

Race factor in pre-trial release

The Equal Justice Committee of the Metropolitan Human Relations Commission has completed a study of pre-trial release statistics of the City of Portland and Multnomah County.

The alternative components of pre-trial release include: issuance of a citation instead of booking, recognition release from jail, or bail release.

Since 1979 the Portland Police Bureau and the Multnomah County Sheriff's Office have allowed police officers to issue citations instead of custody whenever appropriate (except in cases of domestic violence).

When an officer arrests a suspect, the person is to be advised that he is under arrest for the offense. If he cooperates the officer can issue a citation instead of taking the suspect into custody. The suspect then appears in court.

The choice to give a citation is made by the officer, if he believes the accused will appear in court. The decision is contingent on: 1) whether the offense requires custody (A or B felony or domestic violence); 2) whether there is need for further questioning about the offense; 3) whether the accused needs to be removed from the scene to re-

store order or prevent further criminal conduct; 4) whether the accused has community ties or possible poor health.

If the suspect is uncooperative or abusive, appears not to understand the need to appear in court, or refuses the citation, he is booked into the Courthouse jail.

If the officer decides to place the person in custody he is fingerprinted, photographed and placed in a jail cell.

Since 1973 the Multnomah Corrections Department has had the authority to release persons prior to trial on "recognizance"—their promise to appear in court. Authority for recognizance decisions has been given to "recog officers."

Each person booked is entitled to see a recog officer. The officer determines if the person is charged with a non-violent misdemeanor or class C felony, whether he has a record of failure to appear, whether he needs to be detained until calmed, whether his claims of family and community ties are valid.

The decision to release is based on the discretion of the recog officer.

Findings of the MHRC study of Portland Police Bureau arrests include:

- Citation of persons in lieu of arrest has risen dramatically, to 48 per cent in July-September 1981.

- Blacks were consistently booked more often and cited less than whites.

- Citations were issued to Native Americans in the same proportion as to whites.

- Hispanics were issued citations in greater proportion than whites.

- Bookings were far greater for males than for females in all racial groups.

- The ratio of citations was greater for white males than for Black, Native American and Hispanic males.

- The ratio of citations was greater for white females than for Black and Native American females.

- The disparity between whites and Blacks is true of all ages.

Although fewer minorities are arrested by the Sheriff's Office, the same trends exist.

Detention

Recog releases were basically the same for all races—ranging from 68 per cent for Native Americans to 65 per cent for Blacks.

Bail release was greatest for whites, 13 per cent, followed by Blacks, 10 per cent, Native Americans, 8 per cent, Hispanics, 5 per

cent, others, 5 per cent.

Detention prior to trial was greatest for Hispanics, 28 per cent, followed by Blacks, 24 per cent; Native Americans, 24 per cent; other minorities, 22 per cent; whites, 20 per cent.

This demonstrates that bail requirements still discriminate against minorities and the poor.

MHRC recommendations include:

- The Police Bureau should review its criteria for citation to determine if it discriminates against Blacks.

- The Police Bureau should mandate supervisory review of custody reports; officers should be required to state reasons for not issuing a citation.

- Cultural awareness training should be ongoing and mandatory.

- Multnomah County Sheriff's Office should conduct a study of citation-in-lieu of custody, by race.

- Research should be done by involved agencies to determine what bail or recog criteria is most useful in helping minorities achieve an equal pretrial release ratio with whites.

- A public information effort regarding citation-in-lieu of custody, to aid the public to use this process.

Jail reward for corruption story?

by Harris Levon McRae

Oliver Nunn Gill has a very interesting story concerning the Portland Police Bureau and some of its Secret Investigation Division (SID) officers.

"I know people who are undercover narcotic agents who deal drugs, transport drugs and plant drugs on innocent people," Mr. Gill said.

Gill claims that SID officers planted drugs in his house that led to his being convicted for criminal activity in drugs.

"SID agents were used to entrap me and have me imprisoned in order to suppress my knowledge of law enforcement officers' involvement in narcotics sales and organized crime throughout the state of Oregon. In 1975 SID agents came to my house and said, 'Nunnie, this is your last chance—if you want to be a dope dealer and drive a new Cadillac, you'll have to work with us. We'll give you all the dope you need, and you can keep half the money. Don't try to be militant or political, because we have agents and informants all over.' I refused the offer and was taken downtown," Gill said.

He was subsequently released on parole, "feeling all the time pressure from the parole officers as well as police officers. My home has been stalked out by a police car for the last 15 months."

Last year during an undercover "sting" operation set up by the Multnomah County Sheriff's office, Gill was charged with selling a lost

wallet and its contents (a few credit cards and blank checks) to undercover police officers.

"I received a phone call from some people I knew, stating if I would transport them to their partners' house, they would give me \$25 for transportation. The house turned out to be a police 'sting' operation. I was led to believe that the two of them were so indebted that if I would just hand their friends (police officers) a package they would up my favor of taking them there from \$25 to \$50. I took the package inside, didn't like what I was first told and left the house immediately. I told the riders to get out of my car and go in and handle their own matters. One person did while I waited in the car with the other passenger. I was indicted for theft and convicted even though one of the passengers (paid informants) told the truth. The paid informant employed in on me was never mentioned at the grand jury hearing."

According to Robert A. Goffredi, who represented Gill on the theft charges, there was no evidence or no accusation at any time that Gill in fact stole the wallet.

"During the course of the trial, it was admitted by the state's witnesses that an informant was in fact involved who introduced and accompanied Gill to the place where the sheriff's purchased the stolen property. Extensive pre-trial motions were made requiring the production of the informants. The sheriff's officers testified that they could not locate the informant. During the

trial, it was the defendant's contention that it was in fact the informant that supplied the stolen property, induced Mr. Gill to be there and take part in the transaction, and, in fact Gill did not know the property was stolen until half-way through the transaction, at which time he became suspicious, refused to have anything else to do with the transaction and left. The jury was out approximately four hours before returning the verdict of guilty," Mr. Goffredi said.

Mr. Gill was sentenced by the Honorable Allen Davis of the Multnomah County Circuit Court. Judge Davis has a reputation for being a very strict judge and is often very stern in sentencing. However in Gill's case, the Court suspended sentence and fixed a period of probation to terminate upon the termination of Mr. Gill's parole.

A couple of weeks ago Gill was picked up and put in jail for parole violation. He feels that it would be almost impossible to submit to the level of supervision that the Corrections Division has set up for him, and he told his parole officer, Paul Frank, so.

"Mr. Gill is classified as a Type I case under the current system; this requires at least weekly contacts between the client and the parole/probation officer. Mr. Gill's former parole and probation officer, James Mason, referred Gill to Treatment Alternatives to Street Crimes (also known as TASC), a drug treatment program. Gill kept one appointment with TASC and he was set up on a



OLIVER N. GILL

random urinalysis surveillance system, which would require Gill to phone TASC daily to see if he would be required to submit a urine sample for that day. That program was to be for at least six random urinalysis samples. Gill failed to appear three different times. When Gill was informed that he would have to report weekly, he became verbally abusive, stated he would not report weekly, and stated the system was "messin'" with him.

Gill says that the only reason that he is being subjected to a drug program is because of the pressure that afore-mentioned SID officers are applying to Mason and Frank. He is currently in the Oregon State Penitentiary awaiting his parole hearing.

Mayor resists police committee

(Continued from page 1 col. 6)

Still conjectured that the public would be less likely to bring misconduct to notice if they will be second guessed and publically exploited by the commission. Also, it would erode the public image of the police, the Mayor and the Chief. He fears an oversight commission would dilute the management authority of the police administration. He considers such a commission to be extremely injurious.

Mayor Ivancie said the City has to decide whether "to fight crime or to monitor crime fighting." The city has risen to fourth in the nation in crime rate. "It is not a new crisis—it started ten years ago when the mood changed from retribution to rehabilitation."

He said the criminal justice system in Oregon has broken down and Portland has the reputation of being soft on criminals.

From 1977 to 1981 (when Charles Jordan was Police Commissioner) was a period of mismanagement and police misconduct, he said. He had told Still to "clean house," provide protection and do it right. He thinks Still has made the Bureau more responsible, orderly, and efficient.

A commission would be "the most single devastating bar to policy that could be proposed." "Do we support the Chief or not," he asked.

Under questioning by Jordan, Still said he knew there were problems during the 1977-1981 period, saw danger signals but did not know about the criminal activities taking place within the Bureau. Although the same people are in charge, he thinks there is a better command structure, strengthened discipline and pride.

Still admitted that there have been \$159 million in suits filed for public misconduct, a \$500,000 increase in insurance premiums and \$100,000 increase in legal staff. Many of the suits against the police are done by attorneys interested in contingency fees, he added. He admitted that all the misconduct has not ended—"Those things are going to happen sometimes."

Stan Peters, president of the police union, said the commission would undermine the Bureau. He admitted that he had once said he would accept a limited form of committee, one that did not have the power to investigate or discipline.

He threatened to file petitions to place the matter on the ballot if the ordinance is passed. The Mayor joined him in this.

Sid Lezak, former federal attorney, admonished the Council to find ways of settling their disputes. He was disturbed by the effort of the Mayor and Chief Still to make it

appear to the police that the ordinance was designed as a punitive measure against them. He also faulted Mayor Ivancie for not being willing to talk to the task force members to iron out differences and reach a compromise.

Reverend John Garlington said the issue is credibility and the Bureau has a seriously tarnished credibility. He said the issue is perceived as a minority issue because many of the complaints come from Blacks. It is not an issue of law and order, but of justice.

A series of witnesses, including Bill Wyatt of the Association for Portland Progress, said Chief Still should be given an opportunity to bring change before such a commission is created.

Jordan repeatedly challenged opponents to explain why a commission would hamper police work and accused Ivancie of providing misinformation to his supporters.

Chris Hudson of the League of Women Voters said their two-year study showed a need for better police-community relations and for citizen input in the Bureau.

Commissioners Strachan, Schwab and Lindberg support the ordinance introduced by Jordan. Commissioner Schwab said she will seek legal advice on the ordinance that empowers the Council to appoint a



CHIEF RON STILL

committee to investigate any city bureau. This might be her answer to Ivancie's objections.

The second round will be held at City Hall, Thursday, March 25th, at 2:00 pm.

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