

The Oregonian

Police Release Videos of Officers' Fatal Shooting of Patrick Kimmons

*By Maxine Bernstein
October 31, 2018*

Portland police Wednesday released video of the police shooting of Patrick Kimmons in downtown last month after a Multnomah County grand jury found no criminal wrongdoing by the two officers involved.

The grand jury met over two days and found the shooting by Sgt. Garry Britt and Officer Jeffrey Livingston was justified.

The officers said Kimmons, 27, was running toward them with a gun when they fired 12 shots. Kimmons was hit nine times and pronounced dead a short time later at OHSU Hospital, police said.

Prosecutors from the Multnomah County District Attorney's Office met with Kimmons' mother and other relatives Wednesday morning to show them video of the shooting. Police also met with community leaders they invited to North Precinct to play the videos and offer a private update on the shooting investigation.

"The verdict is not justifiable," said Kimmons' mother, Letha Winston, protesting outside the courthouse after the jury's findings were announced. "I'm gonna fight for my baby. How could you shoot a man after he already laid down flat."

According to police, Britt and Livingston had parked their police SUVs in a lot at the northeast corner of Southwest Fourth Avenue and Harvey Milk Street, with the overhead emergency lights on around 3 a.m.

They were in the lot to provide extra security for crowds pouring out of nearby bars and the Golden Dragon strip club. Police frequently show up in the lot to head off violence that has broken out before between gang members, officers said.

Britt and Livingston began walking toward a group of people and alerted dispatch they heard gunshots around 3:02 a.m.

At the other end of the lot nearer to Southwest Third Avenue, there was a fight and a shooting.

Police said Kimmons fired five shots and wounded the two men who were fighting.

Police then saw Kimmons turn and run toward them holding a gun, according to investigators.

The video shows Kimmons running west in the parking lot toward the sergeant and officer, who are in a shooting stance, and then turning and ducking south between parked cars, as the officers continue to fire.

The sergeant and officer were armed with Glock 9mm handguns. Britt fired seven shots; Livingston fired five shots, the police investigation found. The police shooting occurred six minutes after the officers arrived at the lot.

Matthew Mena, 26, a witness interviewed by police hours later, said he heard two shots before seeing a man with a gun run directly toward police, apparently unaware of their presence. The man then turned to run in between parked cars.

Mena said the man had his back turned, but his hand holding a gun was raised above his waist behind him. "If I'm right behind him, I would've thought this guy's gonna shoot back at me, too," Mena told police.

Mena said police told the man to drop the gun, and possibly to stop, but opened fire less than a second after.

Kimmons fell beside hedges and a parked car along the Southwest Harvey Milk Street side of the parking lot.

Officer Todd Harris, who arrived at the lot as the shooting occurred, told investigators Kimmons was still moving and at one point was on his hands and knees. Harris and other officers applied tourniquets and wound dressings to try and stanch his bleeding, then helped put him in an ambulance.

Kimmons was taken by ambulance to OHSU Hospital, where he was pronounced dead at 4:10 a.m.

The account is detailed 402 pages of documents released by police.

An autopsy showed Kimmons was shot in the right lower leg, right buttocks, right lower mid-buttocks, left mid-buttocks, upper left buttocks, left thigh, left groin, left chest and right chest. The medical examiner's office released the autopsy separately late Wednesday afternoon.

The other two men who were wounded, Dante Emanuel Hall, also known as Manny, and Marcell Branch, arrived in private cars at Legacy Emanuel Medical Center. Hall is a friend of Kimmons.

Branch told police he had parked his blue Chevrolet Cobalt on Southwest Harvey Milk Street and was walking through the lot to the Golden Dragon Exotic Club when he approached a group of men. At some point, Branch and Hall got into a physical fight, with Branch throwing the first punch, striking Hall in the face, police reports indicate.

Suddenly, Branch said he was shot in the back. Branch said he hobbled to his car and sped off to Legacy Emanuel Medical Center. As he was walking to the emergency room's entrance, he noticed a black Camaro drive up, and thought whoever was in it might have been after him. Branch hurried to the hospital's emergency department, pounding on its automatic sliding doors to open. He was shot in the back and upper right arm, and underwent surgery.

Hall was dropped off at the same hospital in the black Camaro. When he arrived, Hall cursed at detectives who had arrived at the hospital and said he didn't want to talk to them, according to police reports. Hall was shot in the leg.

Hall and Kimmons are associated with the Rolling 60s Crips gang, and Branch has ties to the Unthank Park Hustlers, according to police reports.

Kimmons was found to have alcohol and two anti-depressant drugs, ketamine and trazadone, in his system when he died, toxicology tests found.

Police recovered a Taurus .38-caliber revolver found near Kimmons, and four other guns at the scene.

As other Central Precinct officers arrived, other witnesses and friends of the men shot were shouting at police.

"If one of my homies is dead, I'm gonna turn this city upside down," one man was quoted telling Officer Charles Asheim, according to his report.

Officer Daryl Turner, president of the Portland Police Association, said officers had split seconds to react on Sept. 30.

"Our officers did exactly what the community asks of them; they acted to stop a person who posed an immediate, deadly threat to our community," he said in a statement.

Demonstrators Block Streets to Protest Grand Jury Findings in Fatal Police Shooting

By Jim Ryan

October 31, 2018

Demonstrators blocked traffic Wednesday in downtown Portland in protest of grand jury findings on the fatal police shooting of a black man last month.

A small group of demonstrators said they wanted justice for Patrick Kimmons. They stood in the street as cars honked and tried to make their way past.

Police moved patrol cars to block off Southwest Fourth Avenue and Madison Street intersection and the Third Avenue and Main Street intersections.

The protest later moved to Portland City Hall. The demonstration was over by 5:15 p.m.

Kimmons was killed by police shortly after 3 a.m. Sept. 30 in a downtown Portland parking lot. Portland police Wednesday released video of the shooting after a Multnomah County grand jury found no criminal wrongdoing by the two Portland police officers involved.

The grand jury, which met over two days, found the shooting of Kimmons by Sgt. Garry Britt and Officer Jeffrey Livingston was justified.

The officers said Kimmons was running toward them with a gun when they fired 12 rounds, killing him. Kimmons was struck nine times, police said.

Letha Winston, Kimmons' mother, was among the protesters.

"The verdict is not justifiable," she said. "I'm gonna fight for my baby. How could you shoot a man after he already laid down flat. The video I've seen in the D.A.'s office his hands was up."

During the protest, Arthuray Dudley, a man who identified himself as Kimmons' older brother, was hit twice by a car but appears to not have sustained serious injuries.

Police pulled over a truck, cuffed the driver and put him in a police vehicle, though it wasn't immediately clear if it was related to the protester being hit.

Mark A. Dickerson, a 55-year-old Portland man, was later identified as the driver of the Chevrolet 2500 pickup involved in the incident. Police said Dickerson was booked in the county jail on suspicion of fourth-degree assault, reckless endangering and reckless driving.

Dickerson later told The Associated Press that he had business at the courthouse and was trying to park when a man jumped in front of his truck.

Springwater Corridor Reopens After Long Closure for Salmon Project

By Andrew Theen

October 31, 2018

The Springwater Corridor reopened around noon Wednesday as Portland wrapped up a months-long project designed to give salmon a better chance at returning to the Oaks Bottom Wildlife Refuge.

An \$8.8 million project, which replaced a culvert under the popular bike and pedestrian path, finished a day earlier than planned.

The restoration work forced thousands of cyclists to find a new route around the area throughout the summer and into the fall.

A picture of the old culvert and the newly installed culvert, which city leaders described as a "salmon subway."

Portland and the U.S. Army Corps of Engineers partnered on the restoration project. Crews shut down the Springwater Corridor to commuters starting in early July. The project replaced a 5-foot-wide culvert with a larger pathway to give salmon a better chance of finding their way from the Willamette River to Oaks Bottom in Southeast Portland.

"Instead of a small culvert, we now have a 'salmon subway' that reconnects the Oaks Bottom Wildlife Refuge and the Willamette River for the first time in over 100 years," Commissioner Nick Fish, who oversees the Bureau of Environmental Services, said last week. "Juvenile salmon now have a rest stop on their journey to the ocean. I look forward to biking here with my son and enjoying nature in the heart of our urban environment."

The city plans to plant some 8,600 native trees starting in the spring and construct a new viewing platform nearby.

[Here's a video describing the project.](#)

Proposal Calls For 'Culinary Corridor' to Save Downtown Food Carts

By Elliot Njus

October 31, 2018

A small group of food cart enthusiasts is putting forward a proposal to keep a large contingent of food carts downtown even as development replaces the parking lots where they've thrived.

Their idea: a "culinary corridor," with carts taking over some of the curbside parking along Southwest Park and Ninth avenues between Director Park and O'Bryant Square.

That's no small lift. It could require major changes to the city's parking regulations and other parts of city code, as well as the county's health codes -- and someone would need to manage the whole program.

Portland's largest food cart pod at Southwest 10th Avenue and Alder Street is slated for redevelopment, and cart owners have been told they might need to vacate as soon as May.

"Suddenly the city loses out on 55 lunch spots, 55 small businesses," Burmeister said. "We need to find a way to preserve a piece of Portland that has been a part of the city for more than 30 years now."

One section of the Alder Street Food Cart Pod has already been vacated for construction of a 12-story, 197-room Moxy Hotel by Marriott. Across the street, a proposed 33-story hotel, office and condo tower would replace the larger collection of carts, and construction could begin as soon as next year.

The Alder Street pod is the most significant to date threatened by proposed construction, but it surely won't be the last. Most of downtown food carts sit on privately owned surface parking lots that are prime for redevelopment.

Burmeister, along with longtime Portland urban design writer Randy Gragg and Churros Locos food truck owner Daniel Huerta, are calling for a more permanent solution.

It builds off a "festival street" concept the city has studied for years, where the narrow stretches of Park and Ninth avenues would be redesigned to be more pedestrian friendly and discourage through auto traffic.

The culinary corridor could be one segment of the city's proposed "Green Loop," a concept for a street-park hybrid geared to bicycles and pedestrians that would extend six miles through downtown, the Lloyd District and the Central Eastside.

There's been plenty of discussion within Portland's foodie scene about the future of food carts.

And even outside that community, there are plenty of people interested in keeping food carts around. They include Portland's tourism industry, which promotes food carts as one of the city's star attractions. Commercial landlords downtown promote proximity to food carts to prospective business tenants as an amenity.

But those discussions haven't taken hold in a serious way in City Hall.

There are plenty of unanswered questions, Gragg said. The carts would need access to electricity. It's not clear who would decide who gets one of the limited spaces, and carts in the public right-of-way could put the city in the awkward position of landlord and curator, a job that previously fell to private property owners.

"The absolute necessity is to maintain the authority and diversity and the opportunity that the existing carts have given folks," he said.

Wednesday's presentation will be an effort to get the conversation going before it's too late.

"It's not if, it's when those food carts are going to be displaced," Huerta said. "We understand there's going to be change. We want to be a part of the change, and we want to preserve the food carts and the uniqueness that the food carts bring to our city."

The Portland Tribune

Grand Jury Clears Police in Kimmons' Shooting

By Jim Redden

November 1, 2018

UPDATE: Kimmons family says video proves police shooting was not justified, is considering legal action.

A Multnomah County grand jury has cleared a Portland police sergeant and an officer in the Sept. 30 early morning shooting death of 27-year-old Patrick Kimmons near a downtown hotel.

Sgt. Garry Britt and Off. Jeffrey Livingston shot and killed Kimmons after responding to gunshots in the area of Southwest Third Avenue and Harvey Milk Street, formerly called Stark Street. The Portland Police Bureau says Kimmons was shot after firing a revolver at two other men in the area and then running toward the sergeant and officer.

Police say Kimmons shot the two other men while they were fighting. They were hospitalized for their injuries.

The Portland Police Bureau released video from two cameras in the area that appear to show a man firing a gun at two people fighting in a parking lot, then running toward police, who shoot him as he begins to swerve away from them by running between two parked cars.

An autopsy released Wednesday showed Kimmons was shot in chest, leg and buttocks.

"The grand jury's not true bill decision means they have determined no criminal prosecution is warranted, and that the use of deadly force against Mr. Kimmons by PPB Sergeant Garry Britt and Officer Jeffrey Livingston was a lawful act of self-defense and/or defense of a third person, pursuant to Oregon law," the Multnomah County district attorney's office said in a Wednesday, Oct. 31, statement announcing the decision.

Kimmons' family protests the grand jury ruling, insisting Patrick was not threatening anyone when police shot him.

"He is running through the cars with his hands up after he was shot three times," Kimmons' brother, Arthuray Dudley, told KOIN 6 News, referencing the released surveillance footage. "His hands are up, but he's still running and they are still shooting and after about eight shots he falls to the ground."

Kimmons' mother, Letha Winston, added: "How can you shoot someone who's no longer a threat?"

Several protesters blocked downtown streets after the ruling was announced. A driver, Mark Dickerson, 55, was arrested for hitting but not injuring one of them.

The police shooting triggered protests against the police and a counter-demonstration by the conservative Patriot Prayer group.

The DA's office has filed a motion in Multnomah County Circuit Court to release a transcript of the grand jury proceedings. It will be up to the Multnomah County Circuit Court presiding judge to release the transcript.

Police Chief Danielle Outlaw said in an Oct. 31 statement that the bureau was being as transparent as possible about the shooting. "To ensure the integrity of this investigation, including the administrative review, criminal investigation and grand jury process, the bureau

waited to release the information until the conclusion of the grand jury. Though we recognize the community's desire to review the information in a timely manner, we also waited to release this information until the family of Mr. Kimmons was briefed and shown the investigation and video. We recognize this is a difficult time for many and wanted to ensure the information was presented to the family first," Outlaw said.

Portland Police Association President Daryl Turner issued a statement Oct. 31, saying the evidence shows the sergeant and officer had no choice except to shoot Kimmons.

"Our officers did exactly what the community asks of them; they acted to stop a person who posed an immediate, deadly threat to our community," he said in a statement.

Turner also said that anger towards the police was fueled by "false narratives."

"Fanning the flames of emotion through misinformation doesn't help uncover the facts; nor does it help our community understand what happened that early Sunday morning," Turner said. "We have now heard from a Multnomah County Grand Jury made up of our own community members. After an extensive review of the evidence, that Grand Jury determined that the officers' use of deadly force was justified."

Willamette Week

Grand Jury Says Portland Police Officers' Use of Deadly Force Was Legal In Fatal Shooting of Patrick Kimmons

By Katie Shepherd

October 31, 2018

Investigation materials released by PPB say Kimmons fired a handgun five times, injuring two other men who had been fighting in the parking lot.

A Multnomah County grand jury today declined to indict the Portland police officers who shot and killed 27-year-old Patrick Kimmons in the early morning of Sept. 30.

Police reports and timelines, released for the first time in the minutes after the grand jury made its decision, say Kimmons shot and injured two people in a downtown fight seconds before police shot and killed him.

"The grand jury's not true bill decision means they have determined no criminal prosecution is warranted," the Multnomah County District Attorney's Office said in a statement, "and that the use of deadly force against Mr. Kimmons by PPB Sergeant Garry Britt and Officer Jeffrey Livingston was a lawful act of self-defense and/or defense of a third person, pursuant to Oregon law."

Video released by the police bureau shows the moments just before and after officers fired their guns.

Britt and Livingston responded to a dispatch call and stepped out of their police vehicles to approach a group of men fighting in a parking lot near SW 3rd Avenue and SW Harvey Milk Street.

Investigation materials released by PPB say Kimmons fired a handgun five times, injuring two other men who had been fighting in the parking lot. Video shows that Kimmons moved toward the officers as they approached.

The officers fired about a dozen shots. Kimmons was pronounced dead at OHSU Hospital.

The killing of Kimmons has sparked a chain reaction of protests that made national news. Protesters of Kimmons' death last month were bumped by a frustrated motorist, then damaged his car. That made national right-wing TV news—and Patriot Prayer protesters disrupted a vigil for Kimmons, starting a rolling downtown brawl.

Driver Hits Person Protesting Police Shooting in Downtown Portland Today

*By Elise Herron
October 31, 2018*

Mark Dickerson drove through a group protesting the recent shooting of Patrick Kimmons by Portland police.

A demonstration outside the Multnomah County Courthouse was threatened today by the driver of a blue Chevrolet truck, who drove through the crowd and struck a protester.

The crowd is gathered in front of the courthouse today to protest a grand jury verdict that declined to indict Portland police officers involved in the shooting and killing of 27-year-old Patrick Kimmons.

"Officers learned the demonstrators were family and friends of Patrick Kimmons," today's PPB statement reads. "While officers continued to communicate with the crowd and direct them to the sidewalk, the driver of a dark blue Chevrolet 2500 pick-up traveled north on Southwest 4th Avenue into the crowd of people and struck a protester."

Police identified the driver of the truck—who was quickly stopped and "taken into custody without incident"—as 55-year-old Mark Dickerson.

Dickerson is being held on charges of assault, reckless endangerment and reckless driving.

PPB says its mission today was to "move people off the street without the use of force."

"During today's event," the bureau notes, "officers recognized that demonstrators were distraught about the loss of a loved one and the officers attempted to provide direction to the protesters without inflaming the situation."

Mayor Ted Wheeler made similar remarks. "Some of the demonstrators outside City Hall right now are in a state of mourning. We will always respect their right and everyone's right — to peacefully express what they need to communicate."

KGW reports that, after over four hours of protesting in the street in front of the courthouse, the group has moved to the steps in front of City Hall.

The Portland Mercury

Grand Jury Clears Police Officers in Fatal Shooting of Patrick Kimmons

*By Alex Zielinski
October 31, 2018*

A Multnomah County grand jury has ruled that the two Portland police officers that fatally shot Patrick Kimmons on Sunday, September 30 were justified in their use of force.

According to police reports, Sergeant Garry Britt and Officer Jeffrey Livingston encountered Kimmons, 27, while they were patrolling a downtown parking lot near the corner of SW 3rd and SW Harvey Milk, shortly after 3 am. The officers first noticed two unidentified people fighting with each other in the parking lot—and then, according to reports, witnessed Kimmons fire 5 shots at both of the fighting individuals.

Officers claim Kimmons then began running towards them, holding his firearm. Britt and Livingston promptly fired 12 rounds at Kimmons. Here's the Portland Police Bureau's (PPB) official timeline of events.

PPB has since released footage from a pair of security cameras that hazily captures the incident. It's believed Kimmons is the individual in white shoes who runs directly toward the officers, cutting off toward a line of parked cars just feet from the two police.

Kimmons' family members say this video doesn't show the entire picture. PPB allegedly showed his family a much longer version of the surveillance tape before releasing the 30-second one to the public this afternoon. Family members and friends flocked to the Multnomah County Courthouse this afternoon to protest the grand jury verdict and demand the District Attorney release the entire video.

“We’ve seen the footage ourselves... we can see his hands were up as he was shot,” said Sequoia Turner, Kimmons' longtime partner and mother of his children. “The video they released was like a blurry version, and they cut it off.”

Along with the video clips, PPB released 402 pages of police reports gathered after the shooting. Most of the documents are transcripts of interviews PPB detectives conducted with various witnesses at the scene of the shooting.

A number of officers working under the Gang Enforcement Team report seeing several members of the Rollin' 60s Crips at the scene, and note that Kimmons was a known member of this gang. According to Officer Charles Asheim, one individual connected to the gang made threats to the police officers after they wouldn't tell him who had been shot.

According to Asheim's report: “[The man] said, 'If one of my homies is dead I'm gonna turn this city upside down. I don't give a fuck about the police! I ain't scared of any of you!'”

Asheim continued: “His openly violent comments seemed to be threatening the police as a whole if one of his friends had been killed by the police.”

Another report from PPB Officer Torrey Streed details what may have been Kimmons' last moments. Street sat beside Kimmons in the back of an ambulance after the shooting, holding an oxygen mask over Kimmons' face.

"Kimmons repeatedly tried taking the mask off," Streed said. "When he did so, he said, 'Don't let me die, Bro. I'm gonna die.'"

The Skanner

Officers Not Indicted in Kimmons Shooting

*By Christen McCurdy
October 31, 2018*

On Wednesday the Multnomah County District Attorney announced that a grand jury had declined to indict Portland Police Bureau officers Sgt. Garry Britt and Officer Jeffrey Livingston in the fatal shooting of Patrick Kimmons.

"The grand jury's not true bill decision means they have determined no criminal prosecution is warranted, and that the use of deadly force against Mr. Kimmons by PPB Sergeant Garry Britt and Officer Jeffrey Livingston was a lawful act of self-defense and/or defense of a third person, pursuant to Oregon law," said a press release from the DA's office issued Wednesday.

The press release included a link leading to materials on the Portland Police Bureau's site relating to the investigation. The posted materials include investigative files, a timeline and video footage from two angles. The DA's office also said it would file a motion to release the grand jury transcripts to the public.

Shortly after the release of the not-true bill, protesters associated with Don't Shoot Portland gathered downtown. Among those gathered was Letha Winston, Kimmons' mother, who in a video posted to Twitter by organizer Alyssa Pariah, said she was shown a video longer than the 30-second clip released by PPB and demanding officials release the full video.

Reports also surfaced that two protesters, including Don't Shoot organizer Teresa Raiford, were hit by cars during the demonstration and were uninjured. The Skanner has reached out to the Portland Police Bureau to confirm reports that arrests were made in connection with those collisions.

OPB

2 Portland Officers Cleared In Fatal Shooting Of Patrick Kimmons

*By Ericka Cruz Guevarra
October 31, 2018*

A Multnomah County grand jury has cleared two Portland Police officers who shot and killed a 27-year-old black man on Sept. 30, determining the officers' use of deadly force was a "lawful act of self-defense."

Sgt. Garry Britt and Officer Jeffery Livingston will not face criminal charges for the fatal shooting of Patrick Kimmons, who the two officers shot after responding to a fight.

Police say Kimmons fired five shots in the early-morning fight, injuring two people. They went to a local hospital with "serious, but not life-threatening injuries," according to police. Officers

and witnesses say Kimmons was shot after running toward officers with a revolver in his hand. Witnesses say officers yelled commands at Kimmons as they shot. Police fired 12 rounds and say they recovered a gun near Kimmons.

That narrative, contained in police reports released Wednesday, contradicts Kimmons' family's assertion that he was shot in the back up to 15 times. At least one witness said Kimmons' back was toward officers at one point, and that a firearm was "clearly visible" in Kimmons' right hand.

He said it appeared to him that Kimmons "was going to turn around and start shooting at the officers" before he was shot. According to investigative documents, Kimmons sustained bullet wounds in the upper right chest and his left leg.

The county medical examiner found that Kimmons was shot nine times. Bullets struck him in the buttocks, legs, groin and chest. The report indicates that some shots hit him from behind, while others struck Kimmons from the front or side.

Medical staff found that Kimmons had alcohol, ketamine and trazadone — an antidepressant drug — in his system when he died.

Two parking-lot security camera videos released Wednesday show a man running away from the fight and toward two officers before darting between two cars; it's not clear from the videos whether Kimmons pointed his gun at Britt and Livingston or what position he was in when police fired. PPB officers do not wear body cameras.

The grand jury announcement was made after a two-day hearing. Police officers have been cleared of criminal charges in at least three of the most recent fatal shootings by Portland Police officers.

Officers who arrived to the scene later identified Kimmons as a well-known Rollin 60's Crips gang member. Letha Winston, Kimmons' mother, told OPB days after the shooting that her son was working to distance himself from gang activity to focus on his family.

Britt is a 10-year veteran of the force and was involved in a 2012 shooting that was ultimately determined justified. Earlier this year, Britt was among the officers who had contact with John Elifritz, a man killed by Portland police at a homeless shelter in April. Britt did not fire his weapon in that case.

Livingston has been with the Portland Police for a year and a half. He was previously a corrections officer and worked with the Coast Guard, according to Patch.