

Police Bureau, officers deny racial motives

This is the second of a series of excerpts from the arbitration hearing of Portland Police Association vs. City of Portland, Bureau of Police, in the case of the termination of police officers Craig Ward and James Galloway.

The overriding issue in this case was the question of whether the killing and depositing of possums on the sidewalk in front of a Black-owned business was a racist act. Although both sides present at the hearing—the police union representing the former officers and the representatives of the City—denied racial motives the issue was raised repeatedly.

The incident is a classic case of white men, frustrated and angry about tensions and problems in their own jobs and lives, taking out their anger against Blacks. In the first part of this series, the *Observer* reviewed the reasons given by the officers involved—conflicts among officers, poor supervision and administration, feelings of futility about the performance of their jobs.

Was the act racist? Why was the Burger Barn selected?
Jim Galloway: "It's an area that I suppose is sort of a symbol to us, the area of Union and Shaver. Just as Mississippi and Shaver is, I would say. That's the other area. That's where most people congregate when they are dealing their dope, prostitution, pimping, fencing hot items."

Craig Ward: "We chose that particular area because it's full of problems and everyone knows it. It's, you know, like the saying goes, knowing it and proving it are two different things. And these people do it all the time and there is no way we can pin it on them. You know, driving marked cars and uniforms, stop, and as soon as the marked unit shows up you slammed the trunks."

Q. (Atty. Morthland): You were really trying to get back at them for that reason weren't you?"

A. (Ward): "I think as I indicated before, that was a peripheral reason."

Q. (Morthland): "Well, if you wanted to make the officers laugh, Mr. Ward, why wouldn't that be just good enough by showing them your world record of possums? You would have accomplished the relief of tension that way, wouldn't you?"

A. (Ward): "I don't know."

Q. (Morthland): "This was a way, another way to relieve tension among all of you, to get back at the people who frequent the Burger Barn, as you've stated it, because you can't get them; isn't that correct?"

A. (Ward): "I think that was peripheral."

The Chief calls it "vigilanteism"

Chief Bruce Baker considered the officers' actions to have been "vigilanteism."

Chief Baker: "To me, vigilanteism has been that it doesn't appear that the system of justice, whether it be in early San Francisco or where it was, was working. That people decided to perform their own form of justice and that it took many forms. Of course the more violent form in San Francisco was hanging, tar and feathering, running out of town. And this was also considered and used at various times."

"I think when police officers state that we—the thing symbolizes something to us, we can't catch these people, but this is our way of demonstrating back to them and that it's going to make other officers laugh, to me... that's a form of vigilanteism... And any time a police officer, and recognizing the frustration, says, 'I can't deal with the system so I'll take other means to deal with this person in this situation,' then I think that's a form of vigilanteism, in my mind."

Although Powe had alleged that the possum incident was merely one of a series of harassing acts carried out by a specific officer and the other officers of his relief, this allegation was not pursued. The officer he accused was present at the incident.

Jordan explained his earlier contacts with George Powe regarding police harassment. Powe had informed him that police would walk into the Veterans' Social Club, which was in a building he owned, and would ignore the manager. They also harassed patrons. Jordan said that he had not told a certain officer to stay out of the place but had mentioned it to Captain McCabe.

The City made no attempt to trace the allegations of prior harassment mentioned by Jordan. Mr. Powe did not testify.

Harassment, yes; racial, no

The officers denied that their action was racially motivated. They were supported by the Police Bureau spokesmen:

Chief Baker: "Then I was interested in whether or not there was a racial motivation to this because, of course, there was a great deal of concern within the community whether or not this was a racially motivated act. And they had previously said they had no racial motivation and that if they had had the same kind of problem in a predominately white district with a white business, that that is where the possums would have ended up..."

Commissioner Charles Jordan maintained that the act was not racial.

Q. Did you consider it to be an act of either racial harassment or harassment?

A. Harassment, yes, harassment. I did not think it was racial; I really didn't.

Q. Why did you consider it to be an act of harassment?

A. Because they threw the possums in front of the man's business. And that is a form of harassment. To me it's a form of harassment. They're harassing him.

Jordan did not completely believe the stories of the other officers present. The officers maintained that when they arrived at the parking lot Ward and Galloway took out the possums; put them in their car's trunk; Galloway said he was going to make a presentation; the possums were thrown in front of the restaurant; nothing more was said.

"I just think there was more said. I think that when you get ten officers together and they're going to pull something like that, I don't think they come together and just say, 'we're going to make a presentation and that's it. I just think more was said. But like I said, I think, and I've no proof at all. It just doesn't jive.'"

The City relied entirely on the testimony of Commissioner Jordan and Chief Baker as to the incident's racial motivation.

Although the vast majority of the Black community and much of the remainder of Portland believed the incident was racially motivated, the City did not call any witnesses to discuss this issue. They called no witnesses to testify regarding prior allegations of racial harassment and called no one to testify regarding the basis and meaning of racism and how racism was inherent in the act.

Jordan described his reaction to the Black United Front's and other groups' calling for termination of the officers for their racist act.

Q. What was your reaction to the Black United Front's march relative to this discussion?

A. Oh, I thought it was very inappropriate, and I thought they were exploiting the situation. I think they're opportunists and it was—it was very upsetting."

The march turned out to be the only opportunity for members of the Black community to express their opinions. No community members and no leaders of community organizations were asked to appear at the arbitration hearing.

Training proved inadequate

A topic that arises frequently when police abuses in the Black community are discussed is that of training in ethnic culture and human relations.

Chief Baker was interested in the former officers' knowledge of the Black community and in the adequacy of their training:

"I explored that further, asking if they had in their lifetime had known of any connotation that was drawn between racoons or possums or possums and Black people. And officer Ward replied that yes, he knew that the derogatory term for Black is coon, but that he hadn't... he didn't have any idea about possums and that he knew possums came from the South, weren't indigenous to this area and that he traps them, but he didn't have any idea that they were—that they were derogatory..."

"I asked them about their training with regard to social sensitivity, whether they thought that the Bureau had—the training had been adequate. And officer Galloway said no, that he had to learn on the street. Officer Ward said he was quite scared when he first had to work the Black district because I got the implication... that not having a lot of exposure to Black people, that he wasn't sure about that and that he learned through watching and listening. And it was a long time before he felt competent in dealing with the area. And officer Galloway said he felt frightened when he first went there also; people yelling and screaming and taking sides and abusive language and that sort of thing."

Q. What was your reaction to the Black United Front's march [calling for Ward and Galloway's termination]...?

A. (Jordan): Oh, I thought it was very inappropriate, and I thought they were exploiting the situation. I think they're opportunists... it was very upsetting.

Lt. Robert M. Tobin, recruit training director, explained the Bureau's training.

Hours of class time devoted to community-police relations in 1973, when Galloway attended, were approximately 20 per cent. By 1975, when Ward attended, they had dropped to 15 per cent. Police-community relations pertained to many subjects including "police careers, police ethics, supervisor-patrolman relations," etc., but a class in minority relations was not added until last year. But by last year, police-community relations hours had dropped to 13 per cent. There is no regular course for officers who had previously completed the training.

A class in cultural awareness was offered by the Oregon Juvenile Officers Association and the Oregon State Board of Police Officers. The seminar was open to Portland police officers with tuition paid by the Bureau. No officers from North Precinct attended.

Apparently Captain Vern McCabe of North Precinct was not totally aware of the deficiencies in training. He told *The Oregonian* on April 19, 1981, "We and the Bureau have tried to explain to the officers how minorities feel. We give the officers considerable training in minority awareness."

Q. (Atty. Aitchison): "Have any courses, to your knowledge, been offered to North Precinct officers while you have been the commanding officer at North Precinct on minority awareness?"

A. (McCabe): "I think the Board of Police Standards and Training have had—put out announcements on those classes that are available on a volunteer basis."

Q. (Aitchison): "And when were these announcements?"

A. (McCabe): "I don't have them. I don't know."

Q. (Aitchison): "And on some occasions, is it not true that the Bureau will assign officers to attend BPST classes?"

A. (McCabe): "Yes."

Q. (Aitchison): "Were any North Precinct officers assigned by the Bureau to attend minority awareness classes?"

A. (McCabe): "Well, yes."

Q. (Aitchison): "Who?"

A. (McCabe): "I have three of them coming up, Jensen, Barton, and Dutke will be going to one or are in one right now."

Q. (Aitchison): "Prior to the discharge of Craig Ward and Jim Galloway during your tenure as North Precinct commander, were any officers in North Precinct assigned by the Bureau to attend a BPST class on minority awareness?"

A. McCabe: "No. I never assigned any."

McCabe did make an effort to appraise his officers of racially-based problems that could occur in their precinct.

McCabe explained that he had talked with Commissioner Charles Jordan several times regarding allegations of police harassment by members of the community. Jordan had expressed concern about "trouble" that included stopping people in the street, improper, discourteous language, lack of recognition of people, that sort of thing.

McCabe wrote a memo to Lts. Rice, Haven and Roberts on August 15, 1980, explaining Jordan's concerns and asking them to discuss them with their officers. At the time, he was concerned about problems at Alberta Park which he considered a "potential trouble spot." He foresaw, "... a riot, a fight, a big fight in the park."

McCabe did not know whether the memo was ever read to the officers. "As I understand it, they talked to them about it. Now I don't know just how far that went, but it was in our conversation since that time that they mentioned that it was done."

A. (Aitchison): "Do you know whether or not any police officer in North Precinct other than the three lieutenants has ever seen this memo?"

A. (McCabe): "No."

Q. (Aitchison): "Do you know for a fact whether or not of your own knowledge any police officer in North Precinct was ever briefed at roll call on this memo?"

A. (McCabe): "If you stick with the memo, I'll have to say no."

Lt. Haven withholds the memo

Police officers testified that they had never been briefed on the information contained in the memo.

Sergeant Lanny R. Bennett testified that he had attended a meeting with Lt. Haven, and Sergeants Mulvihill and LeGai. "And at that time Haven decided that we weren't to distribute this to the Relief, you know, because he figured that it was—that most of the people who worked, especially the Albina area, were aware of these things about name-calling and what not. And it would just be repetitious and might be adding fuel to the fire, so to speak, at that particular time."

Lt. Haven said he has talked about police behavior at least three times. "Since I had three years experience in Internal Affairs, I found that most of the problems that have occurred have arisen from officers using improper language or their attitude, triggering complaints against officers."

The memo was not disseminated by the sergeants at roll call because he considered it "too long."

Ignoring their chief

Chief Bruce Baker also made efforts to impress upon his officers the implications of the charges of harassment and brutality, but most of his efforts were rebuffed. He met with union director Stan Peters, with the executive board and with the membership about the fact that about 30 officers had received six or more complaints.

"Now some of these complaints did involve alleged harassment, but we

talked more about the general nature of the complaints than we did about specific cases of harassment and how we could deal with this kind of situation. There were allegations of racial harassment among those complaints. There were allegations of excessive force, discriminatory treatment, a whole gamut of complaints that was in that particular group."

McCabe hoped that peer pressure from their fellow officers might change their behavior.

On December 23, 1980, Chief Baker sent a memo to the communication center director entitled, "Anti-Black, Anti-Jewish Activity." The substance of the memo was that the Bureau had received information that there was a potential increase in activity by racist groups against Black and Jewish citizens.

The Chief also attempted to communicate directly with the officers through a newsletter mailed to each officer's home. In July of 1980 he addressed the problems of the economy and how they effected police work. "The reason for my concern is that I had been watching the economy and the local economy where I felt the unemployment rate was—we were beginning to get layoffs and I know who usually gets laid off first. It's many times the minority citizen. I felt that there might be some tensions developing. And I thought it was a time that a reminder be put out to our officers that a little courtesy would go a long ways and a little understanding at that time if perhaps some conditions that were being faced by people less fortunate than ourselves might help to just keep things calm and smooth."

The union membership voted to request that the Chief no longer send them newsletters. "After the vote of no confidence when I was given a series of petitions that had been signed by members of the Association who had stated that they no longer felt the newsletter had anything of value to say to them and if it was sent to their home, it would be returned unopened," he discontinued the newsletter.

Baker did not talk to the union membership regularly. Although he did meet with the leadership occasionally, he seldom was asked to attend membership meetings.

Jordan senses harassment problems

Commissioner Charles Jordan also had concerns about police behavior. As early as 1977 he had discussed his concerns with the union membership.

"... my gut reaction told me that the citizens were not wrong all the time, that I had some officers out there doing some bad things and that I was unable to catch them. And at that time I solicited the help of the union and told them to the effect that I would prefer that it never would come to my attention, that if they knew that officers were doing what they shouldn't be doing, that I would prefer it if they would pull them to the side and pull their coat. I wasn't asking them to snitch on their fellow officers, I said."

"But at the time I said that, you know, I would be watching it very closely. And I still felt that the citizens were not wrong, that some officers were harassing citizens. But I just couldn't catch them. And the internal investigations were not sustaining those complaints. We had a very low rate of complaints that were sustained by Internal Affairs..."

"But no, I just had the feeling that they were doing a very commendable job on some very difficult circumstances, but the things that I was hearing in the community was difficult for me to defend, you know. I was really sticking my neck out by saying no, they are not doing those things."

"And so essentially I guess I might have been saying look, you have got to cover me because I'm standing up for you in the community, at least you could cover my behind."

Jordan explained that all officers had recently been warned about harassment. Following the Jacobus case, when the City settled out of court with a family that alleged police harassment, acting-Chief Haynes sent a memo to be read to all officers warning them against harassing citizens.

His first reaction to news reports about the possum incident was disbelief. "You know, we had the Deppe case under investigation. We had just paid out money for the Jacobus case. And we had various groups talking about how we misuse our power. So it was very—we were in a very sensitive position at that time. So I just knew that everyone was on their Ps and Qs, that they wouldn't do anything that would cause the community to get up in arms. So I just didn't believe that. I thought that we had talked about it enough that we had raised the awareness level in police officers to know that hey, we've got to walk softly. Our credibility is at an all time low..."


NEXT WEEK: The record of offenses and discipline of Portland's police officers.

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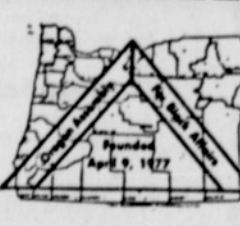
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