When Portland Police shot and mortally wounded Immanuel Clark-Johnson, 30, on early November 19, it was their ninth deadly force incident of 2022. According to Portland Copwatch (PCW)’s records, that makes the most police shootings since 2001, when nine people were also shot at. Clark-Johnson’s death was the first time PCW knows of that an officer shot and killed a Black person since Andre Gladen in January 2019 (PPR #77). The first Black man to be shot by the PPB since Gladen was Antoine Young, 33, who was wounded just under two weeks earlier on November 7. Perhaps the PPB wanted to support President Biden’s call to hire more cops when, just as he was visiting Portland on October 14, they shot and wounded Jeremy Rieck, 45. Rieck allegedly was threatening people with a “sharpened tent stake” while downtown (Oregonian, November 12).

More details came out about the August 16 shooting where Robert Connelly was not hit by any bullets while at a car repair business (PPR #87). What’s common about all of these incidents is that the police waited weeks or months to release the names of the officers involved, despite a written policy.

City Pays Out Almost $350,000 More for Four Protest Cases
Portland Copwatch Releases Updated Top 25 Settlements Data

In a rare case that went all the way to a jury, community medic Erin Wenzel was awarded $40,272 in early October for injuries she incurred when Portland officers pushed her to the ground during an August 2020 protest (Oregon Public Broadcasting, October 4). A similar case involving another medic, Evelyn Cushing, was settled for $47,500 by an October 26 City Council vote. Cushing was also pushed to the ground and injured by police. A third person, Anne Sires, settled for $7000 in late August for another protest incident (“encounter” in the City’s verbiage) from August 2020. In a huge win, the City agreed to pay five community members $250,000 (and the group Don’t Shoot Portland a nominal $1) for force used at the 2020 protests. Meanwhile, Portland Copwatch updated its online list of the top 25 settlements/jury awards since 1993, where those highest amounts add up to just under $15 million out of nearly $21 million spent on police misconduct over the last 30 years.

Judge Losing Patience in Case of US DOJ v City of Portland as Compliance Officer Prepares to Step Down
Slow Fixes to Community Committee, Body Cams, Offensive Training Cited; Mental Health Group Shuns Public

The City of Portland was summoned to federal court for the third time this year on November 9, when Judge Michael Simon held a status conference to check progress on the US Department of Justice (DOJ) Settlement Agreement since the July hearing (PPR #87). Dennis Rosenbaum, the Compliance Officer/Community Liaison (COCL), announced his intention to retire and leave the contracted position in June 2023. The judge strongly hinted that with the Portland Committee on Community Engaged Policing (PCCEP) still not fully functioning, and leave the contracted position in June 2023. The judge strongly hinted that with the Portland Police Shoot Three More Times in Worst Year Since 2001, Delays Naming Cops First Two Black Men Shot by PPB Since 2019—One Lives, One Dies

The city and the police “union” still not in agreement about how to implement body cameras, Portland Committee on Community Engaged Policing (PCCEP) still not fully functioning, and leave the contracted position in June 2023. The judge strongly hinted that with the Portland Police Shoot Three More Times in Worst Year Since 2001, Delays Naming Cops First Two Black Men Shot by PPB Since 2019—One Lives, One Dies

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Despite the Judge's hinting, the COCL found that three paragraphs moved back into “Substantial Compliance,” they also found ones around interviewing witness officers and the functioning of the Citizen Review Committee to be lacking (“Partial Compliance”). Overall, 24 paragraphs are not up to speed, along with all but one of the eight new remedies approved in April to resolve the PPB’s lack of compliance during the 2020 protests. One of those, the implementation of body cameras, was supposed to have gone into effect by October. While PCW continues to have reservations about bodycams, Judge Simon was quite right to...
The Commission on Statewide Law Enforcement Standards of Conduct and Discipline (LESC) was established by the Oregon legislature in June 2021 to adopt rules that prescribe disciplinary standards for law enforcement officers in Oregon. Despite copious public input pointing out that the LESC’s proposed standards would allow, for instance, an officer who wrongfully used deadly force to receive a letter of reprimand rather than being fired, the Commission forwarded its proposals mostly unchanged in early October.

The law (HB 2930) described the LESC’s makeup of 15 members, including the director of the Department of Public Safety Standards and Training (DPSSST), the Attorney General (or a designee), two advisory members of the legislature and 11 members appointed by the DPSST director and the AG. Those eleven are: two chief law enforcement officers, two from law enforcement labor organizations, one from a federally recognized Indian tribe or association of tribes, two to represent the interests of cities and counties, a public defender, a prosecutor, and two people from historically marginalized groups.

So if you’re keeping score at home, that is 13 people with jobs related to the criminal injustice system, and just two people who represent the community. The person chosen from a tribe is also a Chief of Police, which means the Commission actually has three chief law enforcement officers. Also, the two members who were most responsible for settling Portland Police Association’s recent contract, Steven Schuback, a private labor attorney acting as a member of local government (the City of Portland), and Anil Karia, who represents police “unions,” were the most active participants other than Co-chair Michael Slauson, chief counsel of the Criminal Justice Division of the Oregon DOJ, ran most of the meetings.

The Commission was tasked with addressing standards for, at a minimum, the following seven behaviors: unjustified or excessive use of physical or deadly force; sexual harassment; sexual assault; conduct that is motivated by or based on a real or perceived factor of an individual’s race, ethnicity, national origin, sex, gender identity, sexual orientation, religion or homelessness (AKA profiling); moral character; and the use of drugs or alcohol while on duty. They delivered their draft rules in an initial report to the House Committee on Judiciary on September 1 and they delivered their final rules by October 1, the deadline defined in HB 2930.

Before delivering the draft report, the LESC held 15 poorly publicized meetings between March 7 and August 16, during which time there was one public comment. That input came from the Chief of Police of Bend: not a single comment from the public. Between August 16 and September 14, they held four hearings where the Commission heard from the public. These meetings were held during the work week at 1 pm, shutting out Oregonians who work a standard 9-5 job, and the public was likely only informed of these meetings due to reporting by Oregon Public Broadcasting on August 1.

Only two of the 15 Commissioners appeared at any of the hearings, which included testimony from two mothers of people killed by police in Oregon. Another person reminded the Commission about a Portland officer who sexually assaulted a woman and was fired, then reinstated by an arbitrator, and within two weeks engaged in a high speed vehicle pursuit that led to a crash that killed the driver of the other vehicle (PPR #75). There were 140 minutes of public testimony and 547 pages of written testimony submitted to the Commission, nearly all of it demanding stricter standards for law enforcement in Oregon and a more representative Commission including members of the public who have been harmed by police or who have had family harmed or killed by police.

It is unclear whether any of the 13 members who did not appear before the public in the comment sessions watched any of the testimony, and the staff did not allow members of the public to comment at the two meetings held afterward despite there being time left over at the end of each of them.

What did the public get from the Commission’s work, aside from feeling left out? Rules around the seven behaviors that the Commission was required to address, wherein five behaviors can be mitigated down to “written reprimand.” In addition to excessive force, the other four are sexual harassment; sexual assault; assault; and the use of drugs or alcohol while on duty. Profiling can be mitigated down only so far as demotion. Demonstrating a lack of moral character is the only misconduct where termination will be imposed without potential for mitigation, however, the way the Moral Character rule is written, it may require the officer to be convicted of a crime for this to take effect.

For more info see the rules on the Secretary of State’s website: <https://secure.sos.state.or.us/oard/displayChapterRules.action?selectedChapter=340>.

From the Oregonian, for more Quick Flashes on p. 11

Former PPB Assistant Chief Tells Idaho Cops: We Beat Up Portlanders

Ryan Lee, who was Assistant Chief of Portland Police before becoming the Chief in Boise, Idaho, resigned in September over an incident in which he injured a police sergeant while demonstrating a choke hold for other officers. A prosecutor working on the case said Boise officers told them Lee would “brag about the number of hands-on force events he engaged in” when he was in Portland (BoiseDev, September 1). This is a prime example of why Portland Copwatch will sometimes praise an officer’s specific behaviors but not then trust them implicitly; Ryan had blown the whistle on the coverup when off-duty officers beat up civilians outside a downtown club in 2002 (PPR #27).

Feds Made “Baseball Cards” for Protestors During 2020 Uprising

In October, news came out that the Department of Homeland Security had created “baseball cards” about Portland protestors including “personal interests and the names of their friends and family based on scans of their social media profiles” (Oregonian, October 28). The feds say that one person, acting Under Secretary of Intelligence Brian Murphy, was responsible for this intrusion on people’s rights and say that he bullied his underlings to collect the data on what he called “violent Antifa anarchists inspired” individuals. Oregon Senator Ron Wyden disclosed the information; however, it is not clear whether anyone is going to be held accountable or even if all of the files were purged.
PEOPLE’S POLICE REPORT #88

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Existing Oversight System Treading Water Awaiting Transition

Portland’s “Independent” Police Review (IPR) and its Citizen Review Committee (CRC) have remained mostly quiet and out of the public eye in the last few months, despite IPR having the almost unique distinction of not being under any elected official’s office.* According to the Compliance Officer’s report on the US Department of Justice Settlement Agreement (p. 1), IPR has been able to stay afloat by offering retention bonuses to staff, which allowed IPR to maintain 11 of its 16 positions. There had been a lot of attrition while awaiting the implementation of the new board being created by the Police Accountability Commission (below). On the other hand, IPR is also considering having the Community Safety Division (CSD), which reports to the Police Commissioner (Mayor Wheeler), staff the CRC. Is it not obvious that it’s a conflict of interest for the Police Commissioner to staff the police oversight body? For their part, CRC has not heard an appeal on a misconduct case since June 2021 (PPR #84), and held just two meetings in the last third of 2022.

IPR Keeps Churning Out Reports Which Don’t Say Much

IPR is required by City Code to produce quarterly reports. Over the years, those eventually developed into four-page newsletters that included data on types of allegations and narratives of sample cases. In the last few years the two-page reports mostly focus on whether IPR is meeting its deadlines, how many overall complaints arrived, and noting any deadly force investigations.

IPR also presents regular reports to the CRC at its meetings; with CRC only having met six times this year they are no longer monthly. On the bright side, Portland Copwatch (PCW) was able to use one such report to confirm the name of one of the people shot by the Portland Police earlier this year (Aaron Stanton, PPR #87), but IPR has not been forthcoming in releasing the names of the officers involved in shootings despite their previous precedent of doing so (also see p. 1).

CRC Hears IPR Annual Report, Holds No Work Group Meetings, Gets Yet Another New Member and Ponders Staffing Issues

At its September meeting, the CRC heard a brief presentation from IPR about their Annual Report (PPR #87). Because there was no public input allowed during the presentation, PCW was not, for instance, able to raise the question of why IPR has mis-reported on CRC’s activities four years in a row.

Also at the September meeting, they introduced Chris Piekarski, a new member who took over the seat which had just been handed to Ginger Ruddell at their previous meeting; Ruddell resigned after moving out of Portland.

Regarding the staffing issue, IPR administrative staff Kelsey Lloyd told CRC at the November meeting that they were indeed in talks with CSD to ensure the Committee would have staff support. However, given the way the Portland Committee on Community Engaged Policing had staff take over most of their decision-making starting in April, including CSD’s involvement from July to November, this seems like a bad idea on top of the conflict of interest with the Police Commissioner overseeing it all.

At their November meeting, CRC talked about their work groups but acknowledged they weren’t really holding any meetings at the present time. The Crowd Control Work Group, which presented a report to City Council in September 2021, seems unsure about pushing for its recommendations because they feel nobody will listen to them with the new oversight board on the horizon.

There also seemed to be some confusion about the Recurring Audit Work Group, which has similarly been treading water for months, and whether meetings at which they do not review confidential files should be open to the public. Previous iterations of that group held public meetings. However, since the last time the Recurring Audit Work Group existed, most of the people on the staff and Committee have changed over and only long-timers like PCW members retain the institutional memory.

In what may also be a sign of the community waiting for the new system to be in place, CRC has not heard any appeals on misconduct cases since the case of the twerking protestor heard last year. So many people who complained about violence at the 2020 protests have not had their complaints sustained; one would think there would be a backlog of appeals rather than a roomful of crickets.

Commission Designing New Oversight Board Lists Possible Components Staff-Organized Community Listening Sessions Get Mixed Response

Now 12 months into their their mandated 18 month task of creating a new police oversight system, the Police Accountability Commission has completed two phases. They have created bylaws, met with stakeholders, and created three documents listing practices to consider and practices to avoid based on their research. One addresses other jurisdictions, one cites police oversight experts, and one looks at the existing system in Portland. The current Powers and Duties stage involves three topics: access to information, officer accountability, and structural oversight (policy recommendations and other issues).

On August 31, City Council appointed new members to fill vacant seats: Aje Amaechi and Obinna Ugwu-Oju, to replace Alvin Joswick and Winta Yohannes. Another member, Eva Vega, resigned in late October, and Eric Hunter resigned in early December, leaving just 18 Commissioners. On December 14, Commissioner Jason Renaud resigned and City Council replaced him with lawyer KC Jones. Jones, like Renaud, works with the Mental Health Alliance.

The PAC hosted two community listening sessions, a virtual session on Nov. 3 and an in-person only session on Nov. 17 (with masks and social distancing optional even though COVID-19 is still infecting our communities). Most of the discussion involved community members asking questions about the mission and powers of the Commission with the PAC members offering explanations. Many community members shared their distrust of city-run police oversight groups because the groups have been without power to make changes, discipline, or fire officers. Community members were asked to share their traumatic run-ins with...
Mayor Wheeler Calls BS on Police for Blaming Crime on Lack of Officers

IT’S PICKLEBALL 11, HOUSELESS 0
As City Prepares Mass Encampments

Houseless people who had been living in Laurelhurst Park were swept on October 31 at the request of the City. While the sweeps have been ongoing for some time, the reason on this occasion was not that the campers were annoying the residents of the neighborhood. No. It was because there will soon be a Pickleball court bridging the two sides of the park in what is currently a street. It does seem evident whose needs have the priority here.

The City is currently engaged in a plan to set up places for the houseless to reside—six outdoor mass encampments of up to 250 people each. This plan would also make it a crime if those who were supposed to be placed in the camps did not comply with the edict to move. While many names have been used to describe the plan, “campus,” “camping sites,” “interment camps,” etc., it does seem as if the plan is both harmful and intimidating and came in a paternalistic manner with little or no input from those directly affected or the agencies and organizations which represent the houseless community.

For example, Shannon Singleton, the Interim Director of the Joint Office of Homeless Services, was asked how much input she had into this plan. Her response was “zero” (Mercury blog, November 21).

Another major issue of concern is that private security guards are going to “patrol the perimeters and surrounding neighborhoods of the tent sites” (Oregonian, November 18). What is the purpose of the patrols? What will the security guards do in the event of any incidents? What will be the oversight and accountability of these private security guards? It is not difficult to conclude what the outcome will be in the event of issues between the residents of the camps and the surrounding neighborhoods.

During this process the number of “camps” and how many people would reside in each has been in a state of flux. It also appears that little, if any, thought has been given to those who are psychologically unable to reside in places that contain many people and are in a certain enclosed location. They may well be cited for not complying with this plan and finding their own camping space.

There has also been a concern about how the different sides of this issue have been treated by City Council. When the plan was first to be discussed at Council, Commissioner Ryan asked a group of those in agreement with the plan to speak first although many who were opposed to the plan had signed up prior to the meeting and ended up much later in the day finally being able to testify.

Moreover:

—In November, the Mayor pushed through a budget request for $27 million as a “down payment” on the camps... by taking money away from existing shelters. Wheeler was counting on more funds to come from Multnomah County, but they snubbed him by allotting no funds for the camps on December 15.

—The Mayor also called for a policy forcing people to be placed into mental care facilities against their will, ignoring that there are no facilities which could accommodate that plan... even if it were ethical.

—in response to complaints from businesses, the Mayor started a 90-day “reset” on the inner east side, which led to a large amount of sweeps taking place in early December.

—Commissioner Ryan’s former aide Margaux Weeke quit in protest of the interment camp plan, saying they will “cause irreparable harm and trauma” and lead to “criminalization of houselessness” (Street Roots, December 2).

Mayor Rebuffs Portland Police Citing Understaffing as Reason for Slow Response: “Bullshit”

His comments came this morning as the City Council reviewed the bureau’s latest annual report.

See the OJRC report at <https://tinyurl.com/OJRCcrime>.

*—Records show that Nett resigned anyway on October 14.
Police Rename Crowd Control Policy to Address “Public Order” Directive Updated While 2020 Review Still Incomplete; Portland Copwatch Sends Suggested Changes

The contractors hired to conduct an external review of Portland Police crowd control training, tactics and policies in the wake of the 2020 protests are not expected to have their report done until January (p. 1). That did not stop the Bureau from putting forward their Crowd Control policy (“Directive”) for review in October. Portland Copwatch (PCW) made extensive comments on the new draft, now called “Response Public Order Events [sic].” To our amusement, they plan to rename the Rapid Response Team as the “Public Order Unit,” or “POU.” PCW also commented on eight other policies posted from August to November, none of which are of imminent importance.*

The US Department of Justice (DOJ) required the city to conduct an outside review because the Bureau’s own assessments (yes, there were two) were self-congratulatory and didn’t adequately address the fact that officers were not being held accountable for their actions at protests or for their faulty reporting. There is no clear part of the revised policy that emphasizes officer accountability.

PCW commended the Bureau for moving issues around Use of Force down from its previous prominent location of the first procedure section, instead emphasizing people’s right to assemble under the First Amendment. The draft from its previous prominent location of the first procedure section, instead no clear part of the revised policy that emphasizes officer accountability.

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Other key changes include prohibiting inviting in officers from other jurisdictions as a way to get around state guidelines on crowd management or “misconduct barred by court order or statute.” (continued on p. 11)

More Crowd Violence Leads to More Lawsuits (continued from p. 1)

It is not clear if Wenzel’s case might be reconsidered, as one juror revealed after the trial was over that they work for the City of Portland. If it does go back for reconsideration, the OHSU employee might get more of the $450,000 she originally sought. The City Attorney tried to minimize the fact that Wenzel’s arm was broken, claiming the cops were “dodging ball bearings being thrown by the crowd” (Oregonian, October 5).

Cushing’s case was put on the “consent agenda” at Council because they have arbitrarily decided that only settlements of $50,000 or more should get full review in a public session. Portland Copwatch member Marc Portis pulled the item for discussion anyway, and wondered whether the $47,500 figure was deliberately chosen in order to keep the settlement from the public eye. Video of the incident shows Officer Brian Wheeler (#57813) break from a flank of riot cops, rush over to Cushing and shove her to the ground, then return to the other officers. PCW has learned Wheeler was found out of policy for misconduct in this case, affirmed (with no names mentioned) in the latest Compliance Officer’s Report on the US DOJ Agreement. What is not clear yet is what kind of discipline Wheeler received.

PCW also pulled and testified on Sires’ case. A city representative explained that the “encounter” was during a protest on North Lombard where an officer hit her in the thigh with an impact munition, causing lacerations and large bruises. While it was mentioned that the munitions are supposed to be aimed only at the lower legs, it was not clear whether the involved officer was investigated for violating that policy. No member of Council made any comments when voting on the settlement, despite PCW encouraging them to discuss the underlying issues when they vote on these cases.

The major 2020 protest suit will also lead to the “decommissioning” of grenades known as “Rubber Ball Distraction Devices” (OPB, November 29). The $250,000 total makes that the current #17 largest settlement since 1993... but lawyers fees have yet to be calculated. The #6 settlement, for protestors attacked in 2002 and 2003 including lawyers fees, was for $845,000.

The new top 25 list includes the $400,000 settlement for Kyle Odell, who was gravely injured when a cop crashed their patrol car while transporting Odell (PPR #86), and a $211,000 settlement for Edward Guthright, whose First Amendment rights were violated in 2001 by police preventing him from preaching. The average cost of such misconduct and more serious cases including many deaths by shooting and other means? $696,000 a year. PCW has also separately tracked over $4.5 million in negligence cases (where police inaction was the issue) and almost $2 million for car crashes in which misconduct was not necessarily an issue. At least $700,000 has been paid out for protest actions just in the last two years.

* They were on Leaves of Service (now “Leaves from Service”), changed assignments after “critical incidents,” the process to update Directives, the Employee Assistance Program, Personal Appearance, use of the PPB’s fitness room, a new policy on Conflict Resolution (among cops), and the ride-along program. If you want to see PCW’s comments on any of these policies email us at <copwatch@portlandcopwatch.org>.

Another Cop Claiming Discrimination Receives Big Settlement

On September 14, City Council approved an $85,000 settlement for Captain James Crooker, who said that he was wrongfully denied a promotion in part due to discrimination because of his race (he is Latino). Crooker also says that there was retaliation involved, as he had previously recommended against promoting Sgt. David Michaelson, who was romantically involved with then-Assistant Chief Jami Resch. The Oregonian reported on September 14 that former Assistant Chief Ryan Lee told Crooker he would “pay for” that decision (for more on Lee see p. 2). This settlement follows one for Sgt. Robert (Norton) Hollins, who won $60,000 in May over the way the Bureau handled his misconduct of using a police car for personal reasons (PPR #80). It also echoes the complaint by former Sgt. Liani Reyna, who is Latina, that accused the PPB of discrimination and retaliation when she filed complaints against other officers (PPR #85).
Portland Police Shoot Three More, Killing One (continued from p. 1)

Robert Connelly: Unarmed Civilian Is Real Hero

According to media reports, Connelly, 49, was wanted on several warrants and officers from the PPB’s Focused Intervention Team (FIT) who were trying to arrest him fired weapons as he ran toward an auto repair shop. The Oregonian (August 20) says that bystanders had to “dodge a barrage of bullets flying around them” and that court papers “don’t say that Connelly fired at police.” As noted in our last issue, the FIT was allegedly created to make the community safer, not riddle it with bullets.

Connelly made his way to the repair shop’s office and locked himself in with a customer, who told KGW-TV8 (August 17) that he was able to persuade Connelly to give himself up by talking about God judging his behavior. No weapons, no threats. The PPB did not release the names of the officers who shot at Connelly, at that point (mid-August) continuing to claim the FBI said there were credible threats against officers (also see “Rapping Back,” back page).

The officers involved were Sgt. Charles Elam (#50594), Officer Amy Li (#57307) and Officer Christopher Baten (#60421). PPB noted that Baten resigned on Sept. 30, but failed to include that he was hired by the state DOJ Criminal Justice Division three days later.

Jahar Perez in 2004 (also see “Rapping Back,” back page). Howery killed Alexander Tadros just over 14 months prior (also see “Rapping Back,” back page). As noted in our last issue, the FIT was allegedly created to make the community safer, not riddle it with bullets. 

In November, the Oregonian cited court documents which changed the knife to a tent stake and revealed Rieck admitted he was high on drugs and wanted to apologize to the driver he’d threatened. There is no mention whether he may be living with mental illness. Since the PPB has been under investigation for excessive force against people in mental health crisis for over a decade, it would be important for them to share that information. In this case, the police did not say anything about the alleged threats when declining to release the involved officer’s name. Rieck was shot by Officer Jonah Gellman (#60435), who shot and wounded Andreas Boinay 13 months before this incident (PPR #85).

Antoine Young: Setting Fire to a Car Also May Be a Sign of Mental Health Crisis

Young was allegedly trying to set a car on fire and confronted police. People called 911 to report that Young was lighting a Mercedes on fire in a parking lot, throwing things and running in and out of traffic. Again, this would appear to indicate he could have been in a mental health crisis, but the PPB has not indicated this to be the case. Young was allegedly armed, perhaps with a rifle (Oregonlive, November 7).

Immanuel Clark-Johnson: Armed Robbery Suspect in Car Driving Recklessly

Clark-Johnson was in a car that was “driving in a reckless manner,” according to the PPB’s news release. Officers approached the vehicle in a parking lot at SE 29th and Steele and “an officer involved shooting happened.” Interestingly, one of the Detectives working this case is Sean Macomer, who PPR readers may remember as the officer who melted a Taser by using it on the dying body of James Jahar Perez in 2004 (PPR #33). Again, the Bureau did not release information on the shooter officer or officers, saying they intend to wait until the grand jury proceedings had ended, which could have been many months. The officer who shot was Christopher Sathoff (#58857).

Overall, the percentage of Black people shot/shot at/killed by PPB was previously about 24% since PCW started keeping records in 1992, and that number is now down to 17%. While an improvement, that’s still way too high in a city that is 6% Black.

Erin Juge: Car Theft Allegations Lead to Sheriff Shooting and Car Crash

Deputy McPherson was engaged in a tussle with a man (identified as Tristan Borges) on suspicion of stealing a car; Borges was in handcuffs and tried to get near Erin Juge, who was nearby in a different allegedly stolen car (Oregonian, October 26). The story goes that Juge pointed a gun at the deputy, who then fired. Borges got into the car Juge was driving, reached over to push down the gas pedal because of his injury, and crashed it a few blocks later at NE Grand and Weidler.

This was the second shooting involving Multnomah County Deputies this year and at least the fourth since Mike Reese was elected Sheriff in 2016; the Sheriff’s office otherwise has been involved in very few deadly force incidents since PCW began in 1992. Keaton Otis was shot in 2010, two blocks from where Juge’s car crashed (PPR #51).
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een Portland Police shot at a man who was setting a car on fire on November 7 (p. 1), it was the 37th deadly force incident involving law enforcement in the state in 2022.* Five days later, a shooting in Salem made 2022 the year with the most officers using deadly force since Portland Copwatch (PCW) began tracking statewide incidents in 2010. The previous record of 37 was set in 2018.** The Portland Police account for nine of what are now 40 incidents (23%). Twenty-two incidents ended in deaths, which at 55% is closer to the average rate of 56% than we reported in recent issues in 2022. Here are the details on the ten incidents since our last issue which occurred outside of Portland, where the PPB shot three people and the Multnomah County Sheriff’s Office shot one during the same time period.

—On December 10, an unnamed Brookings Police officer shot and killed an unidentified person following a vehicle pursuit (Curry Pilot, December 12).

—On November 12, Salem Police Corporal Joshua Baker engaged in a shooting with three men suspected of stealing cars. Two were identified as 19 year olds named Darren Shelton and Vincent Nesbitt (Associated Press, November 23). No hits were reported, but neighbors expressed alarm at the gunfire happening near North Salem High School (KGW-TV8, November 14).

—On October 6, Hillsboro Police Officer Russ Jewell shot and wounded Patrick Robertson, 40, after Robertson allegedly broke into two different homes and pointed a gun at officers (Oregonlive, October 7 and KOIN-TV6, October 20).

—Also on October 6, unnamed Gresham officers responding to gunshots fired at a hotel shot at Joseph Carrillo, 24, when he allegedly pointed a gun at them. A medical team confirmed that Carrillo was not hit by bullets (Oregonlive, October 7).

—On September 20, five unnamed officers from Oregon State Police and three from the Josephine County Sheriff’s Office shot and killed Rock Jordan, whose age has not been revealed, north of Grants Pass. Jordan fired a gun at a woman whose car he stole, as well as the police. An Oregon State Police Sergeant also rammed the vehicle to stop Jordan from driving away (KOBI-TV5, October 31).

—On September 19, Grants Pass Police Officer Micaila Miguel shot and killed Mark Caldwell, 46. Caldwell lives near a park where police were looking for a suspect, and apparently came out of his home armed with a shotgun, then was mistakenly shot by police. Though Caldwell was taken to the hospital, he did not survive the wounds (KDRV-TV12, October 27 and family obituary).

—On September 18, an unnamed officer of the Umatilla Tribal Police shot and killed Jeremiah Johnson, 39, a tribal member who was involved in a domestic disturbance near Adams and allegedly confronted police with a weapon (East Oregonian, September 22). This was the second incident with the Tribal police in two months (see below for an update on the August shooting).

—On September 12, Lane County Sheriff’s Deputies Lukas Thomas and Arik Schenfeld shot and killed Robert Harris, 50, at a home daycare center near Springfield. The media reports deputies took seven children out of the home where Harris had barricaded himself in with a hostage, a woman who suffered a gunshot wound. It is not clear whether the deputies or the man shot her (Eugene Register Guard, September 23).

—On August 23, McMinnville Police Officer Justin Schwartz shot and killed Laurence Dickson, who was reportedly suicidal and “confronted” police when they arrived (Oregonlive, August 24 and August 29).

—On August 19, Hillsboro Police Lt. Neil Potter shot and wounded Jose Juan Aguilar-Mandujano, 20, when the latter was allegedly trying to wrest the officer’s gun away (Oregonlive, August 26).

Also:

—The August 17 incident with Umatilla Tribal Police in Pendleton (PPR #87) led to the wounding and arrest of Javier Francisco Vigil, 51, when he allegedly tried to rob the Wildhorse Resort and Casino (Tri-City Herald, August 23). Jail information identifies Vigil as Latino. The involved officer’s name has still not been released.

—In a highly unusual incident, Washington County Sheriff’s Deputy Zane Hafeman stabbed Joshua Wesley, 24, multiple times in the emergency room at a Hillsboro hospital when Hafeman allegedly tried grabbing the deputy’s gun (KGW-TV8, November 1).

*— In PPR #87 we reported the number was 27 by mid-August, when it was actually only 26; PCW regrets the error.

At the Training Advisory Council (TAC) meeting on November 16, Portland Police Lieutenant Peter Helzer, appearing in his role as the Force Inspector, shared data on force used by the Bureau in the second quarter of 2022. While the percentage of Black people subjected to force was the lowest ever at 19%, TAC member Avi Klepper questioned why that was so disproportionate to essentially boiled down to, it’s because Black people commit more crimes. Helzer’s answer commit more crimes. The TAC has made an issue of the disparity in the past (PPR #77) but this was the most blatant racially charged answer that was ever given. The TAC also held meetings in September, where they heard about how annual plans to train officers are put together, and October, where they discussed how frequently to meet.

Helzer thanked PCW member Dan Handelman, who put into the chat that the ratio of Black people in Portland subjected to force used to be 25-30% until sometime in 2021, when it was reduced to 20-22%. There did not seem to be any encouragement from TAC members to examine why that decrease is happening, though it could be due to the PPB’s policies limiting when officers pull people over for traffic stops which went into effect around the same time. Some members did encourage that more research should be done into why the disparities exist, noting 20% of police custodies are of Black people. During public comment, Handelman pointed out that when looking at who commits more crimes, there may be a lot of white people, for example, snorting cocaine in their condos who are not arrested by police. Sadly, the Q3 figures show 28% of those subjected to force were Black, 9% higher than Q2.

The presentation at the September meeting about the training plan included information that some training, such as on firearms, is required by the state, and some are not specifically taught, such as communication. One piece of information feeding the plan is about injuries—but it wasn’t clear if that meant officer injuries, community member injuries or both.

Two internal issues the Council wrestled with began at the September meeting. The first was the question of whether to post recordings of their meetings online. When Handelman noted that he has been recording the meetings, which are open to the public, for years, and even produced a show for Flying Focus Video Collective about the TAC, member Barry Newman objected, implying that recording the meeting without permission was not legal. However, other media outlets have recorded video, including when the Oregonian posted Danielle Droppers’ resignation in 2018 (PPR #79). The TAC, which only meets every other month, also wondered if they might sometimes need to meet more than six times a year in order to get all their work done.

This led to a special meeting on October 26, where the only agenda item was a proposal to hold occasional meetings on off-months. Because of confusion around whether members would be required to attend (they only have to attend 60% of all regular meetings), leading to lack of quorum, the discussion lasted a full hour, but the proposal was ultimately adopted.

At the November meeting, the Council was introduced to Captain Franz Schoening, who took over the Training Division from Chris Gjovik. Schoening became the sixth Training Captain in six years. He is known in the activist community for smacking a cell phone out of a protester’s hand in July 2020, then using the fact that the phone hit the Portland Police Association headquarters window as a reason to declare a riot.
be alarmed that the Portland Police Association and the City had met 13 times but had not yet agreed on policies such as when cops can review footage after they use force.

PCCEP Regrouping, Perhaps with Less Community Engagement

Two PCW members testified virtually at the Status Conference, raising concerns about issues including the way in which the PCCEP had been cutting community members out of its meetings, despite having the words “Community Engagement” in their name. Limitations to participation on Zoom, truncated public input times, and lack of subcommittee meetings left some regular attendees feeling left out. Many PCCEP members also objected to Staff setting their agendas, facilitating their meetings and rewriting their bylaws. The proposed revisions included removing restrictions on the Mayor for removing members of PCCEP and any mention of ensuring the city is following the DOJ Agreement. The Committee was finally able to vote on much of its own leadership during its November meeting, selecting Celeste Carey and Pastor Robin Wisner as co-chairs. However, the positions of alternate co-chair and Secretary were not considered, meaning the staff still has considerable control at least until January, even though subcommittees have already begun meeting again. Despite monthly and sometimes more meetings, PCCEP had been mostly dormant for eight months.

One exception is a forum the PCCEP hosted in early October at which Independent Monitor, LLC, the consultants hired to examine PPB crowd tactics during 2020, listened to the community tell stories about how officers behaved. To their credit, PCCEP staff gracefully thanked participants, even when they hurled profanity and insults at the city and the consultants for making people repeat their trauma with no way to take action. The consultants barely said anything, but also thanked people for participating. Their report is due out in January.

On the other hand, when the PCCEP hosted the COCL to present the Q2 Compliance Report, public input was limited to less than 10 minutes, barely enough time for a mere four people to make comments. PCCEP staff also instructed the Committee not to take input on their subcommittee structure when it came for a second vote, even though the options had changed. For the record, they will still have subcommittees on Racial Equity and Policies / the Settlement Agreement, but no longer have a Youth subcommittee. A subcommittee on Mental Health is not meeting because only one person volunteered for it. The PCCEP has added a subcommittee on Community Engagement.

PCCEP’s Racial Equity Subcommittee met in its new form for the first time on November 30. They recalled the work they had been doing on traffic stops before they became involved in discussing the PPB’s biased training slides, and selected Byron Vaughn as their chair. The Settlement Agreement and Policy Subcommittee met on December 7, working with almost an entirely new set of members due to turnover, and selected Ann Campbell (one of the longest seated PCCEP members) and Pastor Wisner to co-chair the subcommittee.

One final note: On August 31, City Council appointed Anthony Barnes, Leslie Martinez and Ashley Schofield to PCCEP, giving them a full contingent of 13 members for the first time in about a year. However, no progress was made on allowing PCCEP to set its quorum to a majority of seated members, which as the Albina Ministerial Alliance Coalition for Justice and Police Reform noted to the court would be a win-win scenario. If the City appoints members fast enough, the sliding-scale quorum would never be needed, but if they do not, PCCEP can continue to function.

BHUAC: Step Forward, Step Back

The exact nature of the BHUAC’s future reviews of real-world sample incidents is not clear. Some of the language expressed in court implied they will be looking at data about force used against people in crisis, rather than, as PCW had initially suggested, reviewing deadly force cases to see whether policies or training could be changed to avoid such tragedies in the future. To add insult to injury, Committee then voted to say that input at their quarterly public community meetings does not have to be considered. In doing so, they have undercut the premise that the Agreement is helping the police build community trust. BHUAC’s monthly business meetings are still held behind closed doors.

Commission Creating New Oversight Board Enters New Phase (continued from p. 3)

the police and how they would like things to change but without follow-up or any kind of trauma-informed care provided. If the PAC was looking for constructive input to help guide their work, I think the first listening sessions were failures because (1) the meetings were not well attended, (2) most attendees didn’t have a basic understanding of the PAC, (3) the PAC will likely have little practical use for the input they received, and (4) the listening sessions felt like checking the community engagement box rather than quality community engagement with the PAC. Moreover, because no hybrid option was offered, only four of 19 Commissioners attended the in-person event.

It’s been one year since the PAC started meeting and they are only just starting to describe the new board that was voted in to the City Charter in November 2020.
gunfire may have unnecessarily put other people at risk. Schmautz cautions not to "shrug off the drumbeat of violence." We’re not: PPB is being too violent and it needs to stop.

**THREATS SERVE ONE PURPOSE** (continued from back page)

**Name-Calling in Defense of Understanding**

Schmautz does not mince words in writing about an incident where an indigenous Coffee Shop owner’s business was targeted as it geared up for a “Coffee with a Cop” event (October 6 post). He is filled with “anger and pride” as he bemoans how the effort to promote dialogue was disrupted by “six or so cowards” who broke windows at the shop and "skittered away" wanting “fascistic control over the conversation.” In light of Schmautz advocating for hiding names of public officials who tried to kill community members, and who works with a Bureau that allowed officers to beat protestors while only wearing untraceable numbers, this might appear to be a bit hypocritical. Schmautz talks about the context of “livability destruction and unsustainable violence” in the community... does he want there to be sustainable violence?

**The Politics of It All**

The five articles that are overtly political include three about the PPA’s endorsement of pro-law-enforcement City Council candidate Rene Gonzalez (who won), one opposing the Charter Amendment that will change how the government functions (which won despite their opposition), and one news article where Schmautz challenges statements about supporting law enforcement by Gubernatorial candidate Tina Kotek (who also won). The first Gonzalez piece, from September 14, talks about how community safety is “crumbling” and refers to first responders supposed “staffing crisis.” Another ran on October 20 touting police support, and a third on October 28 only featured Firefighters, who also endorsed Gonzalez over Jo Ann Hardesty, who was Commissioner of the Fire Bureau. The opposition to Measure 26-228 included a slick video produced by the PPA (October 21), saying that the measure would fail to make the city safer and function better.

The October 22 article about Kotek came from Fox News, with Schmautz reminding the public that Oregon’s House Speaker had criticized the PPB for its harsh crackdown on protestors near a building that had been set on fire. He calls police accountability legislation favored by Kotek a "whipsaw reaction to incidents" that reflected the “politics of the day.” In other words, police accountability is SOOOO 2020, and by implication, the death of George Floyd was a rip on the radar and not what it was: a revealing moment of institutional harms that predated his murder and have continued since.

**Dogs, Good Cops, and Oh So Many Holidays**

It’s really not worth delving too deeply into the ten “officer friendly” articles, but here are some highlights:

— On National Dog Day (August 26), the PPA thanked the brave canines who are pushed into danger by humans and remembered Mick (who died in 2014—PPR #62) and Argus, a name we were not familiar with. Turns out that police dog was killed in 1987. Long memories.

— Two of the Bureau’s three Precinct Commanders recorded videos for the Bureau that PPA re-posted on August 12 and September 8. Commander Erica Hurley expressed how she feels “blessed” to run East Precinct and talked about her officers as good, moral people. Hurley (who you may recall was fined for offering political opinions while in uniform— PPR #86) also spoke highly of community members who send supportive letters. This sentiment was repeated (almost as if by design) in the video from North Precinct Commander Tina Jones. Jones also included footage of officers “cleaning up” houseless encampments and described officers still recovering from “night after night of civil unrest” in 2020. She stated, with no data included, that officers are having guns pointed at them at a high rate.

— There are posts for Labor Day (September 5), Veterans Day (November 11) and Thanksgiving (November 24), as well as ... National Police Woman Day (September 12) and First Responders Day (October 28)?? How many cop-related holidays are there?

— Officer David Baer won recognition on KGW-TV8 (November 1) for his use of an Instagram account to show the public what the Central Precinct Bike Squad does on a daily basis.

**Staffing Issues in the Back Seat**

Although there are occasional mentions of PPB being “short staffed,” a Bureau-produced video posted September 22 shows 20 officers being sworn —There are posts for Labor Day (September 5), V eterans Day (November 11) and Thanksgiving (November 24), as well as ... National Police Woman Day (September 12) and First Responders Day (October 28)?? How many cop-related holidays are there?

Another staffing story posted on December 1 is a KATU-TV2 story about a new officer, Trey Jackson, who is 21 years old, a Portland resident, and a man of color. While the PPA pulled out a quote about how Jackson knows the city and hopes to gain people’s trust, the gist of the article was that the Bureau is short by 74 officers... and the Mayor wants to hire 200 more. Sgt. Ken Duilio of the Focused Intervention Team also brought up lack of staffing in a November 25 KOIN-TV6 article about the homicide rate when it was ready to surpass 2021. No mention that four of the homicides were by PPB— including one by the FIT.

**Crime and the DA’s Office**

Two articles on crime include Schmautz’s thoughts on a non-profit that provided bail for a suspect who then murdered the mother of his child. In the August 30 KOIN story, Schmautz seems to recognize that the nominally progressive District Attorney was upset about bail being provided. The next day, KATU-TV2 did a piece where Schmautz labeled the non-profit’s actions as “ubris” that was “destructive to the community.” The PPA also posted a November 17 KOIN story saying property crime is up, but not prosecutions. Schmautz reflects on the article saying the “justice system is broken and we need to fix it quickly.” We might agree, but for a different reason. On October 3, Schmautz wrote an introduction to an Oregonian article about a crime-filled weekend by calling for tougher measures because of “vulnerable citizens... murdered in broad daylight,” people being killed by “reckless drivers,” and drugs sold to school children. “We must rise together,” he writes, ignoring the many lives destroyed by police.
New Review Board Report Goes Easy on Shooter Cops (continued from p. 7)

police to get medical aid to Robert Delgado, blaming it on the fact the officers used a “less lethal tool” (weapon) to shoot the dying man because they had no ballistic shield on site. Too bad, so sad... no mention was made of Delgado’s being in mental health crisis or how that relates to the US Dept. of Justice Agreement.

The other cases were of David Dahlen (no admonishment for any kind of biased-based policing, in fact there was evidence that the SRO program was discriminatory, Schmautz claimed, “there was no actual evidence that we were engaging in any kind of biased-based policing, in fact there was evidence to the opposite.”

This is easily disproven. There have been many studies about the effects of cops in schools. In a December 16 interview on KOIN-TV6, Police Association President Sgt. Aaron Schmautz said the job of SROs was to divert kiddos from the criminal justice system.

See the ACLU’s report at <acclusocal.org/no-police-in-schools>.

In all, the policies continue to inch forward with some aspects that may be helpful to the community, but still favor the police by including explicit or implicit ways to harm people with impunity.

PPB Sergeant Arrested for Sexual Assault

As the PPR was going to press, news broke that Sgt. Darke Hull (#37765) was arrested while off duty in Washington County for “allegedly grabbing a woman’s groin and pulling her hair at a County sports bar” (Oregonlive, December 15). The incident occurred in late October but the PPB only released information a month later when the criminal charges were formally filed.

Police Campaign for School Cops - Again

In 2020, the Portland Public School Board decided to discontinue the School Resource Officer (SRO) program after growing attention and concern over police misconduct, discrimination, over-policing, and the school-to-prison pipeline. With the recent increase in shootings near schools, the police have taken the opportunity to begin campaigning to re-introduce SROs. They will be hosting community forums at various schools starting in January 2023.

In a December 16 interview on KOIN-TV6, Police Association President Sgt. Aaron Schmautz said the job of SROs was to “divert kiddos from the criminal justice system.” Replying to concerns that the SRO program was discriminatory, Schmautz claimed, “there was no actual evidence that we were engaging in any kind of biased-based policing, in fact there was evidence to the opposite.”

This is easily disproven. There have been many studies about SROs and time after time they show the effect of cops in schools is that Black, Indigenous, Latinx, LGBTQ+, and students with disabilities are more often swept into the criminal justice system when SROs are present in those schools. Such data were verified in a 2021 study of California schools by the ACLU.

See the ACLU’s report at <acclusocal.org/no-police-in-schools>.
In reviewing the posts on the Portland Police Association (PPA) Facebook page over the past few months, it’s notable that five of the 33 posts were directly related to the November general election. While the PPA has endorsed candidates in the past, it doesn’t seem as if those endorsements showed up in their old hard-copy newspaper, the Rap Sheet, or on their various web postings until this year. The PPA also used its social media to defend the new practice of hiding the names of cops who shoot at community members (p. 1), stoke the fear of crime, continue “blue-washing” (highlighting “officer friendly” stories) and, surprisingly infrequently, complain about low staffing levels (p. 4). Maybe our last issue where we called them out on that front led to this change, or maybe it was when Mayor Wheeler told Chief Chuck Lovell that it was “bullshit.” In any case, of the 33 pieces, the most frequent topic was bluewashing in 11 pieces (36%), followed by seven on crime (21%), five on politics (15%), three on officer shootings (9%) and one on property damage done to oppose a cop-friendly event (essentially an anti-protestor message). Another five (15%) were essentially about staffing, though one was disguised as an “officer friendly” story and two others about crime.

PPA President Sgt. Aaron Schmautz was quoted in most of the 15 news pieces posted to Facebook, lately seeming to be a staff member at KOIN-TV6 (with five appearances just from December 6 to December 19). It’s disturbing how much influence the organization that’s supposed to be advocating for fair wages and workplace rules spins so much for law and order with so little understanding of the harms police do in the community.

Our Chief Weapon is Surprise. Surprise and Fear. Our Two Chief Weapons Are....

The PPA reposted an August 24 KOIN-TV6 news story in which the local FBI Special Agent in Charge indicated that with threats being made against officers, it is only by the “grace of God” that Portlanders are “not attending a police funeral.” Such charged language with no evidence behind it led Schmautz to opine that “threats serve only one purpose, to chill lawful conduct and destroy faith in institutions.” That sounds like two purposes, actually. It’s interesting when you read that analysis and apply it to officers threatening force on community members— which generally chills lawful conduct (such as protesting) and destroys faith in the institution of police. Schmautz goes on to say that officer names should not be published because they have a right to live without fear, ignoring, for example, that Sgt. Greg Stewart shot and killed a man who knocked on the door of his Scappoose home in 2007 (PPR #43) and was not held accountable for it through internal and external investigations. Not that we’re suggesting police should shoot people who threaten them, just saying it’s way overstating the case that officers protected by the state apparatus are legitimately so afraid that they can’t even have their names mentioned in public.

Schmautz was a little more specific after the Bureau released names of officers in five shootings all at once in December, claiming officers had flyers going up in their neighborhoods, family members being threatened, and people showing up at their homes. In a KOIN story on December 10 he claims that the backlash wasn’t because of the Bureau’s lack of transparency but rather that people were acting before there was time for police to explain the full story of what happened.

In a related issue, right after officers engaged in a shootout with Robert Connelly at an auto repair yard on August 16, Schmautz described the incident as “another terrifying, close call” where “braving gunfire, Portland Police officers ended a violent attack on our city.” Media reports indicate that none of the police bullets hit Connelly, and that he gave himself up after a customer talked him down. The