Nearly Half of DOJ Agreement Terminated in Deal Replacing Compliance Officer with Court Monitor

City Council voted in early November on a plan to replace the Compliance Officer/Community Liaison (COCL) with an Independent Court Monitor. The Monitor will assess whether Portland Police are successfully following the requirements of the 2012 US Department of Justice (DOJ) Settlement Agreement. As part of the plan, 40 of the 96 paragraphs of the Agreement are being dismissed from the DOJ’s purview, leading to concerns among some in the community that the City will backslide in those areas without consequence. Fifteen paragraphs will be up to the City to “self-monitor,” which history tells us will not go well. One important issue: several paragraphs being dismissed relate to misconduct investigations, which could impact the implementation of the new oversight board (right). At a court hearing on November 30, Judge Michael Simon approved the changes despite such concerns being raised multiple times, including by Portland Copwatch. Meanwhile, the Portland Committee on Community Engaged Policing (PCCEP) got new members and held meetings, including two focusing on stops and data and two on the DOJ assessment reports. A separate group focusing on the Behavioral Health Unit (BHU) held another public meeting and appears to have gone backward on the issue of providing recommendations about deadly force used on people in mental health crisis.

The change from the COCL to the Court Monitor is significant in many ways. Unlike many other cities that were investigated for unconstitutional policing, when the DOJ found Portland used too much force against people in mental health crisis.

POLICE ACCOUNTABILITY SYSTEM: Community Centered Plan Seemingly Dismantled by Council and City Attorney

It’s been a very eventful few months for the Police Accountability Commission (PAC). The PAC, a diverse group of community volunteers created by the City Council to make the framework for a new police accountability system mandated by a 2020 ballot measure, met from December 2021 to August 2023 (PPRs #85-90). After countless hours of work, the 20-member Commission, sometimes meeting two or three times per week, completed their proposal in August. They submitted their 97 page set of recommended Code changes to City Council in early September along with a 65 page report explaining the plan and how they came to their conclusions. At their presentation to Council on September 21, PAC was met with some familiar skepticism from Council about elements embedded in the Charter, which the Commission was unable to change, particularly the budget (“no less than the equivalent of 5% of the Police Bureau’s”), and the prohibition on current/former officers being on the Board. On November 15, the City Attorney and representatives from the five Council members’ offices presented their own version, cut down to 27 pages and missing most of the equity goals baked into PAC’s plan. It’s a hollow effort if community members who are harmed by police are supposed to trust filing complaints with the new system.

The PAC hosted multiple community outreach meetings online and throughout the city and met with many City officials, the police “union,” and other stakeholders to form their recommendations. They looked at practices in Portland and around the country to find those that would best fit the new system. The PAC had attorneys analyze and format the recommendations for City Code. Technically, the November 15 hearing was to review proposed changes to the US Department of Justice Settlement Agreement which are required to align the Agreement’s existing provisions for the current system with the Board proposed.

Portland Police Violence Costs the City Another $371,000, Plus Legal Fees of Over $750,000

Three New Cases Include Largest Amount for a Single Protestor in 2020; PCW Updates Its Top 25 List

As of November, the City had paid out at least $1,787,384.22 for police violence at the 2020 racial justice protests just in 2023. Since our last issue, three settlements came before City Council accounting for $371,000 of the total. With the addition of legal fees paid to the attorneys who litigated the $250,000+ Don’t Shoot Portland lawsuit (PPR #88), the overall amount paid for protests from 2018-2020 is now at least $2,702,316.22. At least one of these made the top 25 settlements list kept by Portland Copwatch (PCW), with another to be added in 2024. PCW testified on each of the three cases that appeared before Council: $250,000 to Dexter Pearce, $46,000 to Phillip Hoffmann and $300,000 to Michael Weisdorf.
Citizen Review Committee Loses Five Members, Gains One

As the City gets ready to implement a new police oversight system (p. 1), the existing structure is creeping along to fulfill its remaining obligations. The “Independent” Police Review (IPR), which handles complaint intake and a few investigations per year, put out its Annual Report in late August (below). The Citizen Review Committee (CRC), community members who hear appeals and are supposed to advise IPR, met three times in late summer/early fall. Despite a request at the September meeting, IPR staff did not present the Report to CRC at either its October or November meetings... and they canceled the December meeting. Meanwhile, through attrition, the CRC is down to just seven of its authorized eleven positions, with another member set to leave in February. This could cause serious problems if CRC does receive a request for appeal, but good news/bad news, they haven’t had any since June 2021.

What CRC has done lately is to compile a relatively comprehensive history of the group (“Transition Past”) and recommendations for the new system (“Transition Future”), adopted on a vote at the October meeting. This was the last meeting for former CRC Chair Candace Avalos, who announced her resignation that night to pursue other interests. At the November meeting, the group formally elevated Vice Chair Yume Delegato to be Chair, Recorder Gregg Griffin to be the new Vice Chair, and elected Kyra Pappas as the new Recorder.

Joining CRC at the October meeting, the same night he was appointed by City Council, was Mike Walsh. Walsh served on the CRC’s Work Groups on crowd control (PPR #85) and the Transition documents. Members Taylor Snell (whose term was technically over in 2023 anyway), Amanda Greenovs and Sylvan Fraser also submitted their resignations, because of life getting in the way, not any animosity toward CRC. It was also announced in November that Vadim Mozysky had resigned. In February, long-time member Julie Falk (perhaps with a record-long tenure of nine years) will be leaving CRC as well. Outreach is underway, but since the resignation of Outreach Coordinator Irene Konev, IPR has not hired a new person to help recruit. As a result, staff from the Community Safety Division... which works closely with Police, Fire and other public safety bureaus... is helping with outreach. (CSD also housed the Police Accountability Commission).

The IPR Director, Ross Caldwell, and his Deputy Kelsey Lloyd, both share the habit of making extremely brief presentations of the four-to-five page “Director’s Reports” at CRC meetings, skipping over the data on caseloads, crowd control complaints and deadly force investigations. The CRC is their stage to promote the work they’re still doing until the new system is in place, but they don’t take advantage of the opportunity. They may be avoiding presenting the Annual Report to CRC because the community body, which reports to IPR, isn’t even mentioned this year.

2022 Annual Report from “Independent” Police Review Adds Some Details, Removes Others

The “Independent Police Review (IPR), the office which processes complaints about police misconduct, is supposed to put out its Annual Report by May of each year. However, the 2022 Report was released in August. Growing one more page from 2021 to 15 pages, new details such as examples of complaints were added, while others, like the demographic makeup of complainants, were cut. Several other data sets including officers with multiple complaints, the time it took to complete intake investigations, and trends in allegation types are not included this year. A key disappointment is that rather than chance making a mistake for the sixth year in a row about the Citizen Review Committee (CRC), the community body tied to IPR, they aren’t even mentioned in the new Report. CRC made a rare presentation to City Council of a policy report about Crowd Control in September 2021 (which was not mentioned in the 2021 Report), but only IPR’s own policy reviews are mentioned. That one of IPR’s reviews was about the way the 2020 protests overwhelmed the accountability system, an analysis they did without CRC input, just adds insult to injury.

IPR received 174 community complaints, way down from roughly 400 a year prior to 2020. In the section reviewing the outcomes of the 316 allegations IPR extracted from those complaints, they note that seven were “Sustained” or found out of policy. They use the figure of 5% out of 106 investigated allegations (even though 7/106 is 7%), but really, as Portland Copwatch has pointed out repeatedly, that should be 2% based on the 316 total allegations. On the other hand, 45 police-on-police complaints generated 51 allegations, leading to a whopping 53% Sustain rate (27 out-of-policy findings).

Notably, IPR does break out complaints in a little more detail, saying that six of the seven Sustained findings were related to the 2020 protests... but not how many had to do with Use of Force (see PRB article, p. 11).

Though 34 officers were subjected to discipline in 2021 (PPR #87), in 2022 that number was down to just 15. One officer received 100 hours off without pay (this may or may not be Sgt. Jeff McDaniel, whose discipline wasn’t proposed or imposed until 2023) and five others got one day off without pay.

The remaining nine received Command Counseling (6) or Letters of Reprimand (3).

In a consistently frustrating manner, IPR presents the data either as raw numbers or percentages, but not both. In some cases, like the charts showing how many complaints were filed and how many were about protest actions since 2011, the graphs have numbers/percentages along the side but each bar does not include a number. *Sigh.* From what we can tell using previous Reports and a ruler, the complaints fell from 336 in 2020 and 193 in 2021 to 174 in 2022. IPR says there was a “slight increase” in Bureau-generated complaints, but in reality it went from 34 to 45, a 33% increase, which is quite an uptick.

In another troubling trend, IPR continues to avoid listing even the number of deadly force incidents involving police, even though shootings/deaths is the subject of one of their online “dashboards.” Moreover, there were nine such incidents in 2022, more than any year since 2001... the year IPR was created. IPR also monitors the investigations into these most serious cases.

One interesting tidbit: IPR was required by the US Department of Justice Settlement Agreement to investigate supervisors who oversaw the brutality of the 2020 protest but hasn’t finished those investigations yet in late 2023. The Compliance (continued on p. 3)
City Plans to Gut New Oversight System (continued from p. 1)

by the PAC. In the course of a 3.5 hour hearing, no presentation was made about those amendments. Nobody had seen the City’s proposed code until Tuesday, November 7, but the City rushed their “feckless”*-1 plan in order to meet an arbitrary 60-day deadline from the DOJ.*-2 Fifty-five people testified, including 12 former PAC members. Another five former PAC members submitted written testimony among the 250+ submissions. The vast majority of oral and written testimony supported the PAC and blasted the City diverging so significantly from the PAC’s recommendations, made worse by a lack of explanation or even consulting the PAC.

Some of the changes were minor but others threaten to undermine the integrity, independence, and transparency of the oversight system. Here are some examples:

— The City recommended placing representatives of the Chief of Police and the two police collective bargaining units on the selection committee to nominate members for the new Community Board for Police Accountability (CBPA). The main purpose of the new oversight system was to create a system independent of the police, but the City wants to allow the police to choose who polices the police.

— The City wishes to make all hearings confidential, except when an officer asks for a public hearing. However, because the CBPA will be a public body, they have to take their final vote in an open meeting. To water down that transparency, Council’s proposed code forbids the Board from naming the officer or elaborating on the accusations. The votes would be on a proposal such as “For accusation #1, we find officer A violated policy.” That’s literally what they would have to say, not a generic example. This leaves the public completely in the dark except that an officer was accused of something (anything from improper conduct all the way to unjustified deadly force) and the accusation was either sustained or not sustained. The existing system, like most other oversight systems in the country, allows for two other findings reflecting there being insufficient evidence or that the allegations were unfounded, but the City has cut those as well.

— The PAC proposed that any complaint involving a community member would be investigated by the new Board’s Office of Community-based Police Accountability (OCPA). But Council removed more than half the misconduct types from OCPA’s purview, instead keeping in place Internal Affairs— police investigating other police. This fundamental conflict of interest is what led people to vote to replace the oversight system in the first place.

— The City removed the longstanding ability of community members to appeal findings while the police retained that ability, another example of a system designed to unjustly favor the police and limit accountability. Appeals have been part of the oversight system since the first one was created in 1982. Similarly, that board, the Police Internal Investigations Auditing Committee, and the current office, the “Independent” Police Review, were explicitly charged to review Internal Affairs investigations to ensure integrity. The new Office has very limited authority to do so in the proposed Code.

— The City added a ban on CBPA members who have demonstrated a bias for or against the police. This broad ban could be used to exclude anyone who has ever criticized police misconduct or who ever posted their support for police on social media. A similar provision led to litigation and ultimately changed language in Boulder, CO. PAC had already put in language requiring Board members to be fair and impartial which should suffice.

— The City, in their recommendation, decided the Chief of Police shouldn’t be held accountable by the police accountability system but only by the Mayor. This is in part because the broader City Charter will change in 2025, retaining the Mayor’s ability to hire and fire the Chief. The Mayor should be able to fire the Chief for poor performance, but the oversight board charter language says the CBPA will have jurisdiction to discipline all officers and their supervisors. So unless the Chief is not a supervisor, the Board should have jurisdiction.

At the end of the November hearing, the City Attorney agreed to meet with the former PAC members to discuss the City’s recommendations and Mayor Wheeler said he is willing to “have an open mind” about any changes the Attorney might recommend.

The meeting with the City Attorney occurred on December 4. Former PAC members prepared 19 questions and 11 top concerns. Though the event was created at PAC’s request, other community input led to time running out with just 17 items addressed. The City expressed logistical reasons, including fear of being sued, for decimating PAC’s plan. The Attorney gave conflicting opinions, saying it would be easy for the Board to ask Council to expand its jurisdiction, but that putting too many details in the code would make it hard for Council to fix later. They seemed proud for “adding” force to the Board’s scope of authority, though PAC explicitly envisioned any complaint involving a community member would be covered. Despite not finishing the discussion, the City refused the PAC members’ request for a second meeting.

Once it is finalized, the City’s proposal will go to the DOJ for review to comply with the 2012 Settlement Agreement and can either be sent back for revision or approval. The City also will bargain parts of the proposal with the police “unions.” If approved, the new police accountability system might begin as early as mid-2024, nearly four years after the ballot measure was passed.

On December 12, the Portland Police Association released a poll asking biased and unfounded questions about the PAC’s plan, telling Oregonlive that if City Council doesn’t pass the oversight system back on the ballot, they will gather signatures to do so.

Find a comparison of the PAC’s plan to the City’s at <portlandcopwatch.org/compare_pac_city.pdf>.

*1- former PAC member Faythe Aiken used this word in her testimony on November 15.
*2- the City has missed countless deadlines for the IPR, including taking nearly an extra year to hire a civilian training “dean.” It’s unlikely that waiting longer would lead to any consequences. Plus, since it’s an Agreement, the City must have signed off on that timeline.

IPR Annual Report Still Not Up to Snuff (continued from p. 2)

Officer said in their report (p. 1) that they were not at liberty to explain why the investigations are taking so long. IPR, though, states in their Annual Report about these four cases that “they are complex and comprehensive and may branch out into additional investigations.”

Unlike the IPR’s Report, which ends abruptly with no conclusion, PCW will conclude here that IPR should really do a better job on creating these Reports, present them publicly at least at a CRC meeting, and try to ramp up for the new oversight system which should be providing more comprehensive Reports.

**Criminalization of Homelessness on Hold**

The City’s ban on camping during the hours from 8 AM to 8 PM is currently on hold as a result of a lawsuit brought by the Oregon Law Center (OLC) representing homeless individuals. On November 9, a Multnomah County Circuit Judge issued a temporary restraining order stopping the ban until the suit is resolved. Ed Johnson of the OLC stated that criminalizing homeless people is not the answer to the problem of trying to house people. In a specious argument, the City argued that the ban would help to connect houseless people with services. Subsequent to the order, Mayor Wheeler stated the City will abide by it but will continue to fight (Oregonian, November 10).

While Mayor Wheeler may see this “fight” as against the Courts and the OLC, does he not realize that those he is battling are houseless, indigent, disabled and elderly people? In establishing the ban, the City did not provide sufficient information regarding where people could or could not put their tents. However, it was made clear that after two warnings, a person might either be fined $100 or sent to jail for 30 days. In addition to this poorly thought out ban, Mayor Wheeler also weaponized the weather, deciding to announce the first enforcement would take place just as the coldest and wettest months were beginning. The ban did not seem to take into consideration that there are simply insufficient shelters to accommodate those whose only option is to camp in public spaces. According to a Street Roots report, the current available shelters would only accommodate 30 percent of homeless Portlanders (Portland Mercury blog, November 10).

Two to four Portland Police officers have been assigned to patrolling the downtown area, along with several Oregon State Police troopers who are part of a plan to support business and crack down on crime. Of course it can’t be a coincidence that the new Ritz Carlton hotel with its condos, penthouses and restaurants is now open and the police need to make sure the occupants do not have to be offended by the presence of poor and unhoused people. While the ban is in the process of being resolved in the courts, sweeps are still ongoing and making life even more miserable for unhoused people.

Housing, or lack thereof, remains the major issue regarding the issue of camping on the streets. A report recently indicated that 99% of the people who were helped into permanent supportive housing by Multnomah County remain housed a year later (Oregonian, November 8) further supporting the fact that housing, not criminalization, is the answer to street camping. Unfortunately, the goals set by Multnomah County regarding permanent housing have not been met.

Between July 2022 and the end of June 2023 five safe rest villages were opened by the City. Two additional safe rest villages were opened in July. One village is for vehicle parking for those who sleep in cars or RVs. It was reported that 45% of the residents of the villages left for permanent housing (Oregonian, October 11).

Despite attempts by the Portland Fire Department and Commissioner Rene Gonzalez to limit the work of Portland Street Response, PSR continues to assist houseless people in various ways and with less harm than if the Portland Police are sent out to deal with the issues faced by those with no place to live except on the streets.

It was recently reported that of all the pedestrian traffic deaths this year, unhoused people made up of 45% of those deaths (Oregonian, November 22).

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**Medford Police Continue Surveillance on Activists After Pipeline’s Cancellation**

While the community awaits the Portland Police Bureau (PPB)’s annual report on its limited interactions with the FBI’s Joint Terrorism Task Force (JTTF) in January to learn what spying activity the PPB has been up to, activists in Medford have exposed ongoing surveillance by police in southern Oregon. It was previously revealed that the Portland Police supported public and private spying on activists whose work helped shut down construction of the Liquid Natural Gas pipeline planned in Jordan Cove (PPR #78). A November 8 article in the Intercept reveals that the Medford Police continued spying on the group Siskiyou Rising Tide as they moved their focus to other issues such as racial justice.

The group filed public records requests and found that the police were monitoring their activities, including through social media posts, and commenting on particular activists’ participation in demonstrations, communicating with each other over email. The Intercept writes “the emails show a policing apparatus that treaty the most placid social justice activities — like vigils and Juneteenth celebrations — as sites of criminal threat.”

The article notes how Oregon Revised Statutes chapter 181A.250 prohibits collection or maintenance of information on people’s social, political and religious affiliations without evidence of criminal conduct. Medford officials defended the spying by saying the Facebook posts are public information. That may be, but what justification was there for reviewing and commenting on them?

There’s no evidence that the Medford cops were sharing any of this information with the FBI, but the sheer breadth of their information collecting — and lack of accountability for it—is disturbing to say the least.

Also see the “Directives” article on p. 10 where the PPB policy on the JTTF is discussed.

**Mohammed Mohamud Loses Appeal Bid**

Just in time for the 13th anniversary of when the FBI set up Somali teenager Mohammed Mohamud in a sting operation (PPR #52), the now-32-year-old Mohamud filed an appeal asking for his case to be thrown out. The judge who heard the original case admitted he had family members at Pioneer Courthouse Square the night the FBI made everyone think Mohamud was trying to blow it up (but it was an inert fake created by the FBI). The appeal was rejected (Oregonian, September 23). An article in the Portland Mercury’s special holiday print edition, released in November, notes that Mohamud has renounced violence and is teaching conflict resolution to fellow inmates in the federal prison in Minnesota where he might remain until 2040.

See PCW’s updated fact sheet on the FBI sting at <portlandcopwatch.org/endFBIstings_facts.pdf>.
Settlements for Brutality Keep Racking Up
(continued from p. 1)

Peache, a Black attorney born and raised in Portland, was shot in the calf with a 40 mm rubber bullet while peacefully protesting and walking away from officers on July 4, 2020. His lawsuit named four Mobile Field Force officers and the incident commander, Craig Dobson. Since he was unable to prove which officer shot him, the City Attorney attempted to have the case dismissed. The judge rejected the City’s opinion, saying that even if you can’t say which PPB officer shot you, you still deserve to be compensated for injuries. Peache and his attorney, Juan Chavez, both testified on September 6. Chavez said “It’s my hope that you extend your apology to [my client] for what the Bureau did to him.” Peache stated in his testimony that he was 13 years old at his first protest in 2003 after Kendra James was killed by PPB (PPR #30). He talked about the killings of James Jahar Perez, Aaron Campbell, Quamice “Moose” Hayes and Patrick Kimmons stating that “these are just the names that I remember from growing up and living in Portland.” He ended his powerful testimony by saying “This settlement may end my case today depending on how you vote, but the city has so much more work to do.

And unfortunately, I have zero faith in your ability to do that.” And without it, went to a vote: four in favor, one absent, zero apologies.

Hoffmann’s settlement came before Council on October 18 for “injury as a result of use of force” (as described by a Deputy City Attorney) in which two cops tackled him, slammed him to a curb, and crushed him by bearing their weight down, injuring his shoulder. Hoffmann was complying with orders to disperse while attending a protest outside the old Portland Police Association (PPA) building in North Portland on August 24, 2020. This item was posted to the Consent Agenda, the amount being just $4,000 below the $50,000 limit for inclusion on the Regular Agenda. PCW pulled it for discussion. No word on whether either of the unnamed cops were disciplined. After two PCW members testified, an annoyed Commissioner Gonzalez acknowledged the need for transparency while saying we need to remember “the immense damage done to our city by the riots in 2020.” He stated the protests and their aftermath made it difficult to recruit cops (which is demonstrably not true) and that the community is under-policed (depends which community you live in). As usual, Council got the last word.

Weidsof had his settlement approved by Council on November 1 for his “encounter” with PPB on July 18, 2020. He was nonviolently protesting against police brutality and racism near PPA’s old building. PPB declared a riot and ordered people to disperse. Court records show Weidsof cleared the area as directed. He traveled several blocks before PPB officers knocked him to the ground multiple times. This caused injuries, including two fractures to his left arm which required surgery and metal surgical hardware. There was no attempt to arrest or detain him. Once again, it is unclear whether any officers were disciplined for this behavior, nor which cops were responsible. This settlement is the largest payout to a single person for police brutality at a protest since 2018. It is possible the attorneys on both sides of the lawsuit played into the size of the payout. Jason Kafoury, whose work led to a November jury award for $3 million in an excessive force case against Salem Police, represented Weidsof. The City was represented by a private lawyer, Karen O’Kasey. O’Kasey told Council that Weidsof “fell” and was injured. Weidsof was quoted on Oregonlive (October 31) saying: “My experience really made real for me the issues that we were protesting in the first place — the overly quick resort to force we’ve seen in the Portland Police Bureau. The sworn officers we trust to enforce the law should not have impunity to violate that same law.”

PCW’s top 25 list includes settlements, judgments and jury awards dating back to 1992 (the year we were formed). With an average of roughly $726,000 per year, the City could have been paying for several civilian investigators to staff an independent police review board like the one that should be going into place soon (p. 1).

To see the top 25 list go to <portlandcopwatch.org/top25settlements23.html>.

Drone Use Slowly Creeping Up Month by Month
The Portland Police have created a new online “dashboard” to illustrate where, how often and why their new drones are being flown (PPR #90). When the first data were published in October, Willamette Week noted that all but one of 22 flights took place east of the Willamette River (while the rich people living downtown and in the West Hills did not have to loud buzzing cop aircraft overhead). The data available as of November 9 show that the pilotless aircraft were used 7-8 times a month from June to August, then 15 times in September and 17 times in October. The most frequent (alluded) use since the start of the program was 19 times for exigent circumstances, where the cops can ignore such niceties as needing a warrant. Warrants generated 12 uses. Sixteen were traffic-related, and seven were training missions.
On December 6, Portland Police responding to a call about someone tapping into a business' electricity without permission shot and killed Isaac Seavey, 27. It was the third PPB-caused death of 2023 (PPR #90). Per their new policy, they named Justin Clary (#40926) as the shooter 15 days later. In late September, the Multnomah County District Attorney released Grand Jury transcripts in the shooting death of Immanuel Clark-Johnson, who was killed in November 2022 by Portland Police (PPR #88). There was no explanation why the Grand Jury took nine months to deliberate, but there were shocking facts that might have led to the powers-that-be wanting to delay action: Clark-Johnson, a Black man, was not the person police were seeking the day he was killed, was shot in the back, and was unarmed (Oregonian, October 1).

Officer Clary previously shot Billy Wayne Simms in 2012 (PPR #57), shot at Ralph Turner in 2011 (PPR #53) and shot two dogs, killing one, in October 2002 (PPR #28). Trigger-happy cowboy?

Other PPB shootings news:

- New information was reported on PoniaX Calles, another Black man the PPB killed in July (PPR #90), including that a Portland sergeant figured Calles headed to a prior known address, leading to three cops shooting the murder suspect (Oregonian, August 25). As highlighted by the Portland Police Association on Facebook, Sgt. Michael Filbert claims to have an angel on his shoulder. In December, a grand jury found no criminal wrongdoing. The Oregonian reported the officers had surrounded Calles’ car and deployed drones and a robot. No explanation was given of why officers fired their guns, but that may come out when the transcripts are released.

- In October, the Oregonian ran a four-part series detailing the Portland shootings of Black men in the 1970s which led to protests (and eventually, Portland’s first police oversight system). A salient quote from the last article: “Anybody they shoot, they always find them not guilty” (October 20).

- On October 6, Portland police chased burglary suspect Gilbert Colli-Garma, 37, leading to him crashing his car, which injured him, two police officers and a civilian. Colli-Garma died from his injuries in November (Oregonian, November 26).

- The family of Koben Henricksen, who was in mental health crisis when Officer Justin Raphael killed him in 2019 (PPR #79), agreed to settle with the City for $100,000 (Oregonian, December 7).

- The family of Aaron Stanton, who was shot in front of his six year old daughter by Portland officers in July 2022 (PPR #87), also filed a suit (Oregonian, November 29).

- ...And a suit was filed by the family of Immanuel Clark-Johnson, now knowing he was unnamed and mis-identified (KOIN-TV6, October 9).

**STATEWIDE POLICE SHOOTINGS DOWN FROM OVER 40 TO JUST OVER 30**

As of December 20, police officers in Oregon have used deadly force ten times since we published our last issue in mid-August. The total so far in 2023 is 32. Thus, unless law enforcement starts an unprecedented spree, it is unlikely there will be 42 such incidents as there were in 2022, a huge relief. It would be great to see the number go down further. Sociologists and others might look at the looser community restrictions due to COVID and the lower numbers of homicides among civilians to spot related factors, but we’re just going to present some facts to you.

Other than the December 6 shooting in Portland (left), the nine other recent incidents (notably, we did not find any in October) were:

- On December 17, two unidentified Hillsboro police officers shot and killed an as-yet unnamed man when he allegedly “took hostage” a woman who had a restraining order against him (KGW-TV6, December 17).

- On December 15, unidentified officers from the Grants Pass Police, Oregon State shot and Josephine County Sheriff’s Office shot and killed Kelly Lynn Mason, 48 after a car chase. Mason was described as an “extremely dangerous” suspect in a mid-November murder (KTZV-TV21, December 17).

- On November 24, Marion County Deputy Caleb Mott, Salem Police Officer John Parmelee and Oregon State Trooper Andrew Tuttle shot and killed Justin Jordan, 32, who was in mental health crisis and allegedly pointed two pistols at the police in Salem (KATU-TV2, November 28).

- On November 9, an unidentified Salem Police officer shot and wounded an as-yet unnamed man who was allegedly pointing a gun at people and trying to stop drivers near a fast food restaurant (KATU-TV2, November 9).

- On September 30, Polk County Sheriff’s Deputy Mike Smith shot and killed Ivan Ocegueda, 18, in Salem after police disabled Ocegueda’s vehicle using spike strips and he took off on foot. The police say the teen tried to get into another car and shot an officer, wounding them, before the fatal shots were fired (OPB, October 3).

- On September 14 in Eugene, Lane County Sheriff’s Sgt. Ryan Lane fired his weapon at close range into the head of Lucas Jansma, 18, a car theft suspect, killing him. Jansma allegedly used an Oregon State Trooper's weapon to shoot him in the buttocks. Sgt. Lane, who was involved in a previous shooting in 2010, conveniently forgot to turn his bodycam on (Lane County DA, October 12).

- On September 7, Tillamook County Sheriff’s Deputy Terrance Watters and Oregon State Police Trooper Thomas Mayne shot and killed Tyran Meirov, 42, in Rockaway Beach. Meirov’s mother called the police fearing her son would hurt her with a brick and metal pole and the cops brought guns to a brick-and-pole fight (Tillamook Headlight Herald, November 15).

- Also on September 7, four members of the Washington County Tactical Negotiations Team, which has members of various police agencies, were involved in the deadly shooting of Ryan Henrickx, 39, in Hillsboro. They were: Hillsboro Officers Derrick Jarvis and John Ganci and Washington County Deputies Bryan Payton and Michael Mackenzie. Henrickx locked himself inside his home and allegedly pointed a handgun at officers who tried to serve a warrant on him. Initial reports stating that Henrickx fired the weapon were withdrawn a week later based on body camera footage. Hmm (Oregonlive, September 8 and Oregonian, September 15).

- On August 24, Grants Pass Police Officers Kyle Hodge, Tim Artoff, and Jason McGinnis shot and wounded Dennis McGuiire, 69, who had shot another civilian (KDRV-TV12, August 25 and September 7).
Chief Lovell Steps Back, “Interim Chief” Bob Day Takes Over

Without much warning, Chief Chuck Lovell announced that he would stand down from the top cop position in mid-October to become the new Assistant Chief of Community Services. Mayor Wheeler quickly named Bob Day, who had been Deputy Chief under Chief Danielle Outlaw in 2018-19, to take the role until the newfangled City Council and Mayor get elected and seated in 2025. Portland Copwatch has a history with Chief Day, including the time that he offered an unexpected apology to member Dan Handelman at a Training Advisory Council meeting for an offhand remark made at the previous meeting (PPR #71).

Day went through a transformative time in his personal life that led him to, among other things, attend Red Door Project theater presentations in which people (predominantly people of color) explained their perspective on why the community fears being pulled over by the police. In the hearing on the US Department of Justice Settlement Agreement (p. 1), Day told Judge Michael Simon that he feels it’s on him as Chief to make sure that the distrust is recognized as a reality.

That didn’t stop him, however, from responding to PCW’s inquiry about releasing the name of the officer involved in the December 6 shooting of Isaac Seavey (p. 6) by claiming that there was an ongoing threat to officers and that the US Department of Justice had signed off on extending the release period from 24 hours to 15 days per an executive order by former Chief Lovell (PPR #88). This was a line he took from Lovell, who conflated the FBI (part of the broader DOJ) with the Civil Rights Division of the DOJ, which brought the lawsuit leading to the Agreement. The DOJ said publicly that they would not be able to weigh in on Lovell’s change until it went through the process described in the Agreement where there is public input and review of each PPB policy before the DOJ signs off on them. Coincidentally, comments on the Deadly Force policy, which contains that 24 hour timeline, were due nine days after the shooting (p. 10).

According to online records, Day was not qualified to be the Chief when he was sworn in. He took firearms training certification on October 5, but began other updates related to his 2.5 year absence after the ceremony and until November 1.

On September 10, the Oregonian ran a handy article listing all 18 chiefs Portland has had since 1985, including interim appointees — a good reminder that PCW has been around during the reigns of 14 of them.

So it remains to be seen whether the axiom described by former Black Panther Michael Zinzun proves to be true once again about getting in a new chief. “When you have a rickety old bus and change the driver, you still have a rickety old bus.”

Multnomah Deputies Indicted in Jail Deaths, Off Duty Argument

Surprisingly, the Multnomah County District Attorney issued indictments against two deputies involved in two of the ten deaths that have occurred in Multnomah County Jails in 2022-23. The December announcement that the Deputies had apparently committed official misconduct by neglecting the needs of the inmates signaled that perhaps new Sheriff Nicole Morrissey O’Donnell may in fact be taking things more seriously than her predecessors.

Morrissey O’Donnell made it seem as if she were downplaying the role of her corrections employees by indicating that many of the deaths were caused by drug overdoses. It turns out that only three of them have been confirmed as drug-related. Three died by suicide and three of natural causes. The tenth is still under investigation (Willamette Week, December 11).

Meanwhile, Deputy Mark Farmer was also indicted for an off-duty incident in which he attacked a neighbor for having a close relationship with Farmer’s wife (Oregonlive, November 13). The argument happened in Washington State, where many Portland law enforcement officers live. The news articles about the incident missed a salient fact: That Farmer was involved in the non-fatal shooting of Randy Gattman in 2021 (PPR #83).

Advisory Board for Sheriffs Down to One Person

On October 17, Willamette Week reported that the Sheriff’s Office Community Advisory Committee was down to just one member. It’s not clear whether there is an issue with the County Commission, which appoints the members or if Sheriff Morrissey O’Donnell is just not interested.
people with mental illness, the City agreed to make changes; thus a “Settlement Agreement,” not a “Consent Decree” as exists elsewhere. The Court Monitor is a basic part of those Decrees, making the determination of when those cities are complying with the federal government’s terms. Until now, while the COCL has been producing quarterly progress reports, it is the DOJ (the plaintiff in the case) that decides on compliance.

Portland Copwatch (PCW) has been relatively neutral about which kind of system exists, mostly concerned that the best people to monitor the Portland Police are people with deep knowledge of and ties to the community, not outsiders (the COCLs have been people originally based in Chicago). It is possible that Dr. Tom Christoff, who just took over from his mentor to become COCL in July (PPR #90), could apply for the job.

The paragraphs going under self-monitoring include one on the collection of stop data. It’s good that this is not being dismissed, as it’s one of the only areas addressing race in the Agreement (the DOJ could not find a “pattern and practice” of racial bias despite overwhelming data which persists to this day). However, the fact that the Portland Police Bureau (PPB) has made only minimal progress (if any) at reducing the over-representation of Black people in traffic stops after 11 years under the DOJ and 20 years of data collection indicates they’re not the best arbiter of change.

Some of the dismissed paragraphs are relatively uncontroversial, such as whether the PPB has set up the BHU. It seems unlikely they will take away that infrastructure one day when the Agreement’s complete and the DOJ leaves town. On the other hand, there are two paragraphs about the Citizen Review Committee (diversity of membership and ability to make findings upon appeal of misconduct cases) whose substance is not necessarily reflected in the City’s proposal to implement the new oversight Board. Similarly, three paragraphs are going away covering the requirement for the Independent Police Review, which processes allegations, to communicate with complainants. One other paragraph, requiring the PPB to have a policy against retaliation, was dismissed... and the City’s plan has that policy under the jurisdiction of Internal Affairs rather than the new Board. Very problematic.

Along these lines of poorly addressing community concerns, the City released their monitoring plan on Friday, November 3 and voted on the afternoon of Wednesday, November 8. The PCCEP, which had formally recommended the Court Monitor position, had meetings on Wednesday, November 1 (though that was canceled) and Wednesday, November 8, meaning the group had no time to discuss or reflect on the details of the plan. PCW member Dan Handelman, who is a member of the Steering Committee of the Albina Ministerial Alliance Coalition for Justice and Police Reform (AMAC), was able to attend mediation sessions among the City, the DOJ, the Portland Police Association, the AMAC and the Mental Health Association, but unable to discuss the confidential details with anyone else. So an overwhelming majority of the community had just five days to digest the 34-page plan. The writing was clearly already on the wall—Council passed the plan unanimously without any amendments based on public input.

PCCEP Hosts Compliance Officer Twice, Gets Back Up to (Almost) Full Membership and Talks Profiling

As part of its regular duties, the PCCEP hosts “Town Halls” with the Compliance Officer to present the quarterly reports and interact with the community. In October, they discussed ways to make the meetings and reports more community-friendly. On November 8, the presentation of the Q2 Report was... about as dry and hard to follow as usual, though there was a lively discussion period. Among other things, PCW pointed out that there was a case included where three officers fired their Tasers at the same person at the same time, which is against PPB policy. The Report says one Taser jammed, and the other two officer neglected to warn the others they were using the electroshock weapons by saying “Taser, Taser, Taser,” as they are trained. The COCL and the DOJ’s Jonas Geissler remarked that the policy prohibits deliberately firing multiple weapons at once, so there was no misconduct. Or, as Handelman stated, “no harm, no foul...except there was harm to the person who got 50,000 volts times two applied to them.” Bureaucrats.

These Town Halls are often (as this time) held at subcommittee meetings of the PCCEP. At full Committee meetings on September 20 and October 18, the PCCEP discussed the Police Accountability Commission (PAC)’s plan for the new oversight Board, and adopted their bylaws (respectively). They were unable to formally support the PAC plan because there were only eight active members of PCCEP in September out of 13 seats, and only five people were present. PCW pointed out (yet again) that if they had a sliding scale quorum based on how many people were on the PCCEP rather than the number of seats, they could have voted that day. Co-Chair Pastor Robin Wisner testified at the September 21 City Council hearing on the PAC based on the meeting’s discussion.

PCW again raised the issue of quorum as Council confirmed four members for renewal on August 29. Barbara Bochinski of PCW reminded Council that the idea of sliding scale is used in two police oversight systems in San Diego. In a rare instance, Mayor Wheeler engaged in conversation, suggesting that the City should just fill the empty seats; Bochinski said the quorum policy should be there as a backup. PCCEP staff indicated that by having a smaller quorum when fewer seats were filled, it would lead to equity issues. When four new members were appointed on September 27, other PCW members noted that when PCCEP was nearly suspended with a low membership in early 2022, there were seven members, of whom four were Black Portlanders. The appointment of the four new members brought PCCEP up to 12, including the long-empty youth seats. One position remains empty.

PCCEP also devoted two meetings to the issue of stop data/racial profiling. The first, held September 6, had three invited speakers: PCW’s Handelman, AMAC’s Dr. LeRoy Haynes, Jr., and former PCCEP member Vadim Mozyszkov. Among the three, it was highlighted that not only are Black people pulled over more often, but other data such as search, contraband being found, and arrests show potential discrimination. The PPB was then invited on October 25, where a white data analyst clearly laid out the ways the Bureau uses statistical gymnastics to explain the differences.

While PCW has conceded that using traffic crash data makes sense (to compare stops to the population of people driving rather than the census data), the use of crime victimization data (to explain patrol of neighborhoods) is particularly problematic, to communicate with complainants. One other paragraph, requiring the PPB to have a policy against retaliation, was dismissed... and the City’s plan has that policy under the jurisdiction of Internal Affairs rather than the new Board. Very problematic.

Mental Health Community Body Going in Circles

In October 2021, PCW hosted a public meeting of the Behavioral Health Unit Advisory Committee (BHUAC) prompted the DOJ to push that group to examine deadly force incidents with the goal of making recommendations for... (continued on p. 9)
DOJ Agreement and Mental Health  
(continued from p. 8)

police policy (PPR #85). The BHUAC heard from
cops in March and April, reporting back at their October
2023 meeting that there was a lot of information delivered but
that they did not believe they had to make any
recommendations as it was not in their allegedly narrow
purview. It’s possible that the changeover from Lt. Casey
Hettman as the BHU supervisor to Lt. Christopher Burley led
to a loss in translation.

However, most of the Committee members
had been active in 2021 and should not keep shying away
from this important duty. The rest of the
community is not allowed into the
BHUAC’s regular business meetings,
and the quarterly meetings only broadly ask for input without seeking advice
on specific items they vote on, making policy that affects
thousands of people living with mental illness. Harumph.

As noted in the article on the US Department of Justice (above),
the Portland Committee on Community Engaged Policing
(PCCEP) held two meetings to talk about the Portland
Police Bureau (PPB)’s traffic stop data. The first had three
community members, including Dan Handelman of Portland
Copwatch, raising the concern that the general stop rate for Black
people in Portland is 19%, and for the Focused Intervention
Team it is 44%, while the Black population of Portland is
just 6% (PPR #90). The PCCEP invited members of the
Police Bureau to present at a follow up meeting. Questions
that were raised but not answered include:
— The PPB’s report
indicates there is no statistical significance by
comparing, for instance, stops made by patrol
officers to crime victimization rates (rather
than crash data, which makes more sense when
talking about traffic stops). What would it look like to compare
the crash data to the non-traffic officers’ stop rates? (Our guess:
Not good for the cops.)
— Black drivers are subjected to consent searches 2.2% of
the time, while white drivers only get asked to be searched
1.4% of the time. Is there significance to the fact that Black
drivers are 1.5 times more likely to be subject to a consent
search than white people?

Also, as related to the issue that supposedly people driving
into Portland from surrounding areas disrupts census data
figures, the Report shows that Portland suburbs of Gresham
(5%), Vancouver, WA (3%), Beaverton (2%), Tigard (2%) and
Lake Oswego (1%) all have lower relative Black populations
than Portland. ■

Training Advisory Council Delays Force Data Presentations, Bureau Refuses to Change Format

During the September meeting of the Training Advisory Council, Force Inspector Lt. Mike Roberts responded to a series of questions the community members on TAC had sent. His general response to any item where they asked for a change in the way quarterly Use of Force Reports are generated was to say that the US Department of Justice and the Compliance Officer examining
PPB’s progress on the 2012 Settlement Agreement would not let them change anything in the current format. But this completely
ignores that the Inspector is required
by the Agreement to present those
Reports to the TAC in order for the Council to make recommendations for improvement. While they are
working out a compromise, the
August 2022 second quarter Report
was not presented either in September or November, delaying
discussion at least until January 2024.

Also at the September meeting, a civilian from the Training Division
gave a presentation about how the Bureau puts together its Training
“Needs Assessment” to determine what should be included in their annual courses for officers. Starting with a questionable slide of a
plane on fire (on the week of the anniversary of 9/11), the point was to
see what’s urgently needed to get the Bureau on track. Limitations
come because there are numerous state requirements, many for
firearms training (no wonder the PPB is so trigger happy). Training
Captain Franz Schoening noted the trainings aren’t ideal because
“there’s no one shooting at you.” The TAC’s recommendations are
part of what is considered, but there was no mention of other
community input as suggested in the DOJ Agreement.

There was a comment at the beginning of the September meeting
about “media attention” to the fact that the PPB paid $35,000 to the
Force Science Institute to train some of their instructors. As noted in
past issues of the PPR (#64 & 66), this group should be called the
“Junk Science Institute” as they come up with unprovable reasons
that officers “had to” shoot people or why they should be allowed
to spin like those
firearms training (no wonder the PPB is so trigger happy). Training
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past issues of the PPR (#64 & 66), this group should be called the
“Junk Science Institute” as they come up with unprovable reasons
that officers “had to” shoot people or why they should be allowed
more than 48 hours before being interviewed after such events.
Oregonlive reported on August 16 that Ashlee Albies, attorney
for the AMA Coalition for Justice and Police Reform, brought up
in federal court that the Force Science Institute had been barred
from presenting testimony at a trial in California.

As noted in
PPR #90, Roberts is the sixth Force
Inspector in just over three years, which
may be partly why progress seems to
spin like those
glasses/rainbow
circles when your computer is trying to think. He stated that Use
of Deadly Force is not part of his office’s purview, which might be strictly
ture about individual incidents, but the quarterly and annual Force
reports from the inspector do include when shootings occur.

TAC Chair Nathan Castle set aside most of the November meeting
for work by the task groups on Advanced Academy, Restorative Justice,
Officer-Community Relations, Continuous Quality Improvement, Data
Presentation (regarding the Force reports) and Crowd Management.
Each group was waiting for some information or person, except the
Restorative Justice group, which decided to disband. The meeting
was over in about 35 minutes.

Find more info at <portland.gov/police/tac>.
Since 2014, the Portland Police Bureau (PPB) has posted roughly 175 of their policies ("Directives") online for public comment, many of them three or more times. Portland Copwatch (PCW) has made comments on over 130 of them. Sometimes we have mild success in making changes, but overall the project helps us educate the community (and the cops) about where the policies are not in the best interest of the people they supposedly protect and serve. In October, they updated their Bias Crime and several Domestic/Sexual Violence Directives. In November, PCW noted an alarming trend in the use of Vehicle Intervention Techniques being used in the real-world when commenting on the related policy.

October: The “Bias Crime Reporting” Directive seemed to ignore that police themselves are often perpetrators of such crimes. There were no requirements to report crimes against people based on their “marital status, political affiliation or beliefs, age, economic or social status” although those are mandatory in state law for prejudice training for police. Inexplicably, the list of crimes did not include murder or attempted murder.

The several Domestic Violence Directives addressed restraining (“protection”) orders, sexual assault kits, and when police are survivors or perpetrators of domestic violence. For the first two, PCW again urged the PPB to consider if the survivor has a preference for the gender of the officer responding to their incidents. For the second one specifically, we suggested minimizing how many interviews sexual assault survivors should be required to undergo. For the third, we expressed concern about rules allowing officers who commit domestic violence crimes to come back to work and maybe even access firearms.

November: We noted that the vehicle interventions described in the PPB’s policy can be life-threatening to the person in the pursued car, cautioning that they should be used in a much more limited capacity than the 87 times the Pursuit Intervention Technique and the 114 times Box-ins were used between July 2022 and June 2023 (per the Bureau’s own data). The very serious Ramming was used eight times in the year. This means one of those techniques was used on average once every 1.7 days.

Items we listed to improve the policy: better inclusion of Supervisors when car chases happen, what level of force is examined when officers crash patrol cars into suspect cars (or use “spike strips”), and to require cops to stop and stay on scene if they run into a bystander’s car while chasing a suspect. In December, Chief Day held a news conference announcing looser standards, claiming suspects previously knew they wouldn’t be chased, but that the PPB will still consider the impact on the community before engaging (KPTV-12, December 15).

Later in November the PPB asked for input into the Joint Terrorism Task Force policy, which had no proposed changes. PCW reminded them to memorialize in writing that cases sent from the PPB to the FBI, which are now reported as a "courtesy" at annual reports to Council, should be a required part of their report. They also re-posted the policy on Active Bystandership, which encourages cops to stop and/or report on other officers violating policy or the law, with some unclear sections such as the use of the term “passive bystandership” only once in the document. For the Stolen Vehicles policy, PCW reminded the Bureau about the case of the woman whose car got stolen and towed because an officer didn’t believe she was the owner (PPR #83), leading to a unanimous City Council vote to find the officer violated policy. The policy should discourage jaded cops from not believing the public.

December: The Deadly Force policy came up and PCW strongly suggested moving the release time of officer names back from 15 days to 24 hours (pp. 6&7). Also up were the Force Directive, which still doesn’t describe de-escalation as well as it should, Force Reporting, which added (perhaps at our suggestion) officer pushes with batons as a required reporting action, and Ballistic Shields, just in time for the PPB’s recent decision to purchase multiple shields for testing. The Domestic Violence policies posted in October came back and, while not greatly improved, now use the word “survivor” instead of “victim” as PCW suggested.

Statewide Commission Updates Rules, Plays Loose With Public Meetings Law

The Commission on Statewide Law Enforcement Standards of Conduct and Discipline (LESC) met three times in late summer/early fall, once in August and twice in November, breaking a seven month streak of holding no meetings. After publishing their Report to the House Committee on Judiciary in September, the Commission has been focused on updating their rules and Narrative Guide regarding state discipline rules. Changes were made necessary by the Oregon legislature passing SB 808 (PPR #90), which, among other things, fixed the weak definitions of law enforcement officer and agency that the LESC had been using by adding corrections officers, parole and probation officers and reserve officers, and their agencies, to the list of those covered by the rules. This is a welcome improvement that closes a loophole in the LESC’s rules.

After giving just seven hours notice of a meeting on October 24 and hearing from the public that they were disregarding the Attorney General’s Public Meeting Rules, the Commission postponed the meeting until November 7 when they discussed the wording of the rule changes. They did not have quorum for their November 16 meeting, but began discussing the idea of adding new categories of rules for Unjustified or Excessive Use of Physical or Deadly Force when the force does not result in death or serious physical injury. It was noted that former OSP Superintendent Travis Hampton made a public comment before the LESC adopted their initial rules that it should not matter whether or not there is injury if an officer uses unjustified deadly force. Hopefully the LESC will adopt this recommendation when they next update the rules.

In November, they informed the public of four vacancies on the LESC. By early December, they had not posted a job listing for the Executive Director job, which became vacant when Fred Boss retired in August. There are also openings for a Chief Law Enforcement Officer due to the retirement of Keizer Police Chief John Teague, a member to represent prosecutors due to Michael Wu leaving his job, and a member of the House of Representatives to replace Ron Noble.

Despite the Commission lacking a second designated Chief Law Enforcement Officer, there are still two of them in place as Chief Timothy Addidman serves as the member who represents a federally recognized Indian tribe or association of tribes within the state.

The LESC met without quorum again on December 14 to continue discussion of broadening the rules to cover unjustified or excessive force. They held a Notice of Proposed Rulemaking (NPRM) hearing on December 18 without any way for people to attend remotely, which is not consistent with the way their regular meetings have been held.
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Cops Release Info on Four Discipline Cases Months After 1st Police Review Board Report
Two More Officers Disciplined for Force at Protests, Slide Deck Punishment Detailed; But No Shootings

On August 15, the Portland Police Bureau quietly updated the year’s first Police Review Board (PRB) Report by adding four cases to the three we reported on in PPR #90. In the first half of the “March 2023” Report, there were two officers disciplined for force used at the racial justice protests in 2020; the update shows that two more officers were (theoretically) held accountable, each receiving one day off without pay. This is in contrast to the first two who had Command Counseling and a Letter of Reprimand issued to them. The other two new cases were the notorious training slide case involving Sgt. Jeff McDaniel, which led to 100 hours off without pay (PPR #89) and a Sergeant misusing PB parking and patrol car privileges, leading to a day off without pay. As with the first version of this PRB Report, there were no deadly force incidents included, despite Portland Police firing their guns 17 times in 2021 and 2022.

The Bureau seems to have made a permanent policy of blacking out the specific dates of the PRB hearings and when the individual case reports were filed, although most of them include the year this time—2022. Though the officers and community members’ names are never used in these Reports, it is clear that one of the protest incidents was Officer Brian Wheeler using his baton to shove medic Evelyn Cushing, which led to a $47,500 settlement (PPR #88).

As a reminder, the Police Review Board is generally made up of three members of the Police Bureau, a staff person from the “Independent” Police Review, and a community member picked from a pool of about 15 people. In more serious cases an extra officer of matching rank to the one involved and a member of the Citizen Review Committee are added. When they find wrongdoing, the PRB makes recommendations to the Chief about discipline.

The media reported McDaniel was going to face termination for including the violent, degrading “Prayer of the Alt Right” in a training slideshow for officers doing crowd control, but after a due process hearing, the Chief settled on 100 hours off (Oregonlive, February 23).

The Cushing case included a strange comment by at least one Board member, who worried that an out-of-policy force finding for Wheeler would hinder his ability to get a promotion. That’s really one point of investigations and discipline, to keep violent cops from rising up the chain of command.

The PRB Reports never say whether comments are made by police or community members. The other protest case involved a person hit in the leg with a “less lethal” munition. This action was deemed out of policy by a minority of the Board, who in a rare instance had their recommendation affirmed by the Chief. The reasoning was that the person had been engaged in “active aggression” earlier during the protest but not at the time the officer used force while the person was moving away.

The car use case was about a Sergeant who, while in the role of “Acting Lieutenant,” was allowed to take home a police car and park in a special Bureau parking space. Other officers complained when the Sergeant, no longer in their temporary promotional capacity, continued taking both of these privileges for themselves. The Sergeant admitted to both allegations, leading to two 5-0 votes to “Sustain” allegations of unauthorized use of Bureau resources and for a day off without pay. Interesting things about this case: it had no direct impact on the community, was filed by other officers, and admitted to by the suspect cop.

Even though the identity of two officers and one community member are easily discernible from the Report, the Bureau continues to withhold important information from the public while it boasts that the PRB Reports prove they are a transparent agency. The Bureau exacerbates the mistrust in the community by further removing data like the dates of PRB hearings from these Reports while elsewhere enacting a delay in identifying officers involved in deadly force incidents from 24 hours to 15 days (pp. 6 & 7).

Find PRB Reports at <portland.gov/police/divisions/prb-reports>. For PCW’s full analysis go to: <portlandcopwatch.org/PRBanalysis0923.html>.

肢解报告

八月十五日，波特兰警察局悄悄更新了今年的首份警审委员会（PRB）报告，报告中新增了四起案件。这些案件是从我们报道的三起案件中筛选出来的，一是关于2020年示威抗议的两起案件，报告中显示这两名警察（理论上）已经受到惩罚，每人都有一天的无薪假。这与前两起案件的处理方式不同，前两起案件的处理方式是指挥官指导和诫勉。新增的两起案件中，一是关于史蒂夫·麦金尼的培训滑行案件，导致他被停职100小时；另一起案件是关于一名警察在2022年被发现使用PB停车和警车特权，导致了1天的无薪假。与第一版报告相比，这起案件是警察麦克唐纳对医护人员伊夫林·卡什的暴力行为，导致了47,500美元的和解（PPR #88）。

作为提醒，警察审委会一般由警察局的三名成员、一位来自“独立”警审的工作人员以及一名社区成员组成。在这种情况下，还会增加一名与涉事警察同级的警官和公民审查委员会的成员。当他们发现警察的不当行为时，警审委员会会向警局首席提出建议。

媒体曾报道麦克唐纳将面临解雇，因为他在训练中使用了“右翼祈祷”的言论，但首席最终决定给他100小时的无薪假（Oregonlive，2月23日）。

示威抗议案件中，有一名委员会成员对涉事警察的处理表示担忧，他担心如果对麦金尼进行惩罚性处罚会影响他升职。这是调查和纪律的一个重要点，目的是保持暴力警察的晋升。

警审委员会的报告从未说明评论是由警察还是社区成员提出的。另一起案件是关于一名伤者被“非致命”武器击中。这起案件被少数委员会成员认定为不当行为，最终被首席批准。这种情形很少见，因此委员会成员的建议也得到了批准。

汽车使用案件是关于一名中尉，他在不担任“代理上校”时被允许使用警车并停放于警局特别停车位。其他警察对此表示不满，这名中尉不再担任临时晋升职位后，继续享受这些特权。这名中尉承认了这两项指控，导致两名5-0投票“支持”在没有证据的情况下擅自使用警用资源和一天的无薪假。这些案件的有趣之处在于：虽然没有直接影响到社区，但被其他警官提出，并由嫌疑人承认。

尽管两名警察和一名社区成员的身份可以从报告中看出，但是警局继续隐瞒重要信息，同时它吹嘘自己的警审报告证明了透明度。警局加剧了社区对它的不信任，因为它删除了警审报告中的具体日期信息，而同时在其他地方却设置了延迟识别涉事警察的机制。
Wanted: information on where the Portland Police Association (PPA) now shares its political opinions with its community collaborators. While even the most casual social media users often post information once a week, the PPA’s output on its Facebook page has plummeted from about 30 posts every four months to 25 (PPR #90) to just 16 from August to December. Their Instagram page’s second-to-last missive appears to be from May 2023. Even with some people testifying in person or in writing telling City Council that instituting the new oversight system will somehow deter people from wanting to be police and result in more crime (p. 1), the PPA did not even post anything about the August 31 proposal from the Police Accountability Commission until December 12. Instead, many of the Facebook posts are links to mainstream news stories quoting PPA President Aaron Schmautz (three out of six news stories, which make up 38% of the posts). Seven are five Police Bureau news releases about crime, one on their charity, and one about the first Charles Moose award for Community Service (Moose was Chief in Portland in the 1990s and touted “community policing”). That’s another 44%. The last three were from the PPA, the one on the PAC, one about remembering 9/11, one on Chief Lovell stepping down (p. 7).

Subjects of the news stories included two on drug laws, one on staffing issues, one on shots fired, two on car thefts, and one about the officer who found PoniaX Calles before other cops killed the young black man (p. 6). So, eight articles on crime (50%), four “officer friendly” (25%), and one each on police shootings, oversight, staffing, and the PPB itself. Even with the low amount of data for us to review, PCW has dedicated this column to pushing back on police propaganda for 30 years and we’re not stopping now.

Poll Proves Police Pretend to Welcome Oversight

The good news about the response to the PAC oversight proposal on December 12: Schmautz states that “We need not sacrifice public safety for accountability. We can have both.” The bad news is that his ultimate goal is to send the Charter amendment creating the new oversight system back to the voters, claiming that, in essence, too much oversight is making people not want to join the Police Bureau, which leads to more crime, and more civilians moving out of town. It’s amazing how he can grasp that there’s no contradiction in wanting both but not that he’s linking the two issues himself. The bulk of the post is about the PPA’s cynical push poll, which asked questions about whether people support an accountability system that includes… well, many things that are not even in either the PAC’s proposal or what the City put forth in its amended version.