

MEMORANDUM

November 16th 1998

To: Vera Katz, Mayor
Gretchen Kafoury, Commissioner
Charlie Hales, Commissioner
Eric Sten, Commissioner
Jim Francesconi, Commissioner

From: African America Advisory Council To The Portland Police Bureau

Re: Subcommittee Review of Binns Report

Good Afternoon Mayor Katz and members of the City Council. I am Jo Ann Bowman, my address is 3145 NE 15th Ave Portland Or. I am testifying before you today in my role as Chair of the subcommittee of the AAPAC tasked with reviewing the Binns report of the PPB. Chief Moose established the AAPAC in 1996 and given the charge to advise him on issues the African American Community identified as needing attention, recruitment/retention issues and the relationship between this community and the police department.

My involvement in this incident began the morning of August 18th when I called Commander Foxworth and requested a meeting to discuss the incidents that took place on August 16th & 17th. Comm. Foxworth immediately set a time for us to meet, including Margaret Carter, State Rep. District 18th since she called with the same request. At the conclusion of the briefing we arranged to reconvene at PCC Cascade at 4pm to conduct a media briefing and to meet with some community leaders and some of the individuals directly involved. At the conclusion of the media briefing, the media was asked to leave. We continued the meeting with Comm. Foxworth behind closed doors for more than two hours and several agreements were reached.

1. Both sides agreed there were things they could have done differently.
2. Matthis agreed to call off the protest that was scheduled for that evening.
3. Comm. Foxworth agreed to work with the Binn's party organizers to ensure all appropriate permits & requirements would be met for a future party. Other community members volunteered to work with this effort as well.
4. The AAPAC would review the actions of law enforcement officials and make recommendations to prevent a repeat of these events.
5. The NE Precinct and the AAPAC would report back to the community the findings and recommended policy changes identified through this process.
6. The community and NE precinct would work together to continue the dialog with the NE Precinct that began at this meeting.

This issue was then brought to the AAPAC's next scheduled meeting 8/25/98. At this meeting the committee agreed to send a letter to Chief Moose requesting an

independent investigation of these actions. This request was not made lightly. The testimony at our 8/25/98 meeting was overwhelmingly in favor of an independent investigator. The members present did not believe that a report produced by the officers involved would satisfy the concerns of the NE Community. We believe that an independent investigator is necessary to assure the public that these incidents were looked at objectively and that the necessary policy changes would be implemented. This letter was sent in September of this year. As of this date the committee has not been offered an official response.

The AAPAC convened a subcommittee to follow up on these incidents and to track the progress toward resolution. The role of this committee was to make recommendations to prevent this type of event in the future and to report back to the community on the policy changes that were recommended for adoption. The AAPAC seeks to strengthen the relations between the NE Community and the NE Precinct.

The subcommittee included Louis Fontenot, Jr., Chair of the AAPAC, Gahlenah Avidan, Vice-Chair, AAPAC, Linda Hunter, MHRC and myself. Mr. Travis West, who is mentioned throughout the report, volunteered to serve on this committee. However, due to the sensitive nature of this report & the desire of Chief Moose and the subcommittee desire to report back to this body and the broader NE Community in an educated fashion our findings, we decided it was inappropriate to include him in our deliberations. I remind the council that the recommendations of this subcommittee are based on the information contain within the Binns report produced by the Portland Police Bureau. It is not the intent of this committee to evaluate the actions of the individual citizens that were involved in these events. Our recommendations are based on the Binns report, videotape provided by NE Precinct and the community meeting that took place on Tuesday August 17th. In most cases we only had one side of the story on these events and the activity that led to the actions taken.

In reviewing the Binns report we sought answers to the following questions:

- Is the report complete? Are there areas that require clarification?
- What are the findings of the report? Were all official actions appropriate? What changes to current department policy were recommended and/or implemented based on the report findings?
- What additional policy changes will the committee recommend to the AAPAC?
- How will feedback be provided to the broader NE Community?

In addition to reviewing the report the committee reviewed videotapes of the march/protest that took place on Monday August 16th, 1998.

Several points stood out for the committee during its deliberations:

Portland Police had authority to close Sellwood River Front Park 5 days prior to the scheduled beach party, but did not relay that information to the public. We believe many local young people would not have shown up if they knew the event was not going

to take place. Using the PPB's contacts with religious leaders, the media and with other community leaders, the young people showing up at the park could have been greatly reduced.

Utilization of the Crisis Response Team and other community members in the early planning around the protest may have prevented so many young people from "going along for the ride" when the protesters were marching down the street. We have recommended a review of the role of CRT's and other community members should play in these types of activities.

Communication training for patrol officers is crucial. This report demonstrates that calls for more officers to assist with a potentially riotous crowd prepared officers for a different response than less inflammatory language would have served the same purpose. This was also reported on at the community meeting when activities had escalated outside of Chief Moose's home. Community members (one minister talked of asking police officers what was going on and having guns pointed in their face and being told to "Just go home or I will shoot"). If officers show up prepared for a riot, then that is what they will see when they arrive, regardless of the actual circumstances.

Language is a powerful tool. When officers identify citizens using terms like gangsters, gang involved etc. on the radio and among themselves without any confirmed knowledge of the individual, this also creates an expectation of confrontation by responding officers.

Community policing strategies do not appear to have been utilized in this situation. Short of life or death situations, there should never exist a reason for law enforcement to attempt to forcibly snatch a baby out of its mother's arms. There were other people around the young mother trusted to look out for her child while under police custody. This is an example of where Community Policing strategies could have lead to a different outcome.

Locking the precinct from citizens coming to file a complaint of police harassment was not appropriate. Providing officers out front or inviting into the precinct the leaders of the protest and providing them with all the necessary information for filing their complaint may have resolved the matter on the spot. Denying citizens access to ways of the official complaint procedure was not only inflammatory, it directly violates Federal law.

Several communications talked about the use of the officers spraying pepper mace into crowds of people that included infants. This is an area where Crowd Control training and department policies, should specifically prohibit this action.

The Enhanced Vehicle Safety Program was utilized on Sunday Aug 18th 1998. Various police reports cover the guns and illegal drugs that were confiscated during this operation but no arrest were made. The committee questioned why no arrests were made at that time yet the next day unarmed protesters were arrested.

I will now address the four issues the committee sought to answer during its deliberation.

1. Is the report complete? Are there areas that require clarifications?

The committee believes the report is completed however reading the report did raise additional questions that we have submitted to the Chief and now to the City Council. We believe the answers to these question may require additional policy recommendations.

2. What are the findings of the report? Were all official actions appropriate? What Changes to current department policy were recommended and/or implemented based on the report?

The report finds that all official actions taken were appropriate. The committee does not concur with this assessment. Please refer to our list of recommendations and questions

3. What additional policy changes will the committee recommend to the AAPAC?

The committee has not been given an opportunity to review Chief Moose's recommendation as of yet or answers to the questions raised by this report. Therefore, we will submit additional recommendations as soon as we have the answers to the questions and have had an opportunity to review the Chief's recommendations.

4. How will feedback be provided to the broader NE Community?

It is our recommendation that the broader northeast community be informed of the findings and recommended policy changes as soon as possible. The AAPAC will assist in facilitating this issue. We also recommend that a representative from the PPB & an AAPAC member make appointments for briefings with the editors of Oregonian, Skanner, Observer and El Hispanic News.

In closing let I would like to publicly thank Comm. Foxworth for his honesty and integrity in addressing the issues in this report. Comm. Foxworth took responsibility early for some decisions that were made and not made during these actions and that was critical to the NE community as we move forward in addressing the issues contained in this report. None of us want to be confronted with the situations we experienced in August again. We look forward to working with you the City Council, Chief Moose, Comm Foxworth and the NE Community to address the recommendations we have provided.

Thank you. I will answer any questions at this time.

African American Advisory Council
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To the Portland Police Bureau

Subcommittee Recommendations on Binns Report

November 15, 1998

March/Protest:

- Ensure all officers know proper process for instructing citizens on how to file complaints of alleged police wrongdoing. Federal law requires law enforcement to provide this information.
- Develop clear department policy that allows officers trained in community policing practices to intervene initially with members of the CRT.
- Develop clear department policy for use of Community Response Team Members and other community leaders in situations when escalation from crowd to mob seems likely without early intervention.
- Determine specific training program for law enforcement intervention in incidents where a large number of young people are involved.

Decision to Close Precinct:

- Develop clear department directive that requires authorization at Assistant Chief level or higher for this action. Appropriate exemptions from this policy must be clearly defined.

Less Lethal Weapon Authority:

- Revise current G.O. 1010.20 (use of Physical Force.) to prohibit the use of less lethal weapons in crowd control situations.
- Reevaluate and enhance certification training use of less lethal weapons and force. Require re-certification every 24 months. Ensure all officers are knowledgeable about the appropriate use of less lethal weapons and force. Non-certified officers need to know appropriate situations when it could be used as well.
- Require only command officer (Incident Commander) authority to authorize the use of non-lethal weapons.
- Require Internal Affairs to treat the use of less lethal in the same manner as the use of any firearms.

Communications:

- Review and/or revise current policy for communications related to requesting additional law enforcement support. The language used to request assistance determines state of mind of officers called to assist in a community they don't live or work in. If all communications imply a riot is about to occur, then officers responding to the call expect that a riot is about to occur, and vice versa.

- Require Incident Commander to give order for the use of force. Ensure that all law enforcement on site know that firearm or other force has been authorized by the Commander.
- Require all officers to be trained in the Community Policing Strategy? This would provide officers with the skills to better communicate with the public.
- Require review of departmental policy regarding the use of Enhanced Vehicle Safety Enforcement Program (EVSEP). The community is concerned about innocent people being stop and searched because of an arbitrary decision.

**Questions raised by Portland Police Bureau Binns Report.
African American Police Advisory Committee
Submitted November 16, 1998**

1. Why was the decision to close the park on Sunday August 16th not publicized (This would have minimized the number of people who showed up at this event)?
2. Why were Crisis Response Team members not utilized in this action? Is there a written policy on involving community leaders in these kinds of actions? If so, based on this action, what changes are needed in current policy to involve community members?
3. Commander Foxworth's report states that notices were posted and handed out regarding the closure decision. Who were they handed to and where/when were they posted?
4. Have the organizers of the "Low-Rider" Car Show been contacted over the last three years regarding security plan for their event and how to minimize negative fall-out from their event? If so, what changes have been implemented in the last two years?
5. Why were the protesters not given information on how to file a formal complaint against law enforcement while they were at the precinct? Would this have prevented the march from continuing to Chief Moose's house?
6. Why did the officers make the decision not to give Mrs. Rosser's baby to Ms. Tomlin? Why were police officers attempting to physically pull her baby out of her hands? Was that action meant to defuse the situation?
7. What is the departmental policy on the appropriate use of pepper mace? Does the policy address when mace should not be used? What is the policy when children/innocent bystanders are present?
8. How are officers trained to ensure that decisions based on personal judgement are consistent throughout any law enforcement actions? Why were decisions made not to arrest people during the Enhanced Vehicle Safety Enforcement Program (EVSEP) on Sunday August 15th where guns and illegal drugs were confiscated, yet on the next day, unarmed protesters were arrested? How many people & vehicles were stopped during this operation? What criteria exist for the implementation of the EVSEP?



CITY OF
PORTLAND, OREGON
BUREAU OF POLICE

VERA KATZ, MAYOR
Charles A. Moose, Chief of Police
1111 S.W. 2nd Avenue
Portland, Oregon 97204

October 18, 1996

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Dear 2~:

I am requesting that you attend a meeting on **Wednesday, October 30, 1996, at 5:00 p.m.**, in the Chief's Office located on the 15th floor of the Justice Center, 1111 SW 2nd. The purpose of the meeting is the establishment of an African-American Advisory Committee for the Portland Police Bureau. I envision this committee would work with the Police Bureau to:

1. Identify needs of Portland's African-American community as they relate to the Portland Police Bureau.
2. Identify and help to resolve potential and actual areas of conflict between the African-American community and the Portland Police Bureau.
3. Identify and develop resources within the African-American community to work with the Portland Police Bureau to increase the impact on crime and the fear of crime.
4. Review Police Bureau policies and practices for potential impact on the African-American community.
5. Assist the Police Bureau in recruiting and hiring members of the African-American community.
6. Assist the Police Bureau in increasing African-American community members' involvement in community policing.

At this initial meeting we will identify additional people or organizations to recruit for the committee and identify other areas which should be addressed by the committee. 3~ Please contact Colleen Farrell, 823-0990, to advise if you will be able to attend the meeting.

Sincerely,

CHARLES A. MOOSE, Ph.D.
Chief of Police

A-AAC.CAM/ckf

Portland Police Bureau African American Advisory Committee

Draft -- Operating guidelines

Purpose: The purpose of this committee is to advise, provide feedback and share information with the members and the Portland Police Bureau on issues that impact the African-American community. Discussion is focused on topics related to public safety and the African-American community.

Membership: Membership will be agreed upon by the committee by balancing the need for inclusiveness with the need to keep the group a manageable size so that all can fully participate. In addition to members, people can sign up to receive the agendas and meeting recaps.

Time and date: Meetings are 5 to 7 p.m. on the ____ Wednesday of each month.

Facilitation: Each meeting is facilitated by the Assistant Chief of Operations. The Police Bureau will be responsible for printing and distributing the agenda and meeting recap to everyone on the mailing list.

Leadership: Agendas are created by the [steering, executive, or?] committee, and members can suggest items for the agenda at any time. The [steering, executive, or?] committee can call special meetings, respond to correspondence and handle other duties as needed.

Role of committee members: Members are encouraged to share information about the work of the committee with other groups and individuals in the community, and to bring feedback to the group.

Decision-making: When decisions are needed, the group discusses the issue, then takes time to develop consensus. If consensus cannot be reached, a vote is taken or the issue is put on the next meeting's agenda for more consideration.

Subcommittees: Subcommittees are created as needed. At least one member of the committee must be on each subcommittee.

Ground rules

Meetings will begin and end of time.

Persons are respected.

Keep discussion and comments focused on the topic at hand.

New topics can be suggested for future agendas at any time.

The group encourages information shared at the meeting to be shared with other community members.