

Court Monitor chosen to oversee USDOJ case against Portland—p. 8

The People's POLICE REPORT

issue #92
may 2024

Published three times a year by PORTLAND COPWATCH www.portlandcopwatch.org

New Oversight System Could Be Delayed, Further Weakened by Police "Union" Ballot Measure A Handy Timeline for Curious Community Members

In late February, the Portland Police Association (PPA) filed two ballot initiatives with the City of Portland. One would require more funding for officers and "street level response," a misleading title making it seem as if they support the program known as Portland Street Response (jury's out on that one). The other would strip authority, funding and independence from the Community Board for Police Accountability (CBPA), which was enabled in 2020 by the City Charter and designed by the Police Accountability Commission (PAC) from 2021-2023. The PPA's news releases indicate they relied on their disingenuous push poll which asked people questions that did not accurately reflect the PAC's plan (PPR #91). The City Attorney, who must have known that this effort was afoot, failed to report to two different community oversight bodies that the PPA had filed the measure. If this all seems confusing, that may partly be by design. Here is a handy brief timeline to help figure things out.

1982: City Council passes the first civilian oversight system, the Police Internal Investigations Auditing Committee (PIAC), which consisted of three Council members and Citizen Advisors, to review appeals of misconduct complaints. *(continued on p. 3)*

Portland police union wants voters to take another look at the city's new police accountability system

The Independent Police Accountability and Oversight Board stems from a ballot measure that passed overwhelmingly in 2020. The police union says the plan is biased.

KGW-8TV, March 18

Portland Police Kill Two More in December/January Including Fourth Black Man Shot in 13 Months Sergeant Found Out of Policy for Involvement, Not Gunfire, in 2021 Case

On December 27, six days after our last issue went to press, Portland Police shot and killed Tyrone Johnson II, a 33 year old Black man, who was suspected of shoplifting at Mall 205. This marked the fourth time Portland Police shot at a young Black Portlander in just over a year, after having not shot anyone matching that description between January 2019 (Andre Gladen—PPR #77) and November 2022 (Antoine Young—PPR #88). The officers involved, John Bartlett (#56711), Adi Ramic (#51049) and Brian Wheeler (#57813) had all shot community members before. Then just a few weeks later on January 14, Matthew Holland, 31, was apparently firing off a high powered rifle inside a luxury downtown apartment building. Officer Joshua Howery (#37867) shot and killed Holland with a similar assault-style rifle from across the street. Howery was involved in two previous incidents. Meanwhile, following up on the shooting of Joshua Degerness in 2021 (PPR #85), Sgt. Norman Staples (#43528), who left his *(continued on p. 6)*

Portland woman identifies man shot dead by police at Mall 205 as her son: 'He is somebody's child'

The mother of Tyrone Johnson II identified her son as the man fatally shot by three Portland police officers as they attempted to arrest him on multiple warrants at Mall 205.

Oregonlive, December 28

Portland Copwatch finds 74 missing incidents in state deadly force database - p. 7

1/4 Million Dollars More to 2020 Portland Police Brutality Survivors Brings Total to Over \$2.5 Million Compliance Officer Shares Data but No Recommendations; Bureau Creates New Crowd Control Team

Early in 2024, four more people received sizeable payments from the City of Portland due to violence perpetrated on them by Portland Police during racial justice protests in 2020. The total bill just for those four cases (not including the time spent by City Attorneys and other employees): \$294,001, bringing the total for all payouts for brutality at anti-brutality marches in 2020 to \$2,583,940.22. If you add in payments from the years since 2018, the total is now over \$2.85 million. Meanwhile, the Compliance Officer/Community Liaison (COCL), who reports on the US Department of Justice Settlement Agreement, finally included data on such payouts in their Q4 2023 report... but didn't discuss the behaviors that led to the payouts, which is the point of this requirement. For their part, the Bureau got ready to establish a new riot squad, now dubbed the "Public Order Team" (POT).

Here are the three incidents that went to Council (the fourth was a court judgment):
—Erika (Angelica) Clark was shoved against a wall and pepper sprayed directly in the eyes in July 2020. Her testimony on January 10 was incredibly powerful, and was joined by words from her parents. Erika said the stress from the police attack left her unable to function. Her father talked about how he feels like a failure, knowing how Portland Police officers treat Black people and being unable to do anything to protect his daughter. Her mother talked about how Erika has left Portland and won't come back to be part of the family because of the trauma from the incident (not the first time we've heard this said). Council members kept stone faces and simply voted 5-0 to approve the payment of \$158,000. PCW has recommended that watching the video of this Council session should be required for all police, as well as advisory boards.



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—On January 24, Council approved a payment of \$81,000 to Marisa Moon for police breaking her wrist *(continued on p. 5)*

City Cooking Up Plans to Make Houseless People More Miserable

From 2022 to 2023, homelessness in the United States increased 12 percent. Oregon was reported as having the third highest rate of homeless families in the country (*Oregonian*, December 24). In the last *People's Police Report*, we indicated that an Ordinance prohibiting people from camping between 8 AM and 8 PM with penalties of \$100 or jail time was placed on hold after the Oregon Law Center filed suit. Multnomah County Circuit Court Judge Rima Ghandour issued

a temporary injunction. The City's attempt to appeal that decision to the Oregon Supreme Court was rejected in March (KOIN-6TV, March 8). Mayor Ted Wheeler then stated he would be introducing a new Ordinance rather than using this reset as an opportunity to exercise more humanity for those suffering in poverty. Wheeler claimed the new ordinance would pass "Constitutional muster." He also was concerned that he was "not given any guidance" regarding the issue (*Oregonian*, March 13). Perhaps he should have sought guidance from the 5700 people either living outside or in vehicles whose lives will be impacted. Instead, Wheeler unveiled the new plans on April 5, creating a list of unacceptable behaviors on the sidewalk and allowing police to arrest houseless people who are offered shelter but refuse it. There are no provisions for a person to explain why they won't go to a shelter (health, family, pets, etc.).

Meanwhile, the sweeps continue. The weather and the dearth of other places to live make no difference, nor does the failure to track where those swept were ending up. During the second half of 2023, there was a 63 percent increase in the sweeps compared to the same time frame in 2022 (*Oregonian*, January 7). In February, Portland Police, acting on an okay from a Multnomah County Circuit Court Judge, raided a camp in the Glenfair Neighborhood. Taking advantage of the fact that people were together in a small area, the police were able to arrest 12 individuals on active warrants and issue 30 trespass notices (*Portland Tribune*, February 21).

City Council held a hearing on February 14 about Enhanced Service Districts (ESDs). It was a love fest for the business community. The contractors who issued the report to Council were involved in creating the earliest Business Improvement Districts, which include Clean and Safe in downtown Portland. They did not entertain the question of whether ESDs should continue to exist at all. They recommended that caps be put on how much money condo owners and other residential property owners should pay compared to businesses. The "fees" which cannot be called "taxes" due to Oregon law, then pay for services that nobody else gets including, as Portland Copwatch (PCW) pointed out over and over again, four police officers' salaries. In testimony to Council, PCW noted that arrangement with privately funded cops is supposed to end in June, but no one responded. Only a few people testified—three community members, a condo owner and two people involved in the ESDs. Council members expressed thanks for the input but only fixated on fee caps for residential property. Nothing about the harassment of the houseless people or destruction of their property. You gotta pay to play. As this was a report, no action was taken, but the issue will likely come back to Council before the newly constructed Council is seated in January 2025.

Meanwhile, Commissioner Rene Gonzalez is in the process of removing Portland Street Response (PSR) from his portfolio. PSR has long been praised for the work they do sending teams out to work with those who are in crisis rather than the police who often act less humanely. Taking it away from Gonzalez would appear to be good news for PSR and the thousands of Portlanders who strongly support them. PSR will likely transfer to the Community Safety Division (CSD). PSR has been quartered in the Portland Fire Bureau which has disconcerted some fire fighters who had difficulty with the pronouns PSR staff preferred to use, as well as their "wokeness." PSR responded to nearly 7,400 calls in the 12 months after April 2022. Mayor Wheeler indicated that he plans to prioritize PSR in the upcoming budget and hopes it will be fully funded (*Oregonian*, March 3). Earlier, Commissioner Carmen Rubio proposed using interest money from the Portland Clean Energy Fund (PCEF), which she oversees, to fund PSR (*Oregonian*, February 7&9). Later, Rubio rescinded this \$3 million dollar offer because the PCEF is limited to climate-related causes. Ignoring that legal restraint, Gonzalez indicated his plan was to redirect this money to other public safety initiatives (*Oregonian*, March 22). ■



Police arrest 12 at homeless encampment

Officers clear vacant lots in Glenfair Neighborhood
By CHRISTOPHER HODIN
 Portland Police arrested 12 individuals and issued 30 trespass notices on a homeless encampment in the Glenfair Neighborhood on Tuesday, Feb. 21, 2024. The police officers were alerted to the location by a neighbor who reported seeing a tent and other belongings in the area. The police officers arrived at the location and found the individuals living in tents and other makeshift structures. The police officers issued trespass notices to the individuals and arrested 12 individuals on active warrants. The individuals were taken to the Multnomah County Jail. The police officers also cleared the area of tents and other belongings. The police officers are continuing to monitor the area for any further activity.

Portland Tribune, February 21



Citizen Review Committee Examines Transition to New System "Independent" Police Review Finds New Police Review Board Volunteers

The current police oversight system has two bodies with community volunteers which can review cases of possible misconduct. The primary body, the 11-member Citizen Review Committee (CRC) is empowered to hear appeals of investigated cases, but hasn't had such a hearing since 2021. The other, the Police Review Board, has only one or two community members on it at a time, along with one staff person from the "Independent" Police Review (IPR), which houses the CRC, and three to four police officers of various ranks. As noted in *PPR #91*, the CRC is down to just seven members, one of whose terms technically ended in February after nine years. The PRB pool, according to available records, had no members whose terms went past early 2023. So although the IPR got City Council to approve four new PRB members in February, that's not a large enough number to handle all of the deadly force and other serious cases that might lead to officer discipline (also see PRB information in shootings article, p. 1 and on p. 7). Apparently, the City believes that when they updated City Code about the PRB in 2023, they empowered CRC members to act like other PRB community members, so there can be—and have been—two CRC members sitting in on some PRB hearings. Even so, that means the entire pool is just ten people. Meanwhile, CRC has started a Work Group to look at the transition from the existing system to the new one embedded in the City Charter and expected to start running this year.

At CRC's February meeting, Deputy City Attorney Heidi Brown made a nearly hour-long presentation about the new Community Board for Police Accountability (CBPA). However, because the City is negotiating the structure of that Board with the Portland Police Association (PPA), and then has to get a final proposal approved by the US Department of Justice, most of her answers were vague and unhelpful. Nonetheless, the CRC's Work Group held their first meeting in March to look at issues involved in wrapping up the IPR's work conducting intake of complaints and getting the new system up to speed. All of these efforts are in flux due to the PPA filing a proposed ballot measure to further gut the CBPA (p. 1).

At their April meeting, the CRC heard from Chief Bob Day that he is committed to accountability, but struggles to impose discipline on officers found out of policy years after incidents such as those at the 2020 protests. That's mostly due to how long it takes for the PRB to consider potential misconduct and discipline.

For what it's worth, one of the new PRB members is Pastor Robin Wisner, (*continued on p. 3*)



Chief Bob Day at CRC in April



Police “Union” Threatens To Gut New Oversight Board (continued from p. 1)

The PPA filed a ballot initiative to overturn Council’s plan, but it survived on a 50.1-49.9% vote.

1999-2000: By now PIIAC was expanded to be all five members of Council with 13 Citizen Advisors. Three times, Council voted to find officers had violated policy and Chiefs Moose and Kroeker ignored their recommendations (PPR #24). After a disastrous police crackdown on Portland’s May Day march, Mayor Katz appointed a Work Group to overhaul PIIAC.

2001: The recommendation for a strong, independent body was watered down by Auditor Gary Blackmer, who instead created the “Independent” Police Review (IPR), which had the authority to conduct its own investigations but not to compel officer testimony (PPR #26). Attached to the IPR is the Citizen Review Committee, a seven member (later expanded to nine, then 11) board that, like the PIIAC advisors, hears appeals of misconduct cases and can also pass them forward to City Council.

2013: A year after the US Department of Justice finished its investigation finding Portland Police use too much force and fail to hold officers properly accountable, IPR conducts its first independent investigation (PPR #60).

2020: Following the police murder of George Floyd in Minneapolis, the racial justice movement in Portland helps buoy Ballot Measure 26-217, proposed unanimously by City Council, to an 82-18% victory (PPR #82). The measure changed the City Charter to create an Oversight Board with power to compel testimony, investigate serious misconduct and other allegations “as they see fit,” and even discipline officers. The measure says the Board must be funded with the equivalent of 5% of the Police Bureau’s budget, have a diverse set of members excluding officers and their direct families, and not be subjected to political interference.

2021-Sept. 2023: The Police Accountability Commission, 20 community members selected by Council, spent 20 months designing a plan of how the new system would work, including the now 40 year long tradition of misconduct appeals and suggesting all cases involving community members be investigated by the CBPA’s professional staff, dubbed the Office of Community-based Police Accountability (PPRs #85-91).

April, 2022: The DOJ Agreement is amended to require that the City institute the new system as voted on in 2020 (PPR #87). The PPA, an “intervenor” in the DOJ case, tells the judge they think the amendment is fair, adequate and reasonable.

Nov. 2023: The City Attorney’s office, which has missed multiple deadlines under the DOJ Agreement, rushes to meet a 60 day timeline (which they themselves agreed to), obliterating roughly 82% of what the PAC recommended, including removing appeals, suggesting that officers should help select CBPA members, and removing most misconduct allegations from their purview (PPR #91).

Feb. 7, 2024: The PPA files the first version of their ballot initiative. At a Citizen Review Committee meeting, Deputy City Attorney Heidi Brown does not mention this development, but notes the city is negotiating the implementation of the CBPA in talks with the PPA (p. 2).

Feb. 20: After the first version of the initiative is rejected for constitutional reasons, the PPA files a second version.

Feb. 21: Brown presents to the Portland Committee on Community Engaged Policing and fails to mention the ballot measure.

March 12: The ACLU of Oregon files a ballot title challenge because the City Attorney’s proposal says the initiative would “change” the authority, membership and budget of the Board, when in fact it would strip its powers to compel testimony and discipline officers, force them to accept law enforcement as members, substantially cut its budget, and strip City Council of the ability to approve policy recommendations for the Bureau. The PPA files its own challenge because they think their original title, touting their proposal that the Board help with recruiting and training officers, is more accurate.

As we’re writing this issue, the outcome of the ballot title challenges is unknown, If the PPA agrees to the final version as decided by a judge, they have until July to gather over 40,000 signatures. The City says they plan to go ahead and implement the CBPA anyway, presumably their watered-down version and not the PAC’s, though how that would work if it is then overhauled by a November vote is unclear.

For more info on the PPA’s perspective, see “Rapping Back” on the back page.

ACLU of Oregon Files Court Challenge to Police Union’s Ballot Initiative That Seeks to Alter Police Oversight Body

It’s the second time in under a week that the ACLU is challenging a police union ballot initiative.



A woman confronts Portland riot cops in 2019. (Wesley Lapierre)

March 12, 2024 at 5:02 pm PDT

The ACLU of Oregon is going toe-to-toe with the union that represents Portland police officers over a pair of ballot initiatives filed last month that aim to neutralize a future police oversight body and bolster the city’s officer ranks.

Willamette Week online, March 12



CRC Needs Members, Police Review Board Gets Some (continued from p. 2)

who had been a co-chair of the Portland Committee on Community Engaged Policing but left that group to have more time for PRB cases (a good thing, as deadly force cases can be 1000 pages long). Another member, Leslie Brunner, was on the Training Advisory Council from 2019-2021. Still, the old pool had 15 or 16 people in it and the City was only able to recruit four new members. As of mid-March, they claim that applications are being taken on an ongoing basis both for CRC and PRB memberships.

For its part, IPR continues to make inadequate reports to the community and CRC, including that the monthly Director’s reports:

- a) contain the names of officers and the people they shot/shot at, but do not explain the various review levels where the cases are reported to be,
- b) often contain very little information other than the deadly force cases and statistics on numbers of investigations,
- and
- c) rarely prompt any questions or comments from the CRC.

As noted in our last issue, IPR also failed to present its 2022 annual report, released in August, to the CRC by the end of 2023, and appear to have no plans to do so in 2024.

For more information on IPR see <portland.gov/ipr> or call 503-823-0146.



CRC Chair Yume Delagato (top) and member Mike Walsh at the January 3 meeting.

More of the Same: 2023 Joint Terrorism Task Force Report Shows Vague Threats Lead FBI to Engage PPB

Just five days before the City Council would hold a hearing on the matter, the Portland Police Bureau published its required annual report on its work with the FBI's Joint Terrorism Task Force (JTTF). As with the last few years since the City quasi-pulled out of the JTTF, only working with them on a "case by case basis," the report revealed only tidbits of information which indicate that no serious threats to the City were thwarted by the partnership. This is significant because the community's ongoing push to get Portland out of the JTTF since 2000 (PPR #23) is based in part on the state statute (ORS 181A.250) that prohibits unwarranted spying by Oregon law enforcement with no reasonable suspicion of criminal conduct.

At the January 31 Council hearing, Sgt. Mark Friedman of the Criminal Intelligence Unit (which houses the two officers who have security clearance to be on the JTTF) gave a monotone presentation of the gist of the report, asking if the Council wanted to hear the details of all the cases from 2022 which were newly revealed. Nobody seemed to care.

For the record, here is a summary of those cases:

—there are three cases the FBI asked the Bureau to help with, but no indication at all what the substance is.

—Six of the seven cases that were still open in 2022 are detailed:

—>Two were referred to the Behavioral Health Unit as non-criminal offenses (one involving two men, one Black and one white, the other a white woman).

—>Three were closed due to "lack of tangible leads", all regarding vandalism (two to houses of worship, one to several downtown buildings).

—>The last was a white male who made threats of violence who was not deemed to pose an actual danger.

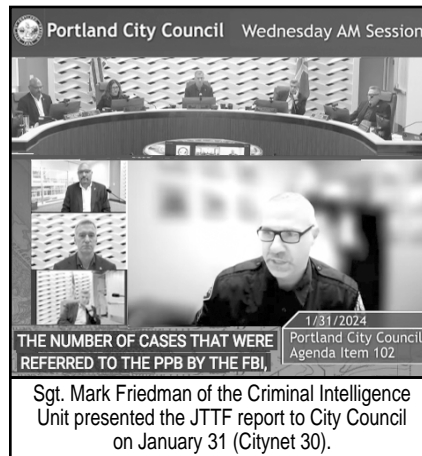
The Bureau is not required to list the details of the cases it sends to the FBI, but continues to do so as a courtesy.

—This year the PPB sent a case about a white male making a threat against a Portlander over social media. The outcome of this case is not included.

Five people from community groups who have been following the JTTF for years testified. Jude al-Ghazal Stone from the ACLU of Oregon gave context about the state statute, including that the ACLU prevailed in a related court case about the PPB livestreaming at protests (PPR #85). Marleen Wallingford from Portland JAACL (Japanese American Citizens League) reminded the Council of the history of the FBI rounding up Japanese American citizens—including in Oregon—immediately after Pearl Harbor. Attorney Brandon Mayfield told his story of being misidentified as a suspect due to his Islamic faith in 2004 (PPR #33) and talked about how local Muslims are being visited since the war on Gaza began. Dan Handelman of Portland Copwatch told the history of how PCW found the JTTF on the Council's "consent agenda" in 2000, eventually leading to the City getting out in 2005 (PPR #36), returning in 2011 (PPR #54) and out again in 2019 (PPR #77), and read some of the missing case details into the record. Debbie Aiona from League of Women Voters explained how police spying discourages people from being civically involved and related information about recent FBI stings around the US.

Two members of Council (Commissioners Rubio and Ryan) thanked people for their testimony but insisted that being part of the JTTF is important because the FBI is needed to track right wing extremists. Unfortunately, history tells us that's not really an overarching goal of the FBI. Commissioner Gonzalez took a swipe at Stone's testimony by asking "what about all the damage done by the riots???" The ACLU noted in an online response, even if there was damage, that doesn't justify recording people who are protesting and not committing any crimes.

Mayor Wheeler restated his position, that he disagreed with getting out in 2019 but believes the current arrangement is the result of a compromise. However he said it's likely that the relationship will be revisited at some point in the near future, maybe meaning the new incoming Council will examine it next year. This could be a good prospect, if the incoming 12-person Council votes to sever formal ties with the FBI... or could be a harbinger of returning to the bad old days of PPB putting its scarce resources into unlawful spying. ■



Statewide Commission Finally Makes Quorum, Approves Amendments, Celebrates 2 Year Anniversary

The Commission on Statewide Law Enforcement Standards of Conduct and Discipline (LESC) met twice since we last wrote about their work in PPR #91. On February 5, they finally made quorum after failing to do so on November 16 and December 14, approved amendments to their rules, welcomed some new members, and celebrated the work they did in 2023. The LESC was formed during the 2021 legislative session with a purpose of establishing standards of conduct and discipline for law enforcement officials throughout the state. The LESC's seven initially-adopted misconduct standards cover assault, sexual assault, sexual harassment, unjustified or excessive use of physical or deadly force resulting in death or serious injury, "moral character," intentional misuse of police authority based on protected class or status, and use of drugs or alcohol while on duty.

At recent meetings when they didn't meet quorum, the members discussed enhancing the rules to include excessive use of force that does not result in death or serious physical injury. LESC Chair Michael Slauson reminded the Commissioners that they received public comment from former Oregon State Police Superintendent Travis Hampton, who said that, irrespective of injury, the consequence for unjustified or excessive deadly force should be mandated termination. Presumably, this will be the next rule that gets codified, although whether or not they decide to mandate termination is not a slam dunk given that the members with the most influence on the LESC represent the interests of law enforcement officers.

New members of the Commission include Kelsey McDaniel, George Burke and Jeff Helfrich. McDaniel, the Union County District Attorney, replaced Michael Wu representing prosecutors in the state. Lake Oswego Police Chief George Burke replaced the (continued on p. 9)





when they smashed her into a cement wall in August 2020. Moon was also struck and sprayed with chemicals while she was trying to disperse. She ended up with metal screws, plates and wires in her arm thanks to the PPB's violence.

—On February 28, Council shelled out another \$25,000, this time to Grace Dietzschold, a medic who was at a Black Lives Matter protest in September 2020 and was thrown to the ground, then had her face pushed into the pavement. Dietzschold was attacked while trying to come to the assistance of her mother, Dica, who was also a medic and had been attacked and thrown to the ground by Sgt. Brent Maxey (#40930). The mother's part of the lawsuit was dismissed in 2023 when she died by unrelated causes. Commissioner Rene Gonzalez took the unusual step of expressing his discomfort as the facts were presented, hearing that Grace threw a foam shield at officers (at first thinking the City Attorney had said "phone shield," whatever that is). He referred to it as an "assault." PCW testified that Grace was exonerated for her actions in criminal court. Mayor Wheeler responded not by thanking us for our testimony, but instead making a comment about how not everything that gets said in public comments is factual. (And yes, we were the only ones testifying.)

A court judgment of \$30,001 was issued on March 28 to Elijah Warren, a man who was beaten with a baton in front of his own home on September 5, 2020 (KPTV-12, April 17).

The COCL's report laid out that the City had paid just over \$2,000,000 in claims over the course of two years. They listed the average amount per payout (just over \$34,000 for bodily injury and just over \$15,000 for property damage). Paragraph 170-e-v in the Settlement asks them to look at the data to make recommendations about training, policy and use of force which should keep such incidents from

**DRIVING INSTRUCTOR COP
CRASHES MINIVAN LEADING TO
\$350,000 SETTLEMENT**

On December 20, Council awarded Sarah Imel \$350,000 for the head, neck, shoulder, and back injuries she suffered when Sgt. Bret Barnum crashed his Police Bureau-owned SUV into the minivan in which Ms. Imel was a passenger. Sgt. Barnum is a driving instructor at PPB. The Council records are so vague that there was no way to understand why Barnum was driving a police vehicle in Sherwood (some 15 miles from Portland), or why, according to the lawsuit, he drove the vehicle into the rear of the minivan, which was stopped in traffic, with tremendous speed and force. People may recognize Barnum's name as he was the motorcycle cop who got a hug from a young boy who later tragically died when his family's car drove off a cliff. PCW pointed out that maybe someone like Barnum should no longer be allowed to teach other officers how to drive, even if it is just on motorcycles, after this crash.

occurring again. Considering this was the first time any data appeared in eight years of reports, it's a step forward, but a tiny one.

City Agrees to 6% Pay Bump to Persuade "Union" on New Crowd Control— Er, Public Order Team

On March 20, City Council approved a \$380,000 rider to the Portland Police Association (PPA) contract, which was to entice its members to join the newly forming "Public Order Team" (POT). The POT is being set up to replace the Rapid Response Team (RRT) whose members all quit the RRT in 2021 after Officer Cory Budworth was indicted for smacking a reporter in the head during the 2020 racial justice uprising (PPR #84). It should be no surprise that the new Team will include about 40 officers and eight Sergeants, since they are all represented by the PPA. The money is to ensure a 6% pay increase for all of those who are working on the POT for as long as they are assigned to the Team— regardless of how many hours they are engaged in crowd

control. In their report on PPB's response to the 2020 protests, the consultants at Independent Monitor, LLC stated that the new crowd control team must be rigorously scrutinized by PPB executives, overseen by Portland's new Oversight Agency, and transparently introduced to the public. As PCW told Council, "We imagine that they were thinking the new oversight system would not be derailed by the drivers of today's ordinance, the PPA, filing a ballot measure to weaken the board's purview" (p. 1). The driving force behind setting up the POT: they want it to be in place before the November elections and anticipated protests.

To the Bureau's credit, Deputy Chief Mike Frome stated on the record that they do have plans to let the community know who will be on the POT, and, more surprisingly, that they plan to use information from lawsuits to help guide the new training that is being designed. All well and good, but PCW also noted that the premium rate should be prorated downward based on liability claims caused by the individual officer— seeing as the money for these payments doesn't come out of the Bureau's budget or the officers' pockets.

For more information on the COCL report, see p. 8. See Erika Clark and her family testify at <tinyurl.com/EClarkTestify>.

Portland police's new Public Order Team



Axios Portland, March 22

Portland police plan to create a new protest response team in anticipation of potential unrest related to the 2024 election.

Why it matters: The Portland Police Bureau is revamping its Rapid Response Team, which was disbanded in 2021, amid concerns about First Amendment rights and the police's use of force against protesters.

Driving the news: The Portland City Council voted unanimously Wednesday to authorize a letter of agreement with the police union to create the Public Order Team and pay the officers a 6% premium when they suit up.

Portland Art Show Explores Racist Nature of Policing

In late February, an art exhibition titled "Policing Justice" opened at the Portland Institute for Contemporary Art (PICA). In addition to art installations that featured work including those by Don't Shoot Portland, there were films and panel discussions. The organizers described the show as a way to "examine policing practices in Portland, Oregon, and their relationship to longer local and national histories of oppression through the lens of artists who call Portland their home and those who have witnessed and documented police brutality across the globe."

The keynote speaker was Alex Vitale, a well known author and critic of the institution of policing. Several panels addressed the history of policing in Portland and where to go from here. Portland Copwatch co-founding member Dan Handelman appeared on a panel about accountability.

The show was born from the uprisings after the murder of George Floyd in 2020 and featured information about the Portland Police Bureau's brutal crackdown on protests (PPRs #81-82), including a focus on the damage done by chemical weapons at those protests, and a new documentary about the police's biased response when a protofascist killed June "T-Rex" Knightly at a protest supporting Black lives in 2022.

Those reading this newsletter before May 19 can still visit the show at PICA which is located at 15 NE Hancock Street in Portland.

For more info see <pica.org/events/policingjustice>.



"Center of Injustice" by Don't Shoot Portland & Media Pollution. Photo: Mario Gallucci, retrieved from <orartswatch.org/policing-justice-at-pica>



Portland woman identifies man shot dead by police at Mall 202 as her son: 'He is somebody's child'

supervisory position to fire his weapon, was given minimal discipline—and not for shooting and wounding Degerness, but for becoming involved tactically.

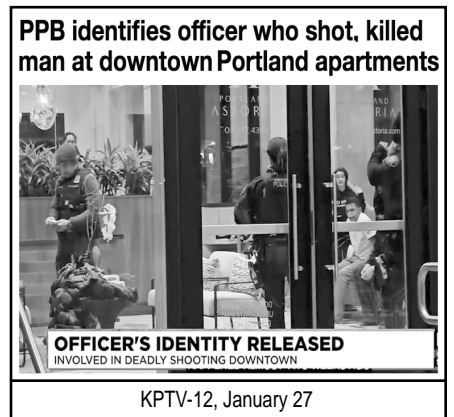
Tyrone Johnson II: Second Person Allegedly Suspected of Theft Killed by PPB in December

Johnson’s death came exactly three weeks after the PPB killed Isaac Seavey, who was suspected of stealing electricity from a business (PPR #91). It seems that theft is now a capital crime in Portland. The police didn’t identify the victim at first, but his mother Tonya Portis was quoted in the *Oregonian* on December 28: “I’m not saying my son was an angel, by any means, but he is somebody’s child.” The article adds “Portis noted that her son was Black and added that his friends in the car, who were detained and then released, were white.” Hmm. Moreover, Officers Bartlett and Ramic were previously involved in a similar incident in May 2022, when they wounded Matthew Leahey (PPR #87). Both are with the much-touted Focused Intervention Team, which is supposed to be reducing gun violence in Portland, but seems to be adding to the violence with four shootings in the two years they’ve existed. The cops released a photo of a gun that was supposedly found near Johnson, who was houseless at the time.

For his part, Officer Wheeler was one of the two Portland officers who shot and killed Jack Watson in April 2023 (PPR #90), making two shootings in one year for him. He also pushed medic Evelyn Cushing with his baton in 2020, leading to a settlement of \$47,500 and Wheeler being found out of policy and suspended for a day without pay (PPR #88).

Rear Window: Matthew Holland Shot in Luxury Tower from Across the Street

Officer Howery used his sniper rifle to kill Holland as part of the Special Emergency Reaction Team (SERT). There is no information yet whether Holland was a resident of the downtown tower— which could mark a rare shooting of a wealthy person by police. Holland was on the eighth floor and bullets were coming out of his apartment and hitting the walls of neighbors’ places. The PPB’s original news release was accompanied by a photo of the gun Holland was using, which was covered in blood. Tasteless.



OFFICER NAME RELEASE TIMELINE INCHING DOWNWARD

After refusing to identify several officers in 2022, the PPB changed their policy on release of officer names from 24 hours to 15 days in April 2023 (PPR #89). The names in the Tyrone Johnson case were released in just 14 days, while the shooter of Matthew Holland was identified in just 13 days. Incidentally, Chief Day told Portland Copwatch that the Department of Justice had approved the extended timeline, but documents show that at most the FBI— not the Civil Rights division of the DOJ which guides the Settlement Agreement and thus PPB policies— merely commented that there was a possibility that holding onto the names was keeping officers safe from being doxxed.

Considering that the Portland Police “only” killed two people in the first 11 months of 2023, the fact that they killed three in a six week period starting in December is shocking. It’s also notable that PoniaX Calles was shot in July, just prior to the PPB’s Body Worn Camera pilot program, and Seavey, Johnson and Holland were all shot after it ended.

Howery’s other two shooting incidents were when he shot and killed Alexander Tadros in August 2021 (PPR #85) and when he wounded Antoine Young in November 2022.

Chief Agrees with Police Review Board Discipline for Shooting Incident; No Problems in Second 2021 Case

Since 2010, the Police Review Board has published reports to the public, usually heavily redacted, for cases in which either deadly force is used or officers face time off without pay. A new report was issued in December. It’s exceedingly rare for the PRB to find misconduct in deadly force cases. Even when one officer was fired after a PRB finding,* as with the previous system, officers were cleared of wrongdoing by state arbitrators (PPR #56). The fact that the PRB found Sgt. Staples out of policy for

stepping out of his role as a supervisor is also significant because the OIR Group, which has been reviewing deadly force cases in Portland since 2010, repeatedly urged the reviewers to consider whether other officers on scene should have been the ones brandishing weapons instead. It still boggles the mind that the sergeant should not have been holding his weapon, by the logic of the policy violation, but they did not find that his shooting Degerness was wrong. As a reminder, Degerness’ car was “bullet riddled” after police shot at it when he crashed the car following a chase. Chief Lovell agreed with the PRB and issued a Letter of Reprimand, technically the lowest form of discipline in Portland. The other involved officer, Kenneth Jackson, was found completely within policy.

A second case from 2021, in which Officer John Hughes shot and killed Brandon Keck while the vehicle he was in was slowly moving forward on the highway (PPR #85), led to no proposed discipline even though it’s not clear Keck was presenting an immediate threat to anyone. Rather, the PRB reports the officer shot him because he would not “stand down.”

Wheeler Deflects Blame While Awarding \$100,000 to Family of Koben Henriksen

On January 17, City Council voted to give a settlement of \$100,000 to the family of Koben Henriksen to partially make up for his wrongful death in 2019. Henriksen was killed by Officer Justin Raphael using an AR-15 rifle seconds after Raphael showed up to address a mental health crisis (PPR #79). He had seen Henriksen just weeks earlier in similar circumstances and his partner calmed Henriksen down without using force. City Council stayed silent, except for Mayor/Police Commissioner Ted Wheeler, who blamed the County’s failed mental health system for Henriksen’s death. This was almost a command performance of what Mayor Tom Potter said after James Chasse was beaten to death in 2016 (PPR #41). Wheeler also tried to persuade PCW member Marc Paris to join him in Salem to lobby for more funds for mental health treatment. Uh, how about the City stopping the cops from killing people?

For more information on the December 2023 PRB report see p. 7.

*-Note, it was technically the PRB’s precursor, the Use of Force Review Board, that found Officer Ron Frashour out of policy for killing Aaron Campbell in 2010.

PORTLAND COPWATCH PUSHES OREGON COUNTIES TO ENTER 74 LAW ENFORCEMENT-CAUSED DEATHS INTO STATE DATABASE FOLLOWING 33 INCIDENTS IN 2023, AT LEAST FIVE PEOPLE HAVE BEEN SHOT IN 2024 STATEWIDE

On March 19, Portland Copwatch (PCW) sent a letter to the Oregon Attorney General and 27 District Attorneys outlining 74 cases in which officers caused the deaths of community members, but had not been entered into the state database as required by law. SB 111 (2007) required each death to be reported to the state and to the public. Roughly 1/3 of over 230 such incidents were not in the database. In addition, PCW found 56 data entry errors such as wrong or misspelled names, duplicate entries and errors about people's race. Within days, three counties responded by adding six new entries (8% of the missing cases). PCW's report was a follow-up to the annual letter to the Attorney General sent in February listing all deadly force cases whether a person was killed, injured or not hit by bullets, or died in custody after use of force. In 2023, there were 33 deadly force incidents, down from a record 42 in 2022 (PPR #89). This project began in 2014 and includes data back to 2010; in those 14 years there have been over 420 deadly force incidents in our state.

As of mid-April, officers in Oregon have used deadly force at least five times, including the shooting death of Matthew Holland in Portland; the PPB was also responsible for the 33rd incident in 2023 (p. 1). Here are the other four incidents so far in 2024:

—On March 20, Bend Police Officer Wesley Murphy shot Gabriel Keith Platz, 18, when he allegedly pointed a firearm at officers after crashing his car. The District Attorney says Platz shot himself at the same time the officer fired (Central Oregon Daily News, March 21 and Bend Bulletin, April 5).

—On January 12, unidentified police in Gold Beach shot and wounded a person at a traffic stop. The officers and the person have not been named, even after the grand jury found no wrongdoing by police, because the "motorist" is still being investigated (KRDV-TV12, February 29).

—On January 9, two unidentified Gresham Police officers shot and killed Carlos Corona, 29, while he was allegedly engaged in stabbing another person in a motel room (GreshamOregon.gov, January 17).

—On January 2, Officers Mason Powell and Mark Powell (no, not related) shot and wounded Justin Burkeen, 30, who apparently fired a pellet gun at one of the officers (Baker City Herald, January 14).

Follow-up: In our last issue we reported on a person who died in the custody of Milwaukie Police. In an unusual move, they released body camera footage which seems to indicate that the officers did not use force on the man, and were in fact trying to urge the hospital to keep him in their care due to his medical state.

See the PCW letter to the AG about 2023 incidents at <tinyurl.com/SB111letter2024> and the follow-up letter listing the data errors at <tinyurl.com/AGerrors2024>

*- Two entries were from Yamhill County, leaving one missing from there; two were from Clackamas County, leaving one shooting and one Taser death missing from there; one was the only missing incident in Linn County, and the last was from Jackson County, leaving six unreported.

In addition to six cases being added to the state database (below), Portland Copwatch received response emails from the District Attorneys in Coos and Washington Counties seeking clarification about the project.

Oregon Department of Justice ATTORNEY GENERAL ELLEN F. ROSENBLUM			
Published Reports			
The information contained within the table below is compiled and published pursuant to ORS 181.789(6) (SB 111).			
Decedent	Agency Name	Submission Date	Date of Incident
Jerry Gunter	Medford Police Department	04/01/2024	07/07/2021
Juventino Bermudez-Arenas	McMinnville Police Department	03/21/2024	11/15/2014
JACK WATSON	Portland Police Bureau and Clackamas Co. Sheriff	03/20/2024	04/23/2023
Noah Colgrove	Linn County Sheriff's Office	03/20/2024	03/21/2023
MICHAEL EVANS	Gladstone Police Department	03/20/2024	08/14/2012
Laurence Dickson	McMinnville Police Department	03/20/2024	08/23/2022

Second 2023 Review Board Report Features Tenth Force Violation at 2020 Protests, Hunzeker Double-Duty Three Officers Resign Before Being Fired

Portland Copwatch (PCW) analyzed the December 2023 Police Review Board (PRB) Report in early January. In addition to two deadly force cases, one of which led to discipline for a Sergeant stepping out of his supervisory role (p. 1), the Report contained three other cases involving community members and five internal police investigations. In three cases, officers resigned before being fired. Community cases included the tenth incident at the 2020 protests where officers were found to have violated policy, mostly for excessive/inappropriate force (notably, one officer was not identified by the Portland Police Bureau—PPR #86). New details emerged about Officer Brian Hunzeker, who leaked the incorrect accusation that former Commissioner Jo Ann Hardesty was involved in a hit-and-run, and his deceit about being employed at another agency when he returned to Portland (PPR #89). The PRB is an internal, secretive body which includes a majority of police, one or two community members and a staffer from the "Independent" Police Review; the Reports are required by City Code to be published twice a year. It's not only difficult to discern when the incidents themselves occurred (except the deadly force cases, for which the PPB conveniently includes dates), but lately the dates the hearings were held and the summary memos were issued are also redacted.

Four cases involved officers facing termination for incidents involving drugs or alcohol. One was Criminalist Bradley McIntyre, who arrived and began collecting evidence at a shooting crime scene in February 2021, then drove away when a supervisor suspected something was off about his behavior (PPR #83). He was soon apprehended and charged with DUI for driving his police car with a blood alcohol level of .26. The legal limit in Oregon is .08. McIntyre resigned before being terminated. The officer in Case #8 was involved in a "one car accident" (ie, crashed their car) while drunk, got out of the car and tried to hide from deputies. This time blood alcohol level was .19. The proposed firing was mostly for being untruthful, but the cop resigned first.



Two other incidents involved officers initially trying to avoid a random drug test because they knew they would fail after consuming cannabis. Each received a day off without pay and a promise to go to rehabilitation. The first officer said they used weed because of PTSD caused by the 2020 "riots."

The protest case appears to have involved a Sergeant who stepped out of their supervisory role at a protest ("riot" per the PRB's narrative) and fired a "less lethal" munition at a protestor without cause. While the Board noted the Sergeant should have continued to supervise, they did not suggest discipline in this case (unlike the deadly force case), but did support giving them a Letter of Reprimand (the lowest form of discipline) for the use of force. Although it is mentioned that the person filed a federal lawsuit, it's not 100% clear who the community member or the Sergeant were.

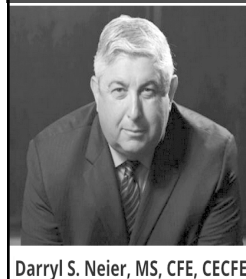
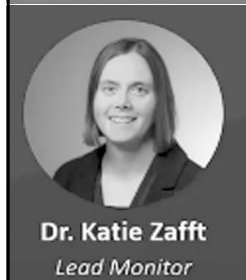
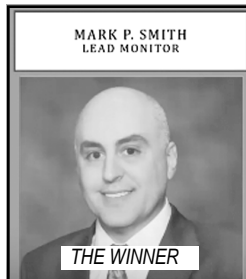
As for Hunzeker, the PRB recommended he be fired for violating the policies on Extra Employment, (continued on p. 10)

City Finds Three Possible Groups to Act as Independent Monitor for US Dept. of Justice Agreement Compliance Officer Finds Force, Training Back in Compliance; Advisory Committee Talks Alternative Responses

There's a lot of flux going on in Portland: in 2025, the entire structure of City Government will change, with at most two current City Council members as part of the new 13-member leadership. The proposed oversight system is expected to be implemented this year, barring a challenge from the police "union" (p. 1). And the now nearly 12-year-old Settlement Agreement between the US Department of Justice (DOJ) and the City, narrowed down to about 45 paragraphs from over 90, is going to be overseen by an Independent Court Monitor instead of the Compliance Officer/Community Liaison (COCL--PPR #91). The Portland Committee on Community Engaged Policing (PCCEP), the advisory body charged with independently assessing compliance, changed its co-chairs and hosted the COCL to present their Q3 2023 Report. That Report found that after falling out of compliance in 2020, the PPB now has all the paragraphs about Force and Training squared away... even if the community disagrees.

Independent Court Monitor Finalists Appear at Public Event; Surprisingly, City Doesn't Choose Worst One

In March, the City hosted an event to allow community members to meet the final candidates to be the new Monitor, whose job will absorb the advisory work of the COCL and the decision-making power of the DOJ. While each of the teams had at least one person as local contact, none are based in Portland or Oregon. Each of the three teams had nearly every one of their members (between 8 and 16 each) introduce themselves and talk about their background, chewing up much of the time for community Q&A. Notably, the point person for DLG Consulting, Darryl Neier, was asked about a social media post in which he supported "Blue Lives Matter." He was unapologetic and seemed not to understand how harmful it is that police hijacked the Black Lives Matter slogan to commemorate fallen officers, who chose that profession and were not born into it. He also spoke about how he doesn't care about race and listed "purple" as one color he is ok with. So, although that team was the least popular with community members, that was also true of Dennis Rosenbaum, the only out of town applicant for the COCL job in 2014... and the City hired him anyway. Surprisingly, the City and DOJ chose MPS and Associates, led by Mark Smith from Los Angeles, on April 15; he is expected to be confirmed by Council on May 2.



Compliance Report Reveals More Concerning Info, Fails to Reflect Community Issues

While being conciliatory about the Bureau's use of force because of improved reporting, the COCL continues to urge them to be more clear what is meant by "de-escalation." For training, the only remaining issue had been tracking specialized classes, and that was fixed. The COCL report also as usual included tidbits that the community can't find anywhere else. For instance, the Behavioral Health Unit Advisory Committee (BHUAC), which holds its business meetings behind closed doors, asked the Bureau to include in its policies options to call 988 (suicide hotline) or Portland Street Response (PSR), the teams made up of mental health experts and

paramedics from the Fire Bureau which has shown much success. The Police Bureau said no and the BHUAC pushed back, but it's not clear whether the policy was changed.

Five areas in the Accountability section are still not in Compliance. The Report reveals that over a four year period, only 12 force allegations out of 388 were sustained (found out of policy), about 3% vs. 16% of all investigated allegations. One Disparate Treatment allegation was sustained—the first since 2008—and one retaliation allegation. However, no details are revealed about the circumstances. In addition, this was the first Report in the nine years since a COCL was hired to include data on lawsuit settlements/judgments, but no recommendations were made based on the police actions that led to the payouts (p. 1).

PCCEP Hears Mixed Messages on Portland Street Response, Changes Leadership

The PCCEP meeting on January 31 included a visit from Interim Fire Chief Ryan Gillespie. Since Portland Street Response has been getting hammered by Commissioner Rene Gonzalez, who told the team to stop handing out tents in 2023 (PPR #89), forced them to accompany police during sweeps despite academic advice, and seems uninterested in expanding their capabilities to be available 24/7, PCCEP was heartened that Gillespie promised to keep PSR going. Days later, Gillespie and Gonzalez said they were looking at cutting \$3 million from the program, leading PCCEP members to feel they had been misled. On March 27, they held a town hall about PSR at which Mayoral Aide Stephanie Howard got an earful from the community who want to see the program continue. On April 17, PCCEP unanimously voted on recommendations to the Mayor to improve and bolster PSR.

In January, the group re-elected Celeste Carey as one co-chair and replaced Pastor Robin Wisner with Ashley Schofield. (Wisner soon resigned anyway to join the Police Review Board community pool— p. 2.) Co-chairs for the Community Engagement Subcommittee are Tia Palafox and Odelia Zuckerman, with Byron Vaughn and Kip Silverman heading the Settlement and Policy Subcommittee. Most members attend every meeting and the substance isn't significantly different between Subcommittees and full Committee meetings.

In early March, PCCEP hosted the Bureau's civilian administrator of their Directives program, Ashley Lancaster, who explained the review process and publicly acknowledged that some things Portland Copwatch has suggested have resulted in a better system, even for the cops (printing redline versions showing changes in the new drafts and saying why a policy is being reviewed, for instance). Later in March, they held the first orientation in years delivered by members of the amicus groups to the DOJ Agreement, the Albina Ministerial Alliance Coalition for Justice and Police Reform and the Mental Health Alliance.

More Nothingburgers Served Up by BHUAC

The Behavioral Health Unit Advisory Committee may have asserted themselves at their behind-closed-doors meetings, but their quarterly "community engagement" meetings continue to leave a lot to be desired. In January, they once again ducked answering questions about deadly force recommendations, even after the city had agreed to pay the family of Koben Henriksen to compensate for officers coming upon him in mental health crisis and killing him in 2019 (p. 1). Also, the Lieutenant from the BHU, Chris Burley (who was supposedly shot by Keaton Otis before officers killed Otis in 2010), pushed back when PCW suggested examining "risks" instead of "threats."

See PCW's analysis of the Q3 COCL report at: portlandcopwatch.org/COCLanalysisPCW0224.html. Info on the Independent Monitor selection is at portland.gov/wheeler/news. The next status conference in front of Judge Simon is at 9 AM on May 15.

Revolving Door at Training Division Brings Killer Cop as Acting Captain Training Advisory Council Continues to Get Limited and Incorrect Information from Police

Volunteers at Portland Copwatch (PCW) have chronicled the astounding amount of turnover in key positions at the Training Division which make continuity near impossible. Chris Lindsey, appointed as Captain in January, was on leave for the March Training Advisory Council (TAC) meeting, leaving Acting Captain Bret Burton in charge. Burton (who was at the time a Multnomah County Sheriff's Deputy) was one of the three officers who beat James Chasse, Jr. to death in 2006 (PPR #40). Lindsey was already the seventh person to head the Division in seven years—and had previously been one of the six people who acted as the Force Inspector in that same timeframe. The TAC continued to struggle with getting the Bureau to provide them data which would make their quarterly review of Force Reports meaningful, even though the Compliance Officer/Community Liaison clearly stated in a February report that the PPB can add data points to the current Reports without upsetting the requirements for the US Department of Justice Settlement Agreement.

The current Force Inspector, Lt. Mike Roberts, presented force data from Q2 and Q3 2023 at the January meeting, conveniently not mentioning that the percentage of people subjected to force who were Black was 27% and 24% respectively in those time frames. Roberts was absent in March, so analyst William Hollands presented the Q4 data— also not mentioning that figure was 25% this time. Nobody has yet explained why Black people in a City with a 6% Black population has such a high rate of force used on them, nor why those numbers dipped to 20-22% in 2021 but went back up again afterward.

Hollands made a comment that the officers did not choose to initiate these force incidents, saying something about how it takes two people. That may be true, but officers also do not involuntarily use force.

The Bureau has been making a point recently to state that the Force Inspector's team doesn't deal with deadly force cases. That may be strictly accurate in the sense that they're supposed to look at other kinds of force incidents to consider whether policies or training may have been violated, but the deadly force data still appear in the quarterly reports. They never use the names of the people who are shot, and sometimes won't even give demographic data even though all the information about people's race and gender has already been made public by the time the Reports are made. PCW suggested they should at least do a five year total for data on shootings, which would show that for 2019-2023, of 29 people who Portland Police shot or shot at, at least five were Black men, or 17%.

One interesting fact was discussed at the January meeting: One reason the police use so many pursuit intervention techniques, in which they crash cars to stop them, is an increase in their efforts to recover stolen cars. It seems strange they would endanger lives and the very property they are trying to recover to get people's vehicles back to them.

Also:

—In January, former Chief Chuck Lovell and Community Engagement Officer Natasha Haunsperger presented about community engagement, taking up the full 30 minutes allotted to them and forcing TAC to use an extra 10 minutes for Q&A. They referred to police responses as “customer service” and PCW reminded them that people are not going to the “police store” to buy something.

—In March, when TAC considered a proposal to allow public input at the Chair's discretion instead of only at the end of meetings, longtime member Jim Kahan complained that he did not want to be “lobbied.” As a group which has made a lot of impact by bringing information to the table, it's insulting to refer to PCW as “lobbyists.” It also shows contempt for the community who the TAC members are supposedly representing when discussing Training policies on behalf of the 630,000+ people who weren't appointed to the Council, some of whom would not be welcome because they would not pass criminal background checks.

Burton did not say anything particularly alarming at the March meeting, instead he spouted off a lot of information about how many trainings were going on, and the Bureau's intent to get crowd control training going in time for the election season this fall (also see p. 1).

Find more info at <portland.gov/police/tac>.



Members of the Training Advisory Council talk with analyst William Hollands at their March meeting.



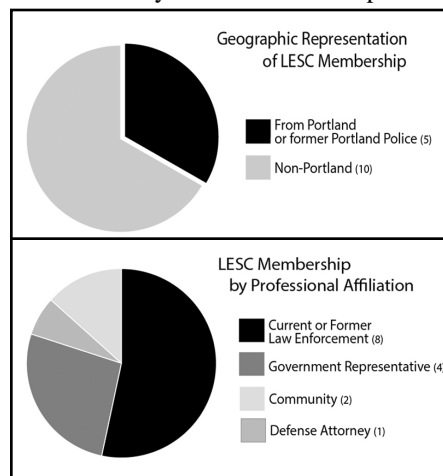
State Discipline Commission Stacked with Portland Police (continued from p. 4)

now-retired John Teague as one of two chief law enforcement officers. Burke worked his way up from Officer to Commander with the Portland Police Bureau from 1992 through 2016. Rep. Jeff Helfrich, Minority Leader of the Oregon House of Representatives, was appointed by the Speaker of the House to take Rep. Ron Noble's non-voting advisory position. Helfrich worked for the Portland Police Bureau for 25 years from 1992 through 2017.

There will be more turnover on the Commission as the initial members have now served their full 2 year terms which expired on February 15, 2024. Anil Karia, attorney for the Portland Police Association (PPA) and the Oregon Coalition of Police and Sheriffs (ORCOPS), and Steven Schuback, the lawyer who was contracted by the City of Portland to lead negotiations on the City's collective bargaining contract with the PPA in 2021, both expressed interest in remaining on the Commission for another term. Slauson said he would relay those requests to the Attorney General who makes all the appointments. The position of Executive Director remains vacant, and when asked during public comment at the February meeting for a timeline of when all the empty positions would be filled, the Chair said he had no information to share.

Something to keep an eye on is whether Chief Timothy Addleman, who serves as the one required member who represents a federally recognized Indian tribe or association of tribes within the state, remains on the board to continue the overrepresentation of chief law enforcement officers or if he is replaced by someone without ties to law enforcement. Since the public learned about the Commission's work, there have been repeated calls for more representation from the general community, including people and/or loved ones of people who have experienced police violence.

Visit the LESC's website to learn more: <justice.oregon.gov/lesc/>.



Criminal Investigation into Jail Deputies Setting Up Inmate Fights Fizzles

Also, PCW Meets with Sheriff Morrissey-O'Donnell For Basic Introductions

As the criminal investigations of several Multnomah County Sheriff's Office (MCSO) corrections officers for their roles in inmates dying in jail (PPR #91), another case has surfaced that dates back to the previous Sheriff's time in office. It appears that corrections officers gave the run of one (or more) floors of the "Justice Center" to the Hoover gang, allowing them to get into fights with other inmates and looking the other way. The District Attorney decided that the incidents were so old and the witnesses so questionably reliable that they could not prosecute the officers, but current Sheriff Nicole Morrissey-O'Donnell announced that an internal investigation is ongoing (*Willamette Week*, March 6). There's also a report that corrections officers are being investigated for doing favors for another gang, the Gypsy Jokers (*Willamette Week*, March 15).

Portland Copwatch's interest in observing police actions in the community focuses most of our attention on patrol deputies. Thus, when we scored a meeting with the Sheriff on March 6, we didn't raise either of these scandals, but instead took the time to introduce ourselves as an organization and raise several issues to see where Morrissey-O'Donnell stands. These are some of the things we talked about:

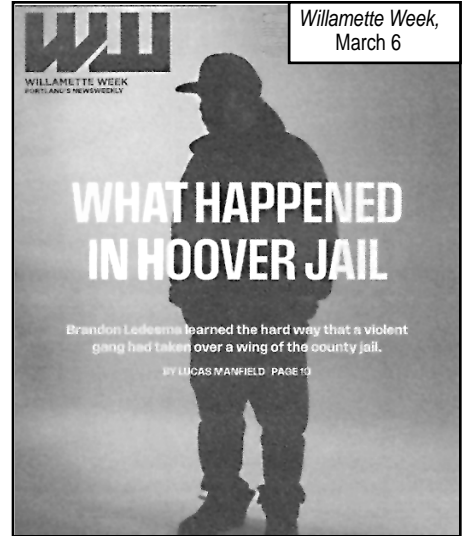
—The Sheriff's Office was only involved in three deadly force incidents (that we know of) between our founding in 1992 and 2018, but from 2018 to the present there have been six, two of which were fatal. The Sheriff said there was no change in policy in 2018, and we didn't press her as to whether it was Reese coming in from the Portland Police Bureau in 2016 who ignited the cowboy behavior.

—We asked about the section of the MCSO policy on Internal Investigations that mentions community members' involvement in reviewing misconduct investigations, and whether there was more information about who those community members are and whether they ever hold public meetings. We also asked whether the Sheriff might create a civilian oversight body. The Sheriff said she would consider doing so if it can improve the MCSO.

—We asked about the Homeless Outreach and Programs Engagement Team (HOPE). The Sheriff told us that uniformed deputies connect mainly with people living along the Sandy River in an area colloquially known as the 1000 Acre Park to help them get connected with services. There was some acknowledgment that law enforcement are not always the best people to do outreach, but that it can help build relationships. The deputies assigned do not rotate through so there is continuity. Because this program takes place in East County, the non-police Portland Street Response team doesn't address that area, and it's not clear whether deputies working within Portland city limits ever call on PSR to help with people who may have mental illness.

—We noted that we are concerned that the MCSO policy on body cameras allows MCSO officers to look at body camera footage prior to writing reports. The Portland Police policy, which requires officers to give a statement in serious cases before looking at the footage, has been adopted by the Police Executive Research Forum as a new national standard. The Sheriff said body cameras are still in a pilot phase, and that changes to the policy will be considered once the pilot is completed.

See info about the Sheriff's policy reviews on p. 11.



More Officers Face Discipline in December 2023 PRB Report (continued from p. 7)



Truthfulness, Satisfactory Performance and Ethical Conduct, since he was still working for the Clark County Sheriff's Office when he was reinstated to the PPB in early 2023. The PRB Report uses the phrase "corruption for monetary gain." Would Hunzeker have been the first cop to be fired TWICE by the PPB? Who knows, as his resignation made that question moot. (Another runner-up: Officer Alfonso Valadez was fired for one infraction, reinstated, and resigned before being fired again in 2018—PPR #80.)

Also: an officer arresting a woman on a burglary charge at first failed to investigate her allegations of having been raped, and when called back to take her to the hospital said she would be taken to Washington County Jail because the Justice Center was full (it wasn't). He (PCW assumes this was a male cop) received two days off without pay.

And: the Board recommended that an officer who initiated a chase without notifying their supervisor be given a Letter of Reprimand; a second officer was not found out of policy in the same case.

The Board also made six recommendations for policy changes, of which the Bureau accepted four and rejected two.

Because the Bureau does not publicize the Reports when they are posted, Portland Copwatch has consistently published its analysis before the mainstream media even knows they exist. The *Willamette Week* picked up on the Hunzeker story and noted PCW's work on January 9, the day our piece went out.

Find PRB Reports at <portland.gov/police/divisions/prb-reports>.

For PCW's full analysis go to: <portlandcopwatch.org/PRBanalysis1223.html>.

Officer Brian Hunzeker Performed Outside Work for Years Without Permission

The city's Police Review Board has provided more insight into the downfall of the Portland police union's disgraced former leader.



ON THE JOB: Portland police officers in 2022. (Shawn Brown)

By Lucas Manfield

January 10, 2024 at 5:04 pm PST

New details have emerged about how Brian Hunzeker, the former head of the Portland police union, managed to moonlight as a deputy at the Clark County Sheriff's Office while still employed as a full-time Portland cop—and how long he'd gotten away with moonlighting without the city

Willamette Week online, January 10

Crowd Control, BodyCams and Other Police Policies Reviewed by Portland Copwatch

The Portland Police Bureau (PPB) has continued posting its policies, also known as Directives, asking for public input. Often, Portland Copwatch (PCW) is the only entity making comments. There continue to be occasional substantive, though more often administrative, changes made based on our suggestions. Some recognition of PCW's contributions to the review process itself was made by project manager Ashley Lancaster at a public meeting in March (p. 8). However, in general, the policies are deliberately vague, making it difficult to hold officers accountable, especially in serious matters such as crowd control and use of Body Worn Cameras—two of the policies that came back up for review in early 2024. Here is a summary of the last several months' worth of reviews:

January: The Bureau's policy on body cameras once again included a caveat that the Police Association allegedly has a right to bargain about this policy in a different way from all other Directives. That's debatable. The policy was not much changed from March, 2023, but in theory the next version will be informed by the pilot project that took place from August to October (PPR #91). Thus, PCW repeated most of its comments from the previous round hoping that common sense will outweigh fear of the "union," and such things as ensuring protection under the state's anti-spying law, being explicit about what kinds of discipline officers can face if they mis-use the cameras, and better supervision will make it into the revised version.

The "copwatching" Directive, also up in January for review, still reminds officers that it's legal for community members to record their on-duty, public activities... but also still contains provisions to restrict those rights if officers think someone is "interfering" or "failing to obey a lawful order."

PCW also repeated its ongoing concerns about the Bureau's policies on interacting with people with mental illness, including

- Enclosed is \$15 to receive one year of the People's Police Report by mail.
 - Enclosed is a sustaining donor pledge of \$20-30.
I understand I will receive the PPR and all other mailings from Copwatch.
 - Enclosed is a donation of \$_____ to support your continuing work.
 - Enclosed is \$_____ (\$20-45 sliding scale) to become a member of Peace and Justice Works/Portland Copwatch.
 - Enclosed is \$_____ for _____ copies of PPR #_____ and/or \$80 for a full set of issues #1-91.
 - I'm donating, but I don't wish to receive mail.
 - Please add me to your email list. My email 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/Portland Copwatch.
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The People's Police Report is published three times a year by **Portland Copwatch**, a civilian group promoting police accountability through citizen action. Issue #92, MAY 2024, print date 4/17/24. Portland Copwatch is a project of Peace and Justice Works, a tax-exempt educational organization. Find more information online at our website: <http://www.portlandcopwatch.org>. **Subscribe to the PPR for \$20 a year**, or to order extra copies or back issues, send \$1.00 per issue to Portland Copwatch, PO Box 42456, Portland, OR 97242.

Letters / submissions welcome. Contact us by email: newsletter@portlandcopwatch.org.

Web version created 4/30/24.

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urging them not to take guns into psychiatric facilities. Regarding the Employee Information System, we thanked the PPB for planning to add a definition for "traumatic incidents" which show up in officers' records.

February: The Directive on "Active Bystandership" was re-posted, and PCW found that 2.5 of its eight previous recommendations were adopted, including explaining what "passive bystandership" means (failing to intervene as required by state law) and adding what had been a missing part of the definition of retaliation (that an officer can be guilty of retaliation even if a person's original complaint that led to that retaliation is dismissed).

March: A huge lift every time it comes up, the Crowd Control (now "Public Order Events") Directive included six partial or full adoptions of our previous comments. Nonetheless, it led to a five-page set of recommendations of things that still need to be addressed. This includes more prioritization of de-escalation, clarity on chemical use, whether officers should be able to conceal their identities, and making sure people have an escape route when police decide to shut down a protest.

A second set of Directives included one about the Special Emergency "Reaction" Team (which PCW keeps suggesting be renamed as a "Response" Team) which incorporated a few minor changes based on previous comments, but now needs to address the Public Order Team taking the place of the Rapid Response Team (p. 1). The policy on Extra Employment was coincidentally posted after the egregious violation of that Directive led to Officer Brian Hunzeker being found in violation (p. 7). PCW also raised concerns about police car accidents such as the one by Sgt. Bret Barnum that cost the City \$350,000 (p. 5) as part of feedback on the Traffic Crash Investigations policy.

April: PCW submitted comments about the Mental Health Directives again, noting that a recommendation from the Behavioral Health Unit Advisory Committee (p. 8) was neither included in the public comments packet nor incorporated into the policies. The draft policy on juvenile detention refers to indigenous youth as "Indian juveniles" and PCW asked for that to be changed.

Sheriff's policies also up for review:

Though not posted as frequently, the Multnomah County Sheriff's Office also posts some of its policies online for public input. In February, PCW made a point to comment on their restraints policy, which ok's such pleasant products as maximum restraints (hog-tying), "spit shields," leg irons, and restraint chairs. PCW urged more de-escalation, and more humane responses such as always ensuring individuals are clothed.

They also posted a policy about peer support for Sheriff's employees that month, and others on officers being subpoenaed and going on leave in March, which PCW commented on although they mostly do not have a direct impact on the community.

Find PPB's policies at portland.gov/police/directives-overview and the Sheriff's at mcso.us/about-mcso/policy.



RAPPING BACK

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

Corrupt Constables Make Mockery of Democratic Dialogue

One of the biggest stories surrounding the Portland Police Association (PPA) these past few months is their effort to create a ballot measure that would overturn what's left of Charter Section 2-10, which was voted in four years ago to empower a civilian oversight board (p. 1). While the volume of articles posted to their Facebook page continues to dwindle (there were only 14 posts from December to mid-April), they were sure to make a splash on February 26 announcing that, and a second ballot measure. Interestingly, the post (which is really just the PPA's news release) says that they are "considering whether to take the unprecedented step of launching an effort to directly engage the people to lift their voice and desire to reprioritize public safety in our city." Essentially, if they don't like the ballot title that gets assigned to either the "gut the Community Board for Police Accountability" measure or the "let's pretend we care about Portland Street Response by asking for more money for cops" measure, they might not bother to gather 40,748 signatures for either measure by July 1 to force the topics on the November ballot.

As if the 82% of voters who put the Charter chapter in place and the 20 months spent by the Police Accountability Commission doing research and talking to dozens of people—including the PPA—were not enough, they say this is about "giving Portlanders their voice in public safety." As noted elsewhere in this issue, the accountability measure will take away community members' ability to decide whether officers violate policy and how to discipline them. It's not clear, then, what they mean by their measure promoting "true accountability behind our government, with mutual oversight of the City Council, Police Bureau, and Citizen Oversight Commission [which isn't the proposed or actual name of any body in Portland]." They admit their filing to take away powers of the Board and add cops to their ranks may seem "suspect" but they blame the way the original ballot measure was crafted in "haste."

The rest of the posts break down like this: nine about crime (64%—including one article which ran twice about an Oregon State Police dog helping with a drug bust), three showing their "friendly" side (21%), and one remembering Officer Colleen Waibel (January 27), who was shot during a botched drug raid in January 1998 (PPR #14).

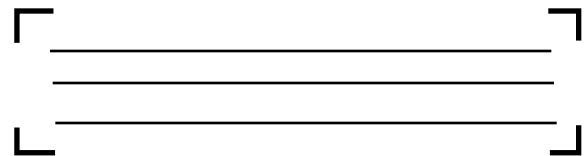
Be Careful Who You Idealize

The second most notable post was published on January 18 and highlights the work of Officer Betsy Hornstein, who won an award as traffic officer of the year. A video shows Hornstein riding a motorcycle through an obstacle course and an officer praising her work. The voiceover says "we should all learn to work like her." What's missing from the pomp and circumstance is that Hornstein appeared in our newsletter twice for actions in 2014—once for kicking and beating Black teen Thai Gurule (despite her Crisis Intervention Training) and once for "liking" a post on Facebook saying "I am Darren Wilson," a tribute to the officer who killed Michael Brown in Ferguson, MO, widely considered motivated by racism. Hmm.



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Crime Dominates the News and the News Feed

The PPA used to publish its own monthly newsletter, the *Rap Sheet*, and would fill it with stories written by rank-and-file officers. Now most of the news derives from the Police Bureau (six posts) or the mainstream media (three posts). Facebook posts of a December 24 KGW-8TV story on a "holiday theft mission" and a



50% decrease in stolen vehicles between January 2023 and January 2024 from KATU-2TV (February 27) are just a few examples of how the PPB and PPA continue to bemoan low staffing levels yet seem to be able to take special well-publicized efforts to show people they are tackling property-related crimes.

There were also Portland Police Bureau pieces about the drug-seizing dog (January 24 and 31) and another "crime reduction mission" where officers went into three neighborhoods with police dogs, the District Attorney and detectives' help, arresting 12 people and issuing five citations in a "proactive" effort (January 29). ■

The officer in the KATU story on car theft is Brad Nutting, who repeatedly hit Matt Klug with a Taser in 2014 and was not disciplined after City Council refused to agree with the Citizen Review Committee that he had violated policy (PPR #71).