



Oregon Assembly For Black Affairs

P. O. Box 12485
Salem, Oregon 97309
oaba@peak.org

January 6, 2010

TO: The Honorable Sam Adams, Portland Mayor
The Honorable Amanda Fritz, Portland Commissioner, Position 1
The Honorable Nick Fish, Portland Commissioner, Position 2
The Honorable Dan Saltzman, Portland Commissioner, Position 3
The Honorable Randy Leonard, Portland Commissioner, Position 4
The Honorable LaVonne Griffin-Valade, Portland Auditor

SUBJECT: Revelations By The Shooting Of A 12-Year Old Black Girl By A Portland Police Officer Needs Further Actions By Portland City Officials

The Oregon Assembly for Black Affairs (OABA) has followed with great interest the information in the media regarding the shooting of a 12-year old Black girl (on November 14, 2009) by a sworn Portland police officer. It is OABA understanding that Portland Police officer Chris Humphreys shot this 12-year old Black Girl while another Portland police officer was holding her down. Also it is OABA understanding that Portland City Commissioner Dan Saltzman, who is in charge of the Portland Police Bureau, placed this police officer who shot the 12-year Old Black girl on leave with pay until an investigation is to be completed and its results are known. It is also OABA understanding that the Portland Police Association asked its 922 members for a vote of no confidence in the Portland Police Commissioner Dan Saltzman and Chief Rosie Sizer that would be held on November 30, 2009. According to **The Oregonian** Report Maxine Bernstein, Sgt. Scott Westerman, President of the union, speaking at a press conference stated that the union's faith in the leadership of the Police Bureau is gone and that the union is angry over a decision to place Officer Chris Humphreys on paid leave as the Portland Police Bureau investigates his firing of a beanbag shotgun at a 12-year-old Black girl. It is OABA understanding that on November 24, 2009, Portland police officers marched and held a rally before they were to hold a no-confidence vote on Police Chief Sizer and City Commissioner Saltzman because of this shooting incident involving Police Officer Humphreys. It is OABA understanding that some police officers from other political subdivisions participated in this protest march. It is OABA understanding that a state legislator participated in the Portland police march and rally. On November 25, 2009, the Albina Ministerial Alliance (AMA) held a press conference in support of Police Chief Sizer and City Commissioner Saltzman for taking their actions until an investigation is completed. It has been said by **The Oregonian** Editorial Board that a no-confidence vote was taken but the Portland Police Union announced that it wouldn't be releasing the results of that no-confidence vote because of the prolonged negotiation over the Thanksgiving weekend. Also, according to **The Oregonian**, City Commissioner Dan Saltzman retreated, on November 30, 2009, and announced that Officer Humphreys will allowed to perform desk duty. It is OABA understanding that shooting a 12-year old girl with a beanbag by a police officer can be viewed as deadly force.

It is of great concern that there was a decision by the Police Commissioner Dan Saltzman to suspend the officer for shooting the 12-year old Black girl while the investigation was in process and then to see that the suspension of the police officer was reversed. Further, it is of concern that the public is left with a concern that the vote of no-confidence results was withheld from the public seemingly because the

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police officer was reinstated. This appears to allow Commission Dan Saltzman to trade the reinstatement of the police officer for the withholding of information from the public.

OABA firmly believes that all matters related to public safety must be reviewed in light of extenuating circumstances. The Portland City Commissioners and the Portland Police officers as well as all duly elected officials have a responsibility to carry out their duties in accordance with the laws and regulations. They signed oaths of office and swore to uphold the law. All elected and State, County, and City employees must be held accountable for their actions and must represent the public without taking the side of specific agencies based on political pressure or perceived benefit. Should an Oregon elected official be marching in an event that is designed to pressure a city to reverse its action?

The OABA Board of Directors expressed that this shooting of a 12-year old Black girl revealed issues greater than this 12-year old Black girl or her parent, greater than just AMA or OABA involvements, greater than Portland Black Community, and greater than the citizens of Oregon. The questions become: "Is it safe for a Black American to be in Portland, Oregon?" and "Will Portland public officials (elected or appointed) honor their oaths of offices and uphold the law when Portland Police officers are inflicting unjustifiable use of deadly force or less lethal deadly force on members of the Black Community?" The issues revealed by this shooting need further attention by the City of Portland, State of Oregon and the United States.

Given the events that have occurred and the fact that no investigation report of this shooting of the 12 year Black girl has been completed and made public, OABA raises the following questions for you, as Portland Mayor, Portland Commissioners and Portland Auditor, who have multiple oversights over the actions of the Portland Police Bureau and its officers:

I. Reference to the Portland police officer's actions toward the 12-year old Black girl:

- A. Did the officer, who stopped the 12-year old African American female and subsequently shot her with a beanbag (on November 14, 2009), have just cause for singling her out? Why was the young female approached by this police officer?
- B. What was the reason that this 12-year old African American female was stopped?
- C. Had the 12-year old Black girl violated any law when she was stopped?
- D. Was the 12-year old Black girl under control of another Portland police officer when the officer shot her?
- E. Did the Portland police officers have to use deadly force or less lethal force to control a 12-year old Black girl?

II. QUESTIONS: Portland Police Commissioner and Portland Chief of Police:

- A. Was Portland Police Commissioner acting within his authority when he suspended the police officer who shot the 12-year old Black Girl pending an investigation of the shooting of the 12-year old Black Girl?
- B. Was Portland Chief of Police acting within her authority when she initially placed the police officer who shot the 12-year old Black Girl on desk duties pending an investigation of the shooting of the 12-year old Black Girl?
- C. Were Portland Police Commissioner and Chief of Police acting in the public interest when they rescinded the suspension of the police officer who shot the 12-year old Black girl?

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- D. Are sworn Portland police officers allowed to carry their badges and guns off duty and when the sworn Portland police officers are marching and rallying against Portland public officials?

III. QUESTIONS: Portland City Officials (Mayor, City Commissioners and Auditor):

- A. Did the police officers and the public who marched against the Police Chief and City Commissioners have a public permit for their march?
- B. Were any contracts, city codes or laws violated by those who marched in the protest against the Chief of Police and City Commissioners for their action to suspend the officer who shot the 12-year old Black girl?
- C. Did the Portland Police Union violate its contract with the City of Portland when the union conducted a protest march and rally against city officials?
- D. Is the Portland Police a quasi-military force?
- E. When police officers participate in a protest police march against Portland city officials, is this the beginning of efforts to terrorize the city officials and its citizens?
- F. What is the response of Portland City Officials regarding this protest march by sworn police officers?
- G. Do City Officials plan to follow up if city codes or laws were violated?
- H. Will the City make its response to the protest available to the public?
- I. Will Portland officials (elected and appointed) honor their oaths of offices and uphold the laws when Portland police officers are inflicting unjustifiable use of deadly force or less lethal force on members of the Black Community?

IV. QUESTIONS: The Portland City Officials and Chief of Police With Respect to Portland Police Officers:

- A. Under whose command were the Portland police officers who participated in the police protest march and rally against the Chief of Police and City Commissioners on November 24, 2009?
- B. Were any of the Portland police officers participating in the protest march on duty during the time they were marching?
- C. Were any of the supervisors (e.g., captains, sergeants, etc.) from the Portland police force participating in the protest march? If so, were they on duty during the time they participated in the protest march?
- D. What did the on-duty Portland police officers assigned to the area where the police carried out their protest march do? Were they involved in protecting the public? Were they engaged in the protest?
- E. Did any Portland police officers leave their post to participate in the protest march?
- F. Did Portland police officers if they were on duty violate their oath to serve and protect the public?
- G. Were there police officers from other political subdivisions (State, counties, or cities) participating in the Portland police protest march and rally against Portland City Officials and Portland Chief of Police?

OABA is asking you to consider the questions above when you receive the investigation report on the shooting of the 12-year old Black girl by one of your police officers.

From some of the media accounts of this incident, the Oregon Assembly for Black Affairs (OABA) is aware that some individuals are pleased that this officer shot the 12-year old Black girl, and it

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appears that many members of the Portland Police Union seems to agree with this. This form of police brutality is not good for the city of Portland, and it would not be tolerated if this were a 12-year old White girl who was shot by a Portland police officer.

It is OABA position that all of you have a duty and obligation to protect the public from those individuals who violate the law or other policies, rules and/or regulations even if those individuals are police officers. Also you have the responsibilities to report the extent to which you have held them accountable to the public at large. OABA asks that there be transparency in the process that you utilized to bring justice to all who have been impacted by the shooting of an unarmed 12-year old Black girl and by the protest march and rally of the Portland police officers. Justice cannot prevail if this incident is shoved under the rug and/or servants of the people bow to extortion or blackmail.

When police officers, through their union, express that they have more power than the elected officials who should be providing oversight, society loses and all citizens are threatened, not only Black Americans. Police officers take oaths to uphold the laws. OABA believes that this display of a police march and rally was designed to question civilian authority over them. When police officers take this approach, all citizens' civil rights come into question.

The Oregon Assembly for Black Affairs (OABA) requests a copy of the investigation report of this shooting incident, and OABA requests that you provide written answers to the questions raised in this letter.

Sincerely,

Cahin D. L. Henry

OABA President

CC: The Honorable Barack Obama, United States President
 The Honorable Ted Kulongoski, Oregon Governor
 The Honorable Peter Courtney, President of Oregon Senate
 The Honorable Dave Hunt, Speaker of Oregon House of Representatives
 The Honorable Kate Brown, Oregon Secretary of State
 The Honorable John Kroger, Oregon Attorney General
 The Honorable Michael D. Schrunk, Multnomah County District Attorney
 Portland Police Chief Sizer

 The Honorable Ron Wyden, U.S. Senator
 The Honorable Jeff Merkley, U.S. Senator
 The Honorable Earl Blumenauer, U.S. Representative in Congress, 3rd District
 U.S. Attorney General Eric Holder
 Oregon Acting United States Attorney Kent Robinson
 OABA Board of Directors
 Dr. T. Allen Bethel, President, Albina Ministerial Alliance (AMA)
 Dr. H. L. Hodge, Portland NAACP President
 Portland Urban League President Marcus Mundy
 Portland IRC Director Mary-Beth Baptista,
 Portland CRC Chair Michael Bigham