

The People's POLICE REPORT

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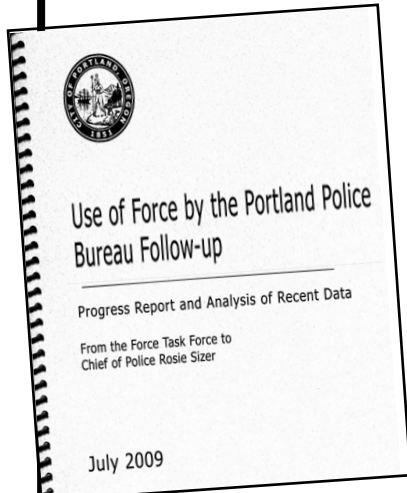
NEW USE OF FORCE REPORT SHOWS DISPARITIES IN WHO GETS HIT

Steady and inappropriate Taser use disturbing

On July 14, the Portland Police Bureau and Independent Police Review Division (IPR) put out their second joint report on police use of force. The report's first half gives police credit for following all recommendations made in the previous 2007 report (which used stats from September 2004 to September 2006—PPR #42), and analyzes data mostly from November 2007–November 2008 in the second half. However, the report doesn't make new recommendations or analyze how force is used against whom in Portland. Statistics released to the City's Racial Profiling Committee (RPC) after the first report was published indicated that force was being used at alarming rates against African American Portlanders, who make up 6% of the population but have 29% of all force used against them. The new statistics show no change in that racial makeup. Furthermore, the report notes that the use of Tasers has not gone down along with other kinds of force, and that Taser use is up against those with mental illnesses, who are more vulnerable to die after being shocked with the devices.

The report compares the rate at which African Americans are arrested (25% now, 27% in 2004-06) to the use of force (29% in both reports). It notes that the 4% difference in the new reporting period is of "statistical significance" and states that further study needs to be done to determine the cause. However, there is no recommendation nor promise that such a study will occur. Even more disturbing, the pointing of firearms at African Americans, which was already a high 30% in the previous statistics, is even higher now at 34%. The "point weapon only" statistics also show that more people are not ever charged with a crime (48%) after having a gun pointed at them than when other kinds of force are used (29%). It is particularly unsettling that 1385 other uses of force were reported, with 1053 incidents of just pointing a firearm—meaning cops pointing guns make up 43% of all uses of force. Any basic gun safety class will teach that if you point your weapon at anything, you had better be ready to shoot.

In 2007, Portland Copwatch (PCW) asked for and received raw numbers showing various types of force used separated by suspects' ethnicity. These raw numbers show disturbing trends. In both 2004-2006 and 2008, African Americans were at the receiving end of 29% of "physical control" and Taser uses, and 22% of blunt impact strikes. Pepper spray use against African Americans has gone up from 31% to 40% — 35 of 86 people hit with the spray were African Americans. (continued on p. 5)



SIT/LIE SUSPENDED

Two of three Multnomah County Circuit judges ruling on Portland's Sit/Lie ordinance have now declared the law unconstitutional. Judge Terry Hannon upheld Sit/Lie in November, but Judge Michael McShane found part of the law too vague in February (PPR#47). Multnomah County Circuit Judge Stephen Bushong issued a June 23 opinion that the City's sidewalk obstruction ordinance (Sit/Lie) conflicts with state law, which trumps city law. Two days later, Portland Police Chief Rosie Sizer issued a directive stating that due to this ruling, the Bureau would immediately suspend enforcement of Sit/Lie but that "Persons on the sidewalk who intentionally or recklessly create a risk of public inconvenience, annoyance, or alarm by obstructing the sidewalk may be cited for Disorderly Conduct." In determining whether to pursue this law, an officer should note: "Whether the subject had previously engaged in similar obstructive conduct [or] had been previously warned of the risks of public inconvenience that the conduct entails; a detailed illustration or description of the subject's location on the sidewalk; and whether any witnesses observed the subject engaged in obstructive conduct." Rather than enforce the disorderly conduct law, in late July, Portland (continued on p. 8)



CHASSE, KAADY FAMILIES GET PARTIAL SETTLEMENTS OF ROUGHLY \$1 MILLION EACH

Medical Examiner Says Chasse's Injuries, Caused by Kicking, Didn't Have to Lead to Death

Two of the largest police misconduct settlements in Oregon history got resolved in early July: Multnomah County settled with the family of James Chasse, Jr. for \$925,000, and the city of Sandy settled with the family of Fouad Kaady for \$1 million. In September, 2006, Chasse was chased by two Portland officers and one Multnomah Deputy, then they beat Chasse so badly that almost all his ribs (continued on p. 6)



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OFFICER gone WILD: Cop Arrested for Sexual Calls

On June 15, former Portland Police Officer Joseph Wild pleaded not guilty to 20 counts of telephonic harassment and 41 counts of official misconduct in Multnomah County Court. Wild allegedly made sexually explicit calls from his cell phone during his regular shift to three female Portland police officers who were in training at the state police academy. Further, a 16 year old girl reported receiving phone calls from a man claiming he had had sex with her but she did not recall any sexual contact. The phone calls were eventually traced to Wild's cell phone and it was discovered he had taken the girl to a facility for missing juveniles after receiving a call that she was intoxicated.

Officer accused of making sexually explicit calls

Portland police Officer Joseph E. Wild pleads not guilty to allegations that he phoned female officers and teens

By HOLLY HORTLE
THE OREGONIAN

A Portland police officer placed sexually harassing calls on his business-issued cell phone to three female police officers and a number of other women, including a 16-year-old girl he had encountered as a patrol officer, according to court documents.

Joseph E. Wild, 28, a Portland Police Bureau veteran of four years, pleaded not guilty to 20 counts of telephonic harassment and 41 counts of official misconduct.

Oregonian, June 16

placed the calls on his cell phone during his regular patrol shifts, according to court documents. The documents also allege Wild has harassed civilians he aided.

A 16-year-old girl reported to police she received phone calls from a man she did not know, who claimed he had had sex with her March 24.

The girl said she had been intoxicated that day and didn't remember any sexual contact. Detectives traced the phone call to Wild's cell phone and discovered the officer had taken the girl to a facility for missing juveniles after receiving a radio call about an intoxicated person.

While searching Wild's cell phone records, they found 50 phone calls between February and April 2009 had been placed to a phone number belonging to a 14-year-old girl. When detectives interviewed her, she said she had received numerous phone calls from a man who had made



Joseph E. Wild, 28, a four-year member of the Portland Police Bureau, pleads not guilty to 20 counts of telephonic harassment and 41 counts of official misconduct in Multnomah County court on Monday afternoon. BRETT WOLAHN/ THE OREGONIAN

Wild's cell phone records included an additional 50 calls during a two month period to a number belonging to a 14 year old girl. When interviewed, she said she had received numerous phone calls from a man who had made sexual statements that frightened her to tears. Wild also called a survivor of domestic violence who told detectives that she had received phone calls from an unknown man threatening to "come to her house and rape her." On another occasion he called to tell her he was in her basement during a time she and her daughter were home alone. It was determined that Wild had made eight calls to this woman during a 27 minute period.

When interviewed by detectives on May 4, Wild admitted to calling the female officers and not stopping when requested to do so. He was arrested June 12 and held in Multnomah County Jail on \$132,500 bail—increased to \$250,000 after his indictment. During Wild's arraignment, Portland Police Association President Scott Westernman "indicated the union had no particular role in the allegations" but showed up in court "to show Joey a friendly face" (Oregonian, June 16). Facing termination, Wild resigned August 4 (Oregonian, August 5).

Subsequent to the 84 count indictment against Wild (since raised to 102 counts), Chief Rosie Sizer "pushed for the ability to give polygraph tests to police applicants." Sizer also indicated she has been "working closely with police psychologist David Corey... since 2007 to strengthen a personal questionnaire given to all applicants, intending to identify any deviate [sic] sexual traits that could foretell problems." The use of a polygraph would have to be approved by the State Legislature, which has rejected the idea twice (Oregonian, June 23). Courts do not admit polygraphs because they are notoriously unreliable.

On June 19, Portland Copwatch (PCW) sent an e-mail to Chief Sizer and the five City Commissioners in response to the arrest of Officer Wild. The memo pointed out that this was at least the fourth Portland officer charged with sexual misconduct in the last few years (see PPR #43) and that the Bureau should also be looking as seriously into gender discrimination as they are at racial profiling. The letter also indicated that officers who have been fired and charged are always guilty of lying, cheating, stealing or sexual misconduct, but never excessive force. We requested that PCW be apprised of any progress of gender parity issues and holding officers accountable in questionable deadly force cases. As of the date of publication no such information has been forthcoming.

LAKE OSWEGO LETS RAPIST COP KEEP WORKING

Beginning on May 21, the Lake Oswego Review ran a lengthy series following up on a complaint against Terry Timeus, now chief of police in West Linn, and Darryl Wrisley, currently a lieutenant with the Lake Oswego Police Department. The allegations were that in 1992 Wrisley, who was then with the Washington County Sheriff's Office, had sexually assaulted a woman while on duty, and that Timeus, a long-time friend, had helped Wrisley to salvage his career. Wrisley denies the allegation, and a grand jury did not press criminal charges subsequent to an Oregon State Police investigation. Documents obtained by the newspaper show that after its own internal investigation, the sheriff's office concluded that

Homeless Activists Find Legal Camping at Gay Pride Parade; Parts of Anti-Camping Lawsuit Dismissed

On June 13, the night before Portland's Gay Pride Parade, eight members of the homeless activist group Soapbox Under the Bridge camped out all night on the north side of Pioneer Courthouse Square. They were approached by rent-a-cops eager to throw them out based on the city's anti-camping law. The activists displayed City Code 14A.55.010—"Access to Public Property for Parade Event," which provides that camping out prior to a parade is legal, like the famous Portland tradition of camping out the night before the Rose Parade. The group was then allowed to remain. "We're celebrating the fact that the anti-camping ordinance has a loophole," said activist Barry Joe Stull. "If camping is so dangerous, why allow it on a few nights each year?" (Portland Mercury, June 18).

Meanwhile, the lawsuit filed by Oregon Law Center against the City (PPR #47) is moving forward, though Judge Ann Aiken dismissed their claims that the anti-camping ordinance violates people's rights to freedom of travel. Still standing are claims that the law may violate the "cruel and unusual" clause of the Constitution (Oregonian, August 5).

OTHERS AT GAY PRIDE NOT SO HAPPY

Unfortunately, officers' kindness to homeless campers appears not to have extended to everyone celebrating at Gay Pride: that same night, people celebrating at an Old Town bar say they were subjected to physical and verbal abuse by homophobic civilians. When Portland Police arrived, says Jose Cruz, a DJ injured in one of the fights, they acted "aggressive" and left without investigating who had assaulted him. A followup event at which 100 community members discussed alternatives for the future included a workshop by Rose City Copwatch (Oregonian, July 14).

Cops, gay activists to try to mend fences

Town hall Portland's gay community is angry at the police over a brawl after the pride festival last month

By CASEY PARKS
THE OREGONIAN

Portland's annual gay pride festival approached its time for gay, lesbian, and transgender people to celebrate, but this year's event ended with blood on a downtown sidewalk and with severely damaged relationships between gay activists and Portland police.

The activists say police failed to

protect them from homophobic attacks, both verbal and physical. After being knocked unconscious by a stranger after a pride event, Jose Cruz, 28, told KBOZ radio, "I really want the police department to be held accountable as a whole. I don't feel like these are isolated incidents."

Today at noon, the two sides will meet for the first time since the brawl, held a month ago, in a social intimacy room. Activists hold their own "queer town hall" but want to discuss their response, but they pointedly asked police not to attend.

"We really did not tell us about it," said De-

Michael, who runs the Police Bureau's bias citizen unit. "We've worked really hard to build this relationship up. We really do care. It was a bummer for all of us."

The trouble started late Saturday night, June 13, outside Casey's Bar in Old Town, home to a monthly gay dance. Officers arrived at 12:30 a.m. Sunday on reports of overcrowding. Violence soon became the bigger problem.

Police reports, videos and eyewitness accounts suggest a chaotic scene that ended with fistfights and several severely injured individuals.

Oregonian, July 14

DEPUTY CHARGED FOR OFF-DUTY TASER USE AT STRIP CLUB

— CANADIAN STUDY FINDS ONE IN TEN TASERS EXCEED VOLTAGE —



While drinking at Jody's Bar and Grill on June 26, Multnomah County Deputy Steven Cowles fired his personal Taser at another patron, supposedly because he thought the other man had threatened a female club employee. To his credit, "Sheriff" Bob Skipper distanced himself from the zap-happy chap, saying "That's not what we expect from any employee...the drinking part, or the Taser." Attending the strip club seems OK with Skipper. Cowles faces criminal charges of "unlawful use of an electric stun gun" (Oregonian, July 29).

Meanwhile, a study in Alberta, Canada found that one in ten model X26 Tasers (the kind used in Portland) is defective, putting out excess voltage. Canada is considering a ban on the devices (Edmonton Journal, April 23).

the woman had told the truth about the sexual assault. Wrisley was subsequently fired but during many months of grievance and arbitration processes, he was eventually offered a deal to end his employment and was given \$20,000, a letter of recommendation and an agreement to seal the investigation. The Sheriff's Department stands by its original findings. Despite all the findings, Wrisley continues a career in law enforcement. He was also arrested for assault and drunken driving in 2000 but was still able to retain his job. According to the Review, an investigation found "little reason for concern."



— Citizen Work Group to Propose Changes to Police Review Division —

While the “Independent” Police Review Division (IPR) and its Citizen Review Committee (CRC) have cranked out a number of publications this year, they have now heard only one appeal of police misconduct since February, 2008. Two cases filed by the same appellant underwent “case file review” in May; one full and one partial hearing were held in August. The IPR was also forced to recruit more volunteers for CRC as a second member resigned in early May.

IPR Releases Four Major Reports in 2009, Proposals for Change Expected Soon

In addition to the CRC’s “Interim” report on Bias Based Policing released in February and the third followup on police shootings prepared by the Police Assessment Resource Center (PARC—PPR #47), IPR released its 2008 annual report in late April, and the new Use of Force Report in July (see p. 1).

The annual report revealed statistics that are in line with other years. Even though the overall number of complaints are down (are police conducting themselves better, or do people trust the IPR less?), still only about 9% of all cases ever get investigated by the Bureau’s Internal Affairs Division (IAD)—not the IPR. About 70% of all complaints are dismissed/declined by IPR and IAD.

IPR once again presented statistics in a way that implied they should be credited for some trends, while rejecting analysis that makes them look bad. For example, they once again point to a decrease in police shootings, though they finally acknowledged an increase in Taser use may have something to do with that trend. They also claim a 25% sustain rate when in reality only 1.7% of complaints (9 of 529) resulted in findings of officer misconduct. IPR’s high number is based on how many cases were investigated.

IPR says Internal Affairs conducted investigations in a higher percentage of complaints, but the reality is they investigated only 47 cases in 2008, versus 55 in 2004 and 2007, and 65 in 2006.

But when things look bad, such as the IPR failing once again to elicit more than a 50% approval rating, they make a lot of the fact that satisfaction is up to 44%. Since they only received questionnaires from 34 people, this means only 15 people out of 500+

who complained were satisfied. The IPR report also asserts that those who responded are a “self-selected group,” claiming that those whose complaints were dismissed or declined were more likely to respond. This is a disingenuous analysis, since the “self-selection” is a subset of people who actually used the IPR system. Conducting a citywide survey of people who have no idea how the system works (which results in a 42% approval, 33% disapproval, and 25% no opinion outcome) isn’t as meaningful, no matter how much the IPR tries to gussy it up with public relations. Besides, they can’t both claim that their numbers are up and that those numbers are being provided by an unreliable group of people.

The IPR also continues to advertise that it can conduct its own investigations, even though it has never done so in nearly eight years of operation.

While the report was better in some ways than in the past, it skimped on details such as the nature of Tort Claims (lawsuits) that triggered investigations. Their criteria for rejecting complaints embedded in Tort Claims includes that civilians’ allegations are “refuted by credible police reports.” The IPR praises the Bureau’s Office of Accountability and Professional Standards (OAPS), which reviews the Tort Cases and oversees IAD, but do not present much information about OAPS’ work—since that internal review system is not transparent to the public. A new feature reveals that the Use of Force Review Board, also closed to public scrutiny, found police justified in all five deadly force incidents they reviewed from 2006 and 2007. Apparently, four officers who had Internal Affairs complaints sustained against them (in non-shootings cases) left the Bureau before being disciplined, while another pleaded guilty to criminal charges and resigned (presumably pervocop Jason Faulk—PPR #43). Without more details, it is difficult to know what kinds of misconduct are driving officers off the force, and whether cases which cause public outcry are leading to positive change.

To their credit, IPR says it has sent 25% of the cases back to Internal Affairs for more investigation, though it would be better for IPR to conduct those investigations itself as provided by the ordinance. The report also notes that one use of force allegation was sustained (for the first time since 2004).

While the Annual and the Use of Force Reports have been presented to City Council, the PARC Report has not. The Bias Based Policing work group met with Chief Sizer to discuss overlap with her Racial Profiling plan, and is waiting to meet again to finalize their report before heading to Council.

Chief Sizer came to the CRC’s July meeting to discuss the Use of Force Report, but did not answer any of the community’s questions, slamming shut the “window into the Police Bureau.”

The CRC’s “IPR Structure Review Committee,”* which is examining the recommendations made by consultant Eileen Luna-Firebaugh in early 2008 (PPR #44), should have a report listing its recommendations in the next few months. This will give Portland an opportunity to create structural improvements to the policies, protocols, and most importantly to the ordinance that guides the IPR and CRC.

Cases 2009-x-0002 and 2009-x-0003: Assistant Chief Questions Officers’ Judgment, Considers Separating Cops

The CRC held the one and a half hearings on appeals of investigated complaints at its August meeting, 18 long months after the last appeal (PPR #44). The appellant, a self-described “bi-gendered” individual named Lee/Lisa Iacuzzi, filed the complaints in both cases. (At the appellant’s request, we refer below to “Iacuzzi” rather than to “him” or “her.”)

The first appeal (regarding two incidents in 2007, case 2009-x-0002) involved the police coming to the appellant’s apartment to investigate an assault on Iacuzzi. The complaint says: Officers Timothy Lowry (#41142) and Andrew Kofoed (#40928) did not make an arrest regarding the assault, threatened to arrest Iacuzzi if they received another call, and discriminated against Iacuzzi because of “perceived sexual orientation.” Upon their return visit three days later, the appellant says they arrested Iacuzzi for violating a stalking order without a full investigation, seized Iacuzzi’s camcorder, and used excessive force to affect the arrest.

All of the allegations were “Exonerated,” which is troublesome for a number of reasons. It appears from the information available to the public that not all of the witnesses were interviewed, and that a video made by the appellant wasn’t part of the file. Furthermore, “Exonerated” technically means the police did what the appellant says they did, but acted within policy. (continued on p. 4)

One reason IPR gives for the decline in complaints is the Bureau’s “revised tactics for controlling public order.”



Chief Rosie Sizer explains her point of view about the Use of Force report as (L-R) Auditor Lavonne Griffin Valade, IPR Director Mary-Beth Baptista, and IPR Assistant Director Constantin Severe listen at the July CRC meeting.

In 2007, one Disparate Treatment allegation based on race was sustained. It’s a wonder that the IPR and the Bureau did not trot this case out during the discussion on the Racial Profiling plan (p. 9).



While CRC member Rochelle Silver did a reasonable job of summarizing the facts of the case, the appellant's presentation seemed to be focused on the lack of investigation into the assault by the other civilian, rather than the alleged police misconduct. Iacuzzi was provided an "Appeals Process Advisor" (APA), a former CRC member whose job was to explain how the hearings function and how best to prepare for the presentation. The APA was Bob Ueland, who replaced Eric Terrell after the hearing was postponed in June. It is impossible to know whether Ueland (or Terrell) had advised Iacuzzi to keep focused on the five allegations against police because, by CRC rules, the APA is not allowed to speak during the hearing. Portland Copwatch members made note of this unfair rule and are hoping to see a change in the future.

In the end, the CRC voted 4-1 to affirm that officers did nothing wrong in failing to arrest the other civilian (with JoAnn Jackson dissenting), and 5-0 to uphold the other four findings. Iacuzzi,



At the August meeting, appellant Lee/Lisa Iacuzzi gives a personal perspective on case 2009-x-0002 to the Citizen Review Committee while her "Appeals Process Advisor," former CRC member Bob Ueland, is forced to sit silent due to current CRC rules.

frustrated with the lack of action, declared she was withdrawing the other appeal and left the meeting.

That decision was unfortunate, as the CRC voted to go ahead and hold most of the hearing for case 2009-x-0003. In that case, the appellant claims that about four months after the other incidents, Officers Lowry and Kofoed followed a walking Iacuzzi down the street while they were in their patrol car, then stopped to ask what Iacuzzi had done regarding the previous incidents. The appellant claimed that action was

harassment, that one officer called Iacuzzi a "fag**t", and that the same officer took a picture of Iacuzzi with his cell phone for no reason.

The allegations in the second case were all classified as "Unproven," meaning there wasn't enough information one way or the other to say if the cops violated policy or behaved as alleged. The allegation that they harassed Iacuzzi resulted in a "debriefing" for the officers. During discussion, CRC members revealed that Assistant Chief Brian Martinek questioned the cops' judgment for approaching Iacuzzi under the circumstances, going so far as to threaten to prevent them from riding on patrol together any longer.

The CRC went through the motions of the hearing, even though Iacuzzi, Ueland, and even Portland Police Association President Scott Westernman had left the room. When it came time to vote, the CRC decided not to go any further, though many of them were strongly disturbed by the officers following the appellant in a way that seemed intimidating. After public input at the end of the CRC meeting (an hour after the hearing was over), Silver proposed that CRC write a letter to the Assistant Chief to express their views.

In preparing for these hearings, the CRC held their first formal "case file review" in May, at which they were supposed to affirm that they had gone through all the available documents and felt there was adequate information to proceed. Rather than relying on the IPR staff to write a case summary, the CRC was in charge of doing so for the first time since 2003. While the process did

not go perfectly, it was a good step forward to a transparent, thorough system.

At the case file review, some of the CRC members felt IPR missed an allegation—the officers did not write a report about the harassment incident. One would hope the CRC would not want to hold a hearing until that question was resolved, in the same way they would not hold a hearing if they discovered a major piece of evidence such as a photograph or interview recording was missing. However, Director Mary-Beth Baptista instructed the CRC not to raise that question at the case file review, claiming a better place to do so would be at the hearing. Given the history of the last IPR Director refusing to add allegations (see PPR #42), it's likely the answer at that stage would be "it's too late now."

IPR should be able to determine whether the information gathered in the existing investigation is sufficient to come up with a finding on a new allegation. If so, they should press the Commander to make a finding. If not, they should report back to CRC, who can then decide whether to recommend IPR or IAD add the allegation and complete the investigation. If IPR wants to respond "we have received your recommendation but don't think we're able to do this," then the institutional problem of IPR squashing the CRC's power to make recommendations can be resolved without it appearing to be a decision forced by IPR staff.

Mini-Appeals for Non-Investigated Cases

Along with the roughly 70% of all complaints declined by IPR and IAD, another 18% are handled as "service complaints." Although IPR has made note of "protests" to cases which were not investigated, there is no formal process for appeal. Beginning in June, IPR began offering people who "protest" a chance to have their case re-examined by Assistant Directors Constantin Severe or Pete Sandrock, if it was originally reviewed by Director Baptista, or vice versa. While any form of appeal should involve the CRC, at least it better than closing the door on the public.

About 3% of cases go to mediation.

IPR is also conducting interviews with people whose cases were investigated but who did not file an appeal. Since only 10% of the investigated allegations end up with sustained findings, the appeal rate is surprisingly low. Again, the CRC should be involved, and in fact had offered to conduct these interviews—an excellent idea, because citizens likely won't want to talk to the staff of the agency that told them their complaint wasn't valid. At the July meeting, staff agreed to allow CRC members to interview some of the complainants.

FINDINGS GET ANOTHER LOOK

At the case file review in May, Vice Chair Hank Miggins asked why the Bureau had eliminated the finding of "Unfounded," since it was much clearer that meant the incident did not occur as described, while the old "Insufficient Evidence" finding meant there wasn't enough to prove the allegation one way or another.

The Bureau responded by defending their use of the "Unproven" finding, which combines those two findings. They made no promise to re-examine the findings or consider adding "Training Failure," "Supervisory Failure," or "Policy Failure" as recommended by the Luna-Firebaugh report in 2008 (and supported by PCW).

The IPR annual report showed that officers had "Sustained" findings in 10% of all allegations, were "Exonerated" 42% of the time, but the "Unproven" category was used 47% of the time. In other jurisdictions, the number of "Exonerated" is much lower than the number of "Unproven/Not Sustained" findings since most cases are "he said-she said." It seems that Portland and its IPR system are giving the benefit of the doubt to officers far too often.

Membership Woes

After April's resignation from CRC by Josey Cooper, Barbara Anderson, who had only been on the board for three months, resigned for personal reasons. This makes 16 people who have resigned in the IPR's 7-1/2 year history, or an average of two per year. Another seven people left when their terms expired and two were not renewed as members—meaning a turnover of a total of 25 members on the 9-person board, or over three people per year on average.

Two members, JoAnn Jackson and Mark Johnson, decided not to reapply for their seats after their terms end in December.

The proposed new members announced at the August meeting (who still need to be affirmed by Council) are: Jeff Bissonette, Ayoob Ramjan, Jamie Troy II, and Myra Simon, with Loren Eriksson and Vice Chair Hank Miggins (who has already been on CRC for four terms, or eight years) proposed to remain on CRC.

Contact the IPR at 503-823-0146

Use of Force Report Shows Tasers as Prevalent While Other Force Down (continued from p. 1)

Despite an apparent drop in most other uses of force, Taser use has remained consistent at about 500 uses per year. A new table shows Tasers were used 61 times on people who were not complying with police orders—a level of resistance which does not allow officers, by their own rules, to use the electroshock weapons—and perhaps another 18 times when no resistance at all was occurring. In addition to opening up investigations on these 79 incidents, the Bureau should immediately issue an order that Tasers are not “compliance tools.” They are weapons that are potentially lethal. Amnesty International has documented over 350 incidents in which suspects died after being hit with Tasers. Many of the people were suffering from mental illness. The *Portland Mercury* reported July 21 that the raw number in Portland of those with mental illness hit with Tasers was up from 87 uses in 2006 to 110 in 2008, a 26% increase.

In 2007, Chief Sizer declared that the Bureau no longer considers it a use of force when an officer points a Taser at a person and pulls the trigger halfway, illuminating a laser light showing where the prongs will hit. PCW challenges the Chief to tell us what that action is, if not a use of force. The Chief claims that other cities do not track this number, so Portland should not either. The “laser light only” was used over 1400 times in the 2004-2006 reporting period, or about 700 times a year. When a civilian sees an officer, arm outstretched, pulling on a trigger, with a red laser dot on their chest, the civilian does not know whether a 50,000 volt surge or a bullet will be coming their way. We hope that these issues will be addressed in the audit being conducted by new Auditor Lavonne Griffin-Valade, which she announced in July.

It is difficult to tell how much use of force has only appeared to go down due to changes in reporting requirements. Control holds including handcuffing and maneuvers by police to get people into cuffs, such as twisting arms up behind a suspect’s back or pulling their fingers in a certain way, are no longer considered use of force unless they cause injury. Anyone who has had these holds applied to them knows they cause pain, even if it doesn’t lead to hospitalization or a documented injury. Therefore, use of force is now being seriously under-reported in the City of Portland. Why this decision was made without input from the public is unclear.

Accepting that there has been some drop in force used, it is also significant that officer injuries have gone down. One of the officers’ largest concerns about the new Use of Force Directive was their fear of being in greater danger. So far, this does not seem to be the case.

PCW continues to assert that the new Directive’s verbiage suggesting that police should use less force is undercut by allowing for officers to use the amount of force “reasonably necessary under the totality of the circumstances.” Unlike the old Directive, which tied maximum force levels to resistance levels, this broadly subjective standard is sure to be relied upon in court when police go out of control with violence. In other words, while the Use of Force Report gives credit for the Bureau following its previous recommendation to revise the force policy, there is still too much “wobble room” for inappropriate use of force to go unpunished. It is noteworthy that Portland officers are now required to report when they see the directive being violated. The Bureau should also strengthen its whistleblower protection policies to encourage more such reporting of misconduct within the ranks.

One recommendation ignored with regard to public trust is the requirement to review use of force statistics annually. Because the Chief changed the reporting form in November 2007, the Report contains no data from the period of October 2006 to November 2007, making comparisons for that time frame impossible. Also, each unit supposedly analyzes use of force data every six months, but those reports are not being made public. In addition, the semi-annual reviews of “street crime units” are not taking place as recommended. PCW would suggest that those reviews of complaint data, tactics, and use of force also question the constitutionality and appropriateness of the missions of these units, such as the “Service Coordination Team” and its secret list of repeat offenders (see p. 7).

The report shows the Use of Force Review Board (UFRB) held hearings on every case in which civilians were transported to the hospital after police used force in 2008 (28 times, on average every two weeks), which is good news. However, they have since decided to review those cases in the future cumulatively on an annual basis, only to look for patterns and trends. It is not clear whether such a review could trigger an investigation if the hospitalization was possibly caused by officer misconduct.

Perhaps one of the vaguest areas addressed by the Task Force is the Transit Division. Though efforts apparently have been made to make officers “more visible, engaging and approachable,” few specifics are given on how they will be using less force. The CRC identified a serious problem in 2008—that officers from other jurisdictions working for Tri-Met under Portland Police supervision are not subject to the same complaint system as Portland officers. Particularly with use of force complaints, the Task Force should have addressed this anomaly.

The Task Force was once again heavily populated by Portland Police personnel; the only person of color on the Task Force was IPR Assistant Director Constantin Severe; and the meetings were not open to the general public. To their credit, the IPR’s Citizen Review Committee (CRC) did solicit public input to bring to the Task Force meetings, but it is not clear from the report whether that input was incorporated. While the Bureau should be commended for creating the report, looking at the statistics, and making efforts to lower the amount of force being used, the process is still far from meeting the standards of “community policing.” ■



This graphic from the *Portland Mercury*'s March 6, 2006 article “The Thick Blue Line” shows a “whistleblower” cop calling attention to another officer’s questionable use of force. Her actions are now required under the Bureau’s revised Directive.

“Sheriff” Skipper Skips School

Multnomah County Sheriff Bob Skipper failed his police certification course. Skipper had been retired for 13 years until he replaced Sheriff Bernie Giusto in 2008 (PPR #46). The position of Sheriff requires that an individual keep their police certification current. In order for Skipper to be re-certified, he has to pass the certification test and go through basic training again. Skipper, 70, was unable to get a waiver for the standard requirements from the Department of Public Safety and Security Training.

A clause was added to state Senate Bill 344 to specifically exempt Skipper. The clause waives the physical requirements for the certification of a sheriff “who has served at least 25 years as a police officer in Oregon, retired from law enforcement under honorable conditions, held state executive-level certification, [and] served as elected sheriff for at least four years.” The clause sunsets in six months, in case it was unclear for whom this exception was made. The *Portland Tribune* wrote an editorial in favor of this exception: “Skipper won’t be chasing crooks ... Rather, he’ll be balancing budgets, directing his management staff and administering the county jails” (May 28).

When Skipper first took the (open book!) written test on June 26, however, he flunked with a score of 66 percent, 9 points shy of the 75 percent needed to pass. He said, “I hadn’t spent time refreshing myself at all on [Oregon statutes]. As a result, I will carry my [Oregon code book] in my back pocket until I go back and retest again” (*Oregonian*, July 1).

He failed again with just 70 points in July, meaning he will be heading to basic training in October (*Oregonian*, July 24).

Sheriff gets one last chance on exam



Skipper “It was just disappointing.”

Certification | Multnomah County’s Bob Skipper needs to pass a police test or it is off to boot camp

BY NIKOLE HANNAH-JONES
THE OREGONIAN

Multnomah County Sheriff Bob Skipper has one more chance to pass a police exam needed for his certification or he’s headed to boot camp after all. Officers get just two tries on the test or they must take the full four-month basic training course to

the state Department of Public Safety Standards and Training.

Skipper can’t continue to serve as sheriff without certification.

He scored 66, but needed 75 to pass the written test, including a final that had 200 questions on state policing statutes and traffic law. He did pass another part of the exam on use of force regulations.

“I felt like I let a lot of folks down who had worked to help me,” Skipper said Wednesday. “I

Oregonian, July 2

Death in custody to cost county record sum

James Chasse, 42, died in custody on Sept. 17, 2006. He was arrested on charges of assault with a deadly weapon and possession of a dangerous weapon. He was taken to the hospital and died on the way. The county is expected to pay a record sum for his death.



James Chasse, Fouad Kaady Families Partially Settle Suits (continued from p. 1)

were fractured and some “pulverized.” After Chasse was released by medical personnel (EMRs) on the scene, despite his serious medical condition, he was put in a holding cell at the Justice Center. Later, jail staff had the officers bring Chasse to the hospital; he died on the way (PPR #40). A year earlier, a Sandy officer and a Clackamas Deputy tasered and then shot Kaady, who was naked, had no weapons and was badly burned (PPR #37).

Interestingly, the settlements are sort of mirror images: for the Chasse family, the County has settled, and the City of Portland and the ambulance company are still on the hook; for Kaady, the City settled, but Clackamas County may still end up in court. The trials are both scheduled for early next year.

Meanwhile, new documents have revealed previously unknown details of Chasse’s death. The Medical Examiner (M.E.)’s finding of “*accident*” for this incident was way off the mark, given her new statements that “*Chasse suffered 46 separate abrasions or contusions on his body, including six to the head and 19 strikes to the torso*” and that “*fractures to Chasse’s rear ribs... likely resulted from a kick or knee-drop*” (Oregonian, July 3). The M.E., Karen Gunson, added that had he “*received proper medical attention at the scene or been taken to a hospital right away, Chasse likely would still be alive.*”

It was also revealed the officers did not disclose the full extent of the force they’d used against Chasse to the medical responders, and asked the EMRs for a waiver they could sign on Chasse’s behalf so they could bring him to jail. Chasse family attorney Tom Steenson says police officers have never signed such a waiver in the past. The Oregonian further reports that some witnesses heard Chasse yell “*mercy, mercy, mercy,*” and scream as he lay on the sidewalk. Showing his own maliciousness, Gresham Sgt. Terry O’Keefe, supervising Tri-Met officers Deputy Bret Barton and Officer Christopher Humphries, sent a text message saying “*Nice work boys. Glad U R OK N HE ISN’T.*”

Unfortunately, the County’s settlement with the Chasse family may mean no public airing of the involvement of Deputy Barton, who originally refused to be interviewed for the investigation, but apparently cooperated after transferring from Multnomah County to the Portland Police in 2007. Portland Sgt. Kyle Nice and Humphries are still named in the suit, which is slated for trial March 16. The Bureau’s internal investigation, to which the Use of Force Review Board will attach findings, has still not been completed nearly three years later.

To their credit, Multnomah County officials agreed to spend money on improvements to the mental health system at the same time they announced the settlement. They offered \$2 million to open up a triage center for those in crisis so they can be diagnosed and given care if needed, rather than taken to jail. Portland will pay part of the center’s \$3 million operating cost, though it isn’t slated to open until 2011 or 2012. According to the Oregonian (July 2), the Chasse family negotiated with the county to ensure medical transportations to the hospital will be done by ambulance, not by police cars. It is not clear who will be making the call and who will pay for the transport.

The Kaady settlement lets former Sandy officer William Bergin* off from the pending lawsuit, which is being pursued by lawyers including the famous Gerry Spence. Clackamas County Deputy David Willard and the County Sheriff’s Office face civil trial in April (Oregonian, July 1). Kaady’s family said that Fouad, like Chasse, who had schizophrenia, suffered from mental illness. Portland has since trained all its patrol officers in Crisis Intervention Team training, emphasizing de-escalation tactics and how to recognize symptoms of mental illness.

On July 6, the Oregonian ran an editorial criticizing Oregon’s closed-door grand jury proceedings, calling for swifter release of the facts in cases like Chasse’s. Interestingly, they didn’t dig up the quotes from Mayor Potter and Chief Sizer about their pledges to have a “*public and transparent*” investigation into Chasse’s death” (Portland Mercury, September 28, 2006). In mid-August, the Mental Health Association of Portland began circulating a petition demanding the completion and release of the internal investigation. ■

*As reported in PPR #47, Bergin resigned in October over charges he was illegally using people’s driver’s licenses. In June, Bergin “pleaded guilty to official misconduct and was sentenced to 2 years probation” (Oregonian, June 26).

Oregonian, July 6

EDITORIALS

Turn a spotlight on the Chasse death

It shouldn’t take almost three years and a federal lawsuit to illuminate what happened to a mentally ill musician

Nearly three years ago, a mentally ill musician named James F. Chasse Jr. may not have survived near a tree on a street in the Pearl District. It was still daylight, and his crime — if, indeed, he committed one — was what police call a “disorderly conduct” or “quality of life” offense. The officers who spotted Chasse ordered him to stop, and they say he ignored their commands and ran away. Maybe so, Chasse, 42, walked with a limp left over from a traffic accident, and he couldn’t move forward, although he certainly may have tried. An easily spotted schizophrenic, Chasse was terrified of the police. It is not clear whether other public venues involved in the hold accountable. This, a grand jury deemed to justify the officers, as argued here.



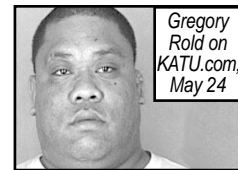
JAMES MARSHALL FOR THE PORTLAND MERCURY

James Chasse Jr. lies on the sidewalk after his arrest in the Pearl District on Sept. 17, 2006.

Salem Man “Accidentally” Dies After Police Batons, Tasers Hit Him; Milwaukie Man Who Slit Own Wrists Shot

Two recent police related deaths in custody were categorized once again by the State Medical Examiner as something other than homicide.

At 7:30 pm on May 23, Salem police were called to an apartment complex to respond to complaints of a trespasser. They found 37-year-old Gregory Rold who they claim “*violently resisted arrest.*” Police used batons and Tasers to subdue Rold. One neighbor was quoted as saying “*I heard at least 13 tasers going off. I heard him being beaten with the night sticks and they let the dog attack him*” (KGW.com, May 26). Rold was taken by ambulance to the hospital, where he died at 9:30 pm.



Gregory Rold on KATU.com, May 24

BREAKING NEWS:
On August 13, Beaverton police shot and killed Rudie Wilhelm III, who was allegedly suicidal and pointed a shotgun at them (Oregonian, August 13).

Rold had lived at the apartment complex with his mother, who still lives there, until he was banned for lewd behavior. The same witness says that “*his mom went to the window and started telling everyone that they were killing her son*” during the incident.

The four officers involved were put on administrative leave while the incident was investigated. They were cleared by a grand jury on June 19 (Oregonian, June 20). Oregon State Medical Examiner Dr. Karen Gunson found Rold’s manner of death to be “*accidental,*” listing his cause of death as “*Sudden Cardiac Arrhythmia Due to Hypertensive [Atherosclerotic] Heart Disease, Exertion, and Positional Asphyxiation, as well as the contributing factor of Obesity.*” (salem-news.com, June 20). So, it appears the police “*accidentally*” suffocated him, if the beating and multiple electric shocks didn’t kill him.

This is Oregon’s third Taser-related death after Nicholas Hanson in Ashland and Tim Grant in Portland in 2006 (PPR #38).

A little more than a week later, on June 2, 22-year-old Jesse Weatherford died after being shot twice in the chest by Milwaukie police. The State Medical Examiner, however, has ruled his death a “*suicide*” (KATU-TV, June 3). Police were called to an apartment complex in Milwaukie after a 911 call drew them to a welfare check on a “*bloody armed man with a knife*” (KGW.com, June 4). Police say Weatherford began approaching them and did not comply with orders to drop the knife they say he had. Police then fired their weapons, hitting Weatherford twice in the chest.

Two witnesses say different. One neighbor told KGW-TV, “*(The suspect) didn’t have anything in his hands. There was no blood on him. He was just walking toward [the officers]—and I heard those big guns cocking. It’s not right.*” Another witness who also lives in the complex told KATU-TV part of the incident took place outside her window. She said, “*He was fleeing. He was running away.*” Even if he was armed and suicidal, the police did not have to finish the job. ■



Jesse Weatherford on MentalHealthPortland.org, posted June 4

City Pays Out More for Cops Behaving Badly

Broken Arms Cost Taxpayers \$88,750; Drawn Gun Nets \$20,000; "Intimate Search" Leads to \$7900

Since April, Portland has shelled out over \$100,000 more in settlements for lawsuits against the police for acts of misconduct. A man whose arm was broken at a traffic stop, a woman whose arm was broken during an argument over a parking space, a woman who had a gun drawn on her by an off-duty officer in Silverton, and a woman who was subjected to an "intimate search" negotiated out-of-court settlements.

Friends of the man, Randall Cooley, were pulled over by Officer Michael Close (#38094) in September, 2006. When Cooley walked to their car after the stop was over to talk to his friends, the officer yelled at him, cuffed him, and pushed him into a car. Cooley complained that the officer was using too much force on his arm, then Close pushed harder and snapped a bone (*Willamette Week*, June 24, 2008). Cooley's attorney, Steven Sherlag, filed the complaint in 2008, ultimately agreeing to the \$78,750 settlement in July. Clearly the City felt the case was strong, as comparatively previous lawsuits regarding broken arms have cost them \$31,257 (Sam Mack Howell, 1997); \$47,500 (Craig Rosebraugh, 1999—PPR #19), \$110,000 (Barbara Weich, 2005), and more recently, only \$5000 was awarded to Lyudmila Trivol.

Trivol was involved in an argument about a parking space, and Officer James Botaitis (#41139), as well as Multnomah Deputy Bret Burton (who also was involved in the death of James Chasse), pushed her to the ground, stepped on her, pressed her face into the mud, and broke her arm. The police claimed she was aggressive toward them, and tried charging her with harassment, assault of a peace officer and resisting arrest. However, photos showed she was far away from the officers during the dispute among condominium management, the tow truck driver, the police, and her husband. The County also paid Trivol \$5000, with the condo association kicking in another \$8500 (*Oregonian*, May 14).

The woman who had the gun drawn on her, Kamichia Renee Riddle, was mostly successful in her appeal to the Citizen Review Committee (CRC) on the December, 2006 incident in which off-duty Officer Kevin Wolf (#40799) came to the house where she was working on renovations, pointing his gun at her (PPR #44). The CRC added one more "sustained" finding to three that the Bureau had already assigned—finding that the officer had put himself in danger by going to the house without calling for backup. The cop also apparently never said he was a police officer, telling Riddle to wait for a holiday card to discover his name. The City awarded Riddle \$20,000 in mid-June.

Ondrea Hollinquest was subjected to an improper search inside her underwear in December 2007 by officers including Nicholas Rothwell (#47681). Mark Zylawy, who died when he was hit by a truck 2 years ago (PPR #44), was also on scene but not named as a defendant in the lawsuit. Hollinquest said she requested a female officer to conduct the search, as there were construction workers nearby watching; when the male officers pressed ahead, she says she objected loudly. The City settled with her for \$7900 (*Portland Mercury*, April 16).

This makes at least \$221,650 spent by the City for misconduct against civilians this calendar year, and a total of at least \$7,012,530.08 since 1993. ■

Oregonian, May 15

Portland woman injured during arrest settles lawsuit

Police | The city, county and a condo association agree to pay a total of \$18,500

By AMIEE GREEN THE OREGONIAN

A 47-year-old mother of eight whose arm was broken when police put her in a control hold as her minivan was being towed has won \$18,500



Trivol: Police control hold broke arm Southeast Mill Court. They

English. Police said Trivol was swearing, yelling and blocking the truck as she stood in front of her home in the 11800 block of Southeast Mill Court. They

"Secret List" Money Paid Retroactively by Sneaky City Council

In mid-May, Portland City Council attempted to quietly approve a payment of nearly half a million dollars for their "Secret List" program, also known as Project 57 or the Service Coordination Team (SCT)/ Neighborhood Livability Crime Enforcement Program. Portland Copwatch (PCW) pulled the item off the "consent agenda," forcing Council publicly to explain why the money would be used for a program which is being challenged by Elden Rosenthal, one of Oregon's top civil rights attorneys (PPR #47). The Council said that the \$456,250 they approved was to pay their bill to Multnomah County for the jail bed space used in the program from July 2008-June 2009. The program bumps people with repeat arrest records up to felony charges for certain crimes in order to force them into a "jail or treatment" choice. PCW supports treatment money, but thinks it should be available to all who want it, regardless of whether they have been arrested. A few weeks later, Police Commissioner Dan Saltzman scheduled another \$124,764 for another program related to the SCT on the consent agenda even though he apologized for that mistake the first time. PCW pulled it off the agenda again.

Council passed both measures unanimously.

In April, a judge told the City they can't use the list to enhance a person's sentence if it is based on arrests, not convictions (also PPR #47). This point was not lost on Commissioner Amanda Fritz, who expressed concerns about that issue at the hearing.



Officer Jeff Myers talks to a candidate for "The List" in a video produced by Flux magazine at University of Oregon. Watch the 10 minute video at: <http://www.youtube.com/watch?v=rHqRofmZy-c>

The police could

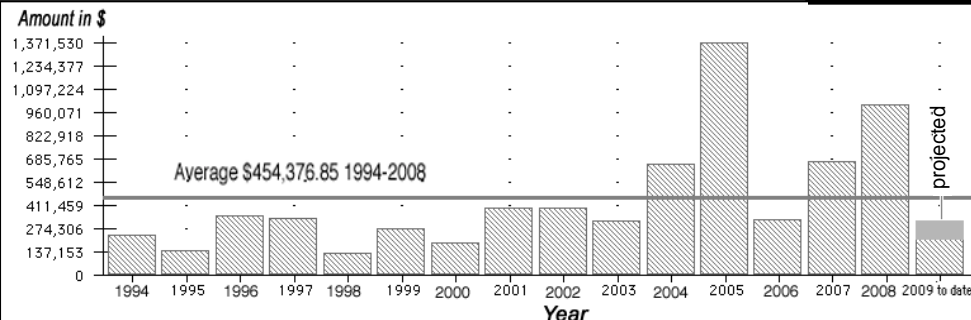
easily be arresting people repeatedly without probable cause to put them on the list for arbitrary reasons, such as not liking how they look. Those arrested can't know whether they are on the list. When last discussed, the list had over 400 names on it.

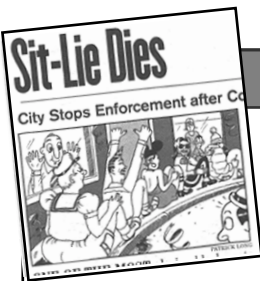
During the second hearing, Commissioner Randy Leonard stated that he had told the police to just publish the list so that the community and the press would stop criticizing its secret nature. Interestingly, Leonard previously denied having any knowledge of the list, despite his undying support of the program (PPR #46). Leonard told the *Portland Mercury's* Matt Davis on May 20 that one reason the list has not been published was that the City Attorney's office was advising caution. Perhaps they fear being sued?

What's more, it does not look as if social service agents or mental health professionals are involved in overseeing and running the program. And, like other police projects, the "Secret List" contains a disproportionate number of African American names—over 50% in a city that is 6% black.

The Council never answered PCW's questions about whether the Project 57 program was budgeted for the 2009-2010 fiscal year. ■

As in the complaint by Freedom Child (PPR #47), the police were alleged to have turned the radio up loud in the patrol car when they drove Hollinquest to jail.





Sit/Lie Suspended; Police Told to Cite "Disorderly Conduct" (continued from p. 1)

Police began "strict order maintenance enforcement," meaning they'll make arrests for any criminal offense, even low-level ones such as littering" (*Oregonian*, August 6).

After the City asked Bushong to clarify his ruling, he explained that his only role

was to rule on the cases before him, not to help the City rewrite its laws. He added that "the ordinance might, in theory, be unconstitutional on several other grounds in addition to the one he ruled on" (*Mercury Blog*, August 14). Defense Attorney Clayton Lance, who litigated the case, said afterward that "The city will never, ever get this type of ordinance to pass constitutional muster."

The suspension of the Sit/Lie ordinance was a relief to many in the community, coming just weeks after City Commissioners Amanda Fritz and Nick Fish called for a five month extension of the law's June sunset date. In early May, the Council approved the extension 4-1, with Randy Leonard dissenting. Fritz and Fish decided that more process was warranted and set up two public meetings. The first meeting, held July 18 in North Portland, drew approximately 70 people. According to the July 19 *Oregonian*, "business owners worry that the rising numbers of homeless harass and scare shoppers. The homeless and their advocates say they have no place to go. ... Among the needs raised were more restrooms, with regular hours and cleaning; shelters throughout the city; and services for special groups, such as veterans, the transgendered and couples."

The second meeting, with an overflow crowd, was held July 21 at downtown's First Unitarian Church. Because it was a weeknight, many homeless people had to choose between going to the meeting or lining up for a meal and the chance of shelter for the night.

At the meeting, Commissioner Fish spoke about the new Housing Bureau receiving a 30% budget increase in the recently completed budget cycle. In October, ground will be broken for the new Resource Access Center where all services will be combined in one building. Fish also indicated that "we are making steady progress" in the Ten Year Plan to End Homelessness.

Mike Kuykendall, Vice President of the Portland Business Alliance (PBA) spoke about "what is exciting about SAFE... the business community is stepping up with the homeless and that this has been a marvelous experience for me." He didn't mention how "marvelous" it had been for the homeless. He further stated that before developing SAFE (Street Access for Everyone), the five point plan that includes Sit/Lie, there had been no place for people to go during the day, that there was a critical need for shelters, more benches

and more restrooms. In one of the more disingenuous comments of the evening, Kuykendall stated that the Sit/Lie ordinance was developed as "some kind of a tool, a non criminal way [to deal with the issue]" so as not to arrest people for the misdemeanor crime of disorderly conduct. This echoed the inane comment uttered by Commissioner Fish to the *Oregonian* following the release of Chief Sizer's memo: "Be careful what you wish for." Saying it is a choice between a violation and a misdemeanor is akin to asking a person if they would like to be hit over the head with a baseball bat or with a brick, when the person doesn't want to be hit at all. The question is, why should police be allowed to make people move from the sidewalk when they are not engaged in any criminal activity? It seems unbelievable that these individuals assume they are being so humane by having homeless people merely cited and not arrested for the circumstances in which they find themselves.

Brendan Phillips of Sisters of the Road asked the longstanding question: why weren't services (day centers, benches, toilets, etc.) put into place before the Sit/Lie Ordinance was enacted? This cart before the horse process has resulted in homeless people being told to move along even though many of the alleged services were not there. Other comments indicated there are not enough restrooms, and the hours are sporadic. Some participants in the forum felt that many of the problems are caused by "street kids," and suggested an ordinance addressing "aggressive" panhandling. Others reported that security guards and two police officers who are paid for by the PBA have been less than helpful to homeless people and that the guards have brutalized people sleeping under bridges. One participant noted that he had been kicked by a rent-a-cop while in his sleeping bag. Other issues discussed included the need for more health services, and the realization that homelessness also exists on the East Side, so services should be provided there as well.

On August 18, Mayor Adams' Chief of Staff told the *Mercury* blog they were working to enact a new law quickly, but refused to speculate whether it would be found unconstitutional.

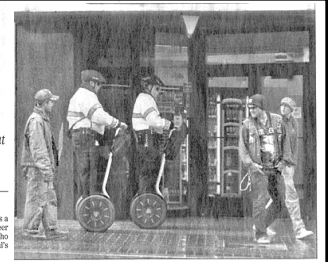
Contact Sisters of the Road at 503-222-5694.

Sidewalk ordinance extended

Temporary extension means fight not over, may hinge on center

By PETER KOHN
The Tribune

Nina Celeste has seen enough, and that takes some doing. The tattooed, middle-aged Celeste, who runs a flower cart at the northwest corner of Pioneer Courthouse Square downtown, has friends who are homeless and a good-on-the-word, there's a sense of social justice.



Portland Tribune, April 30 identifies himself only as Anthony, joined by his dog, hustles for spare change near Pion

LEGAL BRIEFS: US Supreme Court Strengthens Some Rights, Takes Away Others in Four Decisions

Four recent cases heard before the U.S. Supreme Court showed that our country still has some hope to protect individual rights, while at the same time some of those rights are being sharply curbed.

• Limiting Warrantless Car Searches •

In April, the Supreme Court sharply limited the power of police to search a suspect's car after making an arrest. The court ruled that police may perform a warrantless search of a vehicle only when the suspect could reach for a weapon or try to destroy evidence, or when it is "reasonable to believe" there is evidence in the car supporting the crime at hand.

The Court stated that the prior rule, in place for nearly 30 years, which allowed the warrantless search of the passenger compartment of a vehicle as a regular part of arresting a suspect, was a misreading of the court's decision in *New York v. Belton* in 1981. Surprisingly, conservative Justices Antonin Scalia and Clarence Thomas joined with Justices John Paul Stevens, David H. Souter and Ruth Bader Ginsburg on the opinion.

The decision (*Arizona v. Gant*) overturned a prison sentence

for Rodney Gant for possession of cocaine. Police found the drug in a search of his car after he was arrested for driving with a suspended license and he sat handcuffed away from his car (*Washington Post*, April 22).

• Upholding Fourth Amendment in Strip Search Case •

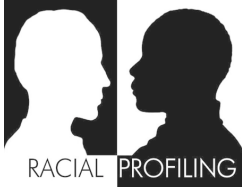
In June, the Court ruled that the strip search of a 13-year-old girl who was suspected of concealing prescription ibuprofen violated the 4th Amendment's protection against unlawful searches (*Safford Unified School District #1 v. Redding*). The court declared the search unreasonable based on the nature of the drugs in question and the absence of specific evidence that contraband would be found on her.

The Court's ruling left open the door that such searches would be lawful in other instances if more dangerous drugs were involved and/or there was specific evidence that the student was carrying illegal drugs (*Flex Your Rights*, June 25).

• Lessening Restrictions on Interrogation of Suspects •

In a 5-4 ruling in May, the Court overturned a 1986 case that prevented police from interrogating a suspect in custody if

Racial Profiling Jumps on Nation's Radar, Treads Water in Portland



When Harvard Professor Henry Louis Gates was arrested in his own home by Cambridge, MA police, the issue of racial profiling leapt to the forefront of the national news because Gates' friend, President Barack Obama, said the police "acted stupidly." Gates had shown his identification to an officer who was, in essence, accusing him of breaking into his own home. But for thousands of African Americans around the country, and in Portland, who will not be invited to the White House for a beer (as Gates was), questions remain about progress. Although Chief Rosie Sizer's plan to reduce Racial Profiling in Portland has been out for roughly six months (PPR #47), it is unclear what impact it is having, other than Sizer being invited on NPR to discuss the issue after Obama's remarks were made.

The current group charged with looking at the issue in a public venue is the Human Relations Commission (HRC)'s Community/Police Relations Committee (CPRC). As we noted in our last issue, the CPRC avoided discussing apparent profiling of young black men in Northeast Portland in February to avoid making Assistant Chief Brian Martinek uncomfortable. While CPRC Chair Héctor López did press Martinek for answers at the group's May meeting, the reply was mostly that the saturation policy of "Operation Cool Down" was no longer in effect. Martinek threw up his hands saying that some people in the community were asking police to do whatever it takes to end the violence, and others said not to conduct searches on every young African American on the street. It seems simple enough that police do not have to throw civil liberties out the window to investigate actual violent crime, rather than crime they perceive may be lying under the surface because of a person's looks or the car they drive.



Police Association Vice President Peter Simpson criticized Obama's "Beer Summit" in the August *Rap Sheet*, saying that the President's comments about Professor Gates' arrest "present an officer safety threat to all law enforcement officers who might hesitate to do the right thing for fear of being accused of racial profiling."

It's possible that the CPRC will be able to move forward with its work a little better now, as HRC members López, Arwen Bird, Abdul Majidi and Donita Fry were joined by new citizen members Patricia Ford (Miracles Club), Tori Lopez (Multnomah County Juvenile Justice), Darryl Kelly, Jr (PSU Upward Bound program) and Stephen Manning (immigration attorney) at their July meeting. In addition to Martinek and Commander Mike Crebs, the Bureau added officers Mike Chapin (who is African American), Natasha Hausperger (who is Croatian), and Sgt. Anthony Passadore, who shot and wounded a suspect after a car chase in 2006 (PPR #40). Also included is Officer Deanna Wesson, the only member of the Mayor's Racial Profiling Committee (RPC) now serving on the CPRC. Wesson, who is also African American, spent a lot of time on the RPC debating whether black people

commit more crimes, as shown by murder rates and other statistics, rather than looking at officer behavior. It will be interesting to observe this new committee's progress, especially if the Bureau ever informs them about data collection and "hit rate" studies allegedly being done internally behind closed doors.

After the Citizen Review Committee (CRC)'s July meeting, PCW was informed that the Bureau's proposed way to offer business cards at every stop will be to include a business card on tickets and warnings printed on new wireless citation-generating machines. This hardly gets at the reason for handing out the cards—instead of being a friendly gesture, it is now sort of an "f-you" attached to your ticket.

Speaking of the CRC, community activist Marta Guembes, who was a prominent part of protests against the shootings of José Santos Mejía Poot, Kendra James and James Jahar Perez, filed a complaint with the "Independent" Police Review Division after she said Sgt. Liani Reyna pulled her over in her own neighborhood because she was Latino. Guembes, who also spearheaded the efforts to rename 39th Ave for labor leader César Chávez, said Reyna accused her of failing to signal a turn when she was slowly driving around her neighborhood to find her son. According to the June 18 *Portland Tribune*, Reyna told Guembes she "looked suspicious," which was justified by Internal Affairs in their letter declining to investigate as meaning "your behavior did look suspicious based on her training and experience." Guembes says the IPR called her after the article appeared, and the case is getting a second look. ■

Portland Tribune, June 18

Chavez leader claims profiling

Hispanic activist says traffic stop was because of her race

By JIM REDDEN
The Tribune

The Portland Police Bureau has declined to investigate a racial profiling complaint filed against it by Marta Guembes, co-chairwoman of the committee to rename a street in honor of César Chávez.

houses to burglarize — something the police call "casing." In fact, Guembes said, she was looking for her teenage son, who was late getting home. Guembes lives in the area and was driving slowly to find him, she said. According to the IPR and police records, when Reyna first approached Guembes' car, Guembes asked why she had been stopped and denied doing anything wrong. The police records reveal that Reyna told Guembes she "looked suspicious," a comment Guembes took as referring to her race.

Interestingly, Reyna was the whistleblower who exposed Portland's SERT team for having sexist hazing rituals, and was herself reprimanded for taking part in them (PPR #26).

LEGAL BRIEFS (continued): US Supreme Court Strengthens Some Rights, Takes Away Others

the defendant's lawyer was not present, even if one was requested but not yet appointed, or if the defendant talked to the police without a lawyer. The ruling will make it easier for police and prosecutors to interrogate suspects. Importantly, police will still have to respect the decision by defendants who inform them that they do not wish to talk without a lawyer present.

The Obama administration had asked the court to overturn the 1986 *Michigan v. Jackson* decision, "disappointing civil rights and civil liberties groups." Eleven states had also urged that the case be overruled.

The ruling was in the case of Jesse Jay Montejo, who was found guilty in 2005 of murder that occurred in 2002. Police took him to help them find the murder weapon, but didn't inform his public defender. The Supreme Court sent the case back to the lower court to determine if any of Montejo's other court-provided protections (e.g., Miranda rights) were violated (Associated Press, May 26).



• Rejecting Inmates' Right to DNA Tests •

In June, the Court ruled that prisoners have no Constitutional right to DNA testing that might prove their innocence. The case involved the conviction of William G. Osborne in 1994 of kidnapping and sexually assaulting a prostitute in Anchorage, Alaska. Rudimentary DNA testing on a condom, requested by the defendant, had excluded two other suspects, but it included Osborne as a possible suspect. Osborne's lawyer decided not to pursue more sophisticated DNA testing, fearing it may further incriminate her client. After his conviction, Osborne sued state officials in federal court seeking access to the DNA evidence his lawyer declined to pursue.

Forty-six states have laws that allow prisoners to gain access to DNA evidence; only Alaska, Alabama, Massachusetts and Oklahoma do not. However, Alabama recently enacted a law limited to death row inmates. In light of the state statutes, the Supreme Court concluded that this issue is best handled by the states and is not a federal right protected by the Constitution (*NY Times*, June 19). ■



RAPPING BACK

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

PPA BUCKS OVERSIGHT (continued from back page)

prevent a “discrepancy in perspectives” between the Bureau’s questions and the officer’s answers. By “recognizing the discrepancy,” and asking clarifying questions, the PPA can get “proper perspective” on the record (also known as insinuating language to clear the officer of charges).

In an effort to encourage officers to cooperate with investigations, Westerman writes that detectives are trying to collect facts, “not predetermined to ‘get someone.’” Innocent cops will be cleared, while guilty cops will have the facts presented. He urges respect and understanding for the investigators, who keep up the “integrity of our organization.” Again echoing Blanck’s “weeding out” comments, Westerman says that three categories of people with expectations of police—the cops, command staff, and citizens—all reject criminal behavior in the ranks (June Rap Sheet). “None tolerate procedural deficiencies that adversely impact the public trust,” but they have different ideas about tactics.

Westerman notes that there is a fine line between “commend” and “condemn”; that some officers who take risks get medals while others are disciplined. The reasons are often “you placed yourself at a tactical disadvantage” or “you didn’t fully anticipate the danger you placed yourself in.” Westerman suggests the question is calculated risk vs. recklessness, noting that going into a burning building is “stupid” but firefighters do it, like officers approach armed subjects. Westerman ponders that management may treat cops differently based on who the officer is or what the outcome was, while in his mind what matters is good faith and intent.

PPA Secretary-Treasurer Dave Dobler warns the “troops” to keep out of trouble in the May Rap Sheet. He suggests that they be careful what they say, who they say it to, what they do, and when. If a member of the public overhears something an officer says even as a joke, it could be “misunderstood” and lead to a complaint at IPR.

Mark Schaffer laments the departure of Dobler’s predecessor, Mitch Copp, from the PPA (May Rap Sheet). “My man Mitch” was the most ardent supporter of PPA members, including “officers who most likely screwed up... in Mitch’s mind his fellow officers will always do the right thing and he will be there to vehemently defend them.” Only overwhelming evidence convinces him otherwise.

It is not clear that the new management is any different. We hope that the sentiment that the rank-and-file will not tolerate criminal behavior is sincere, and that vehement defense of the indefensible will soon be a thing of the past.

Conflicts and Confluence: Police, Prosecutors and Private Powers

In our last issue, we called attention to the overlap of police, politics and corporate power. Recent issues of the Rap Sheet reinforce this idea and unintentionally raise the question of conflict of interest in the District Attorney’s office. We have long stated that independent prosecutors should be used in police deadly force cases because the DA depends on police to prosecute crime on a daily basis. In June’s Rap Sheet, there is an article about a “Guns-Gurney-Gavel golf tournament” involving the police, employees of the state forensic lab and... District Attorneys. Nothing like a cozy game of golf to ensure the DAs will be reluctant to prosecute police for on-duty use of force.

In a similar example, the sentiment is sweet: officers shaved their heads to raise money for medical treatment for the daughter of DA J.R. Ujifusa. Officer Blanck says the officers were shaved down to their “bare skulls”—ouch! But the DA’s thank you note didn’t stop at thanking them for their generosity, instead going on to support Blanck’s black-and-white version of the world: “in our jobs, we constantly come in contact with the evil and negative side of society” (April Rap Sheet). In another April article, Officer Mike Gallagher complains that when he testified for the defense in a Clackamas County Courthouse, he received a parking ticket on his cruiser even though other police got to park without paying. Apparently there is an “unwritten rule” for officers in Oregon City to use certain metered spaces, but Gallagher asks, how would a defense attorney know about that rule? In asking that, Gallagher exposes that the prosecutors and police probably would know about this special privilege.

In terms of corporate ties to public safety officers, the PPA reports that they recently had to cancel private contracts with Ross Dress for Less, Roseland Theatre and PSU Bookstore because Chief Sizer didn’t like them working on “loss prevention.” To her credit, the Chief prefers them working “closer to the public interest” at public and high profile events (June Rap Sheet). We still question the idea of people with more money paying for increased police services, but we applaud the Chief’s efforts to at least create a clearer definition for these extra-duty jobs.

A few months ago we stumbled across information about the Citizens Police Retirement Committee, which is chaired by none other than Portland Business Alliance Vice President Mike Kuykendall, one of the biggest supporters of the Sit/Lie law (see p. 1). Kuykendall’s picture in the April Rap Sheet cemented our concerns about this corporate-police nexus, the board of which also includes John Hren, President of Portland Patrol, Inc., the private security firm hired by the PBA and favored by



Portland Business Alliance President Mike Kuykendall (L) pals it up with a local Fox News reporter at the 2008 Citizens Police Retirement Banquet (April Rap Sheet).

the City to engage in quasi-police functions. Other companies represented include Brown/Armstrong accounting, Advantis Credit Union and Financial Connections, LLC. These ties between private business and public safety appear to be traditional—in June’s Rap Sheet, retired Sergeant John Harp recalled being hired in 1946, when his Captain was the president of the St. John’s Business Association. In the August issue, he reveals that to protect a crooked Tavern owner, the Captain bribed Harp to look the other way, and later squashed a criminal investigation.

Po-Pos Pooh-Pooh Precinct Plan

A topic raising controversy among the rank-and-file this spring was the consolidation of Portland’s Police Precincts. Several articles were written complaining about the folding of Portland’s North and SE Precincts, which went into effect in early June. In addition to safety concerns because more officers will be using fewer radio frequencies, and that Central Precinct now straddles the Willamette River, officers show an awareness of the City’s hypocrisy in spending priorities. A few of the officers (including Sgt. Westerman, in April) called attention to big-ticket City proposals such as renovating a ball park to make a soccer stadium, building a convention hotel and constructing a 12-lane bridge. Rap Sheet Editor Peter Simpson even added that money could be going instead to “city streets, schools and mental health” (May).

Officer Gary Manougan claims that when he tried to raise concerns with the Chief’s office, they told him that some of the problems would “take care of themselves” and “I don’t want to hear it”—an interesting point of solidarity we have with the PPA membership, that we believe the Chief makes too many decisions behind closed doors with no input (April Rap Sheet). Manougan theorizes that the move has to do with the Chief wanting more control over what happens in the precincts. On the other hand, we’ve already started getting complaints at Portland Copwatch that the harsh anti-homeless, supposedly (concluded, p. 11)

anti-drug policies of downtown have expanded to the east side with Central Precinct's new boundaries now covering part of the area across the river. Efforts are underway to reverse this new trend.

Cops' Biases: Social Networking, Printed Words

Sgt. Simpson, in his June column, warns Portland officers to be careful about what they post on line. Referring to incidents in other cities that are documented in the April and June *Rap Sheets* where officers' comments on Myspace and Facebook led to harming their careers, Simpson reports that Portland defense attorneys are looking on line for incriminating statements made by cops. He cautions, if you "tazed" [sic] someone, don't write that you "made a guy ride the lightning and do the funky chicken last night."

Here's what happened in the other cities:
—A New York, officer's online comments led to a lesser conviction for a gun crime suspect because, for instance, he said that you will be disciplined for lightly punching someone, so you "might as well get your money's worth" (April *Rap Sheet*).
—In Washington, DC, as many as seven officers participated in a Facebook page for the "Make it Rain Foundation for Underprivileged Hos," apparently a reference to going onstage with strippers and throwing dollar bills up in the air (June *Rap Sheet*).

Yet Simpson doesn't seem to worry that attorneys might see articles he publishes that are anti-Muslim and anti-immigrant. In the August issue, two such pieces ran back-to-back. The first, by David Stokes of Townhall.com, implores America to wake up and be aware of the "threat from within"—which he says are Muslims who use "freedom and tolerance... as a cover for something more sinister, even deadly." He compares "Islamism" to Nazism, rejecting any connection to Judaism and Christianity. "Are Islamists today using our Bill of Rights as a weapon against us en route toward a nation governed by Muslims, Islam and Muslim law? The answer appears to be all too clear."

The second piece, by David Griffith of PoliceMag.com, criticizes the Obama administration for telling local sheriffs to back off from using a law passed in 1996 that allows local law enforcement to be trained in immigration law. To his credit, Griffith quotes studies that show most of those who have been deported were arrested for low-level offenses, and even admits he understands that local law enforcement needs immigrants to trust that the cops won't check immigration status, so police can get cooperation on criminal investigations. However, Griffith makes his position clear: "Maybe that poor illegal alien in Tennessee picked up for fishing without a license deserves some sympathy. ... But let's remember, he broke the law coming into the country in the first place. ... If they want to live in America, they need to obey our laws or go home."

What Makes Good Police Work?

As the Portland Police Association prepares to negotiate their new contract, which presumably takes effect in June 2010, Secretary-Treasurer Dobler urges fellow members to show the citizens of Portland "professionalism, experience and quality work product [that] is worthy of their on-going and increased support" (May *Rap Sheet*). He pledges not to let contract negotiations go sour as they have in other states, where some unions are "taking a beating over wildly unreasonable contract provisions." Aside from the odd image of police "taking a beating," we wonder whose proposals were unreasonable—the cities, or the unions?

Other articles raise questions about the values of Portland Police. For example, in May's *Rap Sheet*, the personnel division announced it is creating a new website "joinportlandpolice.com" which they are hoping will feature the audio of a police chase in progress. Is the idea

that being an officer is all about the excitement and adrenaline rush of high-speed chases, which are dangerous to officers, suspects and bystanders? Retired Officer Bob Gorgone reminisces about a night in 1995 when he and his partner heard about an argument and he said, "cool, maybe it's a carjack in progress or a good fight is about to kick off. Anything to break the numbing boredom of this never-ending night shift" (April *Rap Sheet*). We hope that officers would welcome the "boredom" of a crime-free city,

just as we welcome weeks without complaints of police misconduct and Copwatch patrols when there is nothing for us to report about.

On the bright side, pseudonymous L.A. cop Jack Dunphy, usually a harsh anti-civilian commentator, takes an LA officer to task for kicking an alleged gang member in the head when he lay prone after running from a car chase in May (June *Rap Sheet*). Dunphy accused the Police Officers Association lawyer of "a stretch" in justifying the behavior. He criticizes the

cop for endangering himself and other officers, and saying he should be willing to accept any punishment the Department doles out.

Maybe there is hope for change.

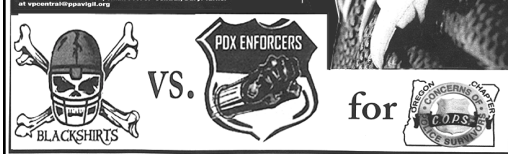
The Portland Police Association does not set policy. However, some PPA leadership and officers express negative attitudes toward citizens and civilian oversight in their newspaper. We worry these ideas may spread throughout Portland's ranks.

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

The Portland Metro Police Departments and the Blackshirts present the first **Black & Blue Bowl** An annual flag football charity game to benefit C.O.P.S. **June, 2009** (location and date to be announced)

The Blackshirts and the PDX Enforcers are dedicating the 2009 game to the officers and families of the Woodburn bank bombing:
Woodburn Police Chief Scott Russell
OSP Senior Trooper William Haskin (OCW 12/12/08)
Woodburn Police Captain Tom Tennant (OCW 12/12/08)

For contact information, email PPA VP Central, Darrel Turner at dturner@portlandppa.org



This ad for a "charity" flag football game features the logos of two police teams: One, the "Blackshirts" features a skull and crossbones (like pirates or poison), the other, "PDX Enforcers," shows a gloved fist punching out from the page. We assume McGruff the crime dog would not approve of these violent images nor would he appear as team mascot.

cop for endangering himself and other officers, and saying he should be willing to accept any punishment the Department doles out.

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I'm donating, but I don't wish to receive mail.

Please add me to your e-mail list. My e-mail address is: _____

Please take me off your mailing list.

Clip and mail this slip back to us at PO Box 42456, Portland, OR 97242.
Make checks payable to: Peace and Justice Works/Copwatch.
Be sure your name, address & (optional) phone number are on this slip.

RAPPING BACK

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

Alliterate Alternate Attitudes Alarm Accountability Activists

Police Association Bucks Oversight Systems, Offers Support for Misconduct Suspects

The Portland Police Association (PPA)'s objections to the Bureau's Use of Force Review Boards (UFRBs), that the Boards act to "embarrass" officers in front of citizens (despite being closed to the public), violate procedure, and use improper evidence, will be moving to arbitration in October (July *Rap Sheet*). The cops' reluctance to have their most serious uses of force scrutinized for possible misconduct is echoed in numerous recent articles questioning not only the UFRBs, but the similarly toothless process of the "Independent" Police Review Division (IPR).

By some strange twist of logic, Officer Rob Blanck used the term "*Independent*" in quotes in the June *Rap Sheet*. When we do so here at Portland Copwatch, it is because the IPR's investigations are entirely dependent on the Police Internal Affairs Division (IAD), since IPR has never conducted an investigation on their own. Furthermore, most of the people conducting intake interviews with citizen complainants are retired police officers. To Blanck, the IPR is not independent because, in his opinion, it "is managed by politicians,

inexperienced community members and lawyers, not cops." Blanck points to the recent hiring of a defense attorney to the IPR staff, but ignores that the three other highest ranking members of IPR are two former prosecutors and a former police officer. In his mind, the "few" retired cops working there are "relegated to answering phone calls from internally encouraged, well-meaning citizens and some outright ignoramuses, antagonists and cop-haters."

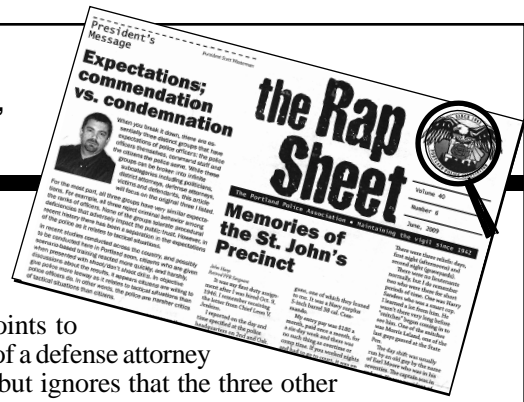
Blanck blames the existence of the system on "Spineless politicians" and management who have listened too much to "Lies about our occupation from liberal leftist loudmouths [which] are accepted as a warped reality." Directly referencing the police beating death of James Chasse, Jr, he complains that police are "blamed for having the audacity to actually chase a criminal, fight with him, and, in the aftermath, joke with each other as the adrenaline dump courses through our bodies and our minds deal with the fact that we could have been killed."

Claiming that police should be left to judge their own, Blanck writes that "When one of our own goes bad we are our own harshest critics and become nauseous with disgust." In his worldview, officers "weed out the bad" so they know they can rely on one another. He says that lawyers, politicians and doctors are scrutinized by their peers—not "Paul the pipe fitter," newspaper editors or "a community organizer who is particularly proficient at the game of Operation." So, he asks, why allow "oblivious outsiders or ancient associations to arbitrate our actions?" Able alliteration, but shoddy sentiment. He thinks police critics will "tear at the fabric of our organization and will adversely affect society."

According to Blanck, the fight over citizen oversight is lost (whoopee! we must have won something), but "I for one refuse to bow to their ridiculous findings or be judged by their deceived notion of truth (lies)."

Several recent columns by PPA President Scott Westerman concur with Blanck that cops will push out the worst among them. Explaining why the PPA will automatically assign a lawyer to a cop under investigation for an on-duty shooting but not an off-duty alleged crime, he uses an example of an officer accused of planting a gun. He says that kind of allegation makes the PPA's role "muddy," as it could be a false accusation or a "crooked cop no one wants in our department" (July *Rap Sheet*). Westerman defends his appearance at the court hearing of pervocop Joseph Wild (see p. 2) by noting that officers need a human response, whether it's a DUI or "even sex crimes." Interestingly, the PPA is prohibited by law from telling one of its members if he or she is under criminal investigation.

In the May *Rap Sheet*, Westerman reminds officers not to go to Internal Affairs interviews or discussions with commanding officers without PPA representation, even if they are only witnesses. The main reason is that the PPA representative can (continued on p. 10)



Poyntblank Perspectives by Officer Rob Blanck East Precinct

A cop's view of citizen review

Police work is a profession whose practitioners are placed into situations where life can hang in the balance. Our willingness to stand in the gap between the evil in our society and those oblivious to its presence is a mystery to the average person.

I am proud to be a member of our profession. I believe it is a calling, a ministry, a mission. When one of our own goes bad we are our own harshest critics and become nauseous with disgust. We weed out the weakest links with bravado

would rather join the drone of idiocy and hack away at our moral, pride and esteem. I don't blame the activists for what has become of our organization. They are at least consistent and have sincere beliefs if not sincere deceptions. I can

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