

**REPORT ON POLICE OFFICER-INVOLVED SHOOTINGS**  
**AND IN CUSTODY DEATHS**

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## PORTLAND COPWATCH AGAIN SUPPORTS POLICE SHOOTINGS REPORT BUT URGES BROADER FINDINGS

For the third time, the Los Angeles Group left out the issue of race as a factor and the concept of civilian oversight  
 December 2, 2014

The Los-Angeles based consulting firm OIR Group released their third broad analysis of Portland Police Bureau (PPB) shootings and deaths in late November, prompting local accountability group Portland Copwatch (PCW) to both praise and criticize the report. (OIR also did an analysis solely focused on the 2006 in-custody death of James Chasse Jr in 2010). Once again, the report contains many useful recommendations which could both reduce PPB deadly force and increase accountability measures. However, it also repeats the flaw of skipping over the important issue of race as a factor (in two of the eight incidents), and all but ignores the concept of civilian oversight of the Bureau.

Roughly 25% of all people shot, shot at or who died in police custody since 2000 in Portland have been black. Briefly, the two incidents included in OIR's report with African American suspects were: —Dupree Carter, a 23 year old shot at in 2006 (but not hit). Carter allegedly flashed a gun at a 12 year old for knocking on his neighbor's door, and pointed that gun at officers when they arrived. OIR never examines the issue of Carter's race, even if it did not play a role in the shooting. (Bonus: the officers' fired into the apartment when they did not know an infant was inside.)

—Darris Johnson, a 26 year old who ran away from a 2011 traffic stop where officers intended to cite him for failing to have his seatbelt on in the back seat, then died after complaining repeatedly to cops he was short of breath. OIR does not ask if the initial stop on a "Cadillac without tail lights," which found the female driver without insurance, was racial profiling, or whether the cops' decision to cite Johnson for such a minor offense would have been made for a white passenger in the back seat.

PCW brought up this issue in 2012 when the only three black suspects in the report were also the only unarmed suspects, and in 2013 when OIR dismissed the community concern that Keaton Otis was racially profiled before he was shot. Seeing how OIR Group wisely tells the Bureau they should examine every possible aspect of incidents leading up to and after shootings, and interview all witnesses, even if such examination leads nowhere, it seems they should heed their own advice.

OIR repeats a recommendation from their 2012 report to abandon use of the "East County Major Crimes Team," which uses cops from nearby jurisdictions to investigate shootings. The report makes clear that the visiting detectives are behaving much worse than the PPB by going easy and even asking leading questions, but once again doesn't suggest having a non-law-enforcement body to replace the criminal or administrative investigators. The "Independent" Police Review Division (IPR), which claims it is prohibited from investigating (or allowing appeals for) deadly force cases, yet since 2010 has been going to the scene of each incident and sitting in on investigations and Review Board hearings. is only mentioned once in the report. The mention isn't about investigations, only that IPR was not invited to a work group on off duty shootings. (This is quite curious, since the contract for OIR to conduct these annual reviews is done through the IPR).

The report does some impressive analysis, asking in many cases whether officers could have made better choices in the time leading up to the shootings. The Bureau's response was that they agreed with many of the recommendations but disagreed with the analyses, as if OIR were saying the cops should have done something different or perhaps even be found out of policy—which they are not, unfortunately. OIR's analyses simply demonstrate to the Bureau that, contrary to Chief Reese's claim, by not asking all the right questions they are not doing a "thorough" investigation into each incident. The report also points out that many recommendations made by the Police Review Board (PRB) and others have not been implemented. Reese says one in particular (creating a video to show the importance of making a plan and maintaining communication) was not done because of an "oversight," but notes the Professional Standards Division is now tracking over 300 recommendations, including those from the US Department of Justice (DOJ). It's odd that OIR has complete access to the Bureau yet it seems nobody bothered to show them this database during their review.

There is also a terrific chart showing how investigations of all the cases covered in OIR's three broad reports lasted much longer than necessary, with only one or two completed in eight months or less (including the Aaron Campbell investigation). We've been asking for many years for someone to make charts similar to the ones included in the first such review by the Police Assessment Resource Center (PARC) in 2003, which showed the race of the suspects as well as whether they were armed; unfortunately OIR did not include such charts in this "final" report catching up all previously unreviewed cases from 2004-2010 (and two from 2011).

(more)

There are quite a few amazing details that were never focused on in earlier public discussions of the cases. An especially important inclusion is the 2007 off-duty shooting by Sgt. Greg Stewart of Jeffrey Turpin, a man in mental health crisis who knocked on the door of Stewart's Scappoose home randomly while trying to avoid being shot by Scappoose police. Not only did Stewart fail to communicate with the on-duty officers before he shot Turpin through his door, but after he decided not to evacuate the house as he told 9-1-1 he would, he called his neighbor— another off-duty Portland cop— “by accident.” There is no question in the OIR report, nor apparently by the investigators, whether the subject of that call was Stewart deciding just to go ahead and shoot.

Similarly alarming was that in 2011, the officers who climbed the stairs to confront the suicidal Ralph Turner (who they knew had access to guns) received a phone call from Turner but didn't answer before knocking on the door— and being shot at.

Also, it was refreshing to read that a Bureau Sergeant who snuck over to Derek Coady's house and opened his fence— tipping off Coady, who then hid in his shed with a gun until cops arrived— was disciplined for his act of insubordination. The Sergeant opened the fence because it was agreed regular officers would arrest Coady on drug charges if the fence were open, but they'd call in SERT if it were closed. However, that the community is learning about this discipline— and doesn't know the name of that Sergeant— is disturbing, since Coady, who supposedly shot himself after Officer Russ Corno's bullets fired under a car in the shed missed him, may still be alive if not for that action.

OIR stepped up, pushing the Bureau on a question PCW raised years ago when Corno was involved in two shootings back-to-back in 2007 and 2008 (Coady and Osmar Lovaina Bermudez, covered in the 2013 report)— what are the similarities? The Chief defended the Bureau's current practice, which is not to mention an officer's history until the end of a Police Review Board, and then only if the officer is found out of policy. Clearly the PRB could make a better set of recommendations if they were able to see an emerging pattern for a specific officer, even if they thought both shootings were within the rules.

For the death of Craig Boehler in 2010, OIR reports that the Medical Examiner originally asserted it was both the bullets fired by Officer Pete McConnell's AR-15 rifle and smoke inhalation from a fire that killed Boehler. Yet at the Grand Jury, the ME said it was just the smoke inhalation. While OIR raises this issue, they fault the Bureau for not asking questions to the ME without emphasizing what PCW has noted for years: The ME, who like the District Attorney needs to work closely with the cops to solve crimes, often makes determinations favorable to the police. OIR does well to point out, though, that McConnell believed the officers on the other side of Boehler's house, where he was heading, could have hidden behind the Bureau's armored vehicles— but didn't know whether they were doing so when he shot Boehler through a back window.

The report also calls out the two officers who ended up shooting and killing Darryel Ferguson in 2010 for not identifying themselves as police officers, since they knew Ferguson was engaged in an argument with his neighbor. Thus, Ferguson had no way to know when he allegedly stuck his (fake) gun out the door that he was facing cops. The fact that there were four other people in the apartment including a child makes the multiple shots through the door even more disturbing, something mentioned but which did not lead to any specific recommendations from OIR.

The other case examined was of Marcus Lagozzino, who was swinging a machete and threatening his parents in 2010. While Lagozzino, who clearly was in mental health crisis, survived his wounds, the many tactical issues raised by OIR (including, in this case, that the parents likely weren't in danger since they told 911 they were hiding in the house) indicate they might have better used time as a factor.

Some of the recommendations are repeats from the previous reports, which raises the question of why OIR did not re-emphasize in a formal suggestion that the Bureau do away with the 48-hour rule (delaying administrative investigations of cops by 2 days at the behest of the police “union”), only addressing it in the body of the report. As with the other reports, there are many such informal recommendations a careful reader can find.

While the Bureau claims to be working on or agreeing to many of the recommendations, it is clear from many of the Chief's answers that they either do not understand or deliberately are trying to avoid the common sense suggestions. For example, OIR suggested that officers hear the outcome of PRB hearings in person, so that critique of their tactics can be conveyed face to face. Chief Reese says only that Professional Standards tells them the outcome of the vote by the end of the day of the hearing, ignoring the important concept of a debriefing.

The above is Portland Copwatch's initial analysis of the 100-plus page report. More details will follow before or after the City Council hearing on Wednesday, December 3.