



The People's POLICE REPORT

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PORTLAND POLICE OFFICERS PRESENT AS RAILROAD COP SHOTS MAN City Settles with Perez, Young Families for \$550,000 total

Although the official story is that a Burlington Northern Santa Fe Railway officer shot and injured 43-year-old George Hawkins in North Portland on October 25, the fact that multiple Portland officers were present, including one who fired a Taser at Hawkins, concerns us. No other Portland Police-related shootings of humans have been reported since May, 2008, but they shot a dog on

Deal set in '04 police shooting

Lawsuit The Portland City Council is expected to approve a \$350,000 settlement today with James Jahar Perez's family

Oregonian, September 3



City to pay family of man killed by officer

Settlement Dennis Young's mother says \$200,000, or any amount, won't "bring my boy back"

Police detail standoff that led to man being shot

Oregonian, October 28



Oregonian, October 4

Police on Monday released the names of a railway officer and a train involved in a Tuesday shooting in Portland

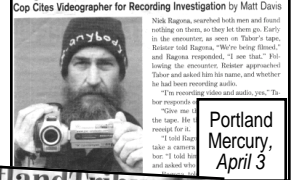
November 24. Also, City Council voted to settle lawsuits filed by the families of James Jahar Perez, shot and killed by Officer Jason Sery in 2005 (PPR #32), for \$350,000, and Dennis Young, killed by Lt. Jeffrey Kaer in 2006 (PPR#38) for \$200,000.

According to the October 28 *Oregonian*, Hawkins was identified by BNSF railway officer John Ross as having a warrant on him. When Hawkins ran away, Ross called for the Portland Police. Two officers arrived with a police dog and found the man in a "transient camp." They say the structure Hawkins was in caught fire and that he came at police with a knife. Although Portland Police always say they shoot at the body mass because you can only shoot at arms or legs in the movies, Ross (continued on p. 6)

VIDEOGRAPHER'S SUIT GETS CITY TO CHANGE POLICY ON TAPING POLICE Citizens' Right to Tape Cops and Police "Big Brother" Technology Make Headlines

A number of issues surrounding videotaping police officers and civilians in public have recently surfaced, raising questions that could have impacts on cops, copwatchers, and civilians minding their own business. In September, Mike Tabor, an independent videographer who was cited for videotaping Portland police officers, filed suit against the City of Portland in order to clarify policy regarding people videotaping police actions. In early December, the City agreed to allow audio and videotaping of police in public, with a few exceptions. The suit had also named the two officers, Nick Ragona (#21430) and Dane Reister (#31663).

Big Brother's Little Brother



Portland Mercury, April 3



On March 27, Tabor videotaped Ragona and Reister stop, question, and search two men outside the Portland Art Museum. The video shows Tabor was a reasonable distance from the officers. After the two men were released, the officers approached Tabor and asked if he was recording audio. Tabor replied he was, whereupon the officers seized his video camera. He was issued a citation for violating ORS 165.540—Obtaining Contents of Communication, but his camera and tape were returned the same day after he complained to a Sergeant*. The District Attorney later dropped the charges.

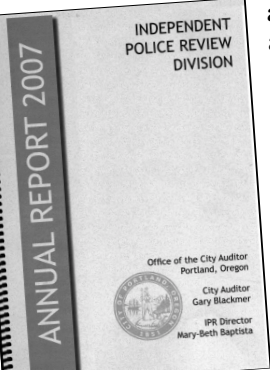


Riot police square off against protestors and journalists at the Republican National Convention in St. Paul, Minnesota (Getty Images, August 31).

Tabor, who also goes by "Joe Anybody," filed a tort claim seeking \$100 in nominal damages for emotional distress and the inconveniences caused to him. The City agreed to clarify its policy and not prosecute people under 165.540 simply because they videotape public police activity, such as stops and arrests, but stopped short of making rules about seizing video cameras. The lawsuit contended that enforcing the law against those who record police violates the First Amendment because it prevents recording matters of public concern and communicating that information to others. In 1991, then-Police Chief Tom Potter issued a training bulletin stating that ORS 165.540 does not prohibit the public from recording police activities in a public place. (continued on p. 8)

POLICE REVIEW SYSTEM'S 2007 ANNUAL REPORT SKEWS DATA FOR PUBLIC RELATIONS

With no sense of irony, the "Independent" Police Review Division (IPR), responsible for handling citizen complaints about Portland police, released its 2007 annual report on September 17, the second anniversary of the death of James Chasse, Jr. As they have been doing for two years, the IPR pointed to an apparent drop in police shootings as a sign that the IPR was making progress (PPR #41). They highlighted that Use of Force complaints are down 34%, but not that force complaints continue to make up 8% of all allegations (there are often 3 or more allegations tied to a single complaint).



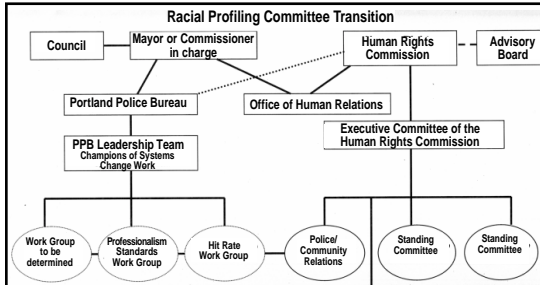
The *Oregonian* ran an article on the report the morning it was released, even though copies were not available to the general public or other news agencies until that day. This unfair practice makes us question the objectivity of Director Mary-Beth Baptista, despite signs of positive trends from her as well (see pp. 3-4). The *Oregonian's* headline, "Fewer police shootings in '07 called a good trend," (continued on p. 9)

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Racial Profiling Committee Unceremoniously Dismissed Future Work Split Up by Police, Human Rights Commission

At the September meeting of the City's Racial Profiling Committee (RPC), Director of Human Relations Maria Lisa Johnson laid out plans to transfer the Committee under the auspices of the new Human Rights Commission (HRC). However, unlike the promise made by Mayor Potter when he visited the RPC in 2007 (PPR #42), this will not be a transfer of the standing Committee to a new administrative body; instead, the current Committee will be dissolved and replaced by narrowly-themed teams inside and outside the Police Bureau. The HRC was appointed by Council and sworn in in October, since then holding two meetings that made no progress on racial profiling. At the November RPC meeting, participants were shown a confusing flowchart that indicates three groups will carry the work forward.



CLEAR AS MUD: This flowchart showing the re-organization of the Racial Profiling Committee shows a lot of information sharing, but doesn't make immediately clear that no one entity will oversee all three work groups taking up the RPC's work.

The proposed Police-Community Relations work group of the HRC is shown as the only public component of the revised system. Committees working on the "hit rate" (the frequency with which discretionary searches by police turn up contraband) and "professionalism standards" will be overseen by the Bureau. When asked why these Committees would not be open to the public, Chief Sizer explained that she felt that it is easier to have honest conversations around difficult issues like race without the press present (also see IPR article, pp. 3-4).

Sizer's promised work plan on Racial Profiling, announced to be released at various times including mid-October, is now slated to come out in January—after the RPC, which has put in two grueling years, has been dismantled. Portland Copwatch's Dan Handelman, who sat on the RPC, asked numerous times how the work of the new three groups will be coordinated to be sure they are in step with community wants and needs. However, it seems the Chief does not care to have such input, or as co-chair of the RPC she would have argued for the group to stay together long enough to review her draft plan.

JoAnn Bowman of Oregon Action, the other RPC co-chair, left the November meeting early, angrily saying that it seemed as if Johnson and Sizer were presenting the plan as a done deal and not seriously seeking her input. It is unclear whether Sizer's plan will include recommendations made by Copwatch and others about additional data to collect at stops, whether officers will continue to insist that the numbers are disproportionate because African Americans commit more crimes, and whether future discussions will acknowledge the inherent power imbalance between the community and the police.

More info on the Human Rights Commission is at <http://www.portlandonline.com/humanrelations>.

Cops Create Rules for Secret List of "Dirty 30" Suspects, Five Years Later

On September 22, Portland Police finally put into writing a procedure they may have been using since 2003—a way to target the 35 most frequently arrested drug suspects and push them into treatment by raising misdemeanor charges to felonies. In May, we believed this police-initiated program was titled "Project 57," referring to 57 jail beds paid for by the City of Portland to allow them to prioritize who gets arrested (PPR #44). The actual name is "Neighborhood Livability Crime Enforcement Program" (NLCEP). The Standard Operating Procedures (SOPs) and a Bureau memo obtained by the *Portland Mercury* and posted on their blog November 18 offer a menu of labels officers can use under the program, including "Project 57," "NLCEP," or nothing if the charge would normally land the person in jail anyway.

To make things more confusing, the program is administered by a specialty unit known as the Service Coordination Team (SCT), which is made up of Portland Police, corrections, and social service providers.

But nobody was able to produce documents about how the list was created until after the *Mercury* and defense attorneys Lisa Pardini and Chris O'Connor began asking for them earlier in 2008. In mid-November, the *Mercury* obtained the "Tips and Techniques" memo—dated August 25, 2008, and the SOP—dated September 22, 2008, over five years after the program began.

The Lost List

Portland Mercury, September 11

Attorneys Dig Deeper into City's Secretive Program by Matt Davis

DEFENSE ATTORNEYS have spent the last week fighting in court for more details on the city's secret list of downtown offenders, only to be blocked at every turn by evasive legal arguments, and denials that the list exists by a city commissioner who believe shares responsibility for its use.

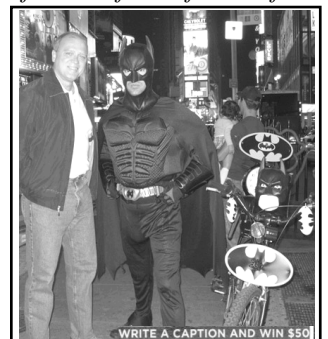
The list, which is thought to target Portland's most frequent arrestees, first came to the *Mercury's* attention in April, when it emerged that 42 percent of those on the then 408-strong list were African American, while African Americans make up only six percent of the local population.

"An officer can't make a policy by himself," she says. "It's a police...

required to appear in court to explain the policies behind Myers' list.

when the *Mercury* began writing about the "secret list" of offenders (known as the "NLCEP Chronic Arrestee List"), Commissioner Randy Leonard, who not only championed the program but got City Council to set aside money for it, denied the list's existence. He posted on the *Mercury* Blog September 2 (one week after the police memo was published): "I know of no such 'list.' If there were a 'list' I would be the last one Tom Potter or Rosie Sizer would tell about such a 'list.'" *Mercury* reporter Matt Davis counters that Leonard's favorite street cop/SCT officer Jeff Myers "produced a copy of the list from the front of his uniform during an interview with the *Mercury* on May 6" (*Mercury*, September 11).

Leonard ducked a subpoena in September by saying he wasn't the custodian of police records (*Mercury*, September 4), but defense attorneys whose clients have been arrested are moving forward in challenging the violations of their equal protection rights. Combined cases are scheduled to go to court in early January. ■



While the Willamette Week (November 19) says Commissioner Randy Leonard is seen here with Batman in Manhattan, we suspect it's just Officer Jeff Myers in his true uniform.

New Commissioner of Police Dan Saltzman wrote an op-ed piece for the December 18 *Tribune* singing the praises of the SCT/NLCEP program, proposing its expansion. However, he had little to say about the constitutionality of the program.



REVIEW BOARD TO CLOSE YEAR WITH ONLY ONE HEARING ON POLICE MISCONDUCT

New Director Brings Some Promise of Change; CRC Membership Turnover; Work Groups Progress Slowly

The Citizen Review Committee (CRC) has closed out the calendar year 2008 after holding only one public hearing for a civilian to appeal a complaint of police misconduct—in February, when a woman from Silverton complained of an off-duty Portland cop pointing a gun at her (PPR #44). Despite a huge number of work groups currently operating (eight, according to the most recent meeting agenda), progress continues to be slow. CRC's October membership recruitment led to two members giving up their seats voluntarily. Meanwhile, the "Independent" Police Review Division (IPR), the department in the City Auditor's office that does intake of complaints and coordinates the CRC's work, is making some positive changes under the guidance of new Director Mary-Beth Baptista, while there is still much room for progress.

IPR Releases Report, Hires Defense Attorney, Promises Appeals Process Improvement

Baptista was interviewed in the November 13 *Portland Tribune*, which described that the IPR is "supposed to provide Portlanders a window into how officers are disciplined—a process that otherwise would be cloaked in secrecy." Baptista categorized the first IPR Director, Richard Rosenthal's tenure (2002-2005) as a creator of procedures. As for his successor, Leslie Stevens (2005-2008), who left her job at IPR to join the Police Bureau, Baptista said: "Leslie Stevens really went into the police bureau and worked on policy issues with them. Now it's time for the outreach piece, and I think that's what my strength is." Pressed on her own relationship with the police, contrasting what the *Tribune's* Nick Budnick says were Rosenthal being perceived as a "pain" and Stevens "collegial," Baptista said she wants to be treated as a professional and so will treat others that way.

Here are some of the mixed successes of Baptista's term so far:

—The IPR released its 2007 annual report in under a year, after the '05-'06 reports were combined and released in February 2008. However, the new report generally came off as a public relations effort to paint the Bureau in a positive light (see p. 1).

—The IPR hired Constantin Severe, a former defense attorney from Metropolitan Public Defenders, as Assistant Director. Compared to many IPR staff who are retired police, Baptista herself, who worked in the District Attorney's office, and the CRC, which has numerous members with close ties to law enforcement and/or are retired public safety officers themselves, this is a positive move toward creating an objective office.

—For 6 years, IPR has written letters to complainants, letting them know the outcome of their complaint includes allegations that were not sustained, but instructing them to contact the IPR for appeals forms. The IPR now plans to begin including the appeal forms in the letters beginning in January. Portland Copwatch has been urging this for years, and but IPR feared being overwhelmed by appeals. There were no appeals filed in 2008—the February hearing was a 2007 case. At a CRC Work Group meeting, Baptista said that the IPR is always telling the Bureau to change and they act as though the world will end, so to model good behavior, IPR would agree to try this idea out.

—Though the Bureau's new office that oversees the Internal Affairs Division (IAD), Early Intervention System and other related issues is headed by former IPR Director Stevens, the IPR was as surprised as Copwatch to learn that the office's name had been changed from the "Office of Professional Standards" (OPS) to the "Office of Accountability and Professional Standards." The change may have been made because, Baptista says, Bureau members confused the OPS with their Operations Division, known as Ops for short. We hear a rumor that the change was made because the new office was being called "OOPS."

—Internal Affairs, with input from both IPR and some CRC members, has hired its first investigator who is not a former Portland Police officer. The investigator is, however, a former San Francisco Sheriff's deputy. Despite the wealth of non-police investigators in the business (including independent investigators for San Francisco's Office of Citizen Complaints), we suspect such investigators will not be part of the oversight system until someday IPR conducts its first independent investigation.

Sustained Findings Sweat the Small Stuff

Because the CRC is not hearing appeals, the main source for learning the nature of cases being handled by IPR and their outcomes is now the IPR's quarterly reports. (The annual report contained very little specific information.)

IPR's third quarter report presents short narratives of several cases investigated by IAD. Three cases received at least one "Sustained" finding. Those findings were generally not attached to the most serious allegations. Sustained findings included:

—An officer failed to document his use of profanity and failed to write an incident report. The use of profanity was within policy ("Exonerated").

—An officer accused of intimidating a citizen who flipped him off in a car by turning on his overhead lights and driving erratically had the improper use of lights Sustained. However, it is unclear whether the intimidation was even investigated as misconduct, and the reckless driving allegation was "Unproven."

—A man drove up next to a police car to report a car prowler, and the officer "used profanity, asked him if he was a 'retard' or 'illiterate,' refused to listen or take appropriate action, and failed to provide his name when requested." All of the allegations were Sustained except for the officer's failure to provide identification. This case is the exception to the rule.

Continuing the trend for which they were criticized in the Eileen Luna-Firebaugh assessment report (PPR #44), the IPR reported the percentage of sustained findings based on the total number of cases reviewed (5 of 8, 63%) instead of the number of allegations (unavailable, but likely closer to 7 of 32 or 22%).

One other case discussed at a CRC meeting involved an officer who was investigated for an incident from before his transfer to Portland. The complainant filed an appeal, but Baptista denied it and apologized to the officer for IAD having investigated at all.* However, the fact that the IPR found the complaint timely implies that the incident occurred shortly before the transfer. Therefore, the previous agency would likely not have pursued the complaint, and if IAD had not done the investigation, the incident would have escaped scrutiny altogether.

Outreach Plan Develops, Guest Speaker Addresses Police Issues

The IPR hired a consulting firm, EnviroIssues, "to develop a plan to clearly communicate priorities and accomplishments of IPR and the Citizen Review Committee," as well as "strengthen community outreach and foster stakeholder input" (continued on p. 4)



IPR Director Mary-Beth Baptista and new Assistant Director Constantin Severe appeared together at the September 17 news conference around the release of the 2007 IPR annual report (see p. 1). Only one CRC member, Chair Mike Bigham, was present.

The Portland Police Association filed a grievance in December against the Bureau's Use of Force and Performance Review Boards, claiming they violate provisions of their contract against "embarrassment" of officers. Since these hearings are kept confidential, and we didn't even know the names of the civilians who sit on the boards until this year (PPR #45), we hope that the grievance fails. Instead, the hearings should be made more transparent.



(IPR 3rd quarter '08 report). It's not surprising that the number one priority seems to be making the IPR look good, rather than trying to get the public to express their concerns about police misconduct or their expectations for an independent oversight system.

At a Work Group meeting attended by Peter Ovington of EnviroIssues, Assistant Director Severe described how people in his neighborhood in Miami would never think of filing complaints against police, because they thought it would not do any good. The draft plan, which came out in December, contained almost none of these kinds of insights.



Multnomah County Developmental Disabilities Division staffer Bill Toomey emphasizes his point at the September CRC meeting; Chair Bigham, Vice Chair Hank Miggins, Auditor Gary Blackmer and Director Baptista look on.

In September, the CRC's guest speaker actually came prepared to talk about how his clients' interactions with police might be an issue for the board. In this sense, Bill Toomey of the Multnomah County Developmental Disabilities Division was a model presenter. Toomey talked about the expectation that when police are called, they will "assist in protecting the person and others"

if a client is "acting out." He noted that his community depends on the police, since his staff can't work after business hours or respond quickly. Despite this relationship, he said he feels complaints should be filed if there is misconduct.

Toomey is working to get developmental disability information included in Crisis Intervention Team training.

CRC Member Heads Crime Commission, Will Give Up Seat; Bias Based Policing Chair Also Leaving

In late August, CRC member Robert Milesnick was hired as Executive Director of the Citizens Crime Commission (CCC), a local entity which recently engaged in lobbying on behalf of the Portland Police Association, as reported by PPA President Robert King in the July *Rap Sheet* (PPR #45). Since the CRC is involved in investigating members of the PPA for possible misconduct, Portland Copwatch cited Milesnick's new job as a conflict of interest and demanded he resign from the Citizen Review Committee.

To his credit, Milesnick raised the question at the CRC's September meeting. He told other members he would resign if they felt he should. Asked about the connection between the Portland Business Alliance (PBA), which has advocated such tough-on-crime measures as the Sit/Lie law, and the Crime Commission, Milesnick said the PBA provides the CCC with insurance and other corporate infrastructure, but not funds. This and the general "law and order" policies of the CCC, despite its work to help foster children with alternatives to the criminal justice system, are additional concerns.

After the CRC was unable to make a decision that night, Milesnick decided not to renew his CRC membership, which expires in February.

The CRC membership recruitment process got started late this year, in October. Members Mike Bigham (the CRC Chair) and Lewellyn Robison reapplied, but Sherrelle Owens, the

chair of the Bias Based Policing Work Group who is just completing her first full term, did not. This means there will be at least two new members as of January.

Interestingly, the IPR's announcement for recruitment, instead of saying CRC's duties include hearing appeals, lists a duty to "exercise impartiality when citizens or PPB officers appeal results of police misconduct investigations." So, they act impartial but don't hold hearings?

One good sign about the application process: The group appointed to review applicants included two current and one former CRC member (Eric Terrell), Debbie Aiona of the League of Women Voters, who attends most CRC meetings, and Helen O'Brien from the DA's victim assistance office. It appears to be the first time that Auditor Gary Blackmer, who designed the system, did not have a strong hand in picking the review panel.

IPR Structural Issues and "Effectiveness"

Portland Copwatch has proposed making the IPR, the Ombudsman's office (also under the Auditor, it takes complaints about every City Bureau except police) and the Human Relations office into a branch of government in the City Charter. This idea would allow these three departments to have legal counsel other than the City Attorney to avoid conflicts of interest. Ignoring our

Freedom Child, who was dragged from her house by the hair when two plainclothes officers in an unmarked car came after her because they said she had no light on her bicycle (PPR #37), is expected to have her lawsuit against the city, the officers and the IPR heard in federal court in January.

proposal, Auditor Blackmer attempted have the Ombudsman's office embedded alone in the Charter via a City Council vote in late August. Recognizing that there was a long process that led to the last set of Charter changes, Commissioner Dan Saltzman and others succeeded in having Blackmer withdraw the request.

Comparing the IPR's role as an overseer of the Internal Affairs Division rather than being a truly independent oversight agency to other review boards from around the country, Director Baptista and three members of the CRC reported that they think Portland is doing great. Having attended the National Association for Civilian Oversight of Law Enforcement (NACOLE) conference in October, they reported that they felt the IPR has more "effectiveness" than other cities' boards. However, there are cities in which the review systems have higher satisfaction rates (such as Albuquerque, NM). They also noted that other cities have problems with their police unions. Portland Copwatch responded to be aware that Portland also has such issues. We believe one reason IPR has never used its power to conduct independent investigations is the power of the PPA.

The CRC will hold a retreat on Saturday, February 28, 9 AM at the Water Bureau Facility in N Portland. Contact IPR at 503-823-0146.

CRC MIXES STEPS FORWARD & SLOW-MOVING WORK GROUPS:

CRC has taken a few positive steps lately, while still not fulfilling their promise as a "police review board."

—CRC members reported that the Tri-Met Division is still not requiring interviews with Portland's Internal Affairs for officers from other jurisdictions working under Portland Police Bureau command (PPR #45). However, Internal Affairs from other cities have offered to do interviews if complaints are filed in Portland and their officers are witnesses or subjects of the complaints.

—Member Josey Cooper gave a report on the Sisters of the Road forum on the Sit/Lie (sidewalk obstructions) ordinance (PPR #45). Cooper described how Portland Patrol, Inc (PPI) officers behave like police officers even though they are private security. They are not allowed to enforce the law, only to inform people what the law says. They do not always hold to their legal limits. CRC Chair Bigham wrote a letter to the head of PPI, inviting him to discuss the "confusion" in the community around PPI's role.

—CRC changed the name of the "Service Complaint Work Group" to the "Case Handling Work Group," because they are examining how IPR and IAD decide to designate complaints as declined, dismissed or as "Service Complaints." They also changed the name of the "Performance Review Work Group" which is looking at the Luna-Firebaugh report to the "IPR Structural Review Work Group." PCW supported and suggested both ideas.

Of concern: CRC members have again been invited to participate in the "Use of Force Task Force" which published statistics without data on suspects' race last year (PPR #42), without explaining why these meetings are not open to the public. Asked at a Racial Profiling committee meeting about this matter, Chief Sizer said it is easier to have frank conversations when the press and public are not around (p. 2). Oregon has an open meetings law to prevent such conversations from taking place behind closed doors.

—The CRC's PARC Work Group is examining Police Assessment Resource Center's 2005 and 2006 follow-up reports on police shootings and deaths in custody to check for Police Bureau compliance and whether the recommendations fit Portland. However, the CRC has never examined the 89 recommendations in the original 2003 PARC report. The new 2008 report covering the years 2004-2005 has not come out as of PPR press time. PARC's five year contract ends when the 2008 report is done.



Sheriff-Elect Skipper Shares His Views with Portland Copwatch

On November 4, Bob Skipper won the election to fill the remaining two years of former Multnomah County Sheriff Bernie Giusto's term. Skipper had a leg up, having been appointed to hold the office from July until the election (PPR #45). Skipper was opposed by Deputy Muhammad Ra'oof, a corrections sergeant for 17 years.

Members of Portland Copwatch (PCW) met on October 10 with Sheriff Skipper, his Under Sheriff and Internal Affairs Captain. Our goal was to assess Sheriff Skipper's interest in and commitment to a civilian oversight board dealing with possible misconduct by deputies and staff at County correctional facilities. Being a non-partisan group, we asked Ra'oof about the same issues a few weeks prior to meeting with Skipper.

The Sheriff and his staff advised us that there is a review board of sorts, an advisory body of 6 people which meets when an Internal Affairs investigation arises to a certain level of controversy. While former Sheriff Noelle set up this board, Giusto never used it, and Skipper had not at that point. Skipper didn't seem interested in our questions and concerns regarding independent complaint intake for inmates and arrestees, independent investigations, or having civilians decide whether misconduct occurred. He seemed to believe that chaplains and counselors inside the jail system were sufficient to listen to and pass on concerns, while giving no credence to the point that these people are still part of the corrections system with power and control over inmates. He strongly expressed that criminal investigations should take precedence and feared that compelling officers to testify would contaminate prosecutions.

We also raised the issue of brutality, giving the example of corrections officer David Thompson, who bragged on line about punching an inmate in the eye (PPR #43). Skipper indicated Thompson's Internal Affairs investigation was coming to a close and there could still be ramifications. Beyond that he said his philosophy was to treat inmates the way he would want to be treated.

Skipper attributed the disparity in the population of African Americans and Latinos to the types of charges leveled against them.

In the "news to us" department, Sheriff Skipper stated that Giusto had

pulled the two Multnomah County deputies from the Joint Terrorism Task Force (JTTF) because of funding concerns (whereas Portland pulled out on principle in 2005—PPR #36). Skipper indicated he would not have done so and was not concerned about the lack of oversight of deputies on the JTTF, saying he would pick people he trusts to serve on it.

PCW will continue to pursue these issues with the Sheriff's Office and the Multnomah County Commissioners.

EDITORIALS

A real Skipper at the sheriff's helm

Multnomah County voters are lucky to have the former sheriff back; voters should elect him to fill out Bernie Giusto's term



Oregonian, October 9

Voters should return Bob Skipper to the Multnomah County Sheriff's Office.

Jail Deaths, Sick Leave Keep Sheriff's Office in Headlines

Throughout the fall, articles appearing in the press continued to relate problems concerning Multnomah County Deputies and jail staff. On August 28, a jury found former jail nurse William James guilty of forging a drug prescription for an inmate who died soon after (PPR #44). James indicated that he had received authorization from a jail doctor to give an anti-anxiety sedative to inmate Jody Norman. Norman had been complaining of chest pains and died in his cell. During the trial, the deputy district attorney argued that if James had followed protocol and called the doctor, Norman would likely have been taken to an emergency room. James testified that the physician, Dr. Todd Engstrom, told him not to call in the middle of the night to administer the drug, so James indicated this prescription was approved by telephone. Several staff testified that this was common practice, although Engstrom and other staff members testified James' actions were not common or acceptable.

Subsequent to the verdict, the judge sentenced James to 18 months' formal probation and 320 hours of community service (Oregonian, August 29).

In September, the Multnomah County Commissioners approved using \$2.2 million in reserve funds to restore the Close Street supervision program which had been taken away from the Sheriff's Office in 2005. This settles a legal dispute with the union representing jail deputies, who will receive \$750,000 in lost overtime. The Close Street supervision program had been transferred to the Department of Community Justice during the time the Commission and Sheriff Bernie Giusto were not working well together. The union had argued that the County did not give them notice or negotiate the transfer and the State Employee Relations Board agreed. The Commission approved \$40,000 to hire a consultant to study the entire pretrial supervision system and to recommend improvements. The County also decided not to eliminate the jobs of the Community Justice employees who were staffing the program (Oregonian, September 12).

Shortly after the win by the deputies, Multnomah County clamped down on the abuses of excessive sick leave use by jail deputies. According to an arbitration ruling, the County can change contract language regarding the use of sick and compensatory time off. Sick leave had increased markedly in recent years. Now, deputies are required to provide a doctor's note if they have called in sick more than five times in six months, have fewer than 24 hours of sick leave left, or have received a warning about past use of sick leave. Changes have also been made to the use of compensatory time, which has now been capped at 96 hours per year (Oregonian, September 18).

On October 27, a board that was formed to focus on management issues at the Multnomah County Sheriff's Office was dissolved (Oregonian, October 28). The panel had been set up to respond to the DA's concerns about Sheriff Giusto in November, 2006 (PPR #40).

Check out the Sheriff's website at: www.mcso.us

Jails clamp down on deputies' time off

Jail nurse forged inmate's drug order

Board loses its fight with jail deputies, will pay \$2.2 million

Oregonian, August 29 and September 12

FAMILY SETTLES SUIT INVOLVING EXCESSIVE FORCE IN HOUSE RAID

The family of Sung Koo Kim, once considered a person of interest in the 2004 abduction of Brooke Wilberger in Corvallis, will receive \$331,000 from the State of Oregon for State Police using excessive force while executing a search warrant at the Kims' Washington County home. While no evidence was found in the Wilberger case, police did find undergarments stolen from college campuses and pornographic images on Kim's computer. According to the lawsuit, police entered the Kim home in the middle of the night and shot Kim's father, Joo, with a rubber bullet, claiming he refused to stop moving toward two firearms in Kim's room. The bullet caused internal bleeding and scarring. Kim's mother, Dong, alleged that the family was traumatized by the violent search and the allegations against her son, who was subsequently found to have no connection with the Wilberger case. Kim is currently in prison on charges of burglary, theft and encouraging child sex abuse based on information found on his computer.

The state police made no admission of wrongdoing and a spokesman for the Oregon Department of Justice stated the settlement was based in part on possible technical errors in the warrant and to spare the jury and the Kim family from the materials found in the home (Oregonian, October 22).

State settles suit against police

A man's family says a search in a 2004 abduction involved excessive force

Oregonian, October 22



COPS BRAGGED ABOUT "TACKLING" JAMES CHASSE, JR Video Surfaces Shortly After Community Marks Two Years Since Death in Police Custody

Two years after James Chasse, Jr.'s death, the Portland Police Bureau's Internal Affairs investigation into what happened was still not complete. Police officers Christopher Humphries and Kyle Nice, and Bret Burton (formerly a sheriff's deputy) still patrol the streets. No one has yet been held accountable for brutally beating and killing Chasse.

While the Bureau was dragging its feet and not giving the community any hope that closure is in sight, people came out again for a second year to remember Chasse and express outrage. On September 16th, members of the Mental Health Association of Portland (MHAP) met at Central Precinct to chalk outlines of bodies and write the names of victims of police violence. The next day, activists from Portland Coalition Against Poverty, the Portland Dorothy Day Catholic Worker House, and other groups marched and held banners demanding the community take back their power and end police brutality. KBOO radio aired a Chasse special and MHAP held a concert remembering James to benefit the production of the documentary "Alien Boy" (PPR #44). Also in support of "Alien Boy," a few creative Portlanders have put together a zine about Chasse with the same name, available at Reading Frenzy.

At the end of October, the Chasse family's attorneys released a video from the intake area at the county jail that included enhanced audio detail from the night Chasse was killed. On the video, Officer Humphries can be heard talking about how he tackled Chasse, how hard he fell, how scared Chasse was and how funny it was to take him down in front of the Bluehour restaurant while people ate their dinner. This story contradicts testimony that Humphries gave to the homicide detectives during the initial investigation days after Chasse died. Humphries originally testified that he did not tackle Chasse but pushed him in accordance with policy. After the tape's release, Police Chief Sizer opened a separate internal investigation into the question of whether Humphries lied to investigators (*Oregonian*, October 31).

On November 12, newly elected police union president Scott Westerman published a guest opinion in the *Oregonian* with his take on the new developments in the Chasse case. This was Westerman's first "public appearance" and he used it to set a harsh tone. He criticized the Chasse family for pursuing a civil trial and used the same tired line blaming the "degrading mental health system" instead of police. He brazenly commented that officers did what they had to do if, in fact, Chasse was urinating in public, because downtown business owners have said it is a big "livability" issue. While most citizens would probably agree that public restrooms and spaces are important issues, a higher "livability" issue is police use of violence against unarmed citizens who have committed no crime, especially when lives are being taken.

To hear the KBOO program, go to listen at www.kboo.fm/node/9395. To view the video, visit http://videos.oregonlive.com/oregonian/2008/10/james_chasse_jail_video.html. For info visit www.alienboy.org, or donate to MHAP, PO Box 3641, Portland, OR 97208.

OTHER SHOOTINGS AND DEATHS IN AND AROUND OREGON:

—On October 30, Springfield police shot and killed Richard Walter Sykes, 51. Sykes allegedly came out of his house with an assault rifle after a doctor had refused to give him a prescription, and he told his wife he would shoot the police if they came (Associated Press, November 1). Naturally, she called 911 and they sent the police.

—Three days later, on November 2, nearby Eugene police shot Juan Carlos Aleman, 32, a murder suspect who supposedly came at officers with a knife in each hand after a standoff; officers then used a sponge round and a Taser on Aleman to take him into custody (KVAL, November 2 and *Oregon Daily Emerald*, November 4).



Railroad Cop Shoots, Two Families Settle

(continued from p. 1)

shot Hawkins in the hands—twice, leading to his arrest. By the way, we had no idea the railway had its own police, did you?

One of the *Oregonian* articles on the shooting said Hawkins was carrying a gas can that he was trying to ignite while also holding the knife (October 27), quite an interesting physical feat.

Meanwhile, the City settled out-of-court with the families of Perez and Young, meaning that among other things, there will be no public airing of facts or court-ordered policy changes.

Mayor Tom Potter released a statement about the Perez settlement, which is the fourth-highest shooting settlement by the City since 1993, that "any loss of life diminishes not only a family and the officers involved, but our entire community." His statement also encouraged "working together to break down the stereotypes that keep us from being true partners" and hoped the settlement would bring closure for all involved (*Oregonian*, September 3). The *Oregonian* wrote an editorial connecting both new training for officers to avoid making deadly force "inevitable" and the Perez case to the death of James Chasse (left), noting that there is no way to know if the new policies would have changed the outcome of either incident (September 7).

In response, Officer Peter Taylor wrote an op-ed (September 10) that insists officers have "always been encouraged—and trained—to avoid deadly force." He adds that the reason officers put themselves in dangerous situations is to protect bystanders—never mind that had the bullet aimed at Perez missed, it could have hit any number of people in the immediate area. Taylor insists that there

has been no training on how to extract people from cars, conduct foot chases (like the one that led to Chasse's death), or what to do if a person with mental illness runs away or struggles with police. He takes the *Oregonian* to task for "diminishing the contributions of police" and "damaging the police-public trust."

Attorney Elden Rosenthal released his own statement, asserting "Mr. Perez's tragic death did not have to happen... The Perez family hopes that this settlement will provide some closure to the community, and that the city will now make the necessary changes in how it trains and educates its police officers in the proper use of deadly force."

The Young settlement, which becomes the sixth-highest after the one for Bruce Browne in 2003 (PPR #29), also prompted Potter to express his hope for "closure" (*Mercury* blog, October 3). Stephanae Ennis, Young's mother, told the *Oregonian* that she remained "heartbroken" and said that "no amount of money... will bring my boy back" (October 4). Potter fired Kaer and an arbitrator later reinstated him (PPR #45). Whatever his reservations were, Potter said that officers have the right to defend themselves. ■

POLICE AND DEADLY FORCE A missed opportunity on police-public trust

In a Portland police officer, and I'm writing in response to The *Oregonian's* Sunday editorial "Learning from the Perez case," avoid deadly force. Suggesting escalate a dangerous situation and attempt to reduce the potential for injury to citizens. That acceptance of risk often runs counter to set-piece training and prescribed tactics. Nevertheless, violence is some-

for front-line officers, I hope we'll see an improvement next year. Experience shows that skills training improves outcomes by giving officers the tools they need. The department has a new use-of-force policy that puts words on the ethics that men and women with Portland badges already have: resolve conflict with as little risk of violence as possible. That's hardly a "revolution." Nevertheless, violence is some-

IN MY OPINION
Officer Peter Taylor, who wrote this op-ed for the September 10 *Oregonian* on improving community-police relations, was on the 2004-2006 top-10 lists of officers using force, sending suspects to the hospital, deploying a Taser and pointing his gun (*Portland Tribune*, 10/31/06).

SIT/LIE REPORT: SIGN BOARDS OKAY, HOMELESS NOT

The infamous Sit/Lie (sidewalk obstruction) Ordinance continues to create controversy as it is applied to the homeless, but not to sidewalk cafes or sign boards ("A boards"), which are covered by the Ordinance. While no warnings or citations have been issued against sidewalk cafes or un-permitted "A boards," 133 of the 170 warnings and citations issued up to November were to reportedly homeless individuals (*Portland Mercury*, November 20). This inequitably applied enforcement concerns advocates of the poor and homeless. Complaints are frequently heard from businesses about homeless people on the sidewalks, but no business has raised concern about how cafe seating and "A boards" impede the progress of pedestrians through Portland's streets.

These statistics came from a "Street Access for Everyone" (SAFE) Committee report issued at the end of November. Ever since the acronym for this oversight committee was established, concern has been raised that it creates fear of people who are downtown for any purpose other than shopping and spending money. We hope that when the ordinance sunsets in May, the section that enables the Sit/Lie law will be allowed to expire, though not the parts calling for more services. In any event, perhaps a more appropriate name might be established for the committee when it heads back to Council.

Concerns have been raised about an increasing number of people congregating in front of Sisters of the Road, whose representative withdrew from the SAFE committee in May (PPR #45). Commander Mike Reese of the Police Bureau's Central Precinct says despite police being called a number of times to the area, no one has been cited for violating the Sit/Lie Ordinance. While there have been fights and other unfortunate activities around the Sisters area, no sidewalk obstruction complaints have come from Sisters. Director Monica

Sit/Lie was found "constitutional" on September 19 by Multnomah Circuit Court Judge Terry Hannon. Though not applicable in other courtrooms, the decision creates a more challenging situation for homeless advocates who are calling for the repeal of the law. Attorney William Meyer plans to appeal the decision (*Street Roots*, September 20).

Beemer has indicated it is important to find a solution that does not dehumanize people (*Portland Tribune*, October 2).

People have also observed that police on horseback have been used to

force Sisters customers back from across the street, near the unfinished new light rail line, and officers have encouraged people to sit by Sisters, perhaps to force the Cafe to change its view on the Ordinance.

A new public toilet, referred to as The Portland Loo in a tip of the hat to the British, opened in early December near NW Fifth and Glisan and should be a step in the right direction in providing resources for those affected by the Sit/Lie Ordinance. Commissioner Randy Leonard is so excited about the Loo that he is considering ordering more (*Oregonian*, November 15). Despite these small steps forward, we still believe it is not appropriate to exchange civil rights for services. ■



Mercury reporter Matt Davis sat next to an "A-board" sign to show the hypocrisy of Portland's enforcement of its "Sidewalk Obstructions"/Sit/Lie law (*Mercury Blog*, April 10)

Turmoil spreads on Sisters' sidewalk



The October 2 *Portland Tribune* reported on "Turmoil" at Sisters of the Road; are police telling people go sit there?

NEIGHBORS CALL FOR PROSTITUTION FREE ZONES' RETURN, COPS TRY OTHER TACTICS

Concern about prostitution on 82nd Ave has filled the pages of Portland's newspapers. Headlines which might be considered clever, but which only demean the women involved in prostitution, scream out such things as "Sirens vs. Sirens" and "Whore-R Stories." Much of the blame for what is considered a problem by police and neighbors is placed on the dismantling of the Prostitution Free Zones (PFZs). A September 12 *Oregonian* editorial stated that the city needs to reinstate the PFZs, though Mayor Potter indicated he will not reauthorize them. The editorial referenced a program being instituted by Potter and Chief Sizer, which involves stepped up police patrols, cracking down on johns, closer collaboration with the courts, and exclusion from the neighborhoods as a condition of probation if the alleged prostitute is convicted and placed on probation. Violation can result in jail time. Their plan also calls for counseling, treatment and increased services. The editorial doesn't consider the Potter/Sizer plan sufficient and wants the PFZ reinstated so "officers can cite prostitutes and remove them quickly." The editorial addressed the issue of violations of civil rights in exclusionary zones only by pointing out that most prostitutes are white, while Drug Free Zones were eliminated due to racial disparity (PPR #43). Neighborhood associations also want the PFZ reinstated.

Commissioner Randy Leonard wanted to put in place the strategy being used in Old Town/Chinatown for arresting drug dealers and users and "offering more slots in rehab for addicts" (*Oregonian*, September 14). But tactics employed by the police involved in this strategy have raised issues of constitutional rights being denied (see "Secret List" p. 2).

In September, Portland police conducted a survey of suspected prostitutes on 82nd. After one woman was observed waving at passing cars, she was given a "choice" by police of getting cited or filling out the survey. Choice??? The survey asked questions regarding prior arrests for drug use and how personal lives have affected career choices. Many of the women indicated they were engaging in prostitution because of money. Police also engaged in undercover "missions" on 82nd with male officers posing as johns and female officers as prostitutes (*Willamette Week*, September 17).

Crystal Tenty, sex industry outreach coordinator for Portland Women's Crisis Line, asked the prostitutes about what they need, as no one from City Hall had done so. At a community forum, she expressed concern that the discussions about the issue have been dominated by neighborhood associations, police and politicians, but it is vital to have input from sex workers as well. She also pointed out that there are few opportunities for the women to make a livable wage (*Portland Mercury*, September 18).

Portland Police changed their protocols on sweeping homeless camps, no longer feeling compelled by state law to give 24-hour notice to any "illegal campground" found on public property before clearing it out (*Street Roots*, November 28). The Oregon Law Center, representing four local homeless individuals, has filed a federal class action lawsuit against the City of Portland's Anti-Camping Ordinance (*Portland Tribune*, December 11).

The *Mercury Blog* reported December 10 that City Council had created an "82nd Avenue Prostitution Advisory Committee to oversee the city's anti-prostitution efforts...and to advise the Police Bureau and the City Council." Unsurprisingly, it is made up of representatives from the police, the neighborhood, and the courts, but are of the women themselves or of service providers who assist them.

On November 26, City Council allotted \$250,000 to LifeWorks Northwest to help up to 60 women "finding jobs, housing, mentors and the psychological wherewithal to change direction" (*Oregonian*, December 1).

The October 16 *Mercury* reported that prostitution has decreased, as an apparent result of undercover stings. However, as with Sit/Lie and other such laws, the problem has just moved elsewhere—in this case, to North and Northeast Portland. ■



SIZER'S SIZE-UP

Portland's New Chief Survives Showdown Over New City Administration

Sizer to Remain Head of Police Bureau—For Now New Police Commissioner Has Mixed Accountability Record

Much ink has been spilled covering the feud between Portland Police Chief Rosie Sizer and Commissioner Randy Leonard, who was slated to become Police Commissioner in 2009 when Mayor-elect Sam Adams takes office (PPR #45). The most influential of the articles was a front page piece in the September 6 *Oregonian*, titled “*Would she rather quit than work for him?*” When asked whether she would continue as Chief after Leonard took over, Sizer said, “*I like the job, I don’t have to have the job...I don’t intend to let the job make me miserable.*”

After several editorials in the *Oregonian* (September 3, October 21) and apparent leaks of information about his daughter’s criminal history—which Sizer investigated and claimed was not posted to the web by a Police Bureau Employee (*Oregonian*, October 29)—Leonard took himself out of the running.

Interestingly, Leonard released a draft of his “Public Safety Assessment” report for Adams in late August, accusing the Bureau of being “*defensive, and in some cases, obstructive*” to his research. However, Leonard’s report also relied heavily on broad strokes and input from the Portland Police Association (PPA) and command staff, who were invited to his meetings on the topic before Sizer was (also PPR #45).

Responding to his draft, Portland Copwatch (PCW) wrote Leonard: “*There is nothing in this report regarding police use of force, the increasing militarization and apparent over-use of Tasers, police relations with peaceful protests, or even the revamped use of force policy. The absence of this final item came as quite a surprise as many of the other talking points of the PPA (low morale, low staffing, discontent with management) are covered in the report.*”

Despite our letter and a memo from Mayor Potter correcting several issues raised by Leonard, his final report, released on November 5 (two weeks after he withdrew his name from the Commissioner slot),

contained just one change: an added sentence clarifying that the City-County board dealing with public safety issues is not adequate. Perhaps Leonard felt that rewriting the report or even just “*seek[ing] more input, includ[ing] more research and data, and focus[ing] more broadly on what ‘public safety’ means*” as suggested by PCW was too much.

Quickly after Leonard withdrew, Adams announced he would hand the Bureau to Commissioner Dan Saltzman. Many in Portland still feel that the buck will always stop with the Mayor on police issues. Adams’ claim that he wants to spend his time focusing on “*creating jobs, reducing the high school dropout rate, and making the city more livable as it grows*” seems more like a political “duck and cover,” since at least the one of his to-do items is in the purview of Portland’s elected school board, for example (*Oregonian*, August 29).

Saltzman hasn’t done a lot directly with police issues in the 10 years he has been on the Council. Two items that stand out are his sole vote to “Sustain” a misconduct complaint against the officer who dragged African American grandmother Dora McCrae from her van when the case came to Council in 2000 (PPR #23)—a plus for Saltzman, and another solo vote, against withdrawing Portland officers from the Joint Terrorism Task Force in 2005 (PPR #36), a minus.

Portland Copwatch also raised concerns about Leonard’s unquestioning support of a ubiquitous officer’s efforts in our letter to him: “*Quite a few of these programs were initiated by Officer Jeff Myers, and we have documented—and brought to your attention—ways in which Officer Myers’ perhaps well-meaning actions have led to constitutionally questionable practices. This includes the shutting of a community garden to drive away homeless people, the practice of stopping ‘known’ persons to ask them to consent to a search with no probable cause (except that they are who they are) and the related ‘dirty 30’ list of which you have denied knowledge to the Portland Mercury despite praising the efforts of Officer Myers, who created it*” (p. 2)

What’s Ahead for Sizer and the City

Now that the dust is settling on the Commissioner issue, several items, including some raised in Leonard’s report, remain for Sizer to deal with. Aside from the upcoming review of officer Use of Force (see p. 3) and Sizer’s role in the Racial Profiling Committee’s demise and revamping (see p. 2), there has been a lot of focus on the length of time it takes to hire officers (*Leonard/Portland Tribune*, August 28/*Rap Sheet*), the possibility of raising officer salaries as much as 25% as was done in Seattle (*Tribune*, August 21/*Rap Sheet*), and staffing levels at precincts while “specialty teams” are still in place. For example the “Hotspot Enforcement Action Team” (HEAT), which was created to “*quell an increase in gang-related violence,*” dropped from 10 to 7 officers in early October (*Oregonian*, September 30). ■



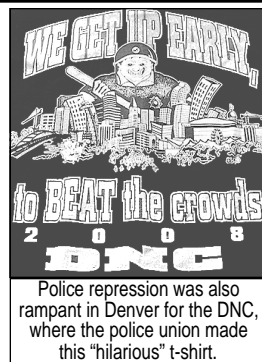
Videotaping Police Makes Local, National Headlines (continued from p. 1)

Portland is not alone when it comes to police targeting videographers. Amy Goodman, host of “Democracy Now!”, a nationally-syndicated TV and radio program, and two producers, Sharif Abdel Kouddous and Nicole Salazar, were arrested in St. Paul while covering street demonstrations at the Republican National Convention in September. To quell the demonstrations, police used pepper spray, rubber bullets, and concussion grenades, and arrested several dozen demonstrators and a photographer for the Associated Press. According to Ramsey County Sheriff Bob Fletcher, Kouddous and Salazar were arrested on suspicion of rioting. For questioning their arrest, Goodman was charged with obstruction and interference with a peace officer (Twin Cities Indymedia, September 1). The charges were dropped, but as Goodman noted, “*We never should have been arrested in the first place*” (Altermet, September 19).

I-Witness Video, a New York-based collective that videotapes demonstrations to protect civil liberties, reported another story from the convention on September 4. St. Paul Police entered I-Witness Video’s office carrying batons and a battering ram based on an unfounded report of hostages in the office. The police at first refused to leave even though it was obvious there was no “hostage” situation. As a result of the disruption caused by the police raid, the landlord evicted I-Witness Video.

Turning the tables, the Portland Police may now be watching you without your knowledge. The Bureau is testing a high-tech camera system on police cars that records the license plate of every car it passes, whether moving or parked. The camera is linked to a database of stolen and suspect-linked vehicles and triggers an alarm when such a vehicle is spotted. Using a GPS system, police can track the movement of vehicles around the city. About 300 police departments have patrol cars equipped with these systems. The one Portland patrol car equipped with the system has recovered seven stolen cars spotted by its camera. Jann Carson, of the American Civil Liberties Union of Oregon, raised concerns: “*If the collection of the data was specifically tailored to the investigation of a crime, I don’t think we would have any problem with that... But simply collecting information on where and when people are located, I think that’s a real invasion of privacy*” (*Portland Tribune*, October 9).

In an October 20 editorial relating to Tabor’s case (“*Big Brother is watching you watching Big Brother*”), the *Oregonian* eerily quotes Chief Sizer, who says of technologies allowing officers to videotape suspects, “*People need to remember that this changing technological window works both ways. The bigger issue for folks may be the emerging lack of privacy.*” ■





Taser Danger Probe: More Portland Cases Make Headlines As the Manufacturer Expands Its Arsenal

In recent months, reports have surfaced of numerous incidents of officers stunning Portlanders with Tasers, conducted electrical devices that jolt the victim with 50,000 volts of electricity for five second cycles.

The October 30 *Portland Mercury* reported that Christopher Newby, who was wanted on a bench warrant for an outstanding \$900 fine in Washington state, was Tasered and bitten by a Portland police dog when taken into custody on July 17. Sgt. Phil Blanchard (#26848) ran after Newby, calling on a group of citizens to tackle him, which they did. Officer Ty Engstrom (#43502) applied the Taser while officer Ryan Hilsenteger (#39660)'s dog bit Newby, and again when Newby allegedly still refused to comply. The *Mercury* says Blanchard only reported one use of the Taser.

Then there was the case of Hung Tran, an insurance salesman who was supposedly engaged in an argument at the Cheerful Tortoise bar downtown in November, 2007. The September 4 *Mercury* says Officer Jennifer Thompson (#43484) claims Tran pushed her down, then after she gained control of him he pushed her hand away, so she used the Taser once on his chest in "drive stun" mode. However, four witnesses say Thompson pushed Tran, and that she took Tran in a chokehold and fired the Taser's 21-foot-wires with darts on the ends to hit him in the back. Photos show marks from the Taser's probes on Tran's back. One witness, the bar manager, added that Thompson smashed Tran's cell phone and digital camera as well. The Taser's digital record showed Thompson pulled the trigger twice, though she claims one was by accident before hitting Tran.

On September 27, federal marshals used a Taser to subdue James Joseph Bennett, an Alaskan wanted for cocaine dealing charges, when he allegedly tried to escape (*Oregonian*, September 28). There is no mention that Bennett was armed or posed any physical threat.

A week earlier, Worter Torriente-Vela, a former wrestling champion, was hit by four Taser jolts as Gresham police tried to arrest him at a convenience store on charges of trespassing, criminal mischief, resisting arrest, disorderly conduct, and possessing cocaine (*Oregonian*, September 23). Although Torriente-Vela "tussled" with the officer, none of his charges have to do with any possible lethal violence, so why use a weapon that is potentially deadly?

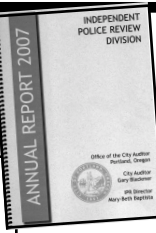
Meanwhile, Taser International has unveiled a new long-range version of the weapon called the "Shockwave." Apparently it sends out six electrified charges that can drop several people at once in a crowd situation (*Mercury*, October 7). They also are working on the "Extended Range Electronic Projectile" (XREP), which can be loaded into an ordinary firearm. The XREP can travel up to 100 feet. A probe sticks into the victim and a second contact point comes out of the back of the projectile, completing a circuit. The probe then jolts electricity into the victim for 20 seconds, four times longer than a conventional Taser (*Forbes*, October 6). Dalia Hashad, director of human rights for Amnesty International, calls the new weapons "something out of a bad video game," pointing out that at least 350 people have died in police custody after being Tasered.

In a multiply tragic incident, New York Police Lieutenant Michael Pigott committed suicide about a week after ordering an officer to use a Taser on a naked man standing on a third story ledge, causing 35 year old Inman Morales to fall to his death. The police quickly admitted the Taser use was against policy, leading to Pigott's reassignment and perhaps his despair (*New York Times*, September 26 and Associated Press, October 2).

On November 27, the *Mercury* ran a two-page article on Portland's use of Tasers, raising the concern that they are "being used more often by officers to gain compliance from uncooperative subjects, and less often as a 'less-lethal' alternative to deadly force." According to statistics they obtained from the Police Bureau, Tasers were used in Portland 541 times in 2006, 476 times in 2007, and a projected 392 times in 2008. That seems like a downward trend until compared to 320 total uses from September 2004 to December 2005. ■



Former Multnomah County Sheriff John Bunnell (L) is hawking the personal Taser T-2 on infomercials that also show Taser's HQ (C) and a woman decking a bare-chested wrestler using the device's unbent fish-hook probes (R).



Annual Report Puts the "P.R." in IPR (continued from p. 1)

was indicative that a good portion of the article was lifted from the IPR's news release. They did note the IPR's concern that only one use of force allegation has been sustained in the last six years.

The IPR report credits the drop in shootings and deaths (from 9 in 2005 and 7 in 2006 to 4 in 2007) to a number of factors, including the introduction of Tasers, though there is no analysis on the massive amount of Taser use compared to firearm use (300-500 times per year—see article, left). Other factors include new policies, and an overall drop of 5% in officer contacts with civilians in 2007.

Interestingly, the IPR's report reveals that 6 of 14 use of deadly force incidents reviewed in 2007 resulted in "Sustained" findings against officers—but none had to do with deadly force resulting in injury or death. The findings were for unsatisfactory work performance, improper police chase tactics, failure to call out SERT, creating dangerous cross-fire, and two negligent discharges (accidental gunfire).

Thirty officers were disciplined in 2007, compared to only 17 officers in 2005. This may be because many officers are now being found guilty of low level offenses (also pp. 3-4).

Even so, in 2007 the number of "Sustained" findings was 22, but there were 26 in 2003 and 27 in 2006, so reports of an upward trend are dubious. IPR also touts that the Internal Affairs Division (IAD) investigated 25% of the cases sent there by IPR, up from 15%—even though the raw number of cases investigated was the same as average (55). One reason IAD is rejecting fewer cases, even acknowledged by the IPR itself, is that the IPR is dismissing more at the front end.

The report notes in several places that the IPR can conduct additional or fully independent investigations from IAD, but fails to note that IPR has never done an independent investigation.

Shootings Information and Data Skewed

According to the IPR report, the lack of communication between Leo Besner, the sniper who shot Raymond Gwerder in the back in November 2005, and hostage negotiators, who were on the phone with Gwerder (*PPR* #37), was highlighted as a policy issue by the Use of Force Review Board (UFRB). Despite the Bureau's awareness of this problem, Officer Stephanie Rabey shot Paul Stewart in the head while he was on the phone with a police sergeant in 2007 (*PPR* #42). In other words, the quantity of shootings may be down, but the potential misconduct involved is just as serious. Also, Stewart is African American, and IPR has still not addressed why so many more people of color are shot at by police, or why so many African Americans file complaints with IPR. The demographic information shows that African Americans account for about 18% of the complainants each year, while only being 6.6% of the population.

IPR released a follow-up report to City Council on November 14, acknowledging that the 38% overall drop in force complaints compared to the steady 8% representation of force complaints in overall allegations may have to do with their no longer breaking out every allegation made by citizens for investigation (since 2005).

Portland Copwatch continues to urge the IPR to show its accomplishments and shortcomings honestly, without trying to play with the statistics to make themselves look better.

A copy of our full analysis of the report can be found at:
<http://www.portlandcopwatch.org/iprreportanalysis2007.html>

In its Nov. 14 follow-up to City Council, IPR says they had IAD ask specific questions about the similarities to the Gwerder shooting in their investigation of the Stewart shooting.



RAPPING BACK

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

COPS' COMPLAINTS REVEALING (continued from back page)

But he is angry that Sizer is ignoring the rank-and-file, not visiting roll calls, sending holiday cards, or visiting injured cops in the hospital, while she has time to be knighted by Royal Rosarians and co-chair the Racial Profiling Committee.

Officer Mike Stradley wrote a follow-up to his earlier article on why not to start a police career in Portland (PPR #45), noting he wasn't blaming the Chief, but rather "poor city government management" as well as "dysfunctional" city policies and relations with the state training board (September Rap Sheet). He suggests the City try setting up recruiting booths in places like Blazer games and military bases.

PPA Vice President Daryl Turner praised Commissioner Leonard's recent report (see p. 8) for "expos[ing] several chinks in the armor of the PPB" on morale, staffing and recruitment (September Rap Sheet). He clarified this was not to "anoint" Leonard or "trying to throw Chief Sizer under the bus." Turner feels Sizer only brings in those who agree with her to make decisions, and questions her claims that officer morale is "fine."

Also:

—John Grable, one candidate for PPA President who lost to Sgt. Scott Westerman, claims that the new Use of Force policy is unacceptable to a majority of the PPA (September Rap Sheet).

—Sgt. Wayne Kuechler, running for Vice President of Sergeants, wants to end the Use of Force and Performance Review Boards, which he calls panels of "15 inquisitors" (October Rap Sheet). He says the "embarrassment and demeaning treatment of members subject to discipline needs to change"—despite the fact that these hearings happen behind closed doors and are not subject to public records laws (see p. 3* for news of the PPA's grievance over UFRBs).

—Outgoing President Robert King says reasons for the lack of new recruits in Portland include "the constant threats of lawsuits, the political pressures under which police agencies operate and the dangers of the work" (September).

—Retired Officer Pete Galluci, quoting the movie "Remember the Titans" in his article titled "Morale is a reflection of leadership," says officers are being reprimanded for doing a good job, and are "put in their place" when they complain of low morale (September).

—Noting such issues as benefits and incentive pay are more pressing, Officer Pete Taylor (another candidate for President) advised that the "right to free Slurpees at 7-11 is [not] the biggest issue facing our association" (October).

Honesty is the Best Policy #2: Cops Do Make "Mistakes"

Despite frequent noises from Portland officers about being disciplined for "just doing their jobs," Officer Pete Taylor admitted there are cases of misconduct: "In those very infrequent cases where an officer has made a mistake, I will expect correction to be made that is fair and healthy" (Rap Sheet, September 2008).

Copping an Attitude

Related to the officers' gripes is the overall attitude of officers toward the public and elected officials. Recent Rap Sheet pieces go in two directions.

To his credit, Det. Simpson ran an article in October by Bob Parsons, the CEO of "godaddy.com," who went on a ridealong in Phoenix. Parsons was taken by the fact that the officer he was with treated everyone with respect, and did not talk down to anyone, attracting "more flies with honey."

Similarly, in King's last column as President, he cautioned his successor, "In the political environment of Portland, we need to develop and maintain relationships with people and groups who have very different perspectives from our own...respectful diplomacy and compromise are necessary tools to be effective" (October). Sgt. Westerman seems on first blush to be taking this to heart, writing in his October pitch to be President "we need to maintain a professional relationship with the members, the citizens of Portland, management and the City Council." (As for people with mental illness killed by police, no such luck on Westerman: see Chasse article, p. 6)

But then, Simpson ran some articles bringing these level-headed ideas into question. On the front page of the November Rap Sheet, retired Detective Kent Perry waxed poetic about his early days in the Bureau riding on Union Ave (now Martin Luther King Jr. Bv). "Only the toughest, meanest, don't-piss-me-off-or-I'll-kick-your-ass-into-the-middle-of-next-week cops worked 'the Avenue.'" Among the proactive activities Perry cites is "rousting whores" and "harassing the 'ladies' along Union Ave

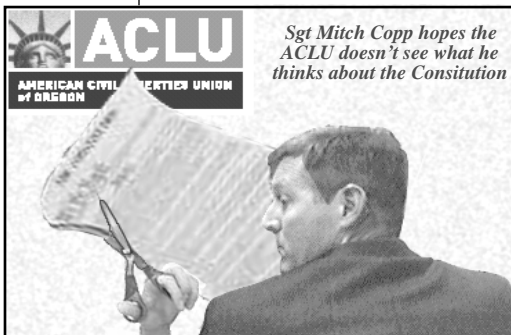
until they'd had enough and moved on." His article is actually a tribute to former PPB officer Rick Hegrenes, whose nickname was "Hand Grenades" because it sounds like his name but also "his slam-bam, balls-to-the-wall style of police work."

Perry also seems to fondly miss a tactic that he admits was discredited by causing too many deaths in custody: What he calls "application of the once venerated 'choke hold.'" He says Hegrenes would apply it to "the male half of family beefs," or to a "junkie" to get a dime bag from under his tongue. Perry says they rated the choke hold effective if the suspect "lost not only consciousness, but also bladder and bowel control as well." He recalls Hegrenes "clinging to some drunken low-life, riding him like a cowboy on a bucking bronco... until the hapless dirt-bag collapsed comatose, all the fight gone out of him, pants fouled (fragrantly). Yee hah!"

While denying that Hegrenes ever did so, Perry writes that some officers turn their lights on blocks behind someone to "encourage the driver to run" and start a car chase. One time when a 19-year-old led a high-speed chase and stopped, Hegrenes went to "yank the little

maggot from the car" but the suspect took off again, eventually crashing. Hegrenes then went to "subdue the little puke. We probably tuned the kid up more than was absolutely necessary."

Low-life, maggot, puke: what good does it serve the Portland Police to have officers talking about citizens this way? It's one thing to have a Portland officer (albeit retired) in the Rap Sheet, but (concluded, p. 11)



SERGEANT COPP SAYS THE ACLU "OPPOSES THE INTERESTS OF POLICE OFFICERS"

Writing in the September Rap Sheet, PPA Secretary-Treasurer Mitch Copp devoted an entire column to the American Civil Liberties Union of Oregon (ACLU-OR)'s positions on police matters. He stated it was his intention to let the PPA membership know "which organizations consistently oppose policies that have proven to support the work of PPA members." He claims the ACLU-OR works to the "detriment of our membership," giving examples such as: They recommended Portland pull its officers out of the Joint Terrorism Task Force; they wrote a report about Taser use with a "2-part standard"; they opposed the Sit/Lie Ordinance and lobbied against Exclusion Zones. The ACLU even supported the critique of Portland's police review board by Eileen Luna-Firebaugh; you can see Dave Fidanque on video at a "people's hearing" (PPR #44) calling for (gaspl) independent investigations, more appeals, policy recommendations and outreach.

Copp's laundry list shows that the ACLU was standing up for civil liberties, but does not analyze how it is acting to the detriment of the police. Perhaps the police believe they flourish best in an atmosphere devoid of civil liberties. Therefore, the ACLU is the best friend the police have: They keep our city from devolving into a police state.

Simpson also ran pieces from outsiders with similar attitudes. In the October issue, Mary Mitchel, a conservative columnist for the *Chicago Sun Times*, wrote negatively about people marching to protest a police shooting, but “you didn’t see people marching against armed thugs who killed” three drive-by victims in the same time period.

In that same issue, Dean Scoville of the LA Sheriff’s Department wrote about protection against home invasion, praising an 11-year-old who killed an intruder with a shotgun: He “saved taxpayers the burden of paying for the prosecution... I’m not advocating the wholesale slaughter of burglars, ... I’m merely reminding you that dead men don’t tell tales and they’re not worth a damn at lawsuits, either.” He refers to one criminal suspect as a “rude SOB” and advises those reading his column to “steal a page from dirt bags’ home video surveillance systems” to identify who’s coming to the door.



Lori Goodwin

Honesty is the Best Policy #3: High Speed Chases Kill

In the November *Rap Sheet*, Sgt. Chris Davis of the Drugs and Vice Division straightforwardly reported that “Pursuits make for exciting television, but potential dangers...are tremendous.” Davis noted that 200 people a year are killed in vehicle pursuits, 40% of whom are uninvolved bystanders, with cities paying out millions of dollars to victims or families.

More Signs of Racism in the Rap Sheet

There are subtle ways in which racism creeps into many conversations, and the *Rap Sheet* recently included several examples. In the October issue, Detective Lori Goodwin wrote a long rant against naming a street for César Chávez, saying that in general renaming streets spends “precious decision making time” and City money. She argues “Caesar Chavez [sic] is not a name I want to put on a sign. It is hard to say and difficult to spell and doesn’t have much meaning.” (Goodwin proves Chávez’ name is difficult to spell by writing Caesar instead of César). She does say he was “probably a great man.”

She encourages his supporters to get money together and “erect a golden statue of the man and place it in a park.” If naming is so important, she says, let’s name our kids “Mother Teresa, Pamela Anderson [!],

Abraham Lincoln, Tiny Loco [?] or Jesus Christ... People I work with, Portland’s domestic terrorists, they would angrily demand ‘Tortilla Flats St’ or ‘Bloods Blvd.’,” or rename Kerby St after the Kerby Bloc Crips. In her opinion, the biggest street should be named “‘God Street’ in honor of the creator of the universe... I like God’s justice—swift and accurate with no questions asked.”

Goodwin adds, “Where does it end? Trey [sic] Arrow Avenue?” Other cities don’t rename streets “to appease certain honorariums.” Live the message, she says, don’t waste Portland’s money.

Blending in sexism, in an October front page piece complaining that Portland’s Police chiefs have declined in effectiveness, Retired Captain James Harvey wrote that before the early 1990s, the emphasis was “on quality, rather than diversity.” Since then, Portland has had four Chiefs, two who were African American and the current one, who is a woman.

Honesty is the Best Policy #4: History Shows Police Enforce Prejudices

Sgt. Wayne Kuechler, writing about racial profiling in the September *Rap Sheet*, expresses that he understands that eliminating bias is important. “Police have a unique power to unilaterally deny societal justice individually or collectively... I realize the use of some enforcement arm of government suppressed many groups for the first 180 or more years of our nation.” While he argues that those days are long gone, it is refreshing to have an officer acknowledge these power imbalances and rights violations.

The Portland Police Association does not set policy. However, some PPA leadership and officers express negative attitudes toward citizens and civilian oversight in their newspaper. We worry these ideas may spread throughout Portland’s ranks.

The *Rap Sheet* is available from the Portland Police Association, 1313 NW 19th, Portland, OR 97209. The PPA’s website is <www.ppvigil.org>.

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Letters/submissions welcome. Contact us by e-mail: newsletter@portlandcopwatch.org. For a list of writing, editing, graphics and layout credits, see the print version.

Call us at (503) 236-3065 for more info; report incidents with the police or Sheriff’s deputies to the Copwatch Incident Report Line at (503) 321-5120.

This issue printed with soy-based ink on recycled paper!

NoPo CopStop is looking for volunteers for upcoming patrols and other activities. NoPo CopStop is based in North and Northeast Portland with a focus in these neighborhoods. If you are interested or would like more information contact Nopocopstop@gmail.com

If police want to search you, they may pat you down to check for weapons. Make it clear you do not consent to any further search. If they say they have a search warrant, ask to see it. If they are searching your home or your car with “probable cause,” make it clear you do not consent to a search.

If you are arrested, you do not have to answer any questions, other than identifying yourself. Don’t offer excuses or explanations. Anything you say can be used against you. Just say, “I want to talk to a lawyer.” If you don’t have a lawyer, ask the police how to contact one.

If you are Copwatching, be sure to let officers know you don’t intend to interfere with the arrest. This means staying ten feet or more away from the action and not trying to distract the officers or the arrestee’s attention.

If you are the victim of police misconduct, be sure to get the names of all officers involved and supervisors names if possible. Get names and numbers of any witnesses to the action.

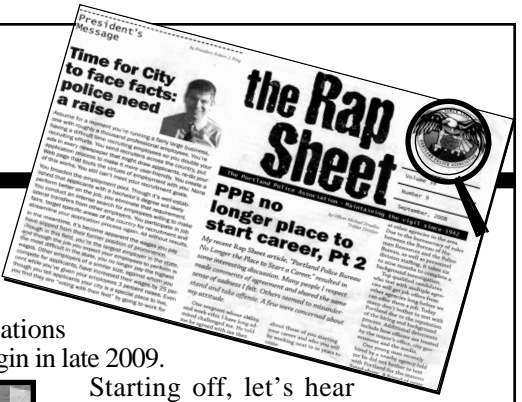
If you are the victim of police misuse of force, document injuries right away. You may wish to pursue any number of routes, from filing a complaint with the Independent Police Review Division (IPR) to pursuing a lawsuit.

- Enclosed is \$10 to receive one year of the People’s Police Report by mail.
 - Enclosed is a sustaining donor pledge of \$15-25. I understand I will receive the PPR and all other mailings from Copwatch.
 - Enclosed is a donation of \$_____ to support your continuing work.
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 - I’m donating, but I don’t wish to receive mail.
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RAPPING BACK

Portland Copwatch member Dan Handelman analyzes the Police "Union" newsletter, the "Rap Sheet" for the *People's Police Report*



Power, Pouting, Posturing, Prejudice, and Principles of the Portland Police

Honesty is the Best Policy #1: Power to the "Union"

In several of the last issues of the Portland Police Association (PPA)'s newsletter, the *Rap Sheet*, officers made statements that were surprisingly frank.

Perhaps none was more honest than *Rap Sheet* editor Peter Simpson's September statement that "The PPA President is a politically important position that comes with a big stick."

Tracking the Cops' Complaints

In our last issue, we documented various repeat complaints by rank-and-file officers and sergeants in the *Rap Sheet*: Government is unsupportive, salaries are too low, media is biased, staffing levels are too low, etc. These past few months have seen more of the same, perhaps heightened by the recent elections for PPA officials.

To start, it's important for our readers to know one item that also appeared repeatedly: a law recently passed by the Oregon legislature allows law enforcement to make "safety issues" mandatory for bargaining. When you read more, you will see why it is important for the citizenry to be sure officers are talking about true workplace safety issues such as OSHA standards, and are not setting public policy around issues such as use of

deadly force and discipline. The current contract expires in June, 2010, and negotiations are expected to begin in late 2009.

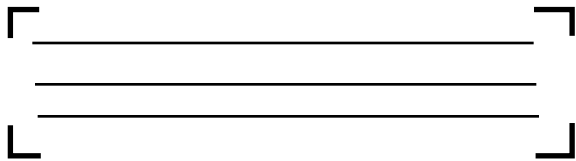


Starting off, let's hear from Officer Thomas Brennan, a candidate for PPA President who wrote in September that officers are "being subjected to use-of-force, performance, you-took-free-stuff, why-did-you-get-out-of-your-patrol-car, and you-used-a-potty-word review boards." He says the low morale is due in part to "nonsensical" policies set by management. "Going on patrol without support of current management is like going to war without an accordion," says Brennan. (This is a complete mangling of a Jed Babbin quote

about going to war without the French being like going deer hunting without an accordion.) To his credit, when Brennan quotes Martin Luther King's statement that "Injustice anywhere is a threat to justice everywhere," he knows that it is from the Letter from a Birmingham Jail. (It is also, ironically, etched into the facade of Portland's downtown police station.)

Part of what set Brennan off (this time) is that Chief Sizer was planning to implement an "optimal staffing plan" that would have restricted officers' ability to take days off. The plan was dropped when Commissioner Randy Leonard secured \$500,000 for more overtime. Interestingly, Brennan says that had the plan gone through, there would have been more use of sick leave and more officer "injuries." Those are Brennan's "scare quotes," not ours—indicating he admits officers fake injuries to get out of work.

In October, Brennan criticized Chief Sizer, saying some people believe she is "working on a cure for cancer and has a comprehensive Middle East Peace plan." (continued on p. 10)



To report incidents involving Portland Police Officers call:
PORTLAND COPWATCH
(503) 321-5120

YOUR RIGHTS AND THE POLICE

a quick reference guide for civilians in Portland, OR

HANDY NUMBERS:

- Independent Police Review Division (IPR)503-823-0146
- Mayor Sam Adams.....503-823-4120
- Metro Public Defenders..503-225-9100
- Multnomah Defenders 503-226-3083
- Legal Aid 503-224-4086
- Oregon Law Center.. 503-295-2760
- Juvenile Rights Project..503-232-2540
- Bar Association legal referral service.... 503-684-3763

When you're stopped: Stay calm, keep your hands visible, be careful what you say. If you are not driving, you do not have to carry I.D. You do not have to identify yourself, but if you refuse, police may bring you in. You can't be arrested for not having I.D.

If you are driving, you must show your license, registration and proof of insurance. If you are suspected of drinking and refuse to take a breath test, your license can be suspended.

For more information:
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