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Letters

The City position on opinions re: VPD, etc.

To the Editor:

There have been a couple of letters in *The Independent* recently from Mr. Ed Johnson commenting on the Vernonia Police Department and it's handling of an incident involving 19 year old Elliot Graf. Mr. Johnson is Mr. Graf's father.

My purpose is to provide some facts and comments related to Mr. Johnson's letters.

The facts are this. The police responded to a call for service related to a loud party. When they arrived at the party-house they found 13 people, of which only one was over 21. There was a considerable amount of liquor in the house and the strong smell of burning marijuana. Police decided to arrest a number of people in the house.

Mr. Graf was one of the individuals who was the subject of an arrest. Mr. Graf decided to fight with the officers who were trying to arrest him. In these situations, the police are asked to use only enough force necessary to control the subject. There are a number of choices for an officer when force must be used. Of the choices, de-

playing a "dry stun" Taser is actually LESS dangerous to the subject than is the use of the officer's fist or use of other body strikes.

Mr. Johnson fails to mention in all of his comments about Taser use that a "dry stun" was used against his son. A dry stun involves placing the Taser directly against the skin and pulling the trigger which delivers an electrical charge. The other choice is to fire the Taser from some distance away. The Taser delivers an electrical charge via electrodes attached to long wires fired from the gun. There is a barb at the end of the wire that penetrates the skin and then the electrical charge occurs. A dry stun is much less invasive and much less painful than the use of a barbed stun. In fact, during the fight, Mr. Graf was attempting to knee-kick the officers, which is a higher use of force than is a dry stun Taser.

There are many reasons why an officer may employ a Taser. In our incident, there was a loaded .410 shotgun in the living room of the house not far from where the fight occurred. There were also several knives around. Mr. Graf has

a previous arrest for assault and disorderly conduct, which was known to the officers. Mr. Graf had previous contact with the police while under the influence of prescription and potential illegal street drugs, that resulted in his being transported by ambulance. The officers were attempting to get Mr. Graf handcuffed and safely put him in the back of a patrol car. A dry stun from a Taser was used to gain compliance. EMT's were at the scene and observed Mr. Graf.

Two outside agencies reviewed the use of force against Mr. Graf. In both cases, the agencies felt that a HIGHER level of force was justified by the officers, given the circumstances of the incident.

Mr. Johnson has commented that the review of the incident by outside agencies was unfair because Interim Chief Mike Kay has a friendship with both individuals who were involved in the review. It is true that Interim Chief Kay and Howard Webb know each other. They are both instructors for the American Council on Criminal Justice Training. Mr. Webb is a colleague of many police officers throughout the State of

Oregon. This does not at all get in the way of an impartial review of a use of force incident. The City-County Insurance Services routinely involves Mr. Webb whenever a claim is filed over a police use of force event. He is recognized state-wide as an expert in such matters.

The District Attorney's office at Columbia County is responsible for prosecuting Mr. Graf for his alleged crimes. If the DA thought there was any misconduct by the Vernonia police involved in the incident, there would be no prosecution. The DA is moving forward with the case.

Mr. Johnson also has written about the "very close relationship" between Councilor Cindy Ball, Councilor Kevin Hudson, and Jim Johnson, the city's former interim city administrator. Cindy, Kevin, and Jim have worked together for the past year, but they don't have the sort of relationship inferred by the writer.

Finally, Mr. Johnson writes of possible "ulterior motives" that may result from Councilor Ball's daughters volunteering with the Vernonia Police Department. One of Councilor's Ball's daughters has helped build the police department's new website. Councilor Ball's other daughter is involved with the police as a CERT volunteer, but has not volunteered within the police department office. I'm not sure why all of that matters, but I thought the facts may be helpful to people.

As the new City Administrator, I have been encouraged by many local citizens who have spoken to me of their support for our police department. I want the community to know that I have instructed Interim Chief Kay, and his officers to carry, and use when necessary, whatever force is appropriate for their own safety, and safety

See Letters, page 14

Salem Scene

By Representative Brad Witt
 Oregon District 31



As you no doubt have been hearing and reading, the two bills that fund K-12 Education in this state were vetoed by the Governor. The Senate, after one false start, mustered the two-thirds majority needed to override the veto, however, the House fell

short by four votes, then it not only mustered the votes needed, but passed the bills by a 53-6 margin.

HB 5554 and HB 5520 fund education at a \$6 billion level, with \$200 million held in reserve.

The Governor wanted to retain a \$400 million reserve because he is concerned that Oregon has not seen the bottom of this recession yet and he wanted a buffer to take us into the 2010-11 school year. However, even the \$200 million figure is causing school districts heartburn, as they project budgets with fewer teachers, increased class sizes and fewer programs. It's important to remember that we allocated \$6.245 million last session for the 07-09 biennium. So, in effect, the Governor's veto would have asked school districts to make do with \$445 million less for the next two-year cycle. An overwhelming majority of the Legislature just could not go

along with that.

Another bill that has had a bumpy ride is HB 3508, which delays the implementation of Ballot Measure 57 until January 1, 2010, and makes a number of sentencing changes that will reduce the need for prison beds and community corrections caseloads. Delaying implementation of a ballot measure that passed with over 60% of the vote would never have been the first choice of anyone here, but because the economy shows no sign of a quick recovery, we could not in good conscience cut more than \$30 million from the Dept. of Corrections, the State Police, the Oregon Youth Authority and the Court system. The bill failed on the first attempt, then passed the House with the required two-thirds majority and it will phase in the implementation of BM 57 much to the relief of our law enforcement communities.

In these last few days of the session, we have passed a number of bills that effect changes that I think you should know about. Following is a thumbnail description of these bills:

- HB 2571 Grants all U.S. veterans, honorably discharged, in-state tuition at Oregon's public universities and colleges. Veterans who have served at least 36 months on active duty will have their costs covered by the new federal Post-911 GI Bill. Currently, only 5800 Oregon Vets are receiving educational benefits, only a

See Salem Scene, page 22

Policy on Letters

The INDEPENDENT will not publish letters that include personal attacks on private citizens. Because of space limitations, preference will be given to brief letters, 300 words or less.

All letters must be signed and include a verifiable address or phone number.