

City Pays Out More for Cops Behaving Badly

Broken Arms Cost Taxpayers \$88,750; Drawn Gun Nets \$20,000; "Intimate Search" Leads to \$7900

Since April, Portland has shelled out over \$100,000 more in settlements for lawsuits against the police for acts of misconduct. A man whose arm was broken at a traffic stop, a woman whose arm was broken during an argument over a parking space, a woman who had a gun drawn on her by an off-duty officer in Silverton, and a woman who was subjected to an "intimate search" negotiated out-of-court settlements.

Friends of the man, Randall Cooley, were pulled over by Officer Michael Close (#38094) in September, 2006. When Cooley walked to their car after the stop was over to talk to his friends, the officer yelled at him, cuffed him, and pushed him into a car. Cooley complained that the officer was using too much force on his arm, then Close pushed harder and snapped a bone (*Willamette Week*, June 24, 2008). Cooley's attorney, Steven Sherlag, filed the complaint in 2008, ultimately agreeing to the \$78,750 settlement in July. Clearly the City felt the case was strong, as comparatively previous lawsuits regarding broken arms have cost them \$31,257 (Sam Mack Howell, 1997); \$47,500 (Craig Rosebraugh, 1999—PPR #19), \$110,000 (Barbara Weich, 2005), and more recently, only \$5000 was awarded to Lyudmila Trivol.

Trivol was involved in an argument about a parking space, and Officer James Botaitis (#41139), as well as Multnomah Deputy Bret Burton (who also was involved in the death of James Chasse), pushed her to the ground, stepped on her, pressed her face into the mud, and broke her arm. The police claimed she was aggressive toward them, and tried charging her with harassment, assault of a peace officer and resisting arrest. However, photos showed she was far away from the officers during the dispute among condominium management, the tow truck driver, the police, and her husband. The County also paid Trivol \$5000, with the condo association kicking in another \$8500 (*Oregonian*, May 14).

The woman who had the gun drawn on her, Kamichia Renee Riddle, was mostly successful in her appeal to the Citizen Review Committee (CRC) on the December, 2006 incident in which off-duty Officer Kevin Wolf (#40799) came to the house where she was working on renovations, pointing his gun at her (PPR #44). The CRC added one more "sustained" finding to three that the Bureau had already assigned—finding that the officer had put himself in danger by going to the house without calling for backup. The cop also apparently never said he was a police officer, telling Riddle to wait for a holiday card to discover his name. The City awarded Riddle \$20,000 in mid-June.

Ondrea Hollinquest was subjected to an improper search inside her underwear in December 2007 by officers including Nicholas Rothwell (#47681). Mark Zylawy, who died when he was hit by a truck 2 years ago (PPR #44), was also on scene but not named as a defendant in the lawsuit. Hollinquest said she requested a female officer to conduct the search, as there were construction workers nearby watching; when the male officers pressed ahead, she says she objected loudly. The City settled with her for \$7900 (*Portland Mercury*, April 16).

This makes at least \$221,650 spent by the City for misconduct against civilians this calendar year, and a total of at least \$7,012,530.08 since 1993. ■

Oregonian, May 15

Portland woman injured during arrest settles lawsuit

Police | The city, county and a condo association agree to pay a total of \$18,500

By AIMEE GREEN THE OREGONIAN

A 47-year-old mother of eight whose arm was broken when police put her in a control hold as her minivan was being towed has won \$18,500



Trivol: Police control hold broke arm Southeast Mill Court. They

English. Police said Trivol was swearing, yelling and blocking the truck as she stood in the street in front of her home in the 11800 block of Southeast Mill Court. They

"Secret List" Money Paid Retroactively by Sneaky City Council

In mid-May, Portland City Council attempted to quietly approve a payment of nearly half a million dollars for their "Secret List" program, also known as Project 57 or the Service Coordination Team (SCT)/ Neighborhood Livability Crime Enforcement Program. Portland Copwatch (PCW) pulled the item off the "consent agenda," forcing Council publicly to explain why the money would be used for a program which is being challenged by Elden Rosenthal, one of Oregon's top civil rights attorneys (PPR #47). The Council said that the \$456,250 they approved was to pay their bill to Multnomah County for the jail bed space used in the program from July 2008-June 2009. The program bumps people with repeat arrest records up to felony charges for certain crimes in order to force them into a "jail or treatment" choice. PCW supports treatment money, but thinks it should be available to all who want it, regardless of whether they have been arrested. A few weeks later, Police Commissioner Dan Saltzman scheduled another \$124,764 for another program related to the SCT on the consent agenda even though he apologized for that mistake the first time. PCW pulled it off the agenda again.

Council passed both measures unanimously.

In April, a judge told the City they can't use the list to enhance a person's sentence if it is based on arrests, not convictions (also PPR #47). This point was not lost on Commissioner Amanda Fritz, who expressed concerns about that issue at the hearing.

Officer Jeff Myers talks to a candidate for "The List" in a video produced by Flux magazine at University of Oregon. Watch the 10 minute video at: <http://www.youtube.com/watch?v=rHqRofmZy-c>

The police could easily be arresting people repeatedly without probable cause to put them on the list for arbitrary reasons, such as not liking how they look. Those arrested can't know whether they are on the list. When last discussed, the list had over 400 names on it.

During the second hearing, Commissioner Randy Leonard stated that he had told the police to just publish the list so that the community and the press would stop criticizing its secret nature. Interestingly, Leonard previously denied having any knowledge of the list, despite his undying support of the program (PPR #46). Leonard told the *Portland Mercury's* Matt Davis on May 20 that one reason the list has not been published was that the City Attorney's office was advising caution. Perhaps they fear being sued?

What's more, it does not look as if social service agents or mental health professionals are involved in overseeing and running the program. And, like other police projects, the "Secret List" contains a disproportionate number of African American names—over 50% in a city that is 6% black.

The Council never answered PCW's questions about whether the Project 57 program was budgeted for the 2009-2010 fiscal year. ■

