

# Senate Bill 528

Sponsored by COMMITTEE ON JUSTICE (at the request of National Lawyer's Guild; Black United Front)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Deletes authority of peace officer to use deadly physical force except when the use of such force is necessary to defend the officer or another person from the use of deadly physical force. Requires that justification for use of deadly physical force be based only on what reasonably appear to be facts known or perceived by officer when the force is used.

### A BILL FOR AN ACT

1 Relating to police; amending ORS 161.239.

2 Be It Enacted by the People of the State of Oregon:

3 Section 1. ORS 161.239 is amended to read:

4 161.239. (1) Notwithstanding the provisions of ORS 161.235, a peace officer may use deadly physical force  
5 only when ~~[(a)]~~ the officer reasonably believes that, [;]

6 ~~[(a) The crime committed by the person was a felony or an attempt to commit a felony involving the use or  
7 threatened imminent use of physical force against a person; or]~~

8 ~~[(b) The crime committed by the person was kidnapping, arson, escape in the first degree, burglary in the  
9 first degree or any attempt to commit such a crime; or]~~

10 ~~[(c)]~~ regardless of the particular offense which is the subject of the arrest or attempted escape, the use of  
11 deadly physical force is necessary to defend the peace officer or another person from the use or threatened  
12 imminent use of deadly physical force. [; or]

13 ~~[(d) The crime committed by the person was a felony or an attempt to commit a felony and under the totality  
14 of the circumstances existing at the time and place, the use of such force is necessary; or]~~

15 ~~[(e) The officer's life or personal safety is endangered in the particular circumstances involved.]~~

16 (2) Nothing in subsection (1) of this section constitutes justification for reckless or criminally negligent  
17 conduct by a peace officer amounting to an offense against or with respect to innocent persons whom ~~[(a)]~~ the  
18 officer is not seeking to arrest or retain in custody.

19 (3) Justification for the use of deadly physical force is limited to what reasonably appear to be the facts known  
20 or perceived by an officer at the time the officer uses such force. Facts unknown to the officer, no matter how  
21 compelling, shall not be considered as justification for the use of deadly physical force by the officer.  
22

NOTE: Matter in bold face in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted; complete new sections begin with SECTION.

*Eliminate*

*Eliminate*

*add*

**161.229 Use of physical force in defense of property.** A person is justified in using physical force, other than deadly physical force, upon another person when and to the extent that he reasonably believes it to be necessary to prevent or terminate the commission or attempted commission by the other person of theft or criminal mischief of property. [1971 c.743 §26]

**161.230** [Repealed by 1971 c.743 §432]

**161.235 Use of physical force in making an arrest or in preventing an escape.** Except as provided in ORS 161.239, a peace officer is justified in using physical force upon another person only when and to the extent that he reasonably believes it necessary:

(1) To make an arrest or to prevent the escape from custody of an arrested person unless he knows that the arrest is unlawful; or

(2) To defend himself or a third person from what he reasonably believes to be the use or imminent use of physical force while making or attempting to make an arrest or while preventing or attempting to prevent an escape. [1971 c.743 §27]

**161.239 Use of deadly physical force in making an arrest or in preventing an escape.** (1) Notwithstanding the provisions of ORS 161.235, a peace officer may use deadly physical force only when he reasonably believes that:

(a) The crime committed by the person was a felony or an attempt to commit a felony involving the use or threatened imminent use of physical force against a person; or

(b) The crime committed by the person was kidnapping, arson, escape in the first degree, burglary in the first degree or any attempt to commit such a crime; or

(c) Regardless of the particular offense which is the subject of the arrest or attempted escape, the use of deadly physical force is necessary to defend the peace officer or another person from the use or threatened imminent use of deadly physical force; or

(d) The crime committed by the person was a felony or an attempt to commit a felony and under the totality of the circumstances existing at the time and place, the use of such force is necessary; or

(e) The officer's life or personal safety is endangered in the particular circumstances involved.

(2) Nothing in subsection (1) of this section constitutes justification for reckless or criminally negligent conduct by a peace officer amounting to an offense against or with respect to innocent persons whom he is not seeking to arrest or retain in custody. [1971 c.743 §28]

**161.240** [Repealed by 1971 c.743 §432]

**161.245 "Reasonable belief" described; status of unlawful arrest.** (1) For the purposes of ORS 161.235 and 161.239, a reasonable belief that a person has committed an offense means a reasonable belief in facts or circumstances which if true would in law constitute an offense. If the believed facts or circumstances would not in law constitute an offense, an erroneous though not unreasonable belief that the law is otherwise does not render justifiable the use of force to make an arrest or to prevent an escape from custody.

(2) A peace officer who is making an arrest is justified in using the physical force prescribed in ORS 161.235 and 161.239 unless the arrest is unlawful and is known by the officer to be unlawful. [1971 c.743 §29]

**161.249 Use of physical force by private person assisting an arrest.** (1) Except as provided in subsection (2) of this section, a person who has been directed by a peace officer to assist him to make an arrest or to prevent an escape from custody is justified in using physical force when and to the extent that he reasonably believes that force to be necessary to carry out the peace officer's direction.

(2) A person who has been directed to assist a peace officer under circumstances specified in subsection (1) of this section may use deadly physical force to make an arrest or to prevent an escape only when:

(a) He reasonably believes that force to be necessary to defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force; or

(b) He is directed or authorized by the peace officer to use deadly physical force unless he knows that the peace officer himself is not authorized to use deadly physical force under the circumstances. [1971 c.743 §30]

**161.250** [Repealed by 1971 c.743 §432]

*Preserve Statutes (keep together)*

(copy also in HRH Stolzgen file)



# METROPOLITAN HUMAN RELATIONS COMMISSION

Multnomah County — City of Portland  
410 City Hall ■ Portland, Oregon 97204 ■ 248-4187

~~John Sakak~~  
~~Chairman~~  
Vernon Summers  
Director  
~~James K. Skztrak~~  
~~James K. Skztrak~~

September 25, 1975

Neil Goldschmidt, Mayor  
City of Portland  
1220 S. W. Fifth Avenue  
Portland, Oregon 97204

Dear Mayor Goldschmidt:

The Metropolitan Human Relations Commission at the Wednesday, September 17 meeting voted 11-1 to endorse the recommendation of the MHRC Police-Community Relations Committee that MHRC "record its opposition to any plan to extend further the use of shotguns by the Police Bureau."

In view of news articles concerning this decision, I feel that it is important that you be informed that the discussion by individual commissioners indicated a consensus that this recommendation was based on human relations issues; i. e., the very grave concern expressed by some segments of the community with respect to the expected psychological reactions to viewing mounted shotguns in police vehicles.

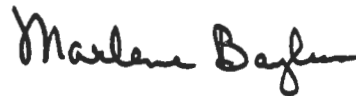
The members of the Commission do not pretend to be experts in the field of law enforcement. It may be assumed that an effective brief could be presented to argue for obtaining certain weaponry for more effective law enforcement. The position of the Commission was that this evidence was not presented to us, and in the absence of that evidence the decision was made on human relations issues. Perhaps this was appropriate. The Commission is in a position to advise the members of the City Council as to public reaction to various recommendations placed before the Council. The Commission is not in a position to advise the Council on technical aspects of law enforcement or the specifics of crime deterrence.

Members of the Metropolitan Human Relations Commission are cognizant of the growing crime rate in our society and the accompanying increase in danger to our law enforcement officials. We are very much aware of the difficult role of the police in these times and appreciative of the calibre of people serving this city in the Bureau of Police. We would hope that the members of the Council and

Mayor Neil Goldschmidt  
September 25, 1975  
Page 2

the community would understand that this recommendation was in no way intended as a reflection on that Bureau or its members, but rather was intended as additional information for you to consider as you weigh the evidence and arrive at some decision in the matter of the mounting of shotguns in police cars.

Sincerely,



Marlene Bayless  
Chairperson

MB:gp

cc: Commissioner McCready  
Commissioner Schwab  
Commissioner Ivancie  
Commissioner Jordan  
Chief Bruce Baker  
The Oregonian  
Oregon Journal

April 13, 1981

The Coalition  
c/o Raul Soto-Seelig  
1000 Oregon National Bldg.  
610 S.W. Alder St.

RE: Senate Bill 528

Dear Mr. Soto-Seelig:

The Portland chapter of the National Lawyers Guild (NLG) and the Black United Front (BUF) have joined in an effort to urge the Oregon Legislature to adopt a more restrictive law governing police use of deadly force.

Senate bill 528 reflects a concern over the number of citizens subjected to police use of deadly force and the disproportionate number of black victims of such force. Portland Police Association President Stan Peters has stated (Oregonian, January 31, 1981) that 60% of the citizens killed by police within the last ten years were black. Recent population estimates show that blacks comprise but 5% of Portland's population.

The issue of police use of deadly force is critical because it has the potential for triggering violent reaction as the 1980 Miami riots graphically demonstrated. It is in the public interest to support police officers with a policy which can be easily understood by the officers and their agencies, upheld by the courts and, at the same time, perceived by citizens to be fair and just.

ORS 161.239 in its present form allows a police officer to use "deadly physical force" when "he reasonably believes that...(d) the crime committed by the person was a felony or an attempt to commit a felony and under the totality of the circumstances existing at that time and place, the use of such force is necessary."

A good illustration of what the statute allows is found in the case of Mattis v. Schnark, 547 F.2d, 1007 (1976), in which the 8th Circuit Court of Appeals held a similar statute unconstitutional. That case involved the shooting death of a 17-year-old boy by a police officer who had caught him fleeing the scene of a burglary of a business establishment. As a result of

the court's action, the boy's father was able to successfully bring a civil rights action against the police department, despite the seemingly protective wording of the statute.

Should a case come before the Oregon Supreme Court, it appears likely that the Oregon court would follow the 8th Circuit decision.

The Oregon Supreme Court recently held the death penalty statute in Oregon to be unconstitutional, stating that the State has no right to take a human life without due process of law. How can the police be constitutionally authorized to take the life of a suspected fleeing felon without any impartial, dispassionate consideration of the evidence when the trial judge is denied that right even after a lengthy trial and conviction beyond reasonable doubt by a unanimous jury? Or as Professor Herb Titus put it in the only law review article on the statute, "Why should life or death of a suspected felon be in the hands of a police officer, no matter how reasonable that officer may be?"

In order to comply with the mentioned court decisions, it would appear necessary to limit the use of deadly force to those situations in which the life of the officer or another citizen is in danger. Senate Bill 528 (see copy enclosed) does this and does it without limiting an officer's authority to use reasonable force and warning shots to stop the fleeing felon.

I would very much appreciate the coalition supporting the bill by writing the Senate Justice Committee and sending representatives to the legislative hearings, the first of which will be at 3:00 p.m. on Thursday, April 23, in Room S350 of the State Capitol Building.

Thank you for your consideration.

Sincerely,

RONALD A. FONTANA  
National Lawyers Guild  
Committee on Criminal Justice





U.S. DEPARTMENT OF JUSTICE  
COMMUNITY RELATIONS SERVICE  
NORTHWEST REGIONAL OFFICE  
915 SECOND AVENUE  
SEATTLE, WASHINGTON 98174

June 8, 1981

RECEIVED  
JUN 13 1981  
HUMAN RELATIONS COMMISS.

Ms. Linda Roberts  
Executive Director  
Metropolitan Human Relations Commission  
430 S. W. Morrison Street  
Portland, Oregon 97204

Dear Ms. Roberts:

I very much appreciate your assistance and the cooperation of your office in the efforts to conciliate difficult problems of police/community relations.

Your assistance with the coalition has been most helpful. I plan to meet with the coalition on Tuesday, June 9. This meeting is to be most strategic in helping your office and mine implement the strategies and goals we discussed.

Sincerely,

A handwritten signature in blue ink that reads "Robert Lamb, Jr." with a stylized flourish at the end.

Robert Lamb, Jr.  
Regional Director

RLjr/jw

Same letter to: Senators Robert F. Smith, Walter F. Brown,  
Ed Fadeley, Jim Gardner, Ken Jernstedt, Ted Kulongoski.

## **The Coalition on Police/Community Relations**

---

1000 Oregon National Building  
610 SW Alder Street  
Portland, Oregon 97205  
224-7366

June 10, 1981

The Honorable Jan Wyers, Chairperson  
Senate Justice Committee  
S210 State Capitol  
Salem, Oregon 97310

Re: Senate Bill 528-Police Use of Deadly Force

Dear Senator Wyers:

We are writing on behalf of the firearms subcommittee of the Coalition on Police/Community Relations. This Coalition was formed to review the policies and practices of the Portland Police Bureau in the area of community relations; and to make recommendations that will aid the bureau in their community relations efforts. The department policy on the use of firearms is one of five areas in which the coalition will be issuing reports and recommendations.

Organizations participating in this Coalition include: The Metropolitan Human Relations Commission, The Urban League of Portland, The Black United Front, Multnomah Legal Aid, The American Civil Liberties Union, Portland State University Black Studies, The National Lawyers Guild, Committee of Spanish Speaking People of Oregon, The American Friends Service Committee, The American Jewish Committee, The National Conference of Christians and Jews, The Albina Ministerial Alliance, The Hispanic Political Action Committee, The Oregon Chapter of the National Association of Social Workers, The Governor's Commissions on Black and Hispanic Affairs, The Committee to Support the Black United Front, The Anti-Klan, Anti-Nazi Committee, The Women's Crisis Line, and The Metropolitan Ministries Committee of the Ecumenical Ministries of Oregon.

The Coalition is intensely interested in and supportive of Senate Bill 528 as engrossed by Senate Order on June 1, 1981, which limits the peace officers' use of deadly force. Thank you for supporting the bill in the Justice Committee. We urge you to speak out in favor of the bill on the Senate Floor.

Sincerely,

Freddie Petett  
on behalf of  
The Coalition on  
Police/Community Relations



This coalition has formed to make recommendations for changes in policies and practices that will make police treatment of all communities fair and just. Good relations between the Portland Police Bureau and all communities must become a reality.

The number of arrests and killings of Blacks, City-wide complaints of police brutality and misconduct, the opposum incident, the firing of two police officers involved in this incident, have prompted demonstrations and counterdemonstrations as well as calls for dismissals and resignations.

Because of these incidents, a tense mood exists between the police and the Black community.

This volatile situation has led a group of Portland organizations traditionally concerned with justice, intergroup relations, civil rights, and community relations to form a coalition to: study the facts; seek technical assistance; and make recommendations for action to the Mayor, the City Council, the Police Commissioner, the Police Bureau, and the community.

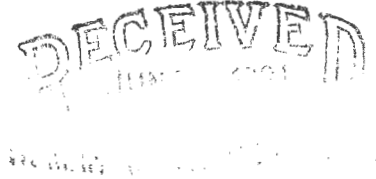
Particular attention will be given to the following areas:

1. Police use of deadly force.
2. Citizens' involvement in the review of complaints of police misconduct.
3. Human Relations Training for police officers.
4. Police hiring of underrepresented groups.
5. Review of the contract between the Portland Police Association and the City of Portland.



U.S. DEPARTMENT OF JUSTICE  
COMMUNITY RELATIONS SERVICE  
NORTHWEST REGIONAL OFFICE  
915 SECOND AVENUE  
SEATTLE, WASHINGTON 98174

June 11, 1981



Ms. Susan Hunter  
Human Relations Commission  
430 S. W. Morrison Street  
Portland, Oregon 97204

Dear Ms. Hunter:

Thank you for your interest regarding "Complaint and Disciplinary" procedures related to police departments.

In response to your request, I have enclosed a copy of the "Complaint and Disciplinary" procedures for the Atlanta, Georgia Police Department. We feel that these procedures are illustrative of some of the concerns entertained by both police and civilians.

If we can be of any further assistance, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bob", written over a horizontal line.

Robert Lamb, Jr.  
Regional Director

RLjr/jw

Enclosure



June 15, 1981

Mr. Freddy Petett  
The Coalition on Police/Community  
Relations  
1000 Oregon National Building  
610 S.W. Alder Street  
Portland, Oregon 97205

Dear Mr. Petett

Thank you for your letter expressing the support of your organization for Senate Bill 528 which limits peace officers' use of deadly force.

We are to have another work session on the bill in the Senate Justice Committee tomorrow. I have supported the legislation in committee and should it survive action there and reach the floor of the Senate, I will support it there.

Sincerely

Robert F. Smith  
Senate Republican Leader

RFS/cj



MICHAEL D. SCHRUNK, District Attorney for Multnomah County  
600 County Court House, Portland, Oregon 97204. Telephone (503) 248-3162

June 17, 1981

Mr. Raul Soto-Seelig  
1000 Oregon National Building  
610 S. W. Alder Street  
Portland, Oregon 97205

Dear Mr. Soto-Seelig:

I read in this morning's paper that you will be heading up the various groups that plan to review police procedures and practices. If there is anything our office can do, or anything that I can offer to help you in your endeavors, please do not hesitate to contact me.

Best regards,

Michael D. Schrunk  
District Attorney

MDS:db  
Enclosure

**The Coalition  
on Police/Community Relations**

---

1000 Oregon National Building  
610 SW Alder Street  
Portland, Oregon 97205  
224-7366

June 18, 1981

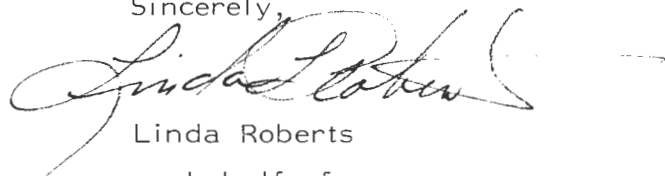
Re: Senate Bill 528-Police Use of Deadly Force

We are writing on behalf of the firearms subcommittee of the Coalition on Police/Community Relations. This Coalition was formed to review the policies and practices of the Portland Police Bureau with respect to sensitive community issues, and to make recommendations that will aid the bureau in their community relations efforts. The department policy on the use of firearms is one of five areas in which the coalition will be issuing reports and recommendations.

Organizations participating in this Coalition include: The Metropolitan Human Relations Commission, The Urban League of Portland, The Black United Front, Multnomah Legal Aid, The American Civil Liberties Union, Portland State University Black Studies, The National Lawyers Guild, Committee of Spanish Speaking People of Oregon, The American Friends Service Committee, The American Jewish Committee, The National Conference of Christians and Jews, The Albina Ministerial Alliance, The Hispanic Political Action Committee, The Oregon Chapter of the National Association of Social Workers, The Governor's Commissions on Black and Hispanic Affairs, The Committee to Support the Black United Front, The Anti-Klan, Anti-Nazi Committee, The Women's Crisis Line, and The Metropolitan Ministries Committee of the Ecumenical Ministries of Oregon.

The Coalition is intensely interested in and supportive of Senate Bill 528 as passed unanimously by the Senate Justice Committee on June 17, 1981, which limits the peace officers' use of deadly force. We urge you to speak out in favor of the bill.

Sincerely,



Linda Roberts

on behalf of  
The Coalition on  
Police/Community Relations

WILLIAM McCOY  
MULTNOMAH COUNTY  
DISTRICT 8

REPLY TO ADDRESS INDICATED:

- Senate Chamber  
Salem, Oregon 97310
- 6650 N. Amherst Street  
Portland, Oregon 97203



OREGON STATE SENATE  
SALEM, OREGON  
97310

COMMITTEES

Chairperson:  
Human Resources/Aging

Member:  
Elections  
Insurance/Banking/Retirement  
Trade and Economic Development

DATE REC'D  
JUN 26 1981

June 23, 1981

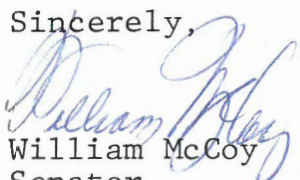
Linda Roberts  
THE COALITION  
on Police/Community Relations  
1000 Oregon National Building  
610 S.W. Alder Street  
Portland, OR 97205

Dear Ms. Roberts:

Thank you for your letter of June 18, 1981, regarding SB 528, relating to police. This bill passed the Senate on June 20. It has since been referred to the House Judiciary Committee. To date, no hearings have been scheduled.

Again, thank you for writing to express your concerns.

Sincerely,

  
William McCoy  
Senator

WM/l





FRED W. HEARD  
PRESIDENT

OREGON STATE SENATE  
STATE CAPITOL  
SALEM 97310  
(503) 378-8700

June 24, 1981

Linda Roberts  
The Coalition on Police/  
Community Relations  
1000 Oregon National Building  
610 S.W. Alder Street  
Portland, Oregon 97205

Dear Ms. Roberts:

Thank you very much for uour recent letter in support of SB 528. As you may now know, the bill did pass the Senate on June 20th. It is now in the House Judiciary Committee. I was pleased to be able to support the bill.

Thank you again for taking the time to write.

Very truly yours,

Fred W. Heard

FWH:a

HOWARD CHERRY  
MULTNOMAH COUNTY  
DISTRICT 14

REPLY TO ADDRESS INDICATED:

- House of Representatives  
Salem, Oregon 97310
- 1602 N. Willamette Boulevard  
Portland, Oregon 97217



HOUSE OF REPRESENTATIVES  
SALEM, OREGON  
97310

July 7, 1981

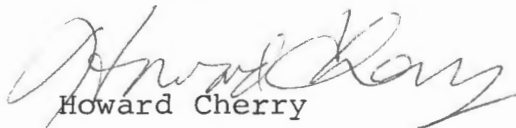
Ms. Linda Roberts  
The Coalition on Police/Community Relations  
1000 Oregon National Building  
600 SW Alder Street  
Portland, Oregon 97205

Dear Ms. Roberts:

I have your letter regarding the support of the Coalition on Police/Community Relations of Senate Bill 528. I will be interested in seeing the reports you will be writing and the recommendations that follow.

The use of deadly force is always a sensitive issue, and I shall follow Senate Bill 528 closely. The bill is currently in the House Judiciary Committee. My calendar does not indicate any scheduled hearing, but that committee still has a large number of bills and perhaps it will be scheduled sometime later.

Sincerely,

  
Howard Cherry

HC/ls

**The Coalition  
on Police/Community Relations**

---

1000 Oregon National Building  
610 SW Alder Street  
Portland, Oregon 97205  
224-7366

July 8, 1981

The Human Relations Training Committee is writing to you on behalf of the Coalition on Police-Community Relations, composed of representatives of organizations concerned with promoting improved police-community relations in the City of Portland. Our committee is researching the area of human relations training offered to police officers, both in Portland and in other cities in order to make recommendations regarding policy and practices relevant to human relations training.

We would greatly appreciate your cooperation in this research effort. We are requesting any information you can send on your current human relations training program, including your response to the following questions: How many hours of basic training are devoted to human relations? Do you have a course outline? What is the professional and/or ethnic background of those teaching the human relations courses? Is there any "post graduate" training in human relations offered and/or required by your police department? Do you have any future plans for the program? Is knowledge of positive human relations a part of your promotion requirements? Please send any written materials you may have on the training as soon as possible.

Thank you in advance for your time and consideration.

Sincerely yours,

Susan K. Hunter  
for the  
Human Relations  
Training Committee

SKH:vn

## **The Coalition on Police/Community Relations**

---

1000 Oregon National Building  
610 SW Alder Street  
Portland, Oregon 97205  
224-7366

July 16, 1981

The Honorable Tom Mason, Chairperson  
House Judiciary Committee  
H285 State Capitol  
Salem, Oregon 97310

Dear Tom:

This letter is written on behalf of the Coalition on Police/Community Relations to urge you to vote in favor of SB 528 as passed by the Senate.

As you may be aware, the Coalition on Police/Community Relations was formed several months ago to deal with and try to eliminate the tense mood that presently exists between the citizens of Portland and the Portland Police Bureau. For your information, I am enclosing a list of the organizations that belong to the Coalition. As the list shows, the Coalition has widespread grass root support.

The most important issue of concern to the Coalition during this legislative session is SB 528. The law presently allows a police officer to assume the role of jury and judge and impose the death penalty on a suspected fleeing felon without a trial.

SB 528 would change the law to limit the use of deadly force to those situations in which the life of a citizen or of the police officer is in danger. The citizens of Oregon deserve the protection of SB 528.

Support for SB 528 is not limited to the groups in the Coalition. Many citizens and public officials have expressed their support of SB 528. Among those supporters is Sidney I. Lezak, United States Attorney for the District of Oregon. For your information, I am enclosing a letter from Sid which he has authorized me to share with you.

There are three points in Sid's letter that merit special attention. First is the fact that the FBI and other federal agencies have a more rigid policy on the use of firearms than SB 528.

The Honorable Tom Mason  
July 16, 1981  
Page 2

For Sid's two other points, I will quote him directly:

"I believe however, that the increase of alleged racism in our area and the increased apprehension by minority communities as well as citizens generally, about police misconduct creates justification for a State policy more stringently regulating discharge of firearms."

And:

"It is important to me that an effort by organizations which are so frequently polarized to resolve an issue such as this be respected and supported."

You may want to include this letter and Sid's letter as part of the record of the Judiciary Committee.

I hope that you will agree with the Coalition members, with Sid, and with myself that SB 528 is needed and that you will support it and vote for it.

If you need more information, or if I can be of assistance to you, please feel free to call on me.

Very truly yours,

Raul Soto-Seelig, Chairman  
Coalition on Police/Community  
Relations

RSS:gp  
Enc. (3)

**The Coalition**  
**on Police/Community Relations**

---

1000 Oregon National Building  
610 SW Alder Street  
Portland, Oregon 97205  
224-7366

August 24, 1981

Dr. Frances J. Storrs  
Citizens' Task Force  
c/o Department of Dermatology  
University of Oregon Health Sciences Center  
3181 S. W. Sam Jackson Park Road  
Portland, Oregon 97201

Dear Dr. Storrs:

Re: Possible Appeal Process for Citizens' Task Force

At our last meeting, the Police Action Review Committee discussed the appeal process alluded to in the Task Force Report. We felt that the primary problem with this proposal is that the appeal is to be referred to the Citizen Advisory Committee by the Chief and/or the Commissioner. This, of course, necessarily limits the power of review to cases which are actually presented to an appeals committee for consideration. However, we felt that the appeal process could be implemented in such a way that the CAC would act as a clearinghouse for the Chief and the Commissioner instead of the other way around. This plan would ensure that appeals would be considered by the CAC. Here it is.

All communications from Internal Affairs Division to citizen complainants would include a notice that they may appeal the IAD decision by contacting the Citizen Advisory Committee. Perhaps a form for the appeal could be enclosed with the IAD letter which gives the citizen notice of the IAD resolution of the case.

Grounds for an appeal could be one of the following:

1. Irregularity in IAD proceeding which deprived citizen from having a fair review;
2. Misconduct of the police officer or IAD personnel which deprived the citizen of a fair review;
3. Newly discovered evidence which could not have been produced at the IAD level;



**The Coalition  
on Police/Community Relations**

---

1000 Oregon National Building  
610 SW Alder Street  
Portland, Oregon 97205  
224-7366

October 14, 1981

The Honorable Francis Ivancie  
and Portland City Council Commissioners  
1220 Southwest Fifth Avenue  
Portland, Oregon 97204

Dear Mayor Ivancie and City Council Commissioners:

On October 13, 1981, the Coalition on Police-Community Relations approved both the enclosed Report on the City of Portland-Portland Police Contract and the enclosed recommendation for a study on why blacks in Portland are disproportionately arrested and incarcerated.

We request that you give these matters your earnest attention. The Coalition on Police-Community Relations is available to assist in discussing and developing ways to implement these recommendations.

I look forward to hearing from you at your earliest convenience.

Very truly yours,

Raul Soto-Seelig  
Chairman

Enclosures

cc: Chief Ron Still  
Governor Victor Atiyeh  
Dr. Frances Storrs  
Mr. Michael Schrunk  
Hon. Don Clark  
Hon. Sidney Lezak  
Mr. Robert Lamb  
Portland City Club

RECEIVED  
OCT 17 1981  
HUMAN RELATIONS COMMS.

**The Coalition**  
on Police/Community Relations

---

1000 Oregon National Building  
610 SW Alder Street  
Portland, Oregon 97205  
224-7366

October 16, 1981

Mr. Will Aitchison  
Attorney at Law  
1000 Southwest Third Avenue  
Portland, Oregon 97204

Dear Mr. Aitchison:

Enclosed please find a copy of my letter of October 14, 1981, to Mayor Ivancie and the City Council Commissioners, together with the enclosures mentioned in that letter.

If you have any questions, please feel free to contact Allen Gallagher or myself.

Very truly yours,

Raul Soto-Seelig

RSS/ga  
Enclosure

cc: Mr. Alan Gallagher

RECEIVED  
OCT 20 1981  
HUMAN RELATIONS COMMS.