185736 11/14/12

DEPARTMENT OF JUSTICE/CITY OF PORTLAND REVISED AGREEMENT: CHANGES MUST BE MADE TO IMPROVE ACCOUNTABILITY OF PORTLAND POLICE
urgent comments from Portland Copwatch November 12, 2012

To City Council, US Department of Justice officials, and Auditor Griffin-Valade:

While City Council accepted some positive changes to the US Department of Justice (DOJ) / City of Portland Agreement on Thursday, more needs to be done to improve accountability. In a meeting with Portland Copwatch last week, the DOJ said that they were no longer proposing more changes to the agreement, but that any new initiatives would have to come from Council. It is troubling, then, that Mayor Adams claims, for instance, the unreasonable 21 day deadline for the Citizen Review Committee (CRC) to hold appeal hearings on misconduct cases is something the DOJ won't budge on. Below we outline why that deadline is among other problems still existing in the Agreement which will not only perpetuate, but potentially aggravate community mistrust of the system. We also outline the positive changes made on Nov. 8.

APPEALS OF DEADLY FORCE CASES: EDIT PARAGRAPH 43

The DOJ told PCW that they didn't understand why a person who was shot by police and survived (or the family of someone who died in police custody) would need to have access to a CRC appeal. They could just file a lawsuit, said DOJ. However, most people who are injured or killed by police are not people of great wealth. They sometimes are able to be represented by lawyers who take their case on the contingency that if they win, the lawyer will be paid. Furthermore, the outcome of a civil case does not guarantee an officer will be found to have violated the person's rights, which, as we know from the Aaron Campbell case, isn't even necessarily the same as whether they violated Bureau policies. Even if a civil suit finds officer wrongdoing, it doesn't necessarily mean the officer will be disciplined (even with the provision in paragraph 133-iii that IA open an investigation after such a trial assuming the officer's guilt). Therefore, people involved in deadly force incidents should, as Keaton Otis' father Fred Bryant indicated to Council, have the same right to appeal the non-sustained findings as someone who was merely called a bad name by an officer. Our minimum request to the Council is to remove the sentence disallowing such appeals (in paragraph 43) if you are not going to add such appeals as part of the Agreement.

In addition, lawsuits can drag on for years, and may not result in the City reviewing its policies and training, which on the other hand is part of the CRC appeal process.

CRC STANDARD OF REVIEW: DELETE PARAGRAPH 61

We also feel that the definition of "supported by the evidence" (paragraph 61) must be removed from the Agreement to promote accountability and build community trust. While the definition of a "reasonable person" standard is indeed what is in the current ordinance creating the CRC, leaving it locked into the Agreement will hamper the ability of the community, the Auditor, CRC, the City Attorney and Council to find a less deferential standard that has been demanded for years. Again, if a new definition is not inserted, the minimum the City needs to do is remove the old one.

CRC TIMELINE SHOULD BE 60 DAYS OR MORE: EDIT PARAGRAPH 120

For various reasons being outlined by the League of Women Voters, the timeline for appeals of police misconduct findings must be longer than 21 days. First of all, the complainant needs the current 30 day timeline to understand what it means to appeal, decide whether to file an appeal, think about the reasons for the appeal, fill out the form, and return it. After the appeal is filed, a timeline of a minimum of 60 days should apply to CRC. This will allow them time to assign the appellant an Appeals Process Advisor to help them prepare for the hearing; current protocols wisely direct the APA to hold two meetings with the appellant. Again, most people harmed by the police are not in a position to engage an attorney, and almost nobody understands how the system works. The longer timeline also allows the CRC to hold a Case File Review, being sure all the pieces needed for the appeal are in place so the complainant, witnesses, Bureau employees, and others who might show up to a hearing don't waste their time and have to return after more information is assembled. CRC, as their members told you on Thursday, needs to review the entire case file, which sometimes means listening to the recorded interviews with officers and community members. Unless you wish to drive away qualified people who are not retirees (or start paying CRC for its time), the proposed timeline must be lengthened.

As a side note, the Mayor told CRC members just before the hearing that maybe they would have to find different kinds of people if current members don't have the time to meet the new deadline. This is unconscionable for a Mayor that supports equity and diversity.

Additionally, it would be difficult for legal assistance to be recruited in a 21-day time frame, much less for an attorney or a law student to prepare a case in such a short time.

INDEPENDENT INVESTIGATIONS: IPR POWERS, DUTIES NEED SPELLING OUT (PARAGRAPH 127)

Paragraph 127 continues to say that the City has to create a way for the Independent Police Review Division (IPR) to conduct "meaningful" independent investigations "should they decide to do so." Two issues here: 1) the City needs to explicitly say that this means IPR will be given power to compel officer testimony without relying on Internal Affairs (IA), and 2) IPR needs to be directed to conduct a minimum of one independent investigation per quarter to gain community trust. Giving guidelines on what kinds of cases IPR should investigate would be helpful, but could be saved for later discussion. More of the funds being proposed by the Mayor should be put into staffing an independent oversight body to hire non-police investigators, rather than so heavily expanding IA. It is the issue of police investigating police that creates the most distrust in the community.

WHY THE CRC SYSTEM NEEDS TO BE FIXED: CASE 2012-x-0004 (NOV 7, 2012)

The CRC's timeline (including the Case File Review), their standard of review, and the IPR's lack of independence all came into focus on Wednesday, November 7 when case 2012-x-0004 came forward for an appeal hearing.

The CRC spent about 2.5 hours on their appeal hearing for a woman who was suspected of violating a restraining order (contact-- but not physical contact-- with her own mother, in custody of a guardian) and who was taken from her home forcefully and arrested by officers. The Bureau agreed the officers unlawfully entered her house without a warrant (the finding was "Sustained").

The woman was represented both by an Appeals Process Advisor (a former CRC member), who did an excellent job laying out the woman's case and concerns on her behalf, and an attorney, who questioned the legality and propriety of using force after making an illegal entry.

The woman was in her nightgown, and described being dragged out of the house by the officer, who scared her so much she defecated on herself. The cops then refused to let her clean herself up. IPR Director Mary-Beth Baptista, whose background is in Domestic Violence prosecution, said it was common for such things to happen and stated that cops could not let the woman go into the bathroom with dangerous razors and stuff, male cops. (The question of calling in a female cop wasn't raised.)

The City Attorney spent a long time saying that just because the entry into the home was illegal/against policy, doesn't mean that the use of force to conduct the arrest was wrong. Even taken on its face, there's still a provision in the Use of Force policy that PCW pointed out prohibiting officers precipitating the use of force (ie, stepping in front of a car and saying they "had to shoot at it because it was coming at them"). It was noted that the Bureau had recently done a training about entries into homes without warrants because there had been a rash of such activity. Therefore, the officers in this case should have known their entry was illegal, and thus should not have used force once they entered the home.

As the CRC deliberated to decide whether to uphold or challenge the Bureau's findings, they were repeatedly reminded that their standard of review demands that they decide whether the Commander who found the use of force "Exonerated with a debriefing" (that is, within policy, but needing some discussion with the officer) was reasonable when coming to that conclusion, even if they disagree with the decision. At first, two members voted to "Sustain" the force complaint, while 5 others dissented. One member loudly exclaimed that if the use of force were out of policy, then every time officers handcuffed someone after an entry into a home without a warrant that could be considered excessive force as well. (We actually don't see the problem with that idea.)

Again relying on the very restrictive standard of review, the CRC then voted 5-2 to uphold the "Exonerated with debriefing" finding.

Luckily, and unusually, the Appellant said that she felt satisfied that she had been heard through the process, even though it was clear she didn't agree with the outcome. However, such satisfaction would have been impossible without the previous holding of a Case File Review (in September with follow up in October) and the addition of the APA's participation.

Furthermore, the IPR Director's participation cemented long-standing concerns that the institutional structure of IPR leaves them too close to the Bureau for the community to consider them "independent." Because the Director is fully dependent on IA to conduct officer interviews, it seems that there is a relationship that has developed leading her, as one of the people in the chain of review who can affirm or controvert a proposed finding, supportive of the Bureau's point of view in a case that would shock the conscience of most Portlanders.

Again, in sum, (a) the CRC could not have done as thorough or satisfying a job for the appellant in 21 days, (b) the outcome of a case involving what was likely excessive force was unduly tilted in the officer's favor by the deferential standard of review and (c) the IPR is not sufficiently independent of the Bureau.

CONTINUING CONCERNS AROUND USE OF FORCE, POLICE REVIEW BOARD

We continue to believe that the language guiding the changes to the Use of Force policies and training does not explicitly say that officers must use the least amount of force necessary, because it says they can use "only the force reasonably necessary" to complete their lawful task. This can fall anywhere between the least force necessary to the most force allowed by law; any of that spectrum can be called "only the force reasonably necessary" (paragraphs 66a and 74a-vi).

It also does no good to make steps toward integrating the accountability system for police by adding CRC members to the Police Review Board (PRB) if their participation is completely confidential (paragraph 131). The PRB should at the very least be open to the person who was affected by the incident, even if the discipline portion of the hearing is held in executive session, and CRC members should be able to talk publicly about factual, procedural, and policy issues they learn about when serving on the PRB.

GOOD AMENDMENTS TO THE AGREEMENT

PCW thanks the City and DOJ for these changes:

--Making the Community Oversight Advisory Board (COAB) independent of the Human Rights Commission and the Compliance Officer/ Community Liaison independent of the Office of Equity;

--Clarifying that unreasonable force will result in some form of corrective action, up to and including termination (paragraph 67d);

--Clarifying that meetings of the Training Advisory Council will be public (paragraph 87), though leaves a loophole for the Chief to close them for "public safety concerns";

--Taking away the ability for the paid Compliance Officer/Community Liaison to vote on the COAB (paragraph 144) and making them independent of any City office including the Office of Equity and Human Rights (paragraph 160);

--Removing the section that would have dismantled the Community/Police Relations Committee (CPRC) and instead instructing them to continue overseeing implementation of the Racial Profiling Plan (paragraph 146d) and stops data analysis (paragraph 148). It is a bit worrisome that although stops data have been released since 2004, the 2011 data have still not come out as of November 2012, and the DOJ is giving the Bureau until December 2013 to make improvements to its current collection system.

--Furthermore, it is not clear that data collection described in paragraph 148 ("police encounters") will include "mere conversations" in order to truly root out harassment/profiling of people of color.

AMENDMENTS THAT STILL NEED STRENGTHENING OR CLARIFICATION

--Saying that the investigative bodies (IPR and the Professional Standards Division) "must" investigate when the Police Review Board or CRC ask for more information is a great step forward. However, it is not clear whether their writing a letter explaining that they could not complete the investigation in 10 days marks the end of the process, or if indeed the investigation has to be completed (paragraph 136; same issue for the Police Review Board's requests in paragraph 132).

--In addition, that same section requires that the CRC vote for more investigation by a "quorum." If it is envisioned that CRC will be holding hearings with panels of 5 people, that will require a unanimous vote by all 5 members at a hearing. The requirement should be a simple majority, like all CRC votes.

--Although the report now tells supervisors to ensure medical care is given to the subject "at the earliest available opportunity" (paragraph 74a-v) and calls for training on medical treatment (albeit only if the Inspector finds shortcomings in the application of medical aid--paragraph 84a-iii), there is nothing calling for the policy on medical aid to be strengthened as called for by PARC and the CRC in its PARC report. Nor, for that matter, is there a requirement to attend to anyone zapped by a Taser to be treated medically, as requested by the CRC in its recent Taser/Less Lethal report.

--While there is now an extra restriction asking to "take into consideration" if officers applying to be in the Training Division put the City on the losing end of civil lawsuits within 5 years (paragraph 83--which, like paragraph 173e-v should, also include judgments and jury awards, as we mentioned in our October 31 comments), it is not strong enough and doesn't take into considerations triggering of EIS reviews.

--While it is a vast improvement that the COAB will no longer be 1/3 full of CPRC members, but rather have five people chosen by the HRC and Commission on Disabilities (paragraph 142), it's not clear that there is a commitment to involve persons with mental health issues on the COAB (just mental health professionals or people working in the field for 10 years). We also share concerns that others voiced about the influence of City Council on the COAB and repeat our previous concern that folks who should be on COAB will not be comfortable using the assigned process to elect at-large community representatives.

--While it is excellent that the Chief will be required to post proposed new policies for public comment (paragraph 170), we think the defined categories should include "any policy involving contact with community members."

CONCLUSION

The City can reduce mistrust in the community by making the Bureau and the police oversight system transparent, approachable and easy to understand. Although the revised Agreement takes some steps toward these goals, it still does not go far enough. Needless to say, the main issue at hand, police use of force, also needs to be better addressed before moving forward with the much-needed reforms.

Portland Copwatch
(a project of Peace and Justice Works)
PO Box 42456
Portland, OR 97242
(503) 236-3065 (office)
(503) 321-5120 (incident report line)
copwatch@portlandcopwatch.org
http://www.portlandcopwatch.org

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RATING THE AMENDMENTS TO THE DOJ AGREEMENT: ALBINA MINISTERIAL ALLIANCE COALITION FOR JUSTICE&POLICE REFORM November 13, 2012

Mayor Adams and members of Council:

Below, the Albina Ministerial Alliance (AMA) Coalition for Justice and Police Reform has inserted analysis as to whether the City's November 8 amendments to the US Department of Justice Agreement fulfilled the concerns raised in our November 5 memo to Council.

ALBINA MINISTERIAL ALLIANCE (AMA) COALITION FOR JUSTICE AND POLICE REFORM CONCERNS ABOUT DOJ AGREEMENT WITH THE CITY OF PORTLAND November 5, 2012

GENERAL COMMENTS:

* The US Department of Justice (DOJ)/City of Portland Agreement must be written in a way that encourages and allows more changes than are included in the current draft without concern that such changes would distract from, or be considered violations of, the Agreement. This is true for policies, training, oversight mechanisms, and just about every aspect of the Agreement.

ANALYSIS: It is still unclear whether asking for changes to what is currently written will be considered outside the scope of, or violations of, the Agreement.

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* The Agreement needs to include more remedies designed to improve the way Portland Police interact with communities of color.

ANALYSIS: While the Agreement keeps in place the Community/Police Relations Committee and directs them to (a) continue overseeing implementation of the Racial Profiling Plan (paragraph 146-d) and (b) participate in reviewing demographic data collected on police encounters (paragraph 148), it does not go as far as the recommendations contained in the DOJ letter of findings.

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* The suggestions below are the minimum changes the AMA Coalition seeks before the Agreement can move forward.

USE OF FORCE

* We concur with the ACLU of Oregon, which asks that the Agreement provide that "even if a use of force in a particular case is lawful and constitutional it cannot be used if it is not the least amount of force necessary to achieve that lawful objective." We would add that the Force directive should guide officers on entering a situation using low levels of force, and should include a table similar to the "continuum of force" letting officers know the maximum allowable force based on resistance of the subject, so they can gauge how to apply the "least force necessary."

ANALYSIS: There were no meaningful changes to the Use of Force sections of the Agreement.

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* With regard to Tasers, there need to be more restrictions added than are in the Agreement, including prohibition of the use of Tasers to threaten or intimidate when no threat exists.

ANALYSIS: There were no changes to the Taser sections of the Agreement.

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* The Agreement should prohibit the use of force on injured persons who are likely mortally wounded in a police shooting; Portland officers have used Tasers, "bean-bags," police dogs and other force on downed subjects.

ANALYSIS: Nothing was added to protect the dignity, health and well-being of wounded suspects.

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* In paragraph 67d, the word "may" needs to be replaced with "shall": "Unreasonable uses of force SHALL result in disciplinary action."

ANALYSIS: The amended Agreement now says "Objectively unreasonable uses of force shall result in corrective action and/or discipline up to and including termination." This is a vast improvement.

TRAINING

* Training officers should be screened out if they have been called in for counseling because of the prescribed triggers in the Employee Information System (EIS) which indicate a pattern and practice of inappropriate behavior, in addition to the prohibition for officers who have been disciplined for misconduct as laid out in paragraph 84. This includes the DOJ's new threshold of three uses of force in one month (paragraph 118).

ANALYSIS: The amended Agreement adds that trainer selection "will take into account if a civil judgement has been rendered against the City in the last five years based on the officer's used of force" (now paragraph 83); while this is a step forward, it falls far short of the AMA Coalition recommendation. Also, civil trials may end with a judgment, a jury award or a settlement, all of which should be taken into account.

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* Community stakeholders should be involved directly in training officers, including people from the mental health community and people of color.

ANALYSIS: No meaningful changes have been made to allow community members to be an active part of the training process.

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* The training on the Agreement's requirements (paragraph 85) must be ongoing and not one time only, and training must be evaluated with a form of evidence based outcome analysis to be sure it is effective.

ANALYSIS: The amended Agreement now says that all training "shall conform to PPB's current policies at the time of training," (now paragraph 84) which is a step forward, but falls short of AMA's recommendation.

CRISIS INTERVENTION

* The same prohibitions listed above for training officers should also apply to CIT-Team officers (paragraph 100).

ANALYSIS: No changes were made to restrict certain officers from the CIT-Team.

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* We acknowledge that not all officers are equally committed to using their CIT training, but that training must be used to hold officers accountable when they fail to de-escalate as trained.

ANALYSIS: No changes were made to emphasize that officers failing to apply their CIT training will be held accountable.

EMPLOYEE INFORMATION SYSTEM (EIS)

* An external body must have access to the EIS in order to produce a quarterly report on how often the EIS has flagged at-risk officers, whether they have been counseled, and what kinds of patterns are being discovered.

ANALYSIS: No changes were made to oversight of the EIS.

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* The thresholds to trigger review must be able to be modified beyond the DOJ's one recommendation in paragraph 118.

ANALYSIS: No changes were made to allow more thresholds to be added to the EIS.

OFFICER ACCOUNTABILITY

* The suggestion from the DOJ's letter of findings to get rid of the so-called "48-hour rule" should be explicit in the agreement.

ANALYSIS: No changes were made to clarify the intent to end officers' special rights when involved in deadly force incidents.

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* The phrase "enable meaningful independent investigations" by the Independent Police Review Division (IPR) should be clarified to explain that IPR must have the power to compel officer testimony, including the involved officer (not just witnesses). IPR also needs to be given direction to conduct such investigations (paragraph 127).

ANALYSIS: No changes were made to clarify what powers IPR will be given.

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* The timeline to complete investigations should be 180 days until the complainant receives the findings, then the timeline to complete Citizen Review Committee (CRC) appeals (or an appropriate subsequent body) should be at least 90 days, not 21 days (paragraph 120).

ANALYSIS: No changes were made to the proposed timeline for appealing Bureau findings.

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* It is not acceptable for the Agreement to lock in place language saying the Police Review Board (PRB) procedures currently in place shall remain with a few exceptions (paragraph 130). Among other things, the PRB must:

__not allow the Supervisor who already made a determination about misconduct to vote on the Board;
__allow the community member involved (and/or their advocate) to participate in the hearings;
__open up to public scrutiny when the incident being reviewed involves a community member.

ANALYSIS: While a seemingly useful change was made requiring "reasonable attempts to complete" further investigation if the Police Review Board calls for such investigation, no other changes were proposed to the PRB.

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* The sentence in paragraph 43 defining Misconduct Complaint that excludes shootings and deaths victims to appeal the PRB's findings must be struck from the Agreement.

ANALYSIS: Paragraph 43 has not been modified.

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* Similarly, paragraph 61 defining "supported by the evidence" (as referenced in paragraph 134) must be struck from the Agreement, unless it is used to redefine "supported by the evidence" as a less deferential standard.

ANALYSIS: Paragraph 61 has not been removed.

COMMUNITY ENGAGEMENT

* The Compliance Officer/Community Liaison (COCL / paragraph 158) should be an entirely independent position, reporting to the Court, not to City Council, and should have access to all City documents, not limited to receiving information through the Bureau Compliance Coordinator. This role should be the same as the Monitor in other cities under DOJ jurisdiction.

ANALYSIS: While the COCL now clearly will be housed in his/her own office and is responsive to the public and the DOJ (amended paragraph, now numbered 160), the position is still a City employee, not a court monitor.

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* The COCL should administer and advise any community oversight body, not chair it, decide who is on it, or vote on it.

ANALYSIS: Paragraph 144 now states that the COCL will chair the COAB, but no longer provides for the COCL to cast tie-breaking votes, thus fulfilling one part of the AMA recommendation.

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* The COCL and the oversight body must have standing in the court to declare that the City is not fulfilling the terms of the agreement.

ANALYSIS: Nothing was changed regarding the COCL's standing in court.

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* The current structure for the Community Oversight Advisory Board (paragraph 141) must give more weight to community stakeholders. Rather than five CPRC members and five elected community members, the ten slots not assigned to City Council should be mostly reserved for community stakeholders, including but not limited to people from the mental health community, communities of color, and people who experience police misconduct.

ANALYSIS: The amended Agreement now provides for the Human Rights Commission and Portland Commission on Disabilities to select five of the COAB members (now paragraph 142). The qualifications of the people they are to appoint are narrowly drawn to include mental health professionals and people with 10 years of experience working in the mental health field, rather than peer members of the mental health community. There is no indication that the COAB should include stakeholders from communities at risk of being subject to police misconduct.

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* When police present their annual report, they must be joined by community stakeholders to help interpret the information being shared, including the presentation on rights and responsibilities at police stops (paragraph 148).

ANALYSIS: No change was made to the Bureau's public reporting requirements (now paragraph 150).

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* The police should engage another body than[t] the COAB or its replacement to make a community outreach plan. The oversight body's function must be to ensure that the PPB is fulfilling the terms of its agreement.

ANALYSIS: The one reference to the COAB being the "Outreach and Oversight Advisory Board" has been removed, but all other outreach functions still fall to the COAB (section IX).

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* The DOJ recommendation (#9) that the Bureau track every citizen contact as a way to build community trust must be included in the Agreement.

ANALYSIS: A new paragraph (148) directs the Bureau to "continue to require that officers document appropriate demographic data regarding the subjects of police encounters," but (a) does not say whether that will include "mere conversations" as suggested in the Letter of Findings, and (b) gives the Bureau until December 31, 2013 to report on changes, rather than requiring changes to be made sooner.

CONCLUSION: While a few, mildly helpful changes have been made to the DOJ Agreement, it still has far to go to achieve its purported goal of ending excessive force by police, improving accountability, and creating community trust.

185736

Agenda Item 1267 TESTIMONY 3:30 PM TIME CERTAIN

AGREEMENT WITH DEPARTMENT OF JUSTICE FOR POLICE BUREAU

IF YOU WISH TO SPEAK TO CITY COUNCIL, **PRINT** YOUR NAME, ADDRESS, AND EMAIL.

NAME (print)	ADDRESS AND ZIP CODE	Email
✓ Michael Bigham	3503 SE Henry PDX 97202	
✓ Rochelle Silver		
✓ Laurann Kealiher	9622 SE Harold St PDX 97266	lekealiher@gmail.com
✓ Janet Meyer		
✓ Rosa Klein		
✓ Ed Blackburn		
✓ Austin Raglione		
✓ Floyd Pittman		
✓ INGA FISHER WILLIAMS	2824 NE CESAR E CHAVEZ Blvd PHld OR 97212	
✓ Allan Lazo	Portland Human Rights Commission	

Date 11-8-2

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NAME (print)	ADDRESS AND ZIP CODE	Email
✓ Dr T Allan Bethel	AMA Coalition for Justice and Police Reform	
✓ Ashlee Albies	National Lawyers Guild	ashlee@civilrightspdx.com
✓ Jan Friedman	Disability Rights Oregon	jan@droregon.org
✓ Dan Handelman	Portland Copwatch	
✓ Jo Ann Hardesty	Hardesty Consulting	
✓ Greg Kafoury	Attorney	
✓ Jason Kafoury	Attorney	
No Ben Berry	18522 Arden Terrace Lake Oswego OR 97034	benjamin.berry@comcast.net
~~Rochelle Silver~~ ~~CRC~~		
✓ Kevin Takalo	2903 Unander Av Vancouver WA 98660	~~North~~ NORTHCOASTINNOVATIONS@ IIMET.COM

Date 11-8-2

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IF YOU WISH TO SPEAK TO CITY COUNCIL, **PRINT** YOUR NAME, ADDRESS, AND EMAIL.

NAME (print)	ADDRESS AND ZIP CODE	Email
Left Nancy Newell	3917 NE Skidmore St PTLD 97211	
✓ Kalei Luyben	7455 SW Kelly Ave Portland, OR 97219	kaleiluyben@msn.com
✓ Greg Foward	1995 Church St. NE. Salem, OR 97301	greg@ftpaz.com
✓ Katharine Moore	2696 Eastlake Dr SE Salem OR 97306	kmmoregan@gmail.com
✓ David Hennessy	3624 SE 40th Apt 39 Portland, OR 97202	me@davidhennessy.net
✓ NICK CALEB		
✓ JOE WAHL		
✓ Milandi Karbaar Homeless		milandikarbaar@yahoo.com
✓ Charles JOHNSON	665 NW Hoyt w/emailed video	simcha@gmx.us
~~Jessie Spatberg~~ S.E. PDX	on nxt pg	

Date 11-8-2

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NAME (print)	ADDRESS AND ZIP CODE	Email
Jack DeRue	8238 SE 14th, PDX 97202	the99.smile@yahoo.com
JOHNNY ENGLEHEART-NOEL	101 N. MORRIS ST. #112, PDX 97227	johnenglehezrt@gmail.com
Jessie Sponberg	SE Portland / OR	ozone2016@gmail.com
Michael O'Callaghan	Homeless	—
Seth Woolley	3403 N2 Stanton St 97212	seth@swoolley.org
ND Elmira Rodriguez	339 se Sherman st 97202	—
Lindi Light	414 NE 160th Ave Portland, OR 97230	lindilight74@gmail.com
SPOKE Maggie Bennington-Davis	Cascadia 847 NE 19th Ave 97232	maggie.bennington-davis@cascadiabhc.org
Ms. Nan Wigmore	540 SE 73rd	
Laura Benoit	1422 [illegible]	Benoit.laura2@gmail.com

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NAME (print)	ADDRESS AND ZIP CODE	Email
NA LAYAUN HEASTER	1309 SE 43RD PDX 97215	lavaunche yahoo.com
Linda Mckim-Bell	1808 NW Aspen Ave. Portland, Or. 97210	mckimbells@comcast.net
✓ ROGER WEIDNER	3526 S.E. Franklin St Portland, Oreg	
✓ Tom Steenson	1523 SE Spokane	tomsteenson@comcast.net
✓ Chris Henry	5116 NE 14th Place, Portland 97211	chrishenry4 attorneygeneral.org

Date 11-8-2

185736

Moore-Love, Karla

From: Joel Sjerven [joelsjerven@gmail.com]
Sent: Thursday, November 08, 2012 8:31 PM
To: Moore-Love, Karla; Adams, Sam; Commissioner Fritz; Leonard, Randy
Subject: written testimony for DOJ agreement
Attachments: 006.JPG; 039.JPG; 580679_10150808022072002_701002001_9651224_1438808783_n.jpg; 6990603806_f22f6b91e8_b.jpg; 6990604370_3b6b153c32_b.jpg; 6990620542_c8d4117e55_b.jpg; 7136692347_262397f48b_b.jpg

Hello,

Please accept my written testimony. I wanted to give it in person, but was unable to:

I was riding my bike on March 1st in what had been a peaceful march. I would estimate at around 1:00 pm the police quickly began arresting several groups of activists near SW Salmon and Broadway. During this time a few activists were violently tackled and pinned by bike police. I was close by when it happened so I stopped my bike and pulled my camera out of my pocket and began filming. Several other police officers were near me and one asked me if I intended to interfere with the arrests, "Do you want to get in there?". I responded laughing, "No, I'm just filming." The officer said no more leaving me thinking that I was ok to continue as I was standing and filming from my location. A few seconds later another cop came up. I was straddling my bike at this time taping the dog pile of police and activists. Then a few officers began barking at me to get out of the street.
Without further warning or allowing me ample time to respond - or move as my hands were full with my bike and camera - Seargant Jeff McDaniel who had placed himself behind me grabbed my back tire and threw me head-first over my handle bars causing me to land very forcefully ontop of my bike.
After this he quickly removes himself from the scene leaving me confused to deal with several other officers. As I was trying to collect myself another officer - Lasaban then slammed me with his bike at the same time yelling, "Get to the sidewalk!", again without giving me time to get off the ground. He continues yelling at me while slamming me with his bike. He violently slammed his bike several times against my left shin. Officer Lasaban slammed his bike into my shin several times aligning the teeth from his gears on my shin. Pictures show the pattern of his gears where they penetrated my skin. As I pulled myself up to gather my sense the officer continued to push me slamming his bike horizontally this time into my side. He demanded me to move to the sidewalk while I informed him that I couldn't move as my legs were injured and shaking. At this point he told me, "I can arrest you if you want." I again informed him, "I don't want to be arrested, but I can't move. My legs are injured." As I regained my composure and limped to the sidewalk where medics attended me. I asked another officer to grab me my helmet and bike lock which had been strewn from my bike. Another activist had held my bike for me on the sidewalk which was seriously damaged. The handlebars were bent at 70 degrees, my derailer was bent, my chain was ripped off its gear, and the whole frame has scrapes as well as the handle bar tape. None of this damage was there prior to this attack from the police. I continued the march although my leg throbbed, bled, and swelled. The next day at work it continues to cause me pain both while walking and the brushing of my pants against the bruise and scrapes. This pain and mental anguish has continued to plague me for the weeks which followed. Here is the link for the video which I was shooting during this incident: https://vimeo.com/52211927

I filed a complaint with the IPRC who laughed at me and said that all police were clearly within PPB

policy and this is approved police conduct in Portland. After saying they could do nothing more for me mediation was offered to me which I took and it was successful. Officer Labasan initially mocked me and my injuries, but by the end had apologized and said he would take it to heart.

Unsolicited and unnecessary violence is at the core of PPB's culture. A truly independent review board with the ability to penalize and fire police is necessary and well overdue. I have had other run ins with the police and been pushed over multiple times while standing on the sidewalk.

The only other story I will share with you briefly is from the past weekend N3. After the high school students had been drenched in pepper spray I saw one of my friends Ibrahim yelling and wagging his finger in a riot cop's face. I approached him to hold him back and hug him in attempt to comfort him. He continued to yell at the riot cop while I served as the cooler head and a buffer between the two. Without warning the riot cop shoved us both down with his baton. This is a minor incident, but goes to show the cops appreciation when someone does step in to de-escalate a situation. I will not file an IPR complaint for this incident. The process is a waste of my time that I have completed multiple times and been disappointed every time.

Thank you for hopefully reading my stories,
Joel Sjerven

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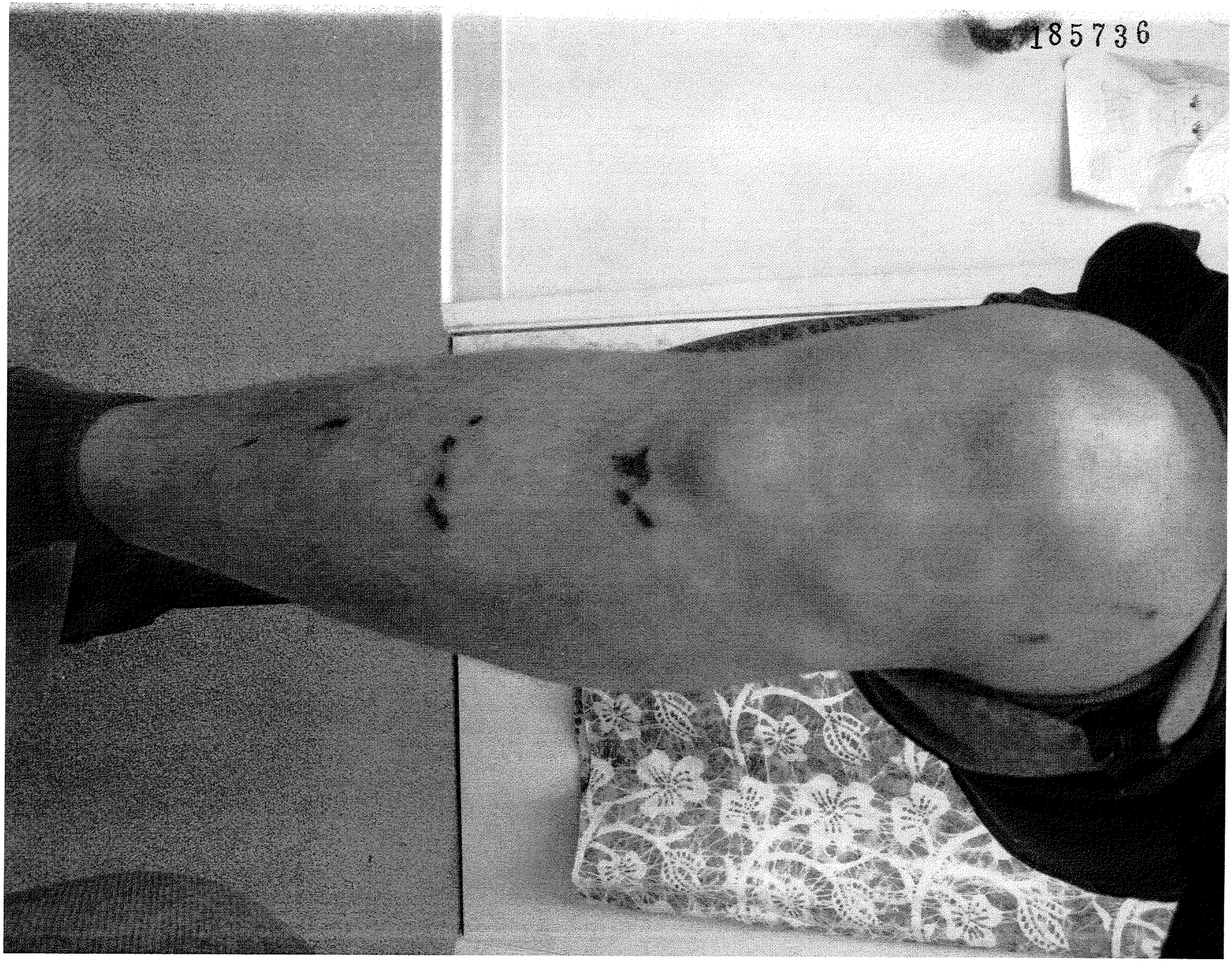

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SALMON
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TO: Com. Randy Leonard

185736
Submitted 11-8-12

NOTICE TO ALL OREGON PUBLIC EMPLOYEES:

IN THE NAME OF "WE THE PEOPLE OF OREGON", AND PURSUANT TO THE PROVISIONS OF ART. 1, SEC. 1, OF THE OREGON CONSTITUTION, NOTICE IS HEREBY GIVEN THAT "WE THE PEOPLE OF OREGON" DEMAND THAT ALL ELECTED OR APPOINTED OREGON PUBLIC OFFICIALS STRICTLY COMPLY WITH THE PROVISIONS OF THEIR SWORN "OATH OF OFFICE" WHEN OFFICIALLY INTERACTING WITH THE CITIZENS OF OREGON, THEIR EMPLOYERS.

Roger Weidner—1998 Oregon Reform Party candidate for Governor

Re: Oregon State Bar v. Roger Weidner Case No. 061212468

Attached for the enlightenment of Oregon public officials receiving a copy of this Notice is the letter I recently sent to: Multnomah County Circuit Court Judge Janicie Wilson and portions of my new book "DELIVER US FROM EVIL'. The information summarize the unprecedented criminal abuse I and other innocent Oregon citizens have been subjected to by members of the Oregon State Bar and others, for the past 21` years. We have been subjected to the outrageous criminal abuse, described in the information, for insisting on exercising our absolute constitutional right to speak in court, , under oath, on the record about the shameful and scandalous criminal conduct of attorney members of the Oregon State Bar stealing, in often "sham" or "star chamber" type judicial proceedings, the children and property of innocent, naïve, Oregon citizens caught up in the Oregon legal system. Notice is hereby given, to all PUBLIC OFFICIALS Receiving a copy of this Notice, in the name of, "WE THE PEOPLE OF OREGON" that we are demanding that all publicly elected or appointed public officials, on the public payroll, strictly comply with the provisions of their sworn "OATH OF OFFICE" when officially interacting with the citizens of Oregon, their employers. Those who will not comply with their sworn "OATH OF OFFICE" "WE THE PEOPLE WILL DRIVE FROM OFFICE IF THEY DO NOT RESIGN"

June 19, 2009
Updated: May 23, 2011

Roger Weidner—In the name of We The People of Oregon

Gov. Ted Kulongoski
Atty. Gen. Kroger

All members of the Oregon House and Senate
All members of the Ore. Ct. Of Apls. & Sup. Crt.

185736

1998 Oregon Reform Party candidate for Governor

Roger Weidner
3526 S.E. Franklin St.
Portland, Oregon 97202

Past President Oregon Judicial Watch

Governor Romney,

January-07-2012

I am a former attorney and public prosecutor. In 1975-76 I was the Director of the Consumer Fraud Division in the Multnomah County District Attorney's Office. In 1998 I was the Oregon Reform Party candidate for Governor.

For the past 24 years I and thousands of other concerned and outraged citizens here in Oregon have been working full time to restore constitutional government to the citizens of Oregon. Something we do not have in Oregon at the present time..

For attempting to speak in court, under oath, on the record, about a group of vile, treacherous, thieving, publicly employed or licensed bureaucrats-attorneys-public magistrates, openly and shamelessly stealing, in "sham" often "star chamber" type judicial proceedings, the children, property and freedom of innocent Oregon citizens caught up in the Oregon legal system, I and numerous other innocent Oregon citizens have been repeatedly and many times violently assaulted, arrested, jailed and in my case thrown into the Oregon Insane Asylum. The details of that outrageous criminal treatment of innocent Oregon citizens, by mostly members of the Oregon State Bar, is detailed in the attached excerpts from my book DELIVER US FROM EVIL.

It would have been impossible to carry on the fight to restore constitutional government to the citizens of Oregon without the unwavering financial, physical and moral support of my parents Leo and Frances Weidner, both Mormons, who served on Missions after my father retired in 1969 as Deputy Chief of the Portland Fire Department.

I am enclosing for your review an "Open Letter" my mother sent to the following Mormons: Gordon Hinkley, President of the Mormon Church; US Senators Orin Hatch and Gordon Smith; current US District Court Judge, former US Attorney Michael Mossman. In her letter mother quotes Prophet Joseph Smith saying, " 'The day will come when the constitution will hang, as if by a thread, and if it is to be saved it will be saved by the elders of the church'. From the horrible corruption I have personally witnessed in our courts in Oregon that day has certainly come".

We in the patriot community here in Oregon are demanding, and are asking that you, and the other candidates for President of the United States, join with us in demanding from all elected or appointed, paid public employees, that they strictly comply with the terms of their sworn "oath of office" to uphold and defend the constitutional rights of all United States citizens, as set forth in the 5th and 14th amendment of the United States Constitution to "equal protection" and "due process" of law when any citizen of the United States appears in any court in this county.

Sincerely

Roger Weidner

c: Governor Kitzhaber, Attorney General Kroger
All Oregon House and Senate members
All Oregon Supreme and Court of Appeals Judges

Ron Paul, Rick Santorum

185736

DELIVER US FROM EVIL

Frances and Roger Weidner, February 21, 2001, outside Judge Ellen Rosenblum's Multnomah County Courtroom

THE EVIL I refer to, in this volume, is the vile, treacherous, shameless thievery of some bureaucrats, attorneys and judges, most of whom are members of the Oregon State Bar, all of whom are licensed or employed by the corporate STATE OF OREGON, openly stealing in "Sham" often "Star Chamber" type judicial proceedings the children, property and freedom of innocent Oregon citizens caught up in the Oregon legal system.

If the innocent Oregon citizen attempts to speak in court, on the record, about their victimization they are ordered arrested and jailed for contempt by a complicit judge. This is the Evil that we in the Patriot Community (particularly Frances Weidner) have been fighting to eliminate for the past 22 years in order to restore to the citizens of Oregon and our posterity clean constitutional government.

Roger Weidner
1998 Oregon Reform Party
candidate for governer

Frances and Leo Weidner, September 15, 1995, on the steps of the Oregon State Capitol, holding the sign "Let Roger Go." Standing next to Leo Weidner is David Henion. Standing behind David Henion is Ed Snook, editor of the US Observer.

185736

...WEEKLY NEWSPAPER—DO NOT DELAY
Date Mailed 6-16-97

THE SPOTLIGHT.

185736

"Resistance to tyrants is obedience to God."—THOMAS JEFFERSON

VOLUME XXIII NUMBER 24 June 16, 1997 SINGLE COPY PRICE $1.50

Attorney Jailed for Fighting System

Has there been a massive cover-up of murder, graft and corruption in Oregon, or has an attorney gone out of his mind?

BY THE SPOTLIGHT STAFF

An attorney judged to be "outstanding" while employed by the Multnomah County (Oregon) District Attorney's Office says that a prominent Oregon real estate developer was murdered and his multi-million-dollar estate stolen by his surviving business partners. The partners say the attorney is crazy and are making the charge stick.

The attorney is Roger Weidner. In the fall of 1995 he was committed to the Oregon State Mental Hospital in Salem for observation. He says it's a plot and Edward Snook, editor of the *Oregon Observer*, agrees.

"An arrogant, abusive and dangerous system has placed an innocent man into a mental hospital for no other reason than to shut him up," wrote Snook in September of 1995.

Since May of 1988, Weidner has been working to recover for his client, Janette Kent, $35 million from the estate of her deceased fiancée, Donald Kettleberg.

According to Weidner, the terminally ill Kettleberg was murdered by two close associates who wrote "do not resuscitate" on Kettleberg's medical records.

Kettleberg died while Miss Kent was out of town, and when she returned, she discovered that she no longer had control of her fiancée's estate. Weidner thought that the circumstances were suspicious and began several court actions.

In 1988, Judge Charles Crookham, after a five-day trial, awarded the $35 million estate to Miss Kent and imposed a constructive trust on all estate assets in her favor.

Later that year, "a four-count complaint was filed against me on absolutely groundless charges," Weidner told The SPOTLIGHT. "At the trial panel level, three of the four charges were dismissed. At the [state] Supreme Court level, the fourth charge was also dismissed," he said.

But his troubles had just begun. After being arrested repeatedly for trying to "make a record" in court, he was charged in a second state bar complaint and was arrested in court for notarizing a document after his commission had expired.

A single newspaper story can't sufficiently detail what he has been through and the complexities of the case, Weidner told The SPOTLIGHT. He has been arrested 18 times, the fifteenth on February 20, 1996 in Battleground, Washington by the local police department.

On February 13, 1996, Weidner was threatened with arrest, in the presence of witnesses, by Battleground attorney Chris Sunderstrom if he returned to the town to serve legal process. On February 20, 1996, Weidner appeared at the Battleground Police Department to serve complaints against various attorneys and public officials "aiding and abetting . . . in stealing the Kettleberg estate," according to published reports.

Most recently, a motion by Weidner for summary judgment on a racketeering complaint was dismissed by the Ninth Circuit Court of Appeals.

HARASSMENT

"I have been arrested 18 times," Weidner said. "Twelve in open court; four times violently; twice when I thought my life was [in danger]" for attempting to have an official record made of his charges.

"I have been jailed a total of 289 days, 70 in the maximum security unit of the Oregon State Hospital [for the insane], and 25 days in solitary confinement." While in the mental institution, he was subjected to various medical tests and procedures against his will, Weidner told The SPOTLIGHT.

As just one example of what he calls government-orchestrated persecution, Weidner says: "On May 29, 1996, I was returning to my parents' home, on a bicycle, at 10 pm. I observed two individuals peering into the front room of my parents' home. They asked if my name was Weidner and when I said 'yes,' they said, 'you are under arrest,'" the attorney said.

When his 91-year-old father and 86-year-old mother came to the door, the two individuals, who had refused to identify themselves or show a warrant, threatened the elderly couple with arrest.

Weidner continues to fight, but is without funds and finds himself in limbo *vis-a-vis* his charges and the multi-million-dollar estate. Snook says it's a massive cover-up of corruption at the judicial level and felony fraud, and persecution of an honest attorney, not to mention the underlying murder case.

ROGER WEIDNER
. . . He won't go away.

Roger Weidner can be contacted c/o Citizens for a Corrupt-Free Oregon, 3526 SE Franklin, Portland, Oregon 97202; phone (503) 232-6691.

THE SPOTLIGHT

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The Oregon Observer

August 1995 Vol. 2, No. 8 Serving Oregon & The Western States

Weidner Is A Political Prisoner Of The Predatory Oregon State Judicial System

by Dal Ferry

of Rights, The Oregon State Constitution and that the laws of our state should be enforced for the benefit of the People and not for the social and economic advancement of

Statesman Journal

Tuesday, October 17, 1995

40 cents in Lincoln

Statesman Journal

FREEDOM: Escorts return Roger Weidner (left) to Oregon State Hospital, where he is to be released soon.

Ex-prosecutor found sane, given freedo

A judge cites flaws in the system for Roger Weidner's psychiatric commitment.

By Allen Guggenhon
The Statesman Journal

A former state prosecutor who went to court in chains won his freedom Monday from the Oregon State Hospital's program for the criminally insane.

"It was a big win!" Roger Weidner erupted after a Marion County judge granted his release.

Weidner, 57, has been in a maximum-security ward in Salem for the past three months.

He is expected to be freed from the hospital today or Wednesday.

In approving Weidner's release, Circuit Judge Paul Lipscomb cited flaws in the legal process that led to his psychiatric commitment.

For instance, he said Weidner was not given a chance to cross-examine a psychologist who testified that Weidner was delusional.

Multnomah County District Judge Dorothy Baker, who ordered Weidner to the state hospital in August, could not be reached for comment Monday evening.

Weidner maintains that he was railroaded into the psychiatric unit for speaking out about corruption in Oregon's legal system.

He calls himself a political prisoner.

Years ago, the former Multnomah County prosecutor began a campaign of storming into courtrooms, supporters in tow, pointing accusing fingers at judges, and demanding to "make a record" of his charges.

Judges typically either

turned a deaf ear to h
rades or found him in
tempt.

He has been arreste
merous times.

Weidner's allegation
corruption center on th
puted handling of the t
million-dollar estate
Donald Kettleberg.

Kettleberg, a Port
lawyer and real-estate o
oper, died in 1985.

Please see Freed, Pa

Roger Weidner, a political prisoner of the Oregon court system chained and shackled like a notorious serial killer hobbled into a Marion County courtroom October 16 seeking release from the Oregon State Mental Hospital where he had been held for two months on order of Multnomah County Judge Dorothy Baker.

Weidner, while in the insane asylum, filed a Writ of Habeas Corpus with the court. Judge Paul Lipscomb agreed to hear the writ after two Marion County judges refused themselves because of conflict of interest. Judge Lipscomb denied the state attorneys' motion to dismiss the writ stating, "To not hear this would be to eliminate the constitutional right to the Writ of Habeas Corpus. The traditional use of Habeas Corpus still exists here in Oregon."

After four hours of testimony confirming the obvious vindictive, hostile prejudice directed toward Weidner by Judge Baker, Judge Lipscomb granted the writ, "There is no valid reason to have sent Mr. Weidner to the mental hospital and there is no valid reason to hold him there any longer," said Lipscomb. Upon Weidners' release from the insane asylum (made famous by "One Flew Over the Coo-Coo's Nest") Judge Baker immediately remanded him to jail in Multnomah County.

Roger Weidner, former Assistant DA for Multnomah County, continues to be the nemesis of the corrupt power brokers entrenched deep in the field of jurisprudence, masquerading as respected judges and reputable members of the Oregon State bar in the Tri-County area (Multnomah, Clackamas and Washington Counties.)

The ongoing vendetta being waged against Weidner by the officers of the court and the courts should be appalling to the citizens of the State of Oregon and all citizens of this nation. The total disregard of Weidners constitutional rights is a gross injustice that compares to the actions of banana republic dictatorships such as Haiti's "Papa Doc" era and the eastern bloc countries during the 1950's and 1960's. Dare we forget our own beloved Oregon and the propensity to perform lobotomies at the same facility Judge Baker, in her fit of anger, committed Roger Weidner, a sane, articulate, educated former Assistant DA.

OREGON SPECTATOR, October 1995

185736

The Oregon Observer

November 1995 Vol. 2, No. 11 — ONE YEAR ANNIVERSARY ISSUE — $2.50

Habeas Corpus Granted — Weidner Released

Judge Baker Lies In Hearing: "I Committed Weidner For His Own Good"

Roger Weidner has spent the last seven years of his life trying to bring about an investigation into provable corruption in the Oregon courts that would allow the theft of a $multi-million estate. The deeper Weidner has investigated, the more attorneys, judges and other civil servants are implicated in the bizarre story of the vanished Kettleberg estate.

The closer Weidner gets to getting the provably guilty players into court, the more severe the repercussions against him. To keep Weidner and his mountain of evidence out of the courtroom, he has been thrown in jail 14 times.

An obvious move to shut him up for good, Judge Baker committed Weidner to the maximum security facility at the state mental hospital last July 25, where he was subjected to "The CooCoo's Nest" and the administrations of professionals who make a living keeping people there. (Example: Bylski suggested to Weidner that he take lithium for anxiety)

If you had selflessly dedicated seven years of your life to exposing the crippling corruption in this state that goes right on up through the governor's office, only to be jailed repeatedly and labeled delusional-

Unprovoked prosecutorial corruption and theft of Kettleberg estate

by Dean Harkins

Roger Weidner was released from his involuntary incarceration at the Oregon State Mental Hospital Oct. 16, but remanded to Multnomah County "Justice" Center until his Oct. 20 hearing in Judge Dorothy Baker's court. The hearing was scheduled to decide Weidner's immediate future regarding

to the state mental hospital.

Weidner's two-month stay in the insane asylum was ordered by Judge Baker July 25, 1995, to supposedly determine if Weidner was able to aid and assist in his own defense of contempt of court charges.

"The contempt charges were issued after Weidner's repeated attempts to make a court record of PROVABLE evidence of corruption in the Oregon

185736

An open letter from Frances Weidner

Frances Weidner's open letter to:

Gordon Hinkley-President Church of Jesus Christ of LatterDay Saints (Mormons)

Orin Hatch-ranking Republican U.S. Senate Judiciary Committee

Gordon Smith-United States Senator from Oregon

Michael Mossman-United States Attorney for Oregon

All other fellow Mormons and concerned and alarmed citizens of Oregon.

I am the 91 year old widow of Leo Weidner retired Deputy Chief of the Portland Fire Department. We were featured in the "Living" section of The Oregonian on December 5, 1997, and have also been featured in *The Oregon Observer* newspaper.

My husband and I (he died in July of 1999), along with three of our four sons Leo, Bruce and Stephen are Mormons. My husband and I, along with two of our four sons, Bruce and Stephen, have all served on church missions. My husband and I are also the parents of Roger Weidner, the 1998, Reform Party candidate for Governor of Oregon.

For the past 11 years my husband and I, along with hundreds, perhaps thousands, of other shocked citizens, have witnessed first hand, with stunned disbelief and outrage, the unbelievable abuse Roger, and others supporting him, have suffered at the hands of corrupt judges and police officers here in Oregon. The abuse has been in retaliation for their effort in exposing the judicial corruption in our state and federal court system. Roger, after being repeatedly arrested and jailed (290 days in all), sometimes violently in my presence, for speaking out about the corruption, has finally, after all these years, been allowed to freely testify in court. Without challenge or objection Roger has testified under oath about the criminal conduct of attorneys and judges involved in the Kettleberg theft; the New Wine Ministry theft and the abduction and sexual abuse of 7 year old Malissa Gaston by employees of the Oregon Child Service Division.

Rodger Weidner's Mother Frances, giving testimony

Not a single sworn criminal charge that Roger, or the others supporting him, have leveled against those involved in this scandalous criminal behavior, either in court, on the air, or in the newspapers has been questioned or disputed by those he has named. Yet still the lawyers, judges and police who control our courts, our streets and now it seems every aspect of our lives, brazenly flaunt the rule of law and continue to openly protect disbarred attorney Milton Brown, who stole the Kettleberg estate, attorney Ken Schmitt, who stole the New Wine Ministry property and known pedophiles in the Child Service Division who have sexually abused Malissa Gaston.

Roger, a historian, lawyer and legal scholar has repeatedly told all of us that in this country, since the Revolutionary War, the citizens are the sovereign political authority. He said that our Founding Fathers went to war to insure that in this country the citizens would be ruled by the "rule of law" and not by the whim of corrupt, despotic tyrants sitting in colonial "Royal Courts." Roger said that both the state and federal governments in this country are created by constitutions. He said if there was no U.S. Constitution there would be no federal government and if no state constitution no state government. Roger said that both the federal and state governments are run by elected or appointed public officials and others, all public employees.

Roger also said that under both the state and federal constitutions, before the government can take anything from a sovereign citizen that government must provide the citizen with "equal protection of the law" and "due process of law." It is this "equal protection" and "due process" guarantee that is contained in the oath that all public officials take when they are sworn into office.

The corrupt judges and police officers, I have witnessed in our courts, instead of complying with their oath of office are openly, publicly, and aggressively, protecting the thieves and at the same time threatening, attacking and jailing the victims of that thievery when they attempt to enter public courtrooms, here in Oregon, to make a record of their injury.

Our prophet Joseph Smith said; "The day will come when our Constitution will hang as if by a thread and if it is to be saved at all it will be saved by the elders of the Church." From the horrible corruption I have personally witnessed, in our courts here in Oregon, that day has certainly come. It is time for all concerned citizens, particularly Mormons heeding the advice of our prophet Joseph Smith, to speak up loud and clear to all public employees that we will not tolerate any corruption by our public employees. Further, that we will demand, by our constant scrutiny, that our public officials and employees strictly follow their job description and comply with their oath of office. I sincerely ask you all to join with Roger and the rest of us fighting the corruption here in Oregon, and around the country, to help bring a swift and certain end to this dangerous and disgraceful situation in our court system and restore constitutional protection to all citizens of this country.

Sincerely,
Frances Weidner

LETTERS TO THE EDITOR (THE OREGON OBSERVER) MARCH-APRIL 2001

Editors Note: The following letter is from a true patriotic lady who has stood for truth and justice for the past eleven years that I have known her. Her courage and stamina have exceeded that of most men that I have encountered in my battle with corruption.

Dear Ed,

Roger gave me a copy of the story about the Stewarts that the Oregon Observer is going to publish in its next edition. I was shocked and outraged that our government engaged in such reprehensible conduct. I told my children, my grandchildren, my great-grandchildren, and others who will listen, that America was the Golden Land to young people in Norway a 100 years ago, in my mother's time. She worked for six years to save money to come to America when she was 21. She was so proud when she became an American citizen—and she taught me early on to be grateful and proud that I was born here

But what has happened to our wonderful "Land of the Free and Home of the Brave" when Government Agents, posing as customers, came into Robert Stewart's home—put a gun to his head, handcuffed his wife and terrorized his small children? They acted more like armed thugs!

My mother would have wept in despair at what's happened to this Golden Land she loved. But weeping doesn't cut it. I'm a Latter-Day-Saint like the Stewarts—and what true words our Prophet Joseph Smith spoke when he said, "The day will come when our Constitution will hang as if by a thread. And if it is to be saved at all it will be saved by the Elders of the Church". That day has come—and we must save our constitution. Let us all band together to face down these contemptible creatures who are causing such pain and suffering to innocent people and their little ones.

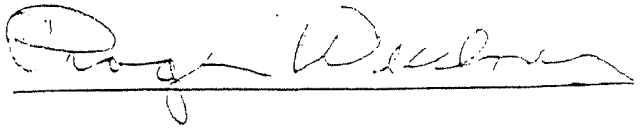
Remember Benjamin Franklin said "We must all hang together, or we will surely hang separately". This ninety-one year old widow is not going to let them hang me! How about you?

Frances Weidner
Widow of retired Deputy Portland
Fire Chief Leo Weidner

ROGER WEIDNER COMMMENTS ON MOTHER'S STORY

I want to publicly acknowledge again the unwavering and indispensable support of my parents Leo and Frances Weidner in fighting the intolerable corruption in our courts and state government. Without their total support it would have been impossible to commit the time and energy necessary to expose and hopefully very soon, eliminate the corruption (social cancer) in our courts and state government that has destroyed so many innocent lives.

From what I have personally observed I think Joseph Smith prophetically should have said, "if the Constitution is to be saved it will be save by the sisters of the Church". I have seen no elders of the Mormon Church fight any harder to preserve our Constitutional rights than sisters of the Church Frances Weidner, Ellen Wilfley, Vera Fisk and Marie Robertson.



The Oregon Observer
DEMANDING ACCOUNTABILITY
March / April, 2001 | Committed to excellence in investigative journalism | Vol. 7, No. 2

185736

Remove Savage Rapids Dam & Suffer the Consequences!

By Investigative Reporter
Edward Snook

Southern Oregon - "The state and federal government have fully guaranteed to protect the Grants Pass Irrigation District (GPID)." This absurd statement was made over KAJO talk radio on March 13, 2001. This will never happen and the only help that GPID will receive will be short lived, with the end result of removing the Savage Rapids Dam, devastating.

With Savage Rapids removed the federal government will have full control of the Rogue River up too the "high-water mark, whatever that ends up being with no dam to control that level.

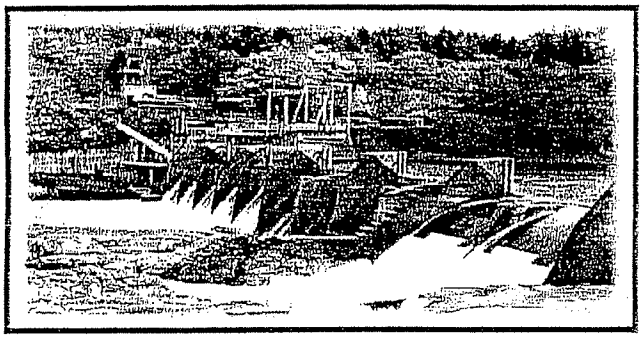
With the inevitable probability that the areas supplied with water from the Rogue River will surely face drought conditions, given that the dam is removed and this fact, coupled with present and future energy crisis, there is no question that the removal of Savage Rapids will damage those dependent upon it.

In a government study concluded in 1985, the government's "experts" found that by the year 2050, an additional 200 dams would be needed on the Rogue and it's tributaries to properly serve the public. My, my, when government wants to impose its force upon the public in order to reach the goal of further and/or total control they are certainly experts at deception.

With the dam removal (funding bill) supposedly heading back to Congress for approval, Republican voters need to take a long hard look at those who are pushing for removal and therefore (after looking at all the facts) pushing for extremely liberal environmental legislation. Republican Senator Gordon Smith is one of the sponsors of the bill, which should shock all conservatives, especially those prudent, level headed conservatives. Bush has stated that he is against dam breaching so let's all hope that he puts a stop to the insanity of such actions.

I want to re-iterate a message I recently sent to Senator Gordon Smith and the best way is to sim-

Savage Rapids
continued on page 7



Savage Rapids Dam - *LEAVE IT ALONE!*

Weidner Shows Cause

By Investigative Reporter
Kelly Stone

On February 21, 2001, Roger Weidner, the 1998 Oregon Reform Party Candidate for Governor, appeared in the Multnomah County Courtroom of Judge Ellen Rosenblum to Show Cause why he should not be found in contempt of the injunction Judge Edwin Peterson signed on April 20, 1995. The injunction was placed against Weidner in an attempt to stop him from filing lawsuits without permission and to silence his successful efforts in exposing the corruption within the Oregon court system.

When Weidner and his 60 supporters, including former Clackamas County District Attorney Terry Gustafson, political activist Jesse Lott, 2000, State Treasurer Candidate Carlos Lucero, Oregon Christian Coalition President Lou Berres and "Mason in the Morning" talk show host Chet Rookledge showed up

Weidner Shows Cause
continued on page 14

Roger Weidner front right - Charles Markley 2nd from left on bench, holding file in front of his face (in shame?)!

Lott–Weidner Sue-Milton Brown

By Investigative Reporter
Edward Snook

Jesse Lott and Roger Weidner, who claim one-third ownership of the Kettleberg estate and representation of Kettleberg estate creditors, have sued Milton Brown to terminate all Brown's interest in Kettleberg Mobil Home Park, formerly Tri-City Mobile Home Park. Lott and Weidner have physically controlled the park since December 14, 2000, when they took possession by moving their office on the premises. Since December 14, Lott is reported to have acquired ownership of two mobile homes in the park and has established an office in one of them. The following is text taken from the "Quiet Title" suit Lott and Weidner have filed against Brown.

Plaintiff Weidner by fee agreement (exhibit A) and Plaintiff Lott by

Lott-Weidner Sue
continued on page 15

US Attorney General John Ashcoft [left], Jesse Lott [right] during a recent meeting in Washington D.C. to discuss Oregon issues.

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for the hearing they had to submit to a second electronic search.

Present in the court was Lindstedt with his attorney David Kekel. Present also were attorneys: Charles Markley, representing disbarred attorney Milton Brown; Peter Bunch representing Charles Hahn; David Williams representing Carolyn Brune; Joshua Sasaki representing Michael Gentry. Also present in the courtroom were attorneys who had worked on the case in the past for Janette Kent, including Forrest Riekes, Al Vames and Gino Perriti. Weidner had also issued subpoenas for Sheriff Dan Noelle and other law enforcement officials in the area to attend. Weidner also subpoenaed all the members of the Oregon House and Senate, all Supreme Court and Court of Appeals Judges and Governor John Kitzhaber and Attorney General Hardy Myers.

Oregon State Senator Gary George, Chairman of the Government Oversight Committee, requested that he be allowed to video the hearing. Judge Rosenblum refused saying that only the press was allowed cameras in the courtroom. Judge Rosenblum did advise Ed Snook, Editor of THE OREGON OBSERVER that he would not be allowed to video but could take still pictures. Before the hearing started Carlos Lucero, acting as photographer for THE OREGON OBSERVER, took the picture appearing at the top of this article. Milton Brown's attorney Charles Markley is the attorney holding the notebook in front of his face.

Kekel in a 10 minute presentation called Weidner a "serial litigator" who had to be stopped. Kekel said that Weidner was causing a lot of hardship on those who had worked on (plundered) the Kettleberg estate and enough was enough.

Before taking the witness stand Weidner asked to be sworn in so he could testify under oath about the criminal conduct of Brown, Lindstedt, Brune, Gentry, Johnson, Poslick and others involved in the theft of all Kettleberg estate assets today worth 100 million dollars. Before the hearing Weidner submitted to Judge Rosenblum a brief which, contained as exhibits: Lindstedt's fee agreement with Kent saying he couldn't settle without her permission; the order of Judge Crookham imposing a constructive trust on all Kettleberg estate assets and requiring Brune to turn over "forthwith" all assets Kettleberg owned at the time of Kettleberg's death in May of 1985; a copy of the power of attorney Brown had his secretary Brune, as PR of the Kettleberg estate give him four days after Kettleberg's death; copies of the secret Brown-Lindstedt settlement agreements; a copy of the $8,000. 00 note on which former Brown-Kettleberg business partner Jack Blampied said he saw Brown sign Kettleberg's signature.

Weidner testified: "Every legal action taken against me in the past 12 1/2 years, by either the Oregon State Bar, the Oregon Judicial System and now the attorneys for those who stole the Kettleberg estate has been in furtherance of an on-going conspiracy, by those thieves, to stop my effort to publicly expose their criminal conduct. What is undisputed and has been repeatedly testified to by me and others in prior hearings is that in 1985 attorney Milton Brown and Dr. Charles Hahn caused the premature death of their terminally ill business partner Donald Kettleberg in order to steal his estate. It was necessary that Kettleberg be dead when his fiancee Janette Kent returned to Portland in 1985, in order for Brown and Hahn to execute the Kettleberg buy-sell agreements they had forged. Hahn was not only Kettleberg's business partner he was also Kettleberg's treating physician at the time of Kettleberg's death. Brown and Hahn had 'do not resuscitate' written on Kettleberg's medical chart in the hospital.

Upon Kettleberg's death Brown had his secretary Carolyn Brune, while on his payroll, made Personal Representative of the Kettleberg estate. Brown then, four days after Kettleberg's death on May 28, 1985, had Brune give him a power of attorney to represent the estate. With that power-of-attorney Brown cleaned out all Kettleberg accounts. The day after Kettleberg's death, Hahn demanded access to Kettleberg's office and according to Kettleberg CPA Helen Solem, he 'picked the bird clean'. Brown, Hahn, Brune and Gentry then forged 14 business documents and converted all Kettleberg estate assets.

In May of 1988, after a 5 day trial, Janette Kent was declared the sole beneficiary of the Kettleberg estate by Judge Charles Crookham who imposed a constructive trust on all Kettleberg estate assets and ordered Carolyn Brune to turn those assets over to Kent 'forthwith'. The decision of Judge Crookham was affirmed by the court of appeals in September of 1989. The portion of the order requiring Brune to turn the assets over 'forthwith' was never given to Kent or l by trial attorney Gary McMurray. Instead Kent was told she would have to sue Brown to recover the estate assets. In spite of Judge Crookham's order, and the affirming of that order by the Court of Appeals, Brown and Hahn have retained control of all Kettleberg estate trust assets to this day and all income generated by those assets. Brown and Hahn have been able to carry off this massive theft by paying Kent's attorney Lindstedt $375,000. 00; Kettleberg estate Personal Representative Carolyn Brune $150,000. 00; Kettleberg estate attorney Michael Gentry $300,000. 00. Brown also had Lindstedt pay, from Kettleberg estate funds, $400,000. 00 to the IRS account of Milton Brown. Lindstedt, Brune, Hahn and Gentry have a fiduciary responsibility to either Kent or the Kettleberg estate which they have shamelessly violated. Kent, after spending $3,000,000.00 in the last 15 years trying to recover her property has not received one penny from the estate."

Weidner then testified about the unprecedented abuse he has been subjected to by the Oregon State Bar and Oregon Judicial system for the last 12 1/2 years for attempting to recover stolen Kettleberg estate assets. He testified he has been arrested 19 times, 12 times in court, 4 times violently, twice where he thought his life was going to be taken to silence him permanently. He described how, on October 2, 1992, he was choked to the ground by armed Multnomah County Sheriff Deputies, and his then 82 year old mother roughed up, when he responded to a subpoena from Milton Brown to appear in the Multnomah to enter presiding court to make a record of the fact he thought a trap was being set to take his life when he was choked to the ground by the deputies. He described how judges Dorothy Baker, Lee Johnson and Edwin Peterson fled their courts when confronted by him and his angry supporters, demanding that Weidner be allowed to make a record of the criminal conduct of those involved in the theft of the Kettleberg estate assets. Weidner testified that in the first groundless prosecution commenced against him, by the Oregon State Bar, he asked for an in-camera hearing before the Supreme Court in June of 1990, to explain to the court that his prosecution was politically motivated and instigated to stop his work on the Kettleberg case. He testified that then Chief Justice Edwin Peterson had a hand written note handed to him outside the courtroom, before the hearing, which said, "Angela, tell the parties in Weidner the Motion has been denied." Weidner showed Judge Rosenblum a copy of Judge Edwin Peterson's note. Weidner related that when he appeared before the Supreme Court a second time in September of 1994, on equally groundless charges, he told the Court, "I am not here to seek your favor but to expose the intolerable corruption in the Oregon Court

Weidner shows cause **continued on next page**

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FOOD FOR THOUGHT

If you own just one bible, you are abundantly blessed 1/3 of the world does not have access to even one.

If you woke up this morning with more health than illness, you are more blessed than the million who will not survive the week.

If you have never experienced the danger of battle, the loneliness of imprisonment, the agony of torture or the pangs of starvation, you are ahead of 500 million around the world.

If you attend a church meeting without fear of harassment, arrest or torture of death, you are more blessed than almost three million people in the world.

If you have food in your refrigerator, clothes on your back, a roof over your head and a place to sleep, you are richer than 75% of this world.

If you have money in the bank, in your wallet, and spare change in a dish someplace, you are among the top 8% of the worlds wealthy.

If your parents are still married and alive, you are very rare, even in the United States.

If you hold up your head with a smile on your face, truly thankful, you are blessed because the majority can, but most do not.

If you can hold someone's hand, hug them or even touch them on the shoulder, you are blessed because you can offer God's healing touch.

If you prayed yesterday and today, you are in the minority because you believe in God's willingness to hear and answer prayer.

If you believe in Jesus as the Son of God, you are part of a very small minority in the world.

If you can read this message, you are more blessed than over two billion people in the world that cannot read anything at all.

185736

TASER: Human Rights Issue

The United States is a signatory to the UN CONVENTION AGAINST TORTURE and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Article 4

1. Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture.
2. Each State Party shall make these offences punishable by appropriate penalties which take into account their grave nature.

In the Agreement between the City of Portland and the US Department of Justice, I see no provision for the implementation of that treaty obligation here in Portland during the term of the Agreement.

Be mindful that torture, under this treaty, is an offence committed by an official of a state against a person. Individual human persons have a right to be protected by the United States when those human rights are violated within the United States. Be further mindful that TASER X26 is deemed a weapon of torture when it is used as a compliance weapon. In November 2007, the United Nations Committee Against Torture stated that TASER weapons, had *"proven risks of harm or death. The use of TASERX26 weapons, provoking extreme pain, constituted a form of torture, and that in certain cases it could also cause death, as shown by several reliable studies and by certain cases that had happened after practical use."*

I believe that the US Department of Justice is actually and directly responsible for supervising the uses, misuses and abuses of TASER while this Agreement is in force. I would like to see explicit language to that effect. In other words, I want not just the City of Portland accountable to the court. I also want the Department of Justice accountable to the court.

Currently, the plan calls for a major effort, on the part of the Office of Equity, to provide significant oversight to implementation of the Agreement. We cannot expect to have a city employee enforce this legal agreement simply as a form of

public relations. Neither can we require well-meaning but ill-equipped volunteers to enforce this agreement as a form of trust-building within the community. A court-appointed compliance officer must supervise the Agreement as a matter of law enforcement.

I would like to see the Human Rights Commission open itself to accepting information from citizens of Portland with the purpose of documenting human rights abuses by misuse of TASER in the hands of Portland Police.

Kalei Luyben

7455 SW Kelly Ave.
Portland, OR 97219

(503) 452-0014
kaleiluyben@msn.com

185736

fiacat news

International Federation of Action by Christians for the Abolition of Torture

International instruments : tools for action !

[UN File]

Individual submissions to the Committee Against Torture

Article 22 of the UN Convention Against Torture recognises the right of private citizens to submit to the Committee Against Torture individual claims which are given the name of Communications. These permit an individual to denounce to the Committee the violation of a provision of the Convention by a State party to it; they must therefore be based on precise facts.

These Communications are studied by a Committee of ten independent experts who meet twice a year.

The State concerned must, however, have expressly accepted the competence of the Committee for it to be able to receive this kind of complaint; this procedure is thus totally dependent on its acceptance by States and so in practice its accessibility is limited. In December 2006, 61 States had accepted Article 22 of the Convention[2].

Admissibility of a communication

In order to be admissible, the Communication must meet three criteria: it must not be anonymous, it must not be the object of a petition to another international organism for the defence of human rights and, finally, the petitioner must first have exhausted all internal paths for appeal.

The basis

If the Committee considers that the complaint can be formally received, it informs the parties and the State party concerned. The latter then has 6 months to explain its position and to inform the Committee of the measures it has taken to put an end to the violation.

The author of the communication may also submit observations and clarifications to the Committee's experts and for that purpose may call on the aid of legal counsel or of an association for the defence of human rights.

After this analysis of the basis of the Communication, the Committee, although it is not a judicial organism, adopts a form of reasoning which comes close to the reasoning of a court.

Provisional measures

In the course of the proceedings, and before having taken the slightest decision, the Committee may request the State to take measures in order to avoid any irreversible damage[3]. These measures do not prejudge the final decision of the Committee.

This practice is predominantly used in relation to demands concerning a violation of Article 3 of the Convention, in cases of a risk of extradition to a State where the petitioner is in danger of being tortured.

FIACAT News, quarterly newsletter, published by the International Federation of Action by Christians for the Abolition of Torture, available by subscription (EUR 10 a year). **Editor:** Sylvie Bukhari-de Pontual – **Coordinator:** Marie-Jo Cocher – **Design:** Jean-Christophe Faure (jcfaure@aol.com) – **Translation:** David Mark Harris.

fiacat
27, rue de Maubeuge
75009 Paris – France
www.fiacat.org

Tel.: 33 (0)1 42 80 01 60
Fax: 33 (0)1 42 80 20 89
fiacat@fiacat.org

185736

Interest in cases of a threat of extradition to a country where the person runs the risk of torture

The majority of Communications examined by the Committee relate to cases of a risk of refoulement or extradition of people to countries where the petitioners risk being subjected to torture.

Article 3 §1 of the Convention Against Torture provides in fact that "no State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture."

In such a case, the expulsion does not need to have actually taken place in order for the State to be condemned for a violation of the Convention. The simple decision to deport in itself constitutes a violation. It is therefore important to submit the case to the Committee in time for it to make an urgent pronouncement and forbid such expulsion, if necessary by means of provisional measures.

The Committee also must receive "credible information which seems to them to contain well founded indications that torture is practised."

In general, the Committee considers that there is violation of the Convention Against Torture if the violation implies direct responsibility of the public authorities linked to legislation which is incompatible with the provisions of the Convention(4) .

By way of example, the US law on Military Commissions, promulgated on 17 October 2006, which authorises recourse to "aggressive" methods of interrogation for terrorism suspects will certainly be considered by the Committee to be incompatible with the Convention Against Torture.

In fact, the UN Special Rapporteur for the protection and promotion of human rights and fundamental liberties in the struggle against terrorism, Martin Scheinin, has opined that this law contains "clauses incompatible with the obligations of the United States in the framework of humanitarian law and the protection of human rights"(5) .

Likewise, the International Committee of the Red Cross (ICRC) considered that this law ignores the essential provisions of the four Geneva Conventions, in particular "Common" Article 3(6) which bans torture, inhuman or degrading treatment and the refusal of a fair trial(7) .

The Committee Against Torture goes even further: it considers that a State Party violates the Convention if it extradites a person to a country where "systematic violations" of human rights occur(8) . It is then sufficient to bring proof that a generalised practice of torture takes place in that country.

Conclusion of the procedure

The Committee makes its decision with regard to the different information provided by the parties. The Committee's experts may present individual opinions.

The procedure is totally confidential, the Communications are examined by the Committee in private sessions. The only information concerning these cases is published in the Committee's Annual Report; it carries no actual legal weight. The condemnation of a State by the Committee is not on that account bereft of any political weight and States have a tendency to take these condemnations seriously.

Practical information

You will find below the practical information for submitting a Communication to the UN Committee Against Torture; a model Communication is also available in Appendix 2.

- POSTAL ADDRESS:
  Petitions Team
  Office of the United Nations High Commissioner for Human Rights
  UNOG-OHCHR
  1211 Geneva 10, Switzerland
  Fax : +41 22 917 9022
- IN CASE OF EMERGENCY:
  tb-petitions@ohchr.org

1. Article 22 of the Convention:
A State Party to this Convention may at any time declare that it recognises the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State Party of the provisions of the Convention. No communication shall be received by the Committee if it concerns a State Party to the Convention which has not made such a declaration.
2. See the list of the 61 States which have accepted the competence of the Committee to receive Communications in Appendix 1.
3. Rule 108 §1 of the rules of procedure of the Committee.
4. The European Court of Human Rights adopted the same solution in the Soering decision: CEDH, Soering v. United Kingdom, 7 July 1989.
5. 27 October 2006.
6. The Article 3 common to the four Geneva Conventions adopted in 1949, devoted to the protection of victims of war.
7. Interview with the President of the ICRC, Jakob Kellenberger, 19 November 2006, published on the ICRC website. It is available at the following address: *<http://www.icrc.org/web/fre/sitefre0.nsf/html/kellenberger-interview-191006?opendocument>*
8. Decision in Baladou Mutomba v. Switzerland, 27 April

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List of States that have accepted the procedure set in place by Article 22 of the UN Convention Against Torture

Algeria / Algérie	12/10/1989
Andorra / Andorre	22/12/2006
Argentina / Argentine	26/6/1987
Australia / Australie	29/1/1993
Austria / Autriche	28/8/1987
Azerbaijan / Azerbaidjan	4/2/2002
Belgium / Belgique	25/7/1999
Bolivia / Bolivie	14/2/2006
Bosnia and Herzegovina / Bosnie - Herzégovine	4/6/2003
Brazil / Brésil	26/6/2006
Bulgaria/ Bulgarie	12/6/1993
Burundi / Burundi	10/6/2003
Cameroon/ Cameroon	12/10/2000
Canada / Canada	24/7/1987
Chile / Chili	15/3/2004
Costa Rica / Costa Rica	27/2/2002
Croatia / Croatie	8/10/1991
Cyprus / Chypre	8/4/1993
Czech Republic / République tchèque	3/9/1996
Denmark / Danemark	26/6/1987
Ecuador / Equateur	29/4/1988
Finland / Finlande	29/9/1989
France / France	26/6/1987
Georgia / Géorgie	30/6/2005
Germany / Allemagne	19/10/2001
Ghana / Ghana	7/10/2000
Greece / Grèce	5/11/1988
Guatemala / Guatemala	25/9/2003
Hungary / Hongrie	26/6/1987
Iceland / Islande	23/10/1996
Ireland / Irelande	11/4/2002
Italy / Italie	11/2/1989
Liechtenstein / Liechtenstein	2/12/1990
Luxembourg / Luxembourg	29/10/1987
Malta / Malte	13/10/1990
Mexico / Mexique	15/3/2002
Monaco / Monaco	6/1/1992
Montenegro / Montenegro	3/06/2006
Morocco / Maroc	19/10/2006
Netherlands / Pays-Bas	20/1/1989
New Zealand / Nouvelle-Zélande	9/1/1990
Norway / Norvège	26/6/1987
Paraguay / Paraguay	29/5/2002
Peru / Pérou	17/10/2002
Poland / Pologne	12/6/1993
Portugal/ Portugal / Portugal	11/3/1989
Russian Federation / Fédération de Russie	1/10/1991
Senegal / Sénégal	16/10/1996
Serbia / Serbie	10/10/1991
Seychelles / Seychelles	6/8/2001
Slovakia / Slovaquie	17/3/1995
Slovenia / Slovénie	16/7/1993
South Africa / Afrique du Sud	10/12/1998
Spain / Espagne	26/11/1987
Sweden / Suède	26/6/1987
Switzerland / Suisse	26/6/1987
Togo / Togo	18/12/1987
Tunisia / Tunisie	23/10/1988
Turkey / Turquie	1/10/1988
Ukraine / Ukraine	12/9/2003
Uruguay / Uruguay	26/6/1987
Venezuela / Venezuela	26/4/1994

Total: 61

[Updated: December 2006]

Appendix 2

[UN File]

185736

Model Complaint Form

For communications under:
- Optional Protocol to the International Covenant on Civil and Political Rights
- Convention against Torture, or
- International Convention on the Elimination of Racial Discrimination

Please indicate which of the above procedures you are invoking: .....
Date: .....

I. Information on the complainant:

Name: .....
First name(s): .....
Nationality: .....

Date and place of birth: .....
Address for correspondence on this complaint: .....

Submitting the communication:
on the author's own behalf: .....
on behalf of another person: .....
[If the complaint is being submitted on behalf of another person:]
Please provide the following personal details of that other person
Name: .....
First name(s): .....
Nationality: .....

Date and place of birth: .....
Address or current whereabouts: .....

If you are acting with the knowledge and consent of that person, please provide that person's authorization for you to bring this complaint .....
Or If you are not so authorized, please explain the nature of your relationship with that person: .....
and detail why you consider it appropriate to bring this complaint on his or her behalf: .....

II. State concerned/Articles violated

Name of the State that is either a party to the Optional Protocol (in the case of a complaint to the Human Rights Committee) or has made the relevant declaration (in the case of complaints to the Committee against Torture or the Committee on the Elimination of Racial Discrimination): .....

Articles of the Covenant or Convention alleged to have been violated:
.....

III. Exhaustion of domestic remedies/Application to other international procedures

Steps taken by or on behalf of the alleged victims to obtain redress within the State concerned for the alleged violation – detail which procedures have been pursued, including recourse to the courts and other public authorities, which claims you have made, at which times, and with which outcomes:
.....

If you have not exhausted these remedies on the basis that their application would be unduly prolonged, that they would not be effective, that they are not available to you, or for any other reason, please explain your reasons in detail:
.....

Have you submitted the same matter for examination under another procedure of international investigation or settlement (e.g. the Inter-American Commission on Human Rights, the European Court of Human Rights, or the African Commission on Human and Peoples' Rights)? .....

If so, detail which procedure(s) have been, or are being, pursued, which claims you have made, at which times, and with which outcomes:
.....

IV. Facts of the complaint

Detail, in chronological order, the facts and circumstances of the alleged violations. Include all matters which may be relevant to the assessment and consideration of your particular case. Please explain how you consider that the facts and circumstances described violate your rights.
.....
.....
.....

Author's signature: .....

[The blanks under the various sections of this model communication simply indicate where your responses are required. You should take as much space as you need to set out your responses.]

V. Checklist of supporting documentation (copies, not originals, to be enclosed with your complaint):

- Written authorization to act (if you are bringing the complaint on behalf of another person and are not otherwise justifying the absence of specific authorization): .....
- Decisions of domestic courts and authorities on your claim (a copy of the relevant national legislation is also helpful): .....
- Complaints to and decisions by any other procedure of international investigation or settlement: .....
- Any documentation or other corroborating evidence you possess that substantiates your description in Part IV of the facts of your claim and/or your argument that the facts described amount to a violation of your rights:
.....

If you do not enclose this information and it needs to be sought specifically from you, or if accompanying documentation is not provided in the working languages of the Secretariat, the consideration of your complaint may be delayed.

185736

NEW YORK, Nov. 25, 2007

U.N.: Tasers Are A Form Of Torture

"Stun Guns" Are Under Fire After Six Deaths This Week; Rallies Held Demanding They Be Banned

(AP)

Play CBS Video U.N. Compares Taser To Torture

The U.N. has entered the debate over the Taser, saying its use can qualify as a form of torture, after more reported incidents resulting in death. Joie Chen reports

(CBS/AP) A United Nations committee said Friday that use of Taser weapons can be a form of torture, in violation of the U.N. Convention Against Torture.

Use of the electronic stun devices by police has been marked with a sudden rise in deaths - including four men in the United States and two in Canada within the last week.

Canadian authorities are taking a second look at them, and in the United States, there is a wave of demands to BAN them.

The U.N. Committee Against Torture referred Friday to the use of TaserX26 weapons which Portuguese police has acquired. An expert had testified to the committee that use of the weapons had "proven risks of harm or death."

"The use of TaserX26 weapons, provoking extreme pain, constituted a form of torture, and that in certain cases it could also cause death, as shown by several reliable studies and by certain cases that had happened after practical use," the committee said in a statement.

"Well, it means that it's a very serious thing," Amnesty International USA Executive Director Larry Cox told **CBS *Early Show* co-anchor Julie Chen**. "These are people that have seen torture around the world, all kinds of torture. So they don't use the word lightly."

Tasers have become increasingly controversial in the United States, particularly after several notorious cases where their use by police to disable suspects was questioned as being excessive. Especially disturbing is the fact that six adults died after being tased by police in the span of a week.

Last Sunday, in Frederick, Md., a sheriff's deputy trying to break up a late-night brawl tased 20-year-old Jarrel Grey. He died on the spot.

"I want to know what he did that was so bad," the victim's mother, Tanya James, said. "Did the deputy think that their life was in danger? Did he have a weapon?"

The death came just weeks after Frederick police used a Taser to subdue a high school student.

Black leaders held a rally Tuesday calling for the department to ban Tasers, at least until there is a clear policy on how they are used. The NAACP says it appears the sheriff's office is using Tasers routinely, rather than as a weapon of last resort.

Also this week, in Jacksonville, Fla., in two separate cases two men died after being stunned.

One suspect, who fled a car crash and tried to break into a nearby home, struggled

with a policeman, prompting the officer to tase him three times. The man continued to fight, and tried to bite the officer, while he was being tased. He was later pronounced dead at a hospital.

Another man died Tuesday after a Jacksonville officer pulled over his car. When the officer approached it, the man took off running. When the officer caught up with him, during a struggle, authorities say the officer used his Taser to subdue the suspect.

After being placed in the back of the police car the suspect became unresponsive. He was taken to the hospital where he was pronounced dead.

Last Sunday, in New Mexico, 20-year-old Jesse Saenz died after Raton police used a Taser to subdue him. Police say Saenz was struggling and fighting with them as they attempted to take him into custody.

Saenz died after being transported to a county jail.

In Nova Scotia, a 45-year-old man who was jailed on assault charges jumped a counter and ran for the door as he was being booked. He died yesterday, about 30 hours after being shocked.

Quote

The danger of Tasers is that they seem safe, they seem easy and therefore I think it's natural that police will be inclined to use them much more quickly than they would ever use a gun.

Larry Cox, Executive Director,
Amnesty International USA
And in Vancouver, where Royal Candian Mounted Police have been criticized for their use of a Taser against an irate airline passenger at Vancouver Airport last

month, 36-year-old Robert Knipstrom died in a hospital four days after police used a Taser, pepper spray and batons to subdue him.

Police earlier said Knipstrom was agitated, aggressive and combative with officers. The cause of death has yet to be determined.

More than a dozen people have died in Canada after being hit by Tasers in the last four years.

The reported incidents this week did not have cameras documenting the use of the Tasers, but in British Columbia, a tourist's video camera recorded the death of a man tased twice while in custody at the Vancouver Airport last month.

That horrifying video shows Robert Dziekanski, a Polish man who spoke no English, become increasingly agitated. He was shocked twice, and then died.

The stun guns were denounced at memorial rallies in Vancouver and Toronto for Dziekanski.

Among the 1,000 people at the Vancouver rally was Paul Pritchard, who shot the video of the confrontation at the city airport.

The crowd gave a hero's welcome to Pritchard, who said he "saw the life drain out of a man's face" and heard "blood-curdling screams."

A rally in front of the Ontario legislature in Toronto drew several hundred people, including Bob Rae, a Liberal candidate in the next federal election.

Rae said the events leading up to Dziekanski's death must "never, ever be allowed to happen again."

The prominent - and sensational - reports of deaths following the use of Tasers has

increased attention to their legitimacy, and prompted a bold defense by their manufacturer.

Taser International, based in Scottsdale, Az., released a statement following the Vancouver Airport incident saying no deaths have ever been definitively connected to what the company describes as: "the low-energy electrical discharge of the Taser."

That's 50,000 volts.

"The video of the incident at the Vancouver airport indicates that the subject was continuing to fight well after the TASER application," Taser International said. "This continuing struggle could not be possible if the subject died as a result of the Taser device electrical current causing cardiac arrest. [Dziekanski's] continuing struggle is proof that the Taser device was not the cause of his death.

"Specifically in Canada, while previous incidents were widely reported in the media as 'Taser deaths,' the role of the Taser device has been cleared in every case to date," Taser said.

While the medical questions about causes of death are not resolved, Cox said this is precisely why more study is needed. "Nobody really knows exactly why these people are dying, we only know that people are dying after they're tasered," he said. "It's nearly 300 people who have died in the United States - they're tasered, and then they die.

"It may be because they have a heart condition. It may be because they're on drugs. It may be because of some other factor that we don't know about. The important thing is, they are dying after they are tasered. That cannot be denied, no matter how you spin the language."

The devices are used by about 12,000 police departments, often in chaotic

situations.

Retired police officer Paul Mazzei told **Chen**, "Minus the Taser, they would have to use an impact weapon like a baton, possibly pepper spray or in some extreme cases of violent behavior they might even have to use deadly force to control that individual."

In fact, in New Mexico earlier this month, the parents of a suicidal woman who was shot to death by Bernalillo County deputies two years ago are suing, contending that the police should have used Tasers instead of firearms.

Brittany Wayne was killed in her bedroom 23 seconds after police arrived.

And in Utah, a patrol car's dashboard camera caught an officer tasing a driver who refused to sign a speeding ticket. The officer is now under investigation, accused of being too quick on the draw.

Amid a growing outcry, civil rights groups are urging police to put down their Tasers until more research is done.

"The danger of Tasers is that they seem safe, they seem easy and therefore I think it's natural that police will be inclined to use them much more quickly than they would ever use a gun," Cox told **Chen**.

"Most of the cases we've looked at, there's been no weapon involved at all [on the part of the suspect], let alone a deadly weapon," Cox said. "So these are not situations where necessarily the police officer sees a threat."

In the Utah highway arrest, the unarmed motorist talks back to the officer and walks away before being stunned.

"The penalty for resisting arrest should not be death," Cox said.

CBSNews.com producer David Morgan contributed to this report.

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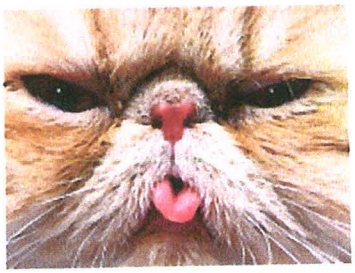
-  10 scary diseases pets give people
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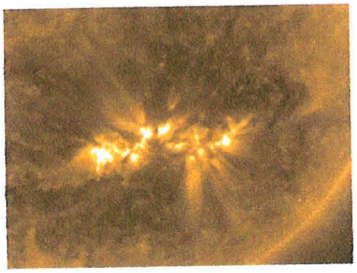
-  The sun as you've never seen it
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