

Stunned

One man's complaint against Portland police illustrates multiple system pitfalls

BY EMILY GREEN
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Three years after the U.S. Department of Justice found Portland police had a “pattern and practice” of using excessive force, including unjustified stun gun use, against people with mental illness, the ongoing case of Matthew Klug begs notice.

“That pattern and practice – it happened to me personally,” Klug said.

Klug, 46, is a Portlander with a diagnosed mental illness, traumatic brain injury from a car accident decades ago, and epilepsy.

In March, he filed a tort claim in U.S. District Court of Oregon, alleging police used a Taser on him multiple times without probable cause.

Despite Klug's abnormally aggressive and erratic behavior, the idea that he may have had a mental illness reportedly didn't cross the arresting sergeant's mind. Additionally, when the Police Bureau investigated the case, it did not contact three civilian witnesses – two of whom have said the use of the Taser was unnecessary – before calling for a complete exoneration of the officers accused of using excessive force.

Klug's ordeal began more than a year ago, on the evening of Sept. 17, 2014. He said he was riding his bicycle south on Northwest 19th Avenue when a car “zipped up behind” him in the bike lane and struck his bike.

A road-rage-fueled confrontation between Klug and the motorist ensued a few blocks later, and a police sergeant several cars back in traffic heard the motorist yelling for help, according to the police report the sergeant filed.

He said he pulled up alongside her vehicle and she told him Klug had punched her windows while circling her vehicle. The report indicated she was crying and very upset.

The sergeant found Klug and pulled him over. He described the look on Klug's face as “pure anger.” The sergeant's report indicated that Klug repeatedly yelled, “Why are you stopping me?” and that after he was told it was regarding the incident with the motorist, Klug shouted, “She hit me. Why are you stopping me?”

The report noted Klug was uncooperative, and his continuous movements and angry yelling led the sergeant to believe Klug might harm him.

He later told investigators that at one point, when he reached for his weapon, removing the cover for easy access, he recalled thinking “this behavior of Klug's was so abnormal and so seriously concerning to me.”

Two officers arrived as backup, and they also noted in their reports that Klug's behavior was erratic, aggressive and uncooperative.

Officers reported Klug smelled heavily of alcohol; no Breathalyzer was given.

Klug told Street Roots he drank a beer at home with dinner before his bike ride but was not drunk.



ORIGINAL ARTWORK
BY CHUCK DODSON

The police struggled to get Klug into handcuffs, as Klug continued to kick, yell and try to wriggle out of their grip, according to police reports.

After being warned, an officer stunned him with a Taser twice directly, and then a third time through two prongs that had been deployed and attached to Klug's back.

According to a printout of the Taser's use, the Taser deployments all happened within seconds of one another.

About two months after Klug's incident with police, the Portland Police Bureau issued new directives on stun gun use. Then-Portland Chief of Police Mike Reese said officers cannot use stun guns for “pain compliance against those a reasonable officer would believe are suffering from mental illness or emotional crisis except in exigent circumstances and then only to avoid the use of a higher level of force.”

Two civilian witnesses told police during interviews after Klug's arrest that they thought the Taser was unnecessary.

A third civilian recorded a video of the struggle between the police and Klug on his smartphone. He turned the recording over to police, and Klug later posted it online after a civil rights attorney he declined to name sent it to him. (The video can be viewed at klug.pw).

The video, shot from across the street, shows a struggle ending in three policemen kneeling on and over Klug as he screams hysterically while flailing on the pavement. It does not show how the struggle began.

In addition to the city of Portland and the individual arresting officers, Klug also named

the Multnomah County Sheriff's Office and Fire and Emergency as defendants in his lawsuit, saying they did not provide him with epilepsy medication he takes daily to prevent seizures and that he contracted MRSA, a tough-to-treat skin infection, in jail.

David Austin, spokesperson for Multnomah County, said most medications are kept on hand at the jail, and if a medication is not available, which happens roughly once a year, the jail relies on its contract with Walgreens' 24-hour pharmacy to obtain the medication needed. Because of the Health Insurance Portability and Accountability Act, the patient privacy law, he could not discuss Klug's case.

Klug's lawsuit sought \$5 million in damages for psychiatric injury and emotional distress from his interaction with Portland police and for lasting physical ailments resulting from the Taser and MRSA. He did not suffer a seizure while in custody.

According to court documents, Klug said he suffered from continuing fear of authority figures and law enforcement, severe isolation from family and friends, and loss of future earning opportunities due to the pending charges resulting from his interaction with police.

Those charges included menacing, two counts of disorderly conduct, interfering with a peace officer, resisting arrest, attempted escape and attempted assault of a public safety officer.

A former paralegal, Klug drew up the legal documents himself after a half-dozen attorneys declined to represent him, he said.

On May 5, less than two months after he

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