

Vernonia Defends Use of Force Tactics

By Scott Laird

The Vernonia City Council heard a report from Police Practices Expert Howard Ray Webb at the Vernonia City Council Meeting on May 18. Webb's investigation reviewed the arrest of Elliot Graf on March 20 by the Vernonia Police Department. That arrest has led to claims that the Vernonia Police Department used excessive force during the incident. The investigation was conducted by Webb at the request of the City of Vernonia. The city has also asked the St. Helens Police Department to review the case, and is awaiting that report.

Webb is an internationally-recognized expert and consultant in areas of law enforcement and private security practices and procedures who has provided training for over 500 law enforcement agencies nationally and internationally.

Webb gave an oral report to city council as well as providing the city with an eight-page written report. According to Webb's report, the case in question involved Vernonia Police officer Shawn Camihan and Interim Police Chief Mike Kay, who responded to a reported party involving minors in possession of alcohol at 814 Bridge Street. Upon arrival, officers encountered a number of suspects on the scene, as well as a loaded shotgun on the floor of the residence. While attempting to arrest Elliot Graf, the officers became involved in a physical altercation, which led to the use of a Taser to subdue Graf.

Webb was asked to review the facts surrounding the case and to evaluate the officers' performance. Webb was given access to the incident report provided by Officer Camihan, as well as supplemental reports provided by Chief Kay, and by Officers Michael Conner and Jeff Dalrymple. He also reviewed the incident report from Metro West Ambulance, the Vernonia Police Department's Taser Policy, twenty-seven photocopied crime scene photographs and two DVD recordings of the events.

In the report he provided to the city, Webb states, "It is my opinion that Officer Camahan's, Sergeant Conner's and Chief Kay's actions during the arrest of Elliot Graf were reasonable and in accordance with the training provided by the Oregon Public Safety Academy, federal constitutional guidelines on police use of force, and police training nationally."

Webb was asked to explain that during the arrest, Mr. Graf exhibited irrational behavior and demonstrated "Ominous Resistance" which are indicators of potentially violent behavior. Webb also states that officers were reasonable in their concern because of the weapon that was found on scene and because of the number of unrestrained

and intoxicated suspects at the scene scene.

The family of Elliot Graf did not return phone calls from Vernonia's Voice about the case.

Webb cited US Supreme Court case, "Graham v. Conner" as a legal standard for determining whether an officer's use of force is reasonable. According to the Supreme Court, "reasonableness is incapable of finite or precise definition." Graham provides factors to consider when determining reasonable use of force. According to Webb's report, Mr. Graf was an immediate threat to officers because he was intoxicated, irrational, and threatening; Mr. Graf committed three counts of Assault on a Public Safety Officer; and Mr. Graf resisted arrest, all indicators that use of force was necessary.

In a separate interview with Vernonia's Voice, Webb stated, "Police use of force is reactive, not proactive. The suspects have responsibility for how much force is used on them."

According to Webb, after Graf demonstrated resistance, officers would have been justified in using pepper spray, a Taser, or an impact weapon to control Mr. Graf, but instead, initially chose lesser force options to control Graf, including a Bent Wristlock, physical take-down and pressure point tactics. These were all proper police tactics and reasonable use of force, according to Webb. Officers were later forced to use the Taser and deliver Taser Stun Drives. Again Webb states that this level of force was reasonable and in accordance with training taught at the Oregon Public Safety Academy, and police training nationally.

In his interview with Vernonia's Voice, Webb stated, "The Taser is a very good tool. I am not acquainted with any Department that doesn't use it."

Columbia County Sheriff Jeff Dickerson stated that a number of departments in Columbia County use Tasers including Scappoose, St. Helens and his Columbia County Sheriff's office. "Tasers are there to save officers and the person being Tasered from physical injury," said Dickerson in a recent interview with Vernonia's Voice. "The Taser is designed to prevent the ongoing use of physical force, versus using a baton or fists to bring a suspect into compliance. It will incapacitate them momentarily and is one option for officers to use to de-escalate a problem."

According to Interim Chief Kay, methods of force that Vernonia police officers are trained to use is standardized in what is called a "Force Continuum," and by The Use of Force, Policy 300 in the

Department Policy Handbook. The Department also has a Taser Guidelines, Policy 309, which describes circumstances under which authorized personnel may use the Taser. Kay stated, after a review of Vernonia Police files, that he is aware of four incidents in which Vernonia police have used a TASER on a suspect since obtaining the weapons for the force beginning in 2004.

According to Webb, Vernonia Police Officers followed all department guidelines for use of a TASER during this incident.

Interim City Administrator Jim Johnson defended the choice of Webb as the investigator of the incident. Questions have been raised about Webb's relationship with Interim Chief Kay. Kay sits on the board of directors for the non-profit that Webb runs.

"I knew about the relationship before Mr. Webb began his investigation," stated Johnson. "It did not concern me. CIS (the city's insurer) is overseeing the case and they send who they think is most qualified. I also asked an officer from St. Helens to look over the case as a way to remove any question of impropriety. And I also acted as a third reviewer of the case. I am not an expert in Police Use of Force, but I have been involved in a number of Police investigations in the past," said Johnson.

Johnson also noted that he was pleased that the city had a medical report done by EMT's who were called to the scene. "They were able to file their report while their examination of Mr. Graf was fresh in their minds," said Johnson. "They are another third party that would raise their hands if they thought there was a problem."

Webb says that because of his extensive background in training police officers and instructors in Oregon, "...needless to say I have relationships with officers everywhere. That doesn't stop me from evaluating Use of Force cases." Webb also stated that he was not paid for his review of the case, either by the City of Vernonia or CIS. "I might not be able to be objective if I was paid. The city offered to pay me, but I refused."

Webb provided an extensive list of credentials as an expert in use of force, defensive tactics and survival skills. He was employed by the Oregon Department of Public Safety Standards and Training from 1988 to 1999 where he was chief defensive tactics instructor. He has also acted as a use of force expert for the State of Oregon and managed the state Survival Skills Program which included patrol practices, building searches, vehicle stops and officer survival. He was the Director of the Montana Law Enforcement Academy from 2001 to 2004. Webb is currently the Executive Director of the American Council on Criminal Justice Training (ACCJT), a non-profit which provides criminal justice training and instructor development on a local, statewide and national level.

What's the Plan Stan? A Monthly Update on City Planning

By Seth Lenaerts

Welcome to Vauban, Germany, an upper-middle-class suburb, located ten miles from Freiburg, Germany. Vauban is similar to many German suburbs, but it differs in one major way: They have quit cars. That's right, no cars!

Vauban is one of the leading communities in the world when it comes to decreasing vehicle dependence. In addition to being car-free, Vauban is also densely built to further decrease their environmental impact. (It also makes it easier to walk or bike to a destination.) The city is only one square mile and houses a population of 5,500. To give some perspective, Vernonia's population of 2,300 lives in an area of 1.6 miles, meaning that Vauban has four times the density of Vernonia! They achieve this by keeping houses close together, building up and not out, and cutting out parking lots and spaces. Living close to your neighbors is not for everyone, but it can save a community a lot of money in infrastructure costs.

This type of experimental development is fascinating. I love to see communities decrease their dependence on cars and resources, not to mention the social benefits of more interaction. A Vauban-esque community, however, is not a universal solution, nor should it be. Vauban was created in 2006 and attracted people with similar ideologies and incomes. Creating future transportation plans will have to be as diverse as the population it will serve.

Is it likely that cars will disappear anytime soon? Of course not, but as a society we should be looking at diversifying our transportation options. One piece of advice an accountant will give to people investing money is to diversify their financial portfolio by investing in different ways-- stocks, bonds, IRA, etc. That way, if things are not going well in one sector, you haven't lost everything. This principle applies for transportation planning, too, and historically we have done a very poor job in diversifying. Let's face it, Americans love cars.

This passion for cars is being second-guessed primarily due to the cost, the environment and the uncertain future of oil. So what's the solution? The buzz word in transportation planning right now is multi-modal. Multi-modal transportation is an emphasis on promoting multiple means of transportation. This includes cars, but focuses primarily on promoting ride-shares, buses, rail, bikes and walking.

In addition, multi-modal transportation planning is about making transportation more affordable, convenient, safe and efficient while decreasing congestion. Potential projects for large cities may be adding light rail, increasing bus service, or diversifying the bus fleet so that the size of the bus matches the ridership. Not all multi-modal projects require development or have to be government-led. Businesses can offer employees who choose to bike or walk safe bike parking to assure security, and a locker room so they can still shower before work. A way to decrease traffic congestion is by creating a website that connects people who may be able to ride-share. One fun example is creating a walking school bus. This involves one or two parents walking a designated route to school with their child and "picking up" other children on the way.

Not all communities may be ready to go the no-car route like Vauban, but I think it's only a matter of time and money (Germany pays \$6.33 a gallon) before we see more communities come together to decrease their car dependence.

Until next time, you don't have to coy, Roy, just listen to me.

Geography Matters: Data Analysis and Better Decision Making

By Ben Fousek

Last month, I discussed how computer management systems will help the City of Vernonia provide more effective government at less cost. I used the example of the system the Vernonia GIS is currently developing to manage the building permit and development application processes. That column focused on developing a comprehensive plan for handling building permits and development applications from start to finish, and the tools being developed to execute that plan in a consistent and efficient manner. At the core of this and all Vernonia GIS systems, is the database. A database is generally defined as "a comprehensive collection of related data organized for convenient access, generally in a computer." All geospatial data used by the Vernonia GIS like points, lines, polygons, etc., are stored in a database, as well as the tabular data associated with that geometry. In fact, if you have ever used the internet, you've been the end-user of a database. Your user name and password for your favorite website are stored in a database, not to mention all the content you interact with.

The building permit and development application system is using a database to store and retrieve information. The web applications are simply user interfaces interacting with the database for inputting data and performing tasks with the data related to issuing building permits, and reviewing development applications. Something else is also going on here. Over time, as the system is used, we are going to end up with a substantial amount of information about development here in Vernonia. With very little work at all, we can answer the what, when and where questions of growth and development in Vernonia. What kinds of building and development are taking place? When is building and development taking place? And where is building and development taking place? Therein lies the beauty of using a database-driven system. We can analyze data to answer these and many other questions, and look for patterns that might not otherwise be apparent.

So here's a question: Would our city leaders be in a position to make the best decisions about Vernonia's future based on perceived reality or on hard fast facts? Or maybe I should ask whether you want your city leaders making decisions about your future based on perceived reality or on hard fast facts? I think the answer is clear either way. We need well-informed city leaders and staff. This is why the Vernonia GIS is working to not only provide tools to better manage city operations, but also to provide feedback on those operations.

Another function of the Vernonia GIS has been to map and inventory the public utility infrastructure in Vernonia. Of course, all of that data is being stored in a database that will allow for analysis of the existing system, better allocation of maintenance funds, and better planning of future improvements. One of the functionalities I would like to integrate into the utility framework is a maintenance reporting system. Basically, whenever maintenance work is performed on a storm man-hole, sanitary line, water meter, etc., a report would be filed via a web interface. The Public Works Manager could then generate reports about what kinds of maintenance are being done and where it's taking place. The next logical step is to look at the maintenance data in relation to the maintenance budget. The Public Works Manager would then know how effective each maintenance dollar spent really was, and exactly how much it costs to perform specific routine maintenance. Before you know it, the Public Works Dept. is no longer being reactive to maintenance as issues arise, but rather proactive by planning in advance where maintenance and improvements are needed.

In conclusion, the ability to analyze data and generate meaningful reports to better manage the day-to-day operations of the city and better plan its future is just another way the Vernonia GIS is helping your city government provide more effective government at less cost. Next month, I will be discussing Vernonia's monkey problem in relation to the spatial distribution of palm trees in the area. I sure hope you'll check it out.