

CITIZEN REVIEW COMMITTEE REPORT
CROWD CONTROL AND THE PORTLAND POLICE

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

NAME (print)

ADDRESS AND ZIP CODE

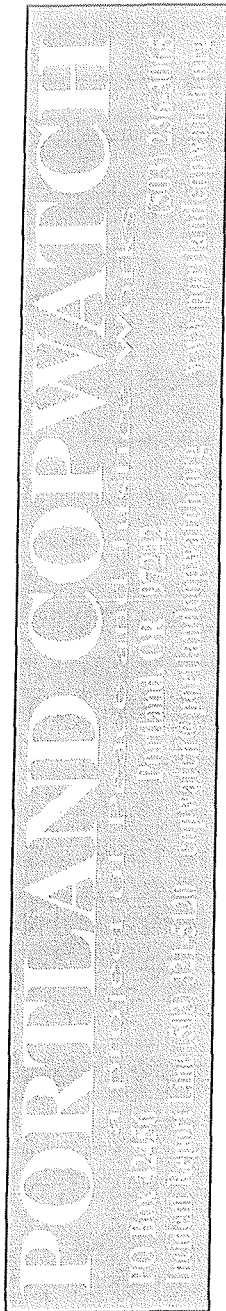
Email

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COMMENTS on Citizen Review Committee Crowd Control Report
(being presented to City Council Wednesday, January 14)
from Portland Copwatch January 13, 2015

Members of City Council:

Portland Copwatch (PCW) is extremely concerned that after hearing from demonstrators, lawyers, members of the public and from PCW about the use of weapons at protests—including batons, pepper spray, horses, and bicycles—the Citizen Review Committee’s Crowd Control report does not even mention these items. Their Work Group had promised to at least mention the weapons in an “other concerns raised during our process” section. While many of the recommendations they make are on point and productive, it is the use of violence that most concerns our group and many people who have witnessed or been subjected to that violence over the many years we’ve been active.

We also had hoped Tasers would be addressed although we’re not aware of Taser use at protest actions to date, they are allowed by the current and proposed revised policies (and should not be). We repeatedly suggested CRC recommend banning the use of all of these weapons, and though there was discussion on the idea, that discussion is not reflected in the document.

We raised the issue at the CRC’s December meeting before the Committee as a whole adopted the report. They did not remedy this serious problem, even though the vote came just days after the PPB deployed “flash-bang” devices at a crowd, later “kettling” a bunch of people for arrest, many of whom were released and the ones arrested ending up having charges dropped.

Also, it has come to our attention that when analyzing force data, the Bureau and the Independent Police Review Division may be considering all force used at one protest action as one use of force incident, which would be highly misleading. If one person is hit with a baton and another is pepper-sprayed in the mouth, and another is hit by a bicycle, these are three distinct uses of force.

As we noted in our comments to CRC and on the Bureau’s Crowd Control Directive, our purpose in sending these suggestions is to alleviate as best we can a practice which has harmed members of our own group and others in our community. Members of our group have been “kettled” and pepper sprayed, pushed up against the wall by a police horse, hit with police bicycles, and suffered and witnessed other abuses at protests. We have no interest in perpetuating police use of violence against unarmed, peaceful protestors. We oppose the use of the current array of weapons but are not going to advise on ways to harm people, that is not our task as a group promoting police accountability.

SPECIFIC COMMENTS

Recommendation 2/Name Badges: This recommendation has to do with officers from other jurisdictions assisting the PPB in Crowd Control situations. We asked CRC to recommend the Bureau and the City work on a state statute requiring all law enforcement to display name tags on their outermost garments based on PPB’s Directive 312.50. This suggestion is not in the final report. We understand the City finalized its Legislative Agenda last week. We hope that this can be added to the slate.* Since Portland frequently brings in outside agencies, some of whom refuse to follow PPB rules requiring identification, a state law is crucial.

Recommendation 3/Training: The recommendation asks PPB to “encourage” non-PPB law enforcement to attend PPB crowd control training. We believe the City should require such training for any officers (and supervisors) who will be assisting the PPB. Otherwise response to crowds will not be consistent with PPB training and will put the community at risk of harm, and both the City and the other agencies at risk of legal action.

Recommendation 4/Militaristic Uniforms/Equipment: While we support the recommendation to minimize the presence of militaristic uniforms and weapons, we think the phrase “unless absolutely necessary” is too vague and should be better defined, as it leaves too much discretion for the police to “gear up” in relatively harmless situations.

Also, we asked CRC in describing how “hard gear” officers can be a deterrent or a catalyst for tension, to change the word “both” to “either,” so it is clear that it does not serve a dual role in the perception of a community member, but rather will be perceived one way or the other. They did not make that change.

Recommendation 5/Community Relations: We appreciate that CRC, at our suggestion, added the sentence “The PPB should be aware that not all community members and/or groups are open to [police] contact.” We noted that there will always be members of the community who do not wish to interact with the police because of their militarism, violence, racially imbalanced enforcement, and other injustices inflicted upon civilians. While there is nothing wrong with recommending more contact, it should not be seen as a means to resolve problems in crowd situations per se.

(more)

Furthermore, we've heard of (and experienced) receiving unsolicited contact from the Bureau ahead of protest actions, and rather than feeling community-oriented, it comes off as an invasive means to collect information on political organizations. Organizers who had the PPB post to their Facebook event page were very troubled by that approach.

Recommendation 7/Permitting process: We agree that the permitting process is cumbersome and should be centralized, but we support (and our parent group frequently engages in) the organizing of protests without permits, as permits are not always required, and some would argue are undue burdens on free speech/assembly/expression. We believe strongly that First Amendment events should not have to be cleared through the Police.

Recommendation 8/Publicizing Bureau expectations: While it may be useful for the Bureau to let people know how they prepare for large gatherings, and what kinds of behavior would lead to what kind of response, the laying out of "expectations" seems paternalistic and similarly tilting toward infringement of Constitutional rights. Reframing this as a frequently asked questions list would improve the recommendation greatly.

PROCESS ISSUES

Although Portland Copwatch members attended nearly every one of the CRC's Work Group meetings on this subject, our concerns were often minimized and sometimes even ridiculed by CRC members. We feel the CRC should be more respectful to community members participating in their efforts, and as noted above, could at least have reflected the concerns in the report even if they did not agree with them.

We also note that CRC followed their written protocol to allow public input before sending the report to the whole Committee, but only after PCW reminded them of the proper procedure.

On the other hand, we are baffled as to why the Bureau released a revised draft version of its Crowd Control policy in September as part of its review of Directives. It's particularly confusing since Captain Dave Famous of Professional Standards attends CRC meetings and knows they were working on their draft report at the time the Bureau's changes were proposed. Furthermore, Crowd Control is related to the Bureau's pattern or practice of excessive force, but not inherent to the DOJ Agreement which led to the Directives review. Thus, we feel the Bureau should have waited for this report to come to Council before drafting their new policy.

RECOMMENDATIONS WE CAN SUPPORT AS WRITTEN:

Recommendation 1/Sound Trucks: It was important to our group that the announcements made be coordinated by a trained Incident Commander and not the paramilitary Rapid Response Team. CRC's current version of this recommendation reflects that concern.

Recommendation 6/Friendly demeanor for front-line officers: We support this recommendation.

Recommendation 10/Revise preamble of directive to emphasize de-escalation: We support this recommendation.

Recommendation 11/No political profiling: We support this recommendation, which suggests the Bureau not target people based on their clothing or perceived political affiliation.

Recommendation 12/Prompt property release: We support this recommendation.

OTHER:

In the section under "Workgroup Activities," CRC notes that force complaints are "sustained" (officers found out of policy) less often than other allegations, but there is no analysis of why that should be so.

Also, in various parts of the report, the WG refers to comments it heard. Sometimes, the source of the comments is listed (as it should be—in Recommendation 1, for example), but other times, it vaguely states "the WG has heard comments" (as in Recommendation 4). We asked for CRC to clarify these remarks, but that was not done in the final report.

CONCLUSION

While the CRC's Crowd Control report contains many good recommendations that could improve how the Portland Police interact with community members at demonstrations, it is imperative that the Council not sign off on these as the only needed changes without addressing police use of violence and the other issues we've identified.

—Dan Handelman, Regina Hannon
and other members of Portland Copwatch

* We'd also like to see the City support legislation limiting police use of deadly force, calling for special prosecutors in deadly/excessive force cases, and addressing racial profiling, among other accountability measures.

Submitted by
Dan Handelman
1/14/2015

<http://gawker.com/police-chief-respecting-cops-means-respecting-protesto-1675787560>

Police Chief's Perfect Response: Respect Protestors, Keep an Open Mind

Hudson Hongo 12/28/14 1:00pm 12/28/14 1:00pm

When a pro-cop citizen wrote the Nashville Police to express his "frustration and outrage" at the city's peaceful handling of recent Ferguson protests, Chief Steve Anderson reminded the letter-writer of a simple fact: "The police are merely a representative of a government formed by the people for the people--for all people."

In his point-by-point response?published online Friday and reproduced in full below?Anderson explained why police in Nashville served demonstrators hot chocolate instead of threatening them with arrest, urging the unnamed critic to "truly give fair consideration to all points of view."

"[C]omparing the outcome here in Nashville with what has occurred in some other cities," wrote Anderson, "the results speak for themselves."

Mr. _____

While I certainly appreciate your offer to intercede on my behalf with our Mayor, you should know that the Mayor has not issued any order, directive or instruction on the matter with which you take issue. All decisions concerning the police department's reaction to the recent demonstrations have been made within the police department and approved by me. Therefore, any reasons or rationale supporting your proposal as what would be the best approach for all of Nashville, and not just a method of utilizing the police department to enforce a personal agenda, should be directed to me.

In that your thoughts deserve consideration, I will attempt to address some of the issues you have raised: * Has consideration been given as to whether the response of the police department "help or hurt the community."

It is our view that every decision made within the police department should be made with the community in mind. Obviously, there are some matters in which we have no discretion. On matters in which we do have discretion, careful consideration is given as to the best course of action, always with the welfare of the general public in mind.

That has been the consideration on this issue. Certainly, in comparing the outcome here in Nashville with what has occurred in some other cities, the results speak for themselves. I stand on the decisions that have been made. * "These actions are putting the department at disharmony from the majority of the citizens."

While I don't doubt that you sincerely believe that your thoughts represent the majority of citizens, I would ask you to consider the following before you chisel those thoughts in stone.

As imperfect humans, we have a tendency to limit our association with other persons to those persons who are most like us. Unfortunately, there is even more of a human tendency to stay within our comfort zone by further narrowing those associations to those persons who share our thoughts and opinions. By doing this we can avoid giving consideration to thoughts and ideas different than our own. This would make us uncomfortable. By considering only the thoughts and ideas we are in agreement with, we stay in our comfort zone. Our own biases get reinforced and reflected back at us leaving no room for any opinion but our own. By doing this, we often convince ourselves that the majority of the world shares opinion and that anyone with another opinion is, obviously, wrong.

It is only when we go outside that comfort zone, and subject ourselves to the discomfort of considering thoughts we don't agree with, that we can make an informed judgment on any matter. We can still disagree and maintain our opinions, but we can now do so knowing that the issue has been given consideration from all four sides. Or, if we truly give fair consideration to all points of view, we may need to swallow our pride and amend our original thoughts.

And, it is only by giving consideration to the thoughts of all persons, even those that disagree with us, that we can have an understanding as to what constitutes a majority. * "I just want myself and my family to feel that our city is safe, and right now we don't feel that way."

I have to admit, I am somewhat puzzled by this announcement. None of the demonstrators in this city have in any way exhibited any propensity for violence or indicated, even verbally, that they would harm anyone. I can understand how you may feel that your ideologies have been questioned but I am not aware of any occurrence that would give reason for someone to feel physically threatened. * "I have a son who I have raised to respect police officers and other authority figures, but if he comes to me today and asks "Why are the police allowing this?" I wouldn't have a good answer."

It is somewhat perplexing when children are injected into the conversation as an attempt to bolster a position or as an attempt to thwart the position of another. While this is not the type of conversation I ordinarily engage in, here are some thoughts you may find useful as you talk with your son.

First, it is laudable that you are teaching your son respect for the police and other authority figures. However, a better lesson might be that it is the government the police serve that should be respected. The police are merely a representative of a government formed by the people for the people?for all people. Being respectful of the government would mean being respectful of all persons, no matter what their views.

Later, it might be good to point out that the government needs to be, and is, somewhat flexible, especially in situations where there are minor violations of law. A government that had zero tolerance for even minor infractions would prove unworkable in short order.

Although this is unlikely, given your zero tolerance stance, suppose that, by accident or perhaps inattention, you found yourself going 40 miles per hour in a 30 miles per hour zone and that you were stopped by a police officer. Then, after making assurances that licenses were in order and that there were no outstanding warrants, the officer asked you not to speed again and did not issue a citation, but merely sent you on your way.

As you have suggested, a question may come to you from the back seat, "How can I respect the police if they will not enforce the law?" In the event this does occur, here are some facts that might help you answer that question.

In the year 2013, our officers made over four hundred thousand vehicle stops, mostly for traffic violations. A citation was issued in only about one in six of those stops. Five of the six received warnings. This is the police exercising discretion for minor violations of the law. Few, if any, persons would argue that the police should have no discretion.

This is an explanation you might give your son. Take into account, however, that the innocence of children can produce the most profound and probing questions. They often see the world in a very clear and precise manner, their eyes unclouded by the biases life gives us. This could produce the next question. "If you believe that the police should enforce the law at all times, why didn't you insist that the officer write you a ticket?"

I don't have a suggestion as to how that should be answered.

I do know, however, that this is a very diverse city. Nashville, and all of America, will be even more diverse when your son becomes an adult. Certainly, tolerance, respect and consideration for the views of all persons would be valuable attributes for him to take into adulthood.

Mr. _____, thank you for taking the time to express your position on this matter. I assure that your thoughts will be given all due consideration. We will continue, however, to make decisions, on this and all matters, that take into account what is best for all of Nashville.

Steve Anderson
Chief of Police
[Image via WKRN-TV]