meeting on June 5 to develop a statement in which they criticized the heavy-handed tactics being used at protests. Chair Avalos also co-signed a letter with the chairs of the PCCEP and the Training Advisory Council, asking the City to involve them all in any discussions about the future of police oversight.

Case #2019-x-0003: CRC Rebuffs Chief's Support of Officer Who Refused to Help Woman Find Stolen Car

At their August meeting, CRC held a "conference hearing" to let the Bureau discuss why the cops refused to accept the Committee's recommendation to sustain a finding of misconduct against an officer who failed to help a woman recover her stolen car (PPR #79, case 2019-x-0003). Although the dispute began under Chief Outlaw in December, it was Chief Lovell who came to explain why he felt the finding should have been "Not Sustained with a debriefing." The CRC relied on the December testimony of the Appellant. At that time, she showed them the only piece of paper she had when she tried filing the report to prove she owned the car, which she had just bought. A careful read of the stolen vehicles policy led CRC to once again ask for a Sustained finding on a 6-2 vote (stronger than the original 4-3).

Other CRC Activities: New Members, General Meetings

At CRC's June 3 meeting, they introduced the new members: Carol Johnson, Adam Green, Taylor Snell and Shaina Pomerantz. Council also appointed Megan Bigelow as an alternate member. They voted to formalize their current set of work groups as Crowd Control/Use of Force, Policy/Outreach, and Recurring Audit, which all held meetings in July. Notably, there was only a brief mention of IPR's annual report having been released (see p. 3), and no meaningful discussion of its content, or lack thereof. (continued on p. 3)

Portland voters will decide on 'framework' for new police oversight system in November

By Iwerton Bailey Jr., oregonlive.com 7/30/2020

Portland residents will vote this fall whether to revamp the city's police oversight system in a way that proponents say will lead to more accountability and transparency in investigations of officer misconduct.



© Beth Hakamada/CORBIS OUTLINE/CONTOUR

The Portland City Council voted unanimously Wednesday to refer the proposal to the Nov. 3 ballot, despite objections from City Auditor Mary Hull Caballero, who oversees the existing Independent Police Review, and the Portland Police Association, which represents the majority of the city's officers.

Oregonlive on MSN, July 30

“Independent” Police Review 2019 Annual Report: Five Short Pages Signifying (Almost) Nothing

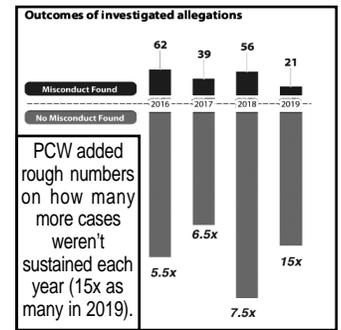
On May 7, the “Independent” Police Review (IPR) released its 2019 Annual Report, a strangely formatted document containing barely any data or important information. In past years, the Report has listed items around accountability including information on deadly force incidents, trends in use of force, most common allegations, and the like, but the new document mostly encourages people to visit IPR’s website for details (some of which are not on the site). The five page document is in no way a full report on IPR’s activities in 2019. The paid IPR staff should relay information to the community in a thorough and transparent way, rather than making community members jump through extra hoops to find data.

In a surprising development, the Report does not explain how many investigations were done by the Portland Police Bureau (PPB) Internal Affairs division versus those conducted by IPR. So the agency touting itself as independent from the police, trying to build community trust and transparency, isn’t even motivated to report how many times they conducted investigations in 2019 without Bureau employees taking the lead.

Portland Copwatch (PCW) has also repeatedly expressed concern about IPR’s coverage of their civilian review body, the Citizen Review Committee (CRC). The largest omission in this year’s Report is that the extremely rare CRC appeal taken to City Council last May led to the first-ever “Sustained” finding by the elected Commissioners, meaning the CRC’s recommendation was required by City Code to be accepted by the Bureau (PPR #78). Moreover, for the third year in a row, IPR printed incorrect information about the outcome of cases in which community members appealed the Bureau’s findings to CRC. This year, they incorrectly claimed CRC heard four cases and upheld Bureau findings in three. In fact, CRC heard only three cases and agreed in the first two. In the third, they recommended a “Sustained” finding. The Report also ignores the CRC’s forum on Bureau Crowd Control policies held on April 10, 2019 (PPR #77).

The first set of data in the Report shows what happened to 408 complaints processed by IPR. They explain that IPR administratively closed 38% of cases, which if thoroughly accurate would mark the lowest in IPR’s 18-year history. They claim more cases are being investigated after the 2018 introduction of “Supervisory Investigations,” a more formal way to process non-disciplinary complaints (formerly called Service Improvement Opportunities). However, the total percentage of cases with full (92) or non-disciplinary (75) investigations is 41% (156 of 408). That number was 30% in 2015, 38% in 2016 and 44% in 2017, before Supervisory Investigations were adopted; prior to that the number used to hover at about 20-23%. A huge reason the dismissal rate went down is that in 2019, IPR sent 76 cases to Precinct Commanders for their information, the largest number we have on record and a huge jump from the 11 such referrals in 2018. The referrals do not constitute investigations and do not necessarily prompt any kind of follow up action with the officer or the complainant. Combining the two categories of cases not investigated, the overall dismissal plus referral rate was 57% in 2019— on a par with the 54-60% rates from 2016-2018.

A chart meaning to show how many allegations were Sustained from 2012-2019 does not include numbers to go along with the chart. It appears about 300 allegations were found “Exonerated” (in policy), “Not Sustained” (insufficient evidence), or “Unfounded” (facts don’t support the claim) in 2019, while only 21 were Sustained. If that is accurate, it marks a 6.5% “Sustain rate” when measuring investigated claims, lower than the 9.8% in 2018, or 13% in the previous two years. PCW believes the more accurate way to measure the “Sustain rate” is to compare all allegations which were Sustained with how many came through the door, but the full number of allegations (prior to dismissal, referrals, etc.) is not provided.



Also of interest:

- In a rarity for recent years, the Report does note that six (about 1.5%) cases were handled through mediation between the complainants and officers.
- Of 69 internal police-on-police complaints, 50 were investigated.
- IPR reports 32 officers were disciplined in 2019, but only nine received time off with pay and none were terminated. Five resigned before being disciplined.
- The Report mentions, but does not go into details about, the Police Review Board (which recommends discipline), IPR’s policy recommendations, and a new case management system.
- There is no mention of the February 2019 report on deadly force incidents for which IPR hires the OIR Group each year (PPR #77).

IPR Reports started out as 100+ page tomes, full of many tables and charts, and details on how the system works. In later years, more reasonably sized 30+ page Reports managed to get a lot of similar information into smaller packages. In the last several years, the Reports have shrunk to under 20 pages, mostly full of infographics and excluding the kind of analysis of trends one would expect from a vibrant police oversight body.

The Report can be found at <<https://www.portlandoregon.gov/ipr/article/760532>>. See PCW’s analysis at <<http://www.portlandcopwatch.org/iprannual2019analysis.html>>.



CRC Holds Conference Hearing Amid Increased Interest in Oversight (continued from p. 2)

Their July 1 meeting included a presentation by new Chief Lovell. This was followed by a vote to formally elect Avalos as Chair (the “acting” chair after Kristin Malone resigned in February), Vadim Mozyrsky as Vice Chair, and Adam Green as Recorder.

IPR’s monthly reports to CRC revealed that as of July 1 they had received 191 contacts since the protests began (plus thousands of what they called “form letters,”), 113 specific to the protests, leading to 51 investigations. Oddly, the list of IPR “independent” investigations* in July only lists two “Bureau-only” (officer on officer) and one Civilian case (two other civilian cases listed in the June report disappeared). In August, IPR released a report on the Bureau’s policy around using flashlights attached to weapons, calling for them only to be used when the weapons are needed rather than for basic flashlight use.

Contact IPR at 503-823-0146

*-unlike the Board envisioned in the Hardesty Charter amendment, IPR has to use Internal Affairs to compel officers to answer their questions.



Eight CRC members participated in the July 29 retreat on Zoom.

State Legislature Passes Package of Mild Accountability Bills More Work, Say Key Lawmakers, Remains to be Done

In late June, Governor Kate Brown convened the Oregon Legislature for a special session designed to quickly pass bills relating to police accountability. Other emergency bills related to the coronavirus pandemic and related economic crisis were also on the table. But given the size and scope of even just the statewide uprisings in the wake of George Floyd's murder by Minneapolis Police (p. 1), six law enforcement statutes took top billing. While the bills all moved the ball forward toward the goal of reining in out-of-control police, most were not as strong as they could have been, and some were weakened during the short session. The key piece of legislation Portland Copwatch (PCW) focused on was the arbitration bill, HB 1604, which limits arbitrators from lowering the amount of discipline proposed for an officer— so long as the arbitrator agrees the officer committed misconduct.

PCW has only been able to identify one case in which an officer's discipline was lowered by an arbitrator. It involved Captain Todd Wyatt, who inappropriately touched a subordinate female officer and engaged in road rage in another state (PPR #59). The arbitrator in that case thought a demotion was too heavy a penalty and ordered Wyatt be given 60 days off without pay. But in the cases which have driven community calls for more accountability, the issue has generally been that the arbitrator disagreed officers committed the violations identified by the City. Portland Copwatch presented eight such incidents ranging from the early 1980s to the present in a fact sheet after media began to hype the bill as a fix-all to the oversight system in early June.

Most prominently, the reversals happened in the cases of Aaron Campbell (PPR #56), James Chasse (PPR #57), and Kendra James (PPR #38). With Campbell's death, the arbitrator leaned on testimony from subordinates in the Training Division who undercut their Captain's assertion that Officer Ron Frashour had violated policy, reversing Frashour's firing and ordering him reinstated. The two Portland officers who beat Chasse to death were given time off for failing to report Chasse's injuries to paramedics, but the arbitrator didn't think that was misconduct and got them back pay for the suspensions. Another arbitrator thought Scott McCollister did the right thing by killing James before she could drive away and cause an accident, ordering his six month suspension overturned, again with back pay.

So while this bill might be useful, it is, as was acknowledged by its author Senator Lew Frederick, only a first step. Interestingly, the police collective bargaining lobbyists were most concerned about a clause stating the discipline had to adhere to a Discipline Matrix which had been subject to "union" negotiations, but worried the final Matrix could be approved over officers' objections.

Frederick and other members of the People of Color Caucus in the legislature also shepherded in bills to limit the use of tear gas, sound-based weapons, and choke holds, though all come with loopholes which allow those violent tactics in certain circumstances (HB 4203 and 4208). They created a statewide database of officers who have been disciplined— so long as that resulted in a revocation or suspension of state certification, a much narrower pool (HB 4207). They required officers to intervene when they see another officer engage in unreasonable use of force (HB 4205)— something essentially already in Portland Police policies, but welcome nonetheless.

Finally, a proposal based on the long-standing community demand for an independent prosecutor in cases of excessive and deadly force would have given such investigations over to the state Department of Justice. That bill (HB 4201) was sidelined to be reworked by a committee later this year.

On August 10, a second short session resulted in tweaks to the choke hold bill that expanded the limitations to corrections officers, while amending the state statute on police use of deadly force. Another minor change, but at least another step in the right direction.

Members of the Caucus noted that many Democrats had been unwilling to pass such legislation in past years. Presumably this is in part because of the numerous legislators who are former or current police, including retired PPB Lt. Jeff Barker (formerly head of the Police Association). All in all, Oregon is in better shape than it was at the end of the regular session, which ended with Republican walk-outs in March, but we still have a long way to go. Another session could take place before the end of 2020.

See PCW's fact sheet at <http://www.portlandcopwatch.org/arbitration_facts0620.html>.



Declaring a Truce
In a quick special session, lawmakers did something unusual. They got along, and passed reforms.

POLICE REFORMS
Here's what the special session accomplished on police accountability and what it didn't.

1. Officer misconduct will be tracked more closely. Officers will be required to intervene to assist in police accountability.

BY TESS RISKI AND RACHEL MONAHAN 6/24/2022
Lawmakers that week completed a special session notable for its efficiency, bipartisanship and an unprecedented passage of police accountability bills.

Willamette Week,
July 1

Houselessness and the Pandemic: Sweeps Resume Despite CDC Warnings

While being houseless is always extremely difficult, adding a raging pandemic to it makes life even more dangerous and stressful. Sheltering in place is not easy when your shelter is a tent on a sidewalk. Social Distancing is almost impossible, frequent hand washing is not easy when you are not near water. Supplies such as hand sanitizer and wipes are not accessible. It is estimated that there are 3800 houseless people in the Portland area. Encampments are set up in Laurelhurst Park, on Powell Boulevard on sidewalks and parking lots, in Old Town and around the Gateway Transit Center. While the CDC has indicated that existing camps should be left alone as sweeping them would cause spread of the virus, it seems as if the city of Portland is gearing up for more sweeps or, in their terms, "clean ups". These cause huge disruptions and usually loss of people's belongings. An employee of the Portland Office of Management

and Finance was quoted as saying while the City doesn't want to collect personal property, "we have to" (Oregonlive, July 22). The question, as always, is where do those who are "swept" go?

Recent actions by the Portland Police and the goon squads* sent to Portland by President Trump have also added to the misery of those who are houseless. Night after night, huge clouds of tear gas have been used by the police and federal law enforcement; their gas wafts into the tents on the sidewalks and is causing great harm to those living in them. A feeding facility was set up by volunteers in the Lownsdale and Chapman Parks and there was food and water available for people, including houseless folks. In late July, the federal cops marched into this area, slashed water bottles, pepper sprayed food supplies and destroyed barbecue grills and First Aid supplies (NBC News, July 23).

A member of Stop The Sweeps says some Neighborhood Associations in North Portland have started conversations on homelessness, and these dialogues have spread to other neighborhoods. One idea is gathering the Associations' opinions as to where within their boundaries would be feasible for sanctioned camps. Apparently, the City has put up various roadblocks regarding this concept.

*-Note: For example, *Oregonian* columnist Steve Duin referred to federal cops as "goons" in his July 24 column.

Portland will break up homeless camps of 8 tents or more, mayor says



WHEELER: NOW IS THE TIME TO BEGIN CLEAN-UPS
CORONAVIRUS PANDEMIC
KATU-2

PORTLAND, Ore. - Rules and guidance during the COVID-19 pandemic have changed over time, and that is also the case for how the City of Portland is handling homeless camps while fighting the virus.

KATU-2 on MSN.com, July 11



Portland Police , Feds Attack Nightly Protests for Black Lives (continued from p. 1)

Minnesota officers were on Floyd's neck. Defying the odds of either being exposed to COVID-19 or being injured by police violence, the crowds continued to be large until late June. Then, after President Trump and Attorney General Barr sent over 100 federal agents in (calling the mission "Operation Diligent Valor"), the attack on civil rights propelled the crowd number back into the thousands in July. As with Portland Police before them, daily confrontations involved the feds responding with overwhelming force to some bottles being thrown, property damage and small fires. Even though the majority of protestors are not engaged in any criminal activity, the response has been disproportionate and indiscriminate.

The chemical agents affect everyone, not just those participating in the protests. They affect houseless people (p. 4), neighbors who live near the buildings at the heart of the protest (such as the area around the Portland Police Association headquarters in North Portland), and the inmates at the Justice Center downtown, who are housed on several floors of the PPB's Central Precinct. The police claim that if they did not use tear gas, the "only" other option is to use batons and go hands-on—which they did start doing after the court's tear gas restrictions. They claim they cannot pick out the few people engaged in criminal behavior because it is too dangerous for the (heavily armed and armored) officers.

City Council and the media have echoed the focus on police violence, prompting some backlash from police and their supporters who say the failure to condemn those engaged in property damage is the same as condoning it. This time worn concept of "good protestor/bad protestor" is a classic way to try to divide the movement, which is universally calling for an end to the way the police behave. While some call for reforms and others call to abolish the police, people are united against the institutions which are put in place to enforce state power with violence, which more often than not harm people of color way out of proportion to their presence in society. The most recent stop data from the Bureau once again show roughly 18% of those stopped on foot/bicycles or in cars are African American in a city that is 6% Black. Force data show even higher disparities (see TAC article, p. 8).

Damian Lillard, a basketball legend who plays for the Portland Trailblazers, joined a march in early June, a rare instance of a local celebrity taking a risk and a stand. Mayor Ted Wheeler was hit with tear gas at the fence put up around the federal building in mid-July. While Wheeler complained about the painful experience and later apologized for Portland's use of the chemical, he made no move to fully ban the use of tear gas by Portland Police. This means the existing limitations from the lawsuit and in state law (p. 4), which allow use of chemical agents if a riot is declared or if there is a threat of harm, respectively, still govern the PPB. The Bureau's response has been to declare riots almost every day since those restrictions went into effect. In late July, a lawsuit trying to ban tear gas use by the feds was thrown out because the judge said the State was not the right party to file suit. The suit against the City also banned the use of Long Range Acoustic Devices, military grade amplifiers which can emit painful audio, except for making announcements. However, LRADs were reportedly used again for pain compliance over the weekend of July 24.

In addition to the general exciting atmosphere of many white people waking up to the problems faced by African Americans on a daily basis, the attacks on journalists also seem to have opened some of the reporters' eyes to the problems accountability activists have been talking about for years. The awareness includes not only the weaponry but the Bureau's lack of clear commands to disperse, coupled with their not actually leaving a route for people to get away. Moreover, rural Oregonians protested in towns including Ontario, Pendleton, Monmouth and Medford (*Oregonian*, June 6).

Dozens of people have been arrested at the protests, many for the dubious charge of interfering with a police officer (*PPR #33*), with similar charges for those arrested by federal police. It is unclear whether the charges will be pursued. After the May primary, when Multnomah County District Attorney Rod Underhill's preferred successor, former federal prosecutor Ethan Knight, lost roundly to progressive candidate Mike Schmidt, Underhill announced he would resign on August 1. About a week after being sworn in, Schmidt indicated he will only prosecute those who are accused of violent crimes, dismissing minor charges he indicated were targeting First Amendment activity.

In addition to bridges, police precincts/offices, and federal buildings, protestors have visited many corners of the city. Organizers included both old and new groups led by African American Portlanders. June events mostly started at the appropriately titled Revolution Hall in SE Portland and headed downtown, to North/Northeast Portland, onto freeways, into Southwest, and elsewhere. Generally decentralized neighborhood gatherings continue on a spontaneous or ongoing basis, including car caravans organized by Donna Hayes, whose grandson Quance was killed by the PPB in early 2017 (*PPR #71*).

One other aspect of the protest response which has fallen off the news radar: early on, Mayor Wheeler requested Governor Kate Brown activate the National Guard "to protect city facilities." To her credit, Brown recognized having armed Guardspeople on Portland's streets was a bad look in a movement for Black lives. However, probably in part due to threats from the President to send troops to city streets, Brown compromised and let (reportedly) unarmed Guard members do paperwork for the PPB while officers patrolled protests.

Brown struck a similar deal in late July involving Oregon State Police, who were deputized as US Marshals to guard the federal courthouse. Federal cops have not been seen since the deal was cut, though Portland Police and state troopers have continued violence at protests.

Not all Portland cops were out for the full three months. Wheeler allowed people to take time off to grieve George Floyd's death. Intended to

comfort Black, Indigenous and People of Color city workers, 249 of 483 employees who took time off were Portland Police (*Willamette Week*, July 8). At last count, only 33 officers are African American. White allies should contemplate Floyd's murder, but it feels as if the white cops took advantage of a program designed for people of color.

One of the most outrageous developments is that Portland officers have been allowed to wear "internal ID numbers" rather than nametags on their outermost garments (as required by Directive 312.50). The end result is a situation in which you need to know an officer's name to confirm the ID number, making accountability near-impossible.

Overall, Portland is facing a number of crises related to the uprisings and the subsequent protests. Some people fear de-funding the police will lead to more crime, though the broad movement's demands specify that money from bloated police budgets be redirected to community needs, including alternate approaches to crime prevention. The arrival and continued presence of the federal police indicates that the country is either on the precipice of, or already soaking in, fascist tendencies (we'd say it's the latter). Politicians are still debating minor tweaks to the system while giving lip service to the transformative moment we find ourselves in. One thing we certainly can say as an organization that has been pushing for police accountability for 28 years: while we've seen waves of activism pushing for change before, we've never seen anything like this. ■

Whose officers are at city's protests?

Use of outside agencies sparks questions of accountability



Police officers are enveloped by tear gas during a protest on May 29 in Portland. Officers from multiple agencies have helped the Portland Police Bureau at protests. Dave Gillies, file

Portland officials often tell protesters shot with less-than-lethal bullets, dispersed with chemical agents and subjected to other types of force to file complaints about police conduct with a small city oversight office.

Portland protests

Thursday marked the one-month anniversary of George Floyd's death. Protests around the city continued.

Oregonian, June 26

Portland Police Shoot At, Miss Houseless Man Unable to Speak; Gresham Cops Kill in Portland Man Injured by Officer Deadly Crash Gets \$125K; Efforts for Justice in Past Deadly Force Incidents Continue

Six months after their last use of deadly force and one month into daily protests against police misconduct, the Portland Police shot at—but missed—Gray Tristan Stockton, a houseless 25 year old man who is also mute, on June 25. A Gresham officer assisting Portland Police shot and killed a man in late May. Both suspects were white men. Meanwhile, community members continue to seek justice in previous deadly force cases.

Gray Stockton: Is Squatting a Capital Crime?

Portland Officer Laurent Bonczijk (#52761) reportedly fired his weapon at Stockton thinking the young man was armed. They had found him hiding in a closet in an otherwise abandoned home at the 7900 block of SE 6th during a call to check the status of that house. It's likely a combination of difficulty communicating with a person unable to talk and PPB heightened sensitivity to protecting property over life (see protests article, p. 1) led to the shooting. Luckily, Stockton lived to see another day. This was the first shooting since officers killed Koben Henriksen in December (PPR #79).

Israel Berry: Would Portland Police Have Killed Him?

Gresham Officer James Doyle (#58184) assisted "several" Portland officers investigating alleged threats made by Israel Berry, 49, on May 31. A witness told KPTV-12 the officers did not issue a warning before killing Berry, who had earlier been arguing with a woman (June 9). The witness noted the officers surrounded Berry in his car and the Gresham cop quickly shot and killed the man. Portland Copwatch (PCW) has repeatedly asked the question of who decides when to deploy lethal force when multiple agencies are involved. It would seem since this was a call inside Portland City limits (at SE 124th and Kelly St) the PPB should have been the primary agency making the plans and calling the shots, so to speak, leading to the question of whether Berry would be dead had only Portland Police been present.

Council Approves \$125,000 for Cab Driver Injured in Deadly Police Crash

We previously reported on the death of Christopher Cannard in 2018 when Officer Alfonso Valadez, Jr. engaged in a car chase which led to Cannard having a head-on crash on the interstate and dying (PPR #75). The person whose car was struck by Cannard, cab driver Ethiopia Amdino, suffered serious injuries and filed suit against the City. On May 27, City Council agreed to a payment of \$125,000 for Mr. Amdino. Commissioner Jo Ann Hardesty thanked PCW for highlighting that this case had to do with police negligence, since the City's paperwork was vague about the circumstances involved. As a reminder, Valadez resigned while under investigation for the crash, having previously been fired for an off-duty sexual assault—but reinstated by an arbitrator who doubted the female victim's claim the sex was not consensual.

Keaton Otis Remembered 10 Years Later

On May 12, organizers of the Justice for Keaton Otis (JFKO) Committee put together an online memorial for Keaton, who was killed on that date in 2010 when three officers fired 32 bullets and hit him 23 times (PPR #51). Speakers talking about racism and police violence continuing during the pandemic were eerily predictive of the death of George Floyd two weeks later. In addition to other family members of people killed by police (such as Joe Bean Keller, whose son Deontae was killed in 1996) and community organizers (including a pre-recorded statement by Dr. Leroy Haynes, Jr. of the Albina Ministerial Alliance Coalition for Justice and Police Reform), the event featured two artists who are working on a permanent memorial for Keaton at NE 6th and Halsey. PCW's Dan Handelman also spoke at the event, which was hosted by activist, author and academic Walidah Imarisha. The original two hour video can be seen at the JFKO facebook page: <<http://www.facebook.com/pages/Justice-for-Keaton-Otis/127054844033835>>.

Patrick Kimmons' Family Continues Spotlighting 2018 Death

Letha Winston, whose son Patrick Kimmons was killed by Portland Police in September 2018 (PPR #76), demanded a new criminal review of the shooting during a daytime protest on June 25 as part of the uprising after the death of George Floyd. She led a march from City Hall to the site of her son's death (Oregonian, June 26). Participants in a protest outside the home of Mayor Ted Wheeler a week earlier named a group of blocks they'd barricaded the "Patrick Kimmons Autonomous Zone" (Oregonian, June 19).

PSU Students Revive Efforts to Disarm Campus Police

In mid-June, just before the two year anniversary of the shooting death of Jason Washington by Portland State University Campus Police (PPR #76), protestors marched to the public safety office and called once more to disarm university cops. Washington's daughter said her father died "because PSU made the horrific decision to legally arm their security against the wishes of students, faculty and staff" (Oregonian, June 13). The day of the anniversary, June 29, PSU announced a memorial fund will be established in Washington's name (KOIN-6, June 29). In early August, PSU announced that Campus Police will patrol in the fall without firearms. ■



The family of John Eilfritz, who was shot in a houseless shelter in 2019, had their lawsuit dismissed on May 14 with the judge saying Eilfritz was likely to attack police, but admitting police might have violated some Bureau policies (Oregonlive, May 14).

West Linn Police Department fires sergeant involved in wrongful arrest of Michael Fesser

FOX 12 OREGON KPTV-12, June 16

Michael Fesser. KPTV file photo.

WEST LINN, OR (KPTV) — The West Linn Police Department has fired a Sgt. Tony Reeves, a detective involved in a wrongful arrest dating back to 2017, the acting police chief says.

WEST LINN RACIALLY BIASED ARREST: FORMER PPB COP INVESTIGATED, DETECTIVE FIRED

In the May 2020 issue of the *People's Police Report* we wrote about the case of Michael Fesser, a Black man who settled a racial bias claim against the City of West Linn for \$600,000. Former Police Chief Terry Timeus had investigated Fesser based on false allegations as a favor to a friend who owns a tow yard where Fesser worked and had filed complaints of racial bias. The case was primarily handled by West Linn Detective Tony Reeves, supported by then-Chief of West Linn Police and former Portland Police Officer Terry Kruger. Kruger was placed on administrative leave in April while he is being investigated. Current West Linn Chief Peter Mahuna fired Reeves in June. The Clackamas County District Attorney found Reeves had engaged in misconduct, one reason he was fired. The DA has also recommended that Reeves and Timeus have their police certifications revoked (OPB, June 17).

Kruger, who defended Fesser's arrest, maintains that his involvement was mischaracterized and his friendship with Benson was only casual (Portland Tribune, July 25). On July 8, Fesser met with the West Linn City Council and the community to discuss his case, racism and reform action. Further discussions of these issues are expected to be ongoing. ■

Oregon Officer Shootings Slightly Slowed by Pandemic

As statewide (and international) protests against police brutality continue, law enforcement officers in Oregon are unlikely to match the high number of deadly force incidents perpetrated in the last couple of years. As of August 13, there have been at least 19 incidents in 2020, indicating this year's total might fall short of the 35-37 in 2018-2019. The number is still high considering the coronavirus outbreak (and related stay at home orders /reduced in-person policing), and the uncharacteristic low number of shootings in Portland. We reported on the first 11 incidents in the last newsletter, and the recent Portland and Gresham shootings on page 6. Here are the other six incidents.

—On August 9, unnamed Milwaukie Police shot and killed Robert Woodside, 51, during a domestic disturbance call. Officers say he approached them with a knife (Oregonlive, August 9).

—On July 21, Jackson County Deputy Trevor Waldeyer shot and wounded Terril Boss, 35, outside a Dairy Queen in White City. Police say Boss reached for a weapon in his waistband (KDRV-12, August 6).

—On July 3, “Sandy Police Officer Michael Bayes shot and killed Doug Diamond, 58, after police and deputies responded to a report about an armed and suicidal person at the Mt. Hood Village RV Resort” (Oregonlive, July 16). There was a second shooting victim in this incident— Bayes also shot and wounded Clackamas County Sergeant Sean Collinson twice in the arm. The responding officers began by trying to negotiate with Diamond, then used less-lethal weapons (including a Taser) before Diamond allegedly pulled out a gun.

—On May 28, Washington County Sheriff’s Corporals Micah Akin and John Auth, and Deputies Steve Nichols and Jacob Anderson shot and killed Robert Anthony “Jordan” Whitehead, 26, who was allegedly armed with a knife, as they responded to a call about shouting coming from his apartment (Oregonlive, May 29, KPTV-12, June 3).

—On May 14, Oregon State Police Sgt. Kaipo Raiser, Recruit Jered Coates and Senior Troopers Mark Jubitz and Fred Testa were involved in an exchange of gunfire with Grayson DW Morris, 26, a homicide suspect in Washington state. After the gun battle, Trooper Joshua McNeely used “spikes strips and a tactical pursuit maneuver” to stop Morris’ car and took him into custody, initially transporting him to a hospital to attend to gunshot wounds. Adams County, WA and Multnomah County Sheriff’s Deputies were also involved in the incident (Oregonlive, May 14 and KPTV-12, May 21).

—On May 3, an unnamed Warm Springs Tribal Police officer shot and wounded Macklin Kalama, 43, when he allegedly held a gun and told officers to shoot him. The FBI is investigating (Oregonlive, May 5).

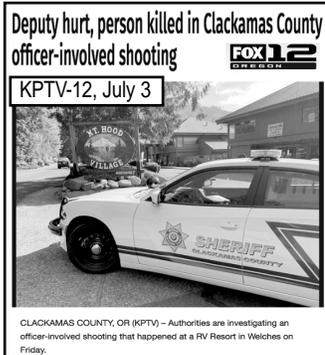
Oregon Shooting Updates:

Regarding the April 11 shooting in Clackamas County (PPR #80): In June, Clackamas County Deputies Nate Ariel, Tanner Davis and Janson Bento were cleared of criminal charges in the shooting death of a man identified as Brody Stronks, 27 (Oregonlive, June 9).

Regarding the April 10 shooting in Klamath County (also PPR #80): In May, a grand jury found no criminal conduct by OSP Trooper Justin Henrick and Klamath County Sheriff’s Deputy Maria Gray in the shooting death of Matt Goff* (KTVZ-21, May 13).

The family of Stacy Kenney, a trans woman killed by Springfield Police in 2019 (PPR #77) was awarded a record large settlement of \$4.5 million in July; the City also agreed to revise its policies and reporting around Use of Force (Eugene Register Guard, July 21).

*- We accidentally wrote Mr. Goff’s name as “Hoff” in the last issue, we apologize for the error.



City Extends Portland Police Association Contract with No Significant Policy Changes

Circumstances surrounding the pandemic led to a hasty renewal of the Portland Police Association (PPA) collective bargaining contract, despite a community campaign lasting over a year pushing for substantive changes (PPRs #79-80). While the one year renewal bought some time to re-imagine what can be done to minimize community harm while protecting the rights of officers to earnings and benefits, it left Portland waiting at least another year to have an empowered oversight system. The one concession made by the PPA was to allow five teams, rather than just one, to be part of the pilot program for the Portland Street Response as an alternative to police responding to houseless persons and mental health crises.

In a subdued and lightly attended July 1 Council meeting over Zoom, the Council voted 4-0 to adopt the extended contract. Whereas people packed City Council chambers (ah, those were the days) in 2016, ending with police pushing people down the stairs and attacking them outside after that contract vote (PPR #70), only nine people testified about the renewal. This was quite disappointing considering it occurred while hundreds of people had been demonstrating nightly for police accountability, including a raucous showing at the PPA headquarters the previous night.

Portland Copwatch and other community groups have been demanding that the contract be changed to allow an independent civilian agency to investigate deadly force cases, which is currently prohibited. That agency also needs to be able to compel officers to testify and not be required to interview officers in police facilities, among other issues limited by the current contract. The community letter we signed also called for drug testing of officers after deadly force incidents, which is not allowed now.

The same day, the Council also adopted a separate labor agreement for 911 operators, who merged with the PPA a few years ago (PPR #77). In a surprise move at the end of May, City Council had rejected a previous version of that contract because the PPA refused to make concessions for the tough economic times caused by the pandemic. In the adopted contracts, PPA agreed to defer a Cost of Living Adjustment until after June 30, 2021. This puts them in step with other bargaining units who agreed to take some hits to ride out the financial impact. However, for the city to guarantee this money now means that if the economy does not recover by next year, the police will draw down an even more disproportionate amount of the city budget by default.

Finally, in terms of the transparency which had been unprecedented until the agreement was announced, it is clear there were negotiations which took place to put the contract together. The last known negotiating session, held at PPA headquarters on March 13, was reported to have been used to finalize the ground rules for negotiations. Those rules include that every other meeting be held in public. The contract was signed on June 8, about two weeks into the uprisings after the murder of George Floyd in Minneapolis. While city officials hinted they were thinking about extending the contract in various public forums, nobody was told about sessions held to create the agreement which Council adopted on July 1. Apparently, the ground rule prohibiting recording of meetings (which would be hard to enforce over the internet) outweighed the rule requiring half the meetings to take place in public. ■



Second Police Review Board Report of 2020: Three Cleared Shootings, Mostly Minimal Discipline

The Portland Police Bureau released the second Police Review Board (PRB) Report of the year in late July. The PRB looks at cases with Sustained findings in order to recommend discipline, sometimes proposes changes to findings, and reviews all deadly force incidents. The new Report reveals that the Board disagreed with the first-ever City Council finding of misconduct, but since they were not allowed to change the finding, instead recommended the most minimal discipline.

Of 28 officers who received discipline in 11 of the 14 included cases, only six received time off without pay. The Board also, as usual, found no misconduct in any of the deadly force cases they reviewed; however, they did ask for an officer to be debriefed... because he failed to wait for backup to arrive before taking the suspect into custody.



In the PPB's 2018 Annual Report, an officer types on their onboard computer while driving.

Of the 11 non-shooting incidents, five directly came from community member complaints and another five were mis-identified as "Bureau only" cases, even though they all involved civilians in one way or another. This classification is also incorrectly assigned to deadly force cases, which of course involve civilians (duh). For example, an officer who looked down at their in-car computer, ran through a stop sign and got hit by a car which had the right of way received one day off without pay, but their case was listed as "Bureau-only." There is no broader impact in the sense that the civilian whose car got damaged would not want to appeal the Sustained finding in this incident, but classifying cases this way takes away that right of appeal in others, including the shootings.

Disturbingly, cases in which officers arrested two people without probable cause and failed to report using force at a protest (a baton push) ended in the lowest level discipline of Command Counseling.

The three deadly force cases considered were:

1) The January 2019 incident where Officer Onest Robert shot at Anita Ruiz but missed (PPR #77), which led to the debriefing about backup.

2) The April 2019 case where David Downs had taken a woman at knife-point and was killed by Officer Nathan Kirby-Glatowski (PPR #78). Though the officer could have injured or killed the woman, the Board felt there were "no other options" than deadly force. The perfunctory three-page summary contains no discussion and no recommendations.

3) The July 2019 shooting death of Lane Martin, who was killed by Officer Gary Doran when he thought Martin was grabbing a knife. Martin was in mental health crisis, and had earlier dropped an axe when another officer hit him with a "less lethal" round (also PPR #78). The extensive documentation in this case summary all points to exonerating the officers, with recommendations such as asking not to bother involved officers for a "public safety statement" if the information can be obtained by other means.

The most remarkable thing about these three case summaries is that they all appeared to involve people in mental health crisis (Ruiz had a knife and said she was going to kill someone, Downs held a fake detonator, claiming he had a bomb), but the only hint of this likelihood is a description of Martin being "angry and erratic." Since the US Department of Justice directed the PPB to use less force against people in mental health crisis (p. 1), it is inconceivable that the Board would not raise this issue.

Apart from the car crashing cop, the five other cases that ended in time off without pay were varied. (a) Four officers failed to take shoes from a prisoner who used the laces to hang themselves. One cop saw the shoelaces and was suspended for a day for failing to act on the procedural violation, since signs outside holding rooms explain what items can go in. The other three officers received Letters of Reprimand. (b) An officer who failed to file a required report after being ordered to do so got three weeks off without pay. The Board asked Chief Resch to fire the cop for lying, but she overturned the finding. (c) An officer who did not take a child abuse report got one week off without pay. (d) One of the eleven officers who used personal cell phones to share part of a traffic crash report involving a cop received one day off because they sent the information to nine people, including some outside the Bureau; nine officers got Command Counseling and one a Letter of Reprimand. (e) An officer who continued a car chase after being told to stop got one day off. All these cases involved community members, but only the child abuse report incident is listed as a civilian involved case.

The incident that went to Council, in which they found Officer Neil Parker retaliated against Kristin Bowling by giving her a jaywalking ticket (PPR #78), ended with a Letter of Reprimand. The Board (which includes one civilian and an "Independent" Police Review manager) disagreed that Parker retaliated, and ignored the discipline matrix requirement which calls for a minimum of two days off without pay.

See PCW's analysis of the August Report: <portlandcopwatch.org/PRBanalysis0820.html>.



TRAINING ADVISORY COUNCIL GETS ACTIVE ON JUSTICE ISSUES

Despite canceling their May meeting due to the pandemic, the Training Advisory Council made up for lost time at their online meeting on July 8. They voted on no less than eight items, including asking the PPB to revisit its (ridiculous) refusal to include demographic data along with quarterly Force reports, heard a presentation on two sets of force data from the still quite oblivious to community concerns Lt. Jeff Niiya, and elected their officers, including a second term for Chair Shawn Campbell.

Remarkably, three of the recommendations were to sign on to those already made by the Portland Committee for Community Engaged Policing (PCCEP). Portland Copwatch has long complained that the City and the Bureau seem intent on keeping the various advisory bodies "atomized" so they can't compare notes and see common ground. That changed with the murder of George Floyd in late May, leading to Campbell, Citizen Review Committee Chair Candace Avalos, and PCCEP co-chair Lakayana Drury putting out a strong statement asking that they be involved in any discussions about changes being made to the Bureau and its oversight systems. The TAC as a whole voted to support PCCEP's December recommendations around the Portland Police Association contract (which themselves echo a community letter on that topic), as well as their June motions around officer duty to intervene and applying restorative justice to police encounters, especially with youth (also see DOJ/PCCEP article, p. 1).

The group also supported Chair Campbell's analysis of PPB Force data which show, once again, a disparity in how often African Americans are subjected to force. While that is clear to anyone with a brain—the numbers from Q4 2019 and Q1 2020 show that 25-29% of people receiving police violence were black in a city that is 6% African American—Lt. Niiya made no note of this ongoing problem. When the Lieutenant, famous for his friendly texts with alt-right leader Joey Gibson (PPR #77), was asked how he planned to integrate the staggering number of force incidents at the ongoing police accountability protests into the next report, he said "Oh, you feel my pain." This was a deeply off-key comment to make in the context of people being hit with chemical agents, "less lethal" rounds and other munitions. Niiya also noted that there was one use of deadly force in Q4 2019 but could not remember who it was, being so long ago. During public comment, PCW's Dan Handelman noted that it was Koben Henriksen, a man in mental health crisis, whose similar behavior had been deescalated by officers days before he was killed, and that the PPB should know and say his name.



Chair Shawn Campbell at the July TAC meeting on Zoom.



programs, Commissioner Chloe Eudaly ultimately voted no on the overall budget, citing that the Council was falling short of community expectations.

The GVRT (and its previous incarnation, the Gang Enforcement Team), notoriously over-police Portland's relatively small Black population, with about 60% of their stops being of African Americans in a city that is 6% Black.

While some in the community, including the very vocal mother of Patrick Kimmons, who was killed by patrol officers in September 2018 (PPR #76 and p. 6), are concerned the GVRT's ability to build relationships will be lost, institutionally speaking it's only a plus to disband a group with a track record so poor.

The eight SERT officers had only just been added to the 2020-2021 budget by the Bureau, so their elimination was more of a zero-sum change.

The Transit Division has long been a nightmare, particularly because the Portland Police were in command, but officers from more than ten neighboring jurisdictions participate. This has led to many times where officers were not able to be held accountable because they are not directly responsive to PPB policies—or its complaint system (see PPR #45, for example). TriMet, the regional agency which runs the area transit, has promised to find a way to keep security grounded in a law enforcement model, but will move funds for six of 76 positions into "community-based public safety approaches" (Oregonian, June 19). Of the 76 officers, 32 are currently from Portland; they are reportedly going to stay on the Transit Division until December (Oregonian, June 20). While the Multnomah County Sheriff said they might take over supervision, that decision is still in flux. ■



A person breaks behind a line of police to sing on Oregon Street in Portland, Oregon, during a protest on June 3.

PORTLAND CITY COUNCIL VOTES TO CUT \$15 MILLION FROM POLICE BUDGET

THE APPEAL

The cuts will defund a controversial gang policing unit and end the city's policing partnership with TriMet, the regional transit agency.

On Wednesday, the City Council in Portland, Oregon, voted to adopt a budget that will cut about \$15 million in funding for several significant Portland Police Bureau programs. Four members agreed to in principle.

The Appeal, June 17

NO MORE SCHOOL RESOURCE OFFICERS... FOR NOW

On June 3, after the death of George Floyd and the subsequent days of sustained protests in Portland, Commissioner Jo Ann Hardesty proposed to defund the School Resource Officer (SRO) program, as she did in 2019 (PPR #78). The next day Guadalupe Guerrero, Superintendent of Portland Public Schools (PPS), made a dramatic reversal and announced PPS will discontinue the district's SRO program. That day, under mounting pressure, Mayor Wheeler also announced he would be discontinuing the SRO program for all three Portland school districts, transferring the 13 police officers in the program to other departments. However, the community should not rest easy—it is an easy lift to take officers out of schools which are closed due to the pandemic. Nonetheless, Portland Copwatch believes schools should provide care, not cops and applauds PPS's decision to remove SROs, which comes with the promise to hire more school support staff.

PPB Policies: Portland Copwatch Continues Sending Feedback, Maybe One Day They'll Listen

In June, as part of comments on the Portland Police Bureau's policy ("Directive") on Crowd Control, Portland Copwatch (PCW) noted that language matters. The existing policy tells officers they may not "deploy specialty impact munitions or aerosol restraints indiscriminately into a crowd." Up to and after we made the comments, the PPB continued doing just that, but claiming that their use was not "indiscriminate." They also denied using tear gas because the chemical agents they use are not literally tear gas. It is this kind of word game that makes one wonder how officers will ever be held accountable. Nonetheless, we continue to comment so long as the police are asking for public input, with our thoughts sent to them regarding nine policies between mid-April and late June.

June:

Also in the crowd control comments, we noted (once more) that the current policy only prohibits police from targeting "media or legal observers... solely for their role in observing, capturing, and/or reporting on demonstrations or events," adding that if observers do not comply with "all police orders" they may be arrested. We're still not sure this is contemplated by the First Amendment (see protests article, p. 1).

The Bureau also posted its policy on "Secondary Employment," covering when private entities hire uniformed cops to handle security. Referring to it as the "Mercenary Employment Directive," we noted "the mere existence of this Directive and the Secondary Employment program underscores that the police are, in essence, an entity designed to protect corporations and the rich and powerful rather than the people the Bureau is supposed to 'protect and serve.'"

May:

We sent in comments about the National Incident Management System, which is used for "complex incident[s], such as a protest or natural emergency/disaster." It is of great concern that this system is based on Homeland Security Guidelines, and we encouraged Portland to find its own system to be more community-friendly.

They also asked for input on the Foot Pursuit Directive, prompting PCW to recall several PPB deadly force incidents flowing from such chases (including the woundings of Marcello Vaida and Scott Suran and deaths of James Chasse and Terrell Johnson) and remind the City about recommendations from the dismantled Community Oversight Advisory Board (PPR #71). Their replacement group, the Portland Committee on Community Engaged Policing, offered comments on this Directive in June, a welcome effort.

We also repeated old comments about the "Critical Incident Altered Duty" policy, which refers to "atypically traumatic event[s]" but doesn't clearly define what they mean and why officers would be placed on leave for things other than witnessing or being engaged in a deadly force incident.

April:

PCW sent in mostly repeated comments about four Mental Health Directives, which are crucial to the US Department of Justice Settlement Agreement requiring less force against people in crisis. The Bureau has continued to ignore our comments, including that they should acknowledge a uniformed officer can create trauma by their mere presence.

At the end of our comments on mercenary employment, we wrote: "Listening to the voices on the streets these days, you may find that many of our suggestions are more mainstream than how they've been treated over the years."

Find the PPB's Directives, including those posted for public comment, at <portlandoregon.gov/29867>.

ACLU Oregon email content: ACLU wrote a 28-page commentary on the crowd policy. Recipient: The Honorable Ted Wheeler, Portland City Hall. Date: June 15, 2020. Subject: Comments from American Civil Liberties Union of Oregon on Portland Police Bureau Directive 635.10 Crowd Management/Crowd Control.

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 ppaivil.org.

TRAPPING BACK

Portland Copwatch analyzes the police 'union' newsletter
-continued -



CONDONING POLICE VIOLENCE (continued from back page)

were inside so it was not "empty" as she claimed. What they were doing there late on a Monday night is unknown. Turner complains that people had "hijacked" the racial equity message, wondering why Kotek didn't express concern that people had set fires at the North Precinct on June 26. It's likely he does not realize that building is not in Kotek's legislative district, which was why she spoke out in the first place about the use of chemical weapons in a mixed-residential neighborhood. Turner says that people have no right to "riot, loot, burn and destroy," continuing to never once mention that the members of his Association fired chemicals and projectiles as well as bull-rushing a crowd they had told to leave but had surrounded. He quotes community elder Ron Herndon, who led the Black community in protests against police violence in the 70s and 80s, as saying the officers were showing "restraint." Perhaps compared to beating people on the head with batons and shooting them, yes, but many would argue that the PPB is still out of control.

On July 6, Turner threw down the gauntlet to the Mayor and City Council saying "this cannot continue," pointing out that protests had continued for 40 days— and stating officers showed "amazing restraint." It's not clear exactly what he meant when he added that widespread video of protestors being attacked by police "saturated our eyes and ears, sowing discontent."

The two other posts related to the uprising are TV news stories: an interview with Turner about "how to move forward as a society" from KOIN-6 (June 2)* and one from KGW-8 with Officer Jakhari Jackson about racism he allegedly endured while policing the protests (July 10).
*The Facebook post incorrectly indicates this story is from KATU-2.

This is a backwards way of recognizing that the police are reacting to protests against police violence by engaging in police violence. It's not as if the media are making fake videos of officer

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Call us at (503) 236-3065 or email copwatch@portlandcopwatch.org for more info. Report incidents with the police or Sheriff's deputies to the Copwatch Incident Report Line at (503) 321-5120 or incidentreport@portlandcopwatch.org.

conduct; in fact it is officers' inclusion of the media as recipients of violence that has opened the eyes of many local reporters. Turner describes "disrespect for people, property and the law" as the epitome of white privilege, again ignoring the core message of the protests that police uphold the institutions of white supremacy. Turner called on Council to "do their jobs." Eleven days later, he met with the head of Homeland Security after Mayor Wheeler refused to do so— it is definitely not up to the police "union" to create the policies around how Portland polices its populace nor to welcome unaccountable federal agents to our streets.

After an unfortunate accusation made by Commissioner Jo Ann Hardesty in a national magazine (that the PPB was setting the fires at the protests), for which she apologized, Turner posted a rant on July 22. He talks about the importance of the movement recognizing the need to "safeguard treatment of black and brown people by the police" but accuses Hardesty of using her "privilege" (as an elected official, presumably, not as a black woman, which Turner fails to mention) to use the protests to promote her "personal political agenda."



In a totally not self-serving photo, PPA President Daryl Turner hands a normal-sized check to the Sunshine Division, which delivers supplies to needy families. Pushing for others to donate, Turner never mentions the Division is a spin-off of Portland Police. He also doesn't explain handing over the check in person in the middle of a pandemic, though he gets one gold star for wearing a mask (May 20).

After two nights of protests outside the Bureau's East Precinct, Turner let loose again, this time in a letter to Mayor Wheeler and newly elected District Attorney Mike Schmidt. He accuses Schmidt's platform of promoting police accountability of being a "veiled threat to prosecute police." Turner also says City Council is "handcuffing" the police by preventing them from responding to crowds unless they escalate to violent criminal behavior. This last comment, added to his plea to give police the "latitude to prevent crime," is reminiscent of those who said America fought the Viet Nam war with one hand tied behind their back. Turner is asking for a blessing to use more police violence, which again undermines his positive words about change.

Budget Bullying

In a lengthy post on June 9, Turner complains about the City's plans to cut back School Resource Officers and the Gun Violence Reduction Team (p. 1). Focusing on these specialty units' ability to build relationships with people, Turner ignores the disparate racial impact of both programs. He refers to them both as "tools." Turner also states officers respond to people in mental health crisis "but then are chastised for responding," pointing to "inconsistent policies and unclear mandates." This is interesting coming seven years into an Agreement with the US Department of Justice designed to lower the amount of force officers use on people, especially those in crisis. He points to the "broken" social service system and claims police are "the last rung on the ladder and the easy scapegoat for politicians." Strangely enough, one word that is not mentioned at all is the word "contract." This rant was posted one day after the PPA finished their secret negotiations to extend their contract for a year, with guaranteed raises in 2021 (p. 7). On August 5, Turner tried connecting the admittedly alarming increase in homicides in Portland to the dissolution of the GVRT. However, similar homicide rates have occurred in New York and elsewhere, likely related to the pandemic and economic crisis, since Gun Teams aren't being dissolved all over the US. ■

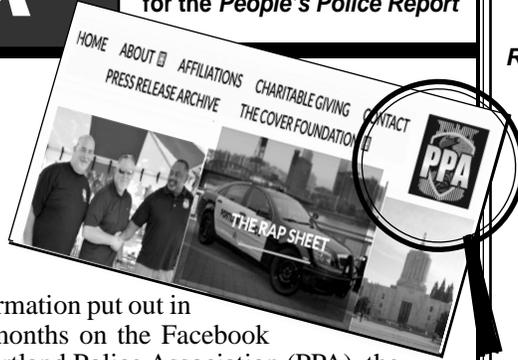
RAPPING BACK

Portland Copwatch member Dan Handelman analyzes Police "Union" social media (formerly the "Rap Sheet" newsletter) for the *People's Police Report*

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Focusing on Feds Fosters Faulty Force Fellowship



Most of the information put out in the last few months on the Facebook page of the Portland Police Association (PPA), the "union" representing rank-and-file officers, Sergeants, Detectives and 911 operators, has focused on the uprisings after the murder of George Floyd in Minneapolis. Surprisingly, the first such post on May 28 featured PPA President Daryl Turner declaring that what happened to Floyd was "*revolting, incomprehensible and unacceptable.*" This proves the adage that even a broken clock is right twice a day. Turner went on to state that the murder should "*send a chill down the spine of all law enforcement officers and citizens,*" vowing that "*this will not happen in my community, in my department, in my organization or on my watch.*" To which our response is, do you mean it will not happen "again?" (See: deaths of Dickie Dow, Damon Lowery, James Chasse, Darius Johnson and Richard Barry in custody as well as countless shooting deaths.)

That said, this was the first of ten posts related to the death of George Floyd and the subsequent uprising for racial justice and police accountability. Unlike PPA output in the last few years, this means these topical remarks represented the majority (63%) of 16 posts, while the usual dominant topic of "bluwashing" police-friendly stories fell to a far second with just four posts (25%). The remaining two posts focused on the city's budget.

Spinning the Narrative: Police Monopoly on Violence Outweighs Pledges for Change

Generally speaking, the PPA's rhetoric from the start has been that they are willing to sit down and talk about the police reforms being demanded by people protesting on a daily basis here in Portland (p. 1). However, it eventually becomes clear that for the PPA, this willingness to talk has to be filtered through a police lens. An un-narrated video taken by police criminalists from behind a fence surrounding Central Precinct showed up on June 6. When plumes of smoke start rising up near the fence, it is not clear that those are from police chemical weapons rather than the protestors, which is the implication. Yes, water bottles can be seen coming toward the line of cops—and missing—before the stormtrooper-like squadron retreats to avoid their own gas.

By June 23 Turner is talking about how officers "*served with honor*" while they "*endured having rocks, bottles, fireworks, urine, feces and bricks*" thrown at them, along with "*hateful words.*" He says the protests are being "*used to promote false narratives of those with self-serving political agendas.*" We have addressed this before but will say it again: people who want to get the proverbial and literal foot of the police off of their neck may be self-serving, but their instinct



for self-preservation is more altruistic than a collective bargaining unit made up of armed state actors seeking to pad its coffers, build its membership and amass political power. Incidentally this pep talk was part of a post meant to assure officers that they would all be allowed to take time off to grieve George Floyd's death per a city policy, but people would have to wait in line to get approval.

On July 1, another post recognizes officers' "*tireless work,*" particularly highlighting their actions outside PPA headquarters on June 30. Turner refers to the protest there as a "*riot*" at the same time he admits there was only minor damage to one window of the office and, he emphasizes, contrary to rumor, nobody broke in and took information. He thanks officers for their perseverance in what he calls "*dark times,*" which is an interesting turn of phrase for an African American cop amidst an uprising against institutional racism.

The next day, Turner released an angry letter to Oregon House Speaker Tina Kotek for her questioning the violent police tactics at the PPA office, noting that he and another cop (continued on p. 11)