

## *Individuals For Justice*



**1/20/2014**

Dear Judge Simon,

On February 18 we will come before you not as lawyers, or ministers but as citizens of these United States. I served in the US Navy for nine years until I filed paper work objecting to the War in Indo-China. After losing all my security clearances I finally received an honorable discharge in 1971. During most of those nine years I believed that the United States was a “Shining Light” on a hill and all things were possible. We stood for honor, trust, and would, if called upon, defend democracy anywhere in the world. I was a proud American. I was also wrong.

Let me start by pointing out that the city of Portland refuses to even meet the minimum requirements that any party to a settlement would be expected to do and that is admitting guilt, maybe even relating how they will change the way they do things.

Under the proposed settlement agreement the city refuses to admit any guilt:

\*“The City expressly denies that the allegations of the complaint are true.”

\*Introduction—page 5 of the settlement agreement

This statement may make sense to stop lawsuits against the city for the action of its police department; but so what! Any defendant would have that problem and is required to admit guilt if they want the settlement; otherwise off to trial. I find this settlement offensive to the people of Portland and indirectly to the people of Oregon. This settlement is not “Fair, Reasonable and of course it is not Adequate” to restore the bond between the police and the people who they are supposed to serve. This group of bullies has not changed their ways even with the settlement hanging over their heads; they see nothing wrong here---move on! From the top of the chain of command to the person who will come into contact with the general public, they have total disrespect for large groups of people including the mentally ill. The African American community bears most of the anger and rage from this group by their use of profiling, but activists who stand their ground and demand that police officers not use their authority to punish in place of serving are also in jeopardy. The Portland Police Department have not and will not change their way of doing things until there is some authority that says, “Enough is enough” and forces them to change. We need you to be like that wonderful judge in the 70s who knew there was more to a simple break in at the Democratic Headquarters and ended up removing the Nixon Administration; we need you to act like Judge John Sirica. I am old enough to remember that what this federal judge did was the final act for me as a citizen protester to the terrible wrongs of government. One judge sent 19 high level administration officials to prison including the US Attorney General, Nixon cut a deal and ran, resigning the presidency for the first time in our history. We need you to be our Judge John Sirica; you are our last hope for justice and accountability.

We must have, at the end of the day, a totally independent “Review Board” with subpoena power and their own staff and budget, who answers to the people of Portland and not to any politician or police brass. If you allow this agreement to be accepted you will have taken away our last chance at some accountability. Are there cities that have such a body---Yes!

First, let me refer you to a study that looks at different types of review boards and explains some of the difficulties and rewards of such changes in the way we do things here in Portland. We believe that police investigating themselves is ripe for corruption and will say to our citizens, “It is business as usual.” Please accept and read the following study and make it part of the record:

[http://cpp.fullerton.edu/cpp\\_policeoversight\\_report.pdf](http://cpp.fullerton.edu/cpp_policeoversight_report.pdf)

The great value with this study is it offers different paths to travel when implementing a review body and leaves it up to us to pick and choose which one is good for our community. An Independent body that does not have the ability to investigate a police shooting is neither independent nor useful in any sense. Here is a letter from the City Auditor's office saying as much.

[http://www.portlandcopwatch.org/otis/IPR\\_Denial\\_of\\_Appeal\\_Sept0712.pdf](http://www.portlandcopwatch.org/otis/IPR_Denial_of_Appeal_Sept0712.pdf)

In the settlement agreement it clearly states that there will be changes affecting all the people of Portland, and not just those who are viewed as having mental breakdowns or problems. We need a mechanism that all people will trust, they must be independent boards with powers to subpoena and force testimony of the perpetrators who are being investigated. The police must have no ability to interfere with this administrative procedure. Today, after this agreement is signed "as is" the chief of police will remain on top of the disciplinary pyramid. He has in the recent past, and will continue to be able to change the decisions or recommendations of the Independent Review Board.

This agreement is unacceptable and should be rejected. We spoke of real independent review boards and I would like to just talk about one:

#### BART CITIZEN OVERSIGHT MODEL

This model has a number of levels to ensure that any investigation will be fair, and reasonable. There is a person called the Independent Police Auditor who does the investigation, gives their conclusion to another civilian body called Citizen Review Board who also evaluates what the Auditor submitted and passes that on to the Chief of Police. The Chief must implement the wishes of the Auditor and/or the Citizen Review Board or file an appeal to the City Manager, (In our case Mayor.) We can't even get our Chief to agree to put his reasons for changing the recommendations in writing, never mind justifying them to the Mayor.

[http://www.bart.gov/sites/default/files/docs/BART\\_Citizen\\_Oversight\\_Model.pdf](http://www.bart.gov/sites/default/files/docs/BART_Citizen_Oversight_Model.pdf)

In conclusion, let me say we need accountability and the settlement before you gives us very little. We do not accept the concept that getting something new from you is good enough. We see this settlement as business as usual and will cause us to be back here in a few years having spent millions of taxpayer dollars with nothing to show for it. We need you to be our John Sirica.



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## INDIVIDUALS FOR JUSTICE

**503-946-8428**

***We expect the following people to use the 10 minutes allotted to our group:***

- 1. Joe Walsh, founding member***
- 2. Jose Serrica, member and street minister.***
- 3. Roberto Lovato, member***











