

The Oregonian

Portland police chief to protesters intent on violence: ‘Don’t come. We don’t want you here. I don’t care what side you’re on.’

By Maxine Bernstein

August 5, 2019

Portland Police Chief Danielle Outlaw’s message Monday to protesters intent on gathering in the city Aug. 17 to commit violence: “Don’t come. We don’t want you here. I don’t care what side you’re on.”

The chief pledged that officers won’t hesitate to either disperse the crowd or make arrests if police declare an “End Domestic Terrorism - Better Dead Than Red” or “Anti Antifa” rally, or any counter protests, unsafe.

“We will be there in mass to ensure that we can react and ensure there are quick and swift consequences,” Outlaw said. “There will be both.”

Outlaw’s message comes as Portland police continue to reach out to other local, state and federal law enforcement to bolster the number of officers on hand that day, and as rhetoric on social media for the expected clashes between far-right and far-left demonstrators ramps up.

It also follows criticism that police failed to step in and take action to stop bloody brawls that broke out during dueling demonstrations on June 29 and during the assault of conservative writer Andy Ngo.

No one has applied for any city permits to use Tom McCall Waterfront Park on Aug. 17, one of the sites advertised as the gathering place for the right-wing “End Domestic Terrorism” rally.

The organizer is Joe Biggs, a Florida resident and former Infowars staffer who has threatened on his Facebook page, “We are coming for antifa.” Some of his social media accounts have been restricted, but in a July post on his Facebook page, he wrote that he’s spoken with “ex special forces military groups, Oath Keepers, Proud Boys and Titans of Liberty,” and that more than a thousand men are planning to descend on Portland on Aug. 17.

Rose City Antifa, in turn, has called on its supporters “to defend Portland against far-Right attack,” in an announcement titled, “The Far-Right Plans to Invade Portland on August 17.” Rose City Antifa urged supporters to “tell these far-Right and neo-Nazi groups that they are not welcome in Portland, and their search for victims on our streets will not be tolerated.”

The chief promised that police response will be much different from that seen on June 29. During that day’s demonstrations, video clips of men beaten with batons in the streets surrounding Pioneer Square, and Ngo assaulted and doused with milkshakes drew national attention and went viral.

Outlaw said the police were understaffed on June 29, restricting them from quickly moving in to make arrests.

For Aug. 17, no officers will have a day off. The bureau intends to have a large police presence “to be visible” and “to set the tone right away.”

Authorities also are considering whether to have Oregon National Guard's rapid response teams, which have trained with the Police Bureau's crowd control teams in the past, involved, at least on standby. Outlaw said that ultimately will be the governor's call.

"We'd be remiss in our duties in planning if we didn't at least consider it, given that we've trained with them the last few years," Outlaw said.

Some law enforcement partners and elected officials, though, have expressed serious concern about the optics of calling in the Guard, not wanting anything reminiscent of the May 4, 1970 shootings of unarmed college students at Kent State University by members of the Ohio National Guard during a mass protest against the bombing of Cambodia by the U.S. military.

With more than 100 officer vacancies, the Police Bureau needs back-up from other agencies, the chief said. The bureau can't rely on sheriff's offices in Washington and Clackamas counties, which recently pulled out of mutual aid pacts with Portland police.

Police also will arrest demonstrators who haven't obtained a city permit to march in the streets on Aug. 17 if they are in the street and committing a crime, such as disorderly conduct or failing to obey an officer's order, the chief said. Police will continue to work to keep dueling demonstrators separated, either through lines of police, fencing or other barriers.

The chief said she's hopeful that the city's commissioners and other federal and state partners, as well as Mayor Ted Wheeler, will stand up and decry any potential violence ahead of the anticipated Aug. 17. protests. She urged curious bystanders also not to come just to watch the events unfold.

"If you're coming to be a lookie-loo to watch, you're enabling an event," she said. "These events would not occur if there was no audience."

During the day, police intend to provide live updates on Twitter, as well as live video updates from police spokespeople.

Outlaw expressed some frustration that the city has to spend taxpayers' money and use police resources to essentially keep feuding protesters separated.

The City Council last fall voted down an ordinance the chief and mayor supported that would have enabled them to restrict the time, place and manner of protests by groups with a history of violence in the city. The chief recently proposed an anti-masking ordinance for protests and changes to state law that would allow officers to videotape demonstrations in full, but those ideas haven't received much support in the city.

Outlaw said she believes police play an important role in facilitating people's free speech rights and keeping the public safe when groups come to the city to demonstrate lawfully and peacefully.

But when groups with a history of violence return to the city continuously and make threats and spout their criminal intentions online, Outlaw said something else needs to be done.

"I feel like we're hosting, you know, these events," she said.

"When are folks going to say, why do our police have to deal with this in the first place? Why are we spending all this money to plan on keeping these groups separated for hours?" Outlaw said. "We're using taxpayer dollars to keep a fight separated, when the question should be why are they even comfortable enough to come here and fight in the first place. I think that's a political question that needs to be answered."

Jann Carson, interim executive director of the American Civil Liberties Union of Oregon, said Aug. 17 will mark “another test” for Portland police. Her organization announced Monday another lawsuit against the city stemming from a 53-year-old woman’s injury on Aug. 4, 2018, resulting from a flash-bang grenade fired into a crowd during clashing demonstrations a year ago.

“We acknowledge that tensions are high in the city,” Carson said.

She urged police to use tactics that de-escalate violence and take action that’s “proportional to what has occurred or is occurring.”

“Law enforcement can address violence if and when it occurs,” Carson added. “Law enforcement must respond to isolated incidents of property damage, violence or other lawlessness by arresting the individuals responsible, not by breaking up a protest.”

Portland woman injured by police flash-bang grenade while protesting right-wing rally sues city

By Everton Bailey Jr.

August 5, 2019

A woman who said she suffered third-degree chemical burns after being hit by a Portland police flash-bang grenade during a downtown protest last year is suing the law agency for \$250,000.

Michelle Fawcett said Monday that she still has an imprint of the device in her left arm, continues to receive medical treatment after also being hit in the chest, experiences nightmares and fears sudden noises.

“I no longer feel safe in my community,” said Fawcett, 53, of Portland during a news conference. “I no longer feel safe in the presence of law enforcement. I no longer feel safe in crowds of people. No one should have to feel this way.”

Fawcett was one of at least three people injured while protesting an Aug. 4, 2018, demonstration by right-wing group Patriot Prayer. All of them said they were injured by Portland police weapons.

A flash-bang grenade, among items described by Portland police as riot control agents deployed during protests last year, is a nonlethal explosive projectile that emits a blast of noise and light meant to disorient anyone nearby.

The devices are meant to be fired overhead, but Fawcett said an officer fired one into the crowd, hitting her. Another protester said he was hit in the back of the head by a flash-bang grenade during the same protest, lodging into the helmet he was wearing.

Fawcett was among a crowd of more than 1,000 people protesting the rally by Patriot Prayer, whose Portland events have attracted white nationalists and others who promote racist or bigoted views. According to the lawsuit, the area where Fawcett was standing was calm and she never saw police fire the device because of the crowd.

Fawcett said she heard a deafening explosion and felt a burning sensation afterward. The crowd began to scatter, and in the suit she described being helped by medics at the scene and feeling like she was in “a war zone.”

Portland police two days after the protest announced they were suspending using the flash-bangs, referred to by the agency as aerial distraction devices, to determine if they were working properly. Police at the time said four people were arrested during the protest last year and that officers had rocks, firework mortars, smoke bombs and other items thrown at them.

Fawcett wasn't one of the people arrested.

Fawcett and Jann Carson, American Civil Liberties Union interim executive director, said Monday that Portland police used excessive force during the demonstration and used the actions of a few people to justify firing "weapons and chemicals" at large groups that included innocent bystanders like Fawcett. The lawsuit was by the Tonkon Torp law firm on behalf of the ACLU of Oregon and Fawcett.

Carson said her agency's legal observers have been among people in protest crowds who have been tear-gassed, shot with rubber balls and unlawfully detained during Portland demonstrations.

"Law enforcement must respond to isolated incidents of property damage, violence and other lawlessness by arresting individuals that are responsible, not breaking up a protest," Carson said.

The city of Portland declined to comment on the lawsuit.

The Portland Tribune

ACLU sues Portland for injuring 'peaceful' protester

By Zane Sparling

August 5, 2019

American Civil Liberties Union seeks \$250,000 on behalf of Michelle Fawcett, plans seven more lawsuits.

In a new lawsuit, the American Civil Liberties Union says Portland City Hall is liable for the injuries inflicted on an attendee at a downtown protest.

The ACLU seeks \$250,000 on behalf of Michelle Fawcett, who was allegedly struck in the chest and arm by a flashbang grenade while "peacefully protesting against bigotry and intolerance," on Saturday, Aug. 4, 2018.

Jann Carson, interim executive director for the local branch of the influential nonprofit organization, said at a press conference that the use of "military grade munitions" by the Portland Police Bureau constituted "excessive force."

"These deadly weapons are meant to be shot overhead, but the police instead fired them directly into groups of innocent people," Carson said.

On the chaotic day in question, officers in riot gear used batons, pepper spray, flashbangs and rubber bullets to clear Southwest Columbia Street of a large crowd of counter-protesters, who were blocked by a skirmish line at Naito Parkway from confronting a group of conservative Patriot Prayer supporters, who were unharmed during the resulting tumult.

Police Chief Danielle Outlaw faced intense scrutiny for using crowd control tactics on only one side, though a sound truck had broadcast warnings ordering the crowd to disperse before the officers' frenzied charge.

"This wasn't folks that were just coming to just march peacefully and demonstrate, sing Kumbaya and go on their way," Outlaw said days later, noting that four people were arrested and several squad cars were vandalized during the incident.

The ACLU, however, claims Fawcett suffered permanent injuries, including third-degree chemical burns, soft tissue damage, impact wounds, mental and emotional distress, depression and nightmares. She reports missing work and has been afraid to leave her home at times and exercise her right to peaceful assembly.

Fawcett read from prepared remarks and answered questions from reporters during the 20-minute press conference.

"I felt that it was my duty to stand against violence, bigotry and hatred in our community," Fawcett said. "My recovery has been slow and painful... I no longer feel safe in my community."

"It was the police that attacked me."

The ACLU says this suit — filed in Multnomah County Circuit Court on Monday, Aug. 5 — is one of eight to be filed on behalf of protesters in Portland who were allegedly injured or unlawfully detained by police. Tonkon Torp law firm is representing the ACLU on a pro bono basis.

Your City Hall: Survey gives public chance to air views on city code revamp

*By Jim Redden
August 06, 2019*

The Office of Community and Civic Life is still finalizing the controversial civic engagement reforms that will be presented to the City Council

WHAT IS HAPPENING? The Office of Community and Civic Life is continuing to seek feedback on the controversial reforms to Portland's civic engagement process.

The office is hosting an online survey on its website while its staff finishes drafting the changes to the city code, which then will be submitted to the City Council for approval.

The date of the council hearing on the proposal has not yet been finalized. Public testimony will be taken when it is scheduled.

WHAT IS THE CONTROVERSY? The council has directed the office to reform Section 3.96 of the code, which sets forth the official civic engagement process. It currently only identifies a limited number of organizations, including neighborhood associations.

The council has said that it wants to broaden those officially recognized as involved in civic affairs to include organizations that are not geographically based, but which represent ethnic, racial and religious communities, among others.

The controversy arises because a citizen committee advising the office on the reforms has recommended striking all references to the neighborhood system from Section 3.96. This includes all references to the 95 official neighborhood associations that have existed and been granted formal roles in land-use matters for decades.

WHAT DOES THE COMMITTEE SAY? At its final meeting on July 18, the committee tried to assure the associations that the reforms will not completely alter their official role in the city.

The recommendations it approved at that meeting include the following statement of intent:

"To preserve the privileges currently cross-referenced in other sections of city code for groups currently recognized by the bureau (including but not limited to neighborhood associations, district coalitions, business district associations, and diverse and civic leadership partners)."

Neighborhood activists are not satisfied such language will preserve the roles of the associations in the future. For example, the city now provides insurance for public events they organize, and it is unclear if that will continue. The same is true for annual funding of the district coalitions which support them.

WHAT CAN I DO? You can learn more about the proposed reforms and take the survey at the office's website at <http://www.portlandoregon.gov/civic/77951>. You also can sign up for email updates on the project there.

You also can testify at the council hearing on the reforms when it is scheduled. In the meantime, you can find contact information for all council members on the front page of the city's website, <http://www.portlandoregon.gov>.

Willamette Week

A Woman Injured by Police Flash-Bang Grenades in Protest Last Year Sues City of Portland

*By Nigel Jaquiss
August 5, 2019*

Michelle Fawcett says flash-bang grenade caused "permanent damage," seeks \$250,000 in compensation.

Michelle Fawcett today sued the city of Portland for injuries she says she suffered during an Aug. 4, 2018 protest against right-wing extremists.

WW reported last September that Fawcett had filed a tort claim against the city, the first step toward legal action.

In a lawsuit filed today in Multnomah County Circuit Court, Fawcett, 53, says she was protesting peacefully when Portland police allegedly shot flash-bang grenades into crowds of protestors, rather than into the air above them, as manufacturers suggest.

"By firing flashbangs directly at the crowd of protestors, rather than overhead as intended, PPB officers demonstrated an alarming lack of concern for the safety of Portland citizens," the lawsuit says. "PPB officers' conduct also revealed either a lack of effective training in the use of these munitions or reckless dismissal of that training."

Fawcett's lawsuit, filed by the Tonkon Torp law firm on behalf of the American Civil Liberties Union of Oregon, says one of the flash-bang grenades struck her.

"She suffered third-degree chemical burns, major impact wounds, and major soft-tissue damage, as well as mental and emotional distress as a result of the incident," the lawsuit says.

Fawcett is seeking \$250,000 in damages.

Tim Becker, a spokesperson for Mayor Ted Wheeler, says the city doesn't comment on pending litigation.

E-Scooter Rider Seriously Injured by Car in Southeast Portland

*By Elise Herron
August 5, 2019*

Photos at the scene show the scooter still trapped under the car and a helmet and shoe scattered nearby.

An e-scooter rider was hit by a car on Southeast Foster Road near 103rd Avenue on Wednesday, July 31, around 6 pm.

It's one of the most serious traffic injuries to involve a scooter rider since the debut of the rental scooters last summer. The collision was not fatal, but the rider was taken to a local hospital to be treated for traumatic injuries.

Witnesses said that the e-scooter was traveling north on Foster "at a high rate of speed," and crossed the street without slowing down or activating the crosswalk signal, according to the Portland Police Bureau.

The car, a Ford Focus, was traveling east when it struck the scooter. The driver stayed at the scene to cooperate with investigators.

Police say the crash investigation is still open.

Photos and video taken at the scene show the scooter still wedged under the Ford Focus, and the car's front windshield shattered and severely dented.

A helmet, bag and shoe belonging to the scooter rider were also scattered near the car.

East Portland News first reported the crash.

The collision comes as Portland attempts to reduce traffic related deaths in high crash corridors. As WW reported last week, the city has spent over \$47 million on street safety improvements in the past two years and plans to spend another \$60 million in 2019.

Still, this year there have been 34 traffic deaths so far; the same number as all of last year.

The Portland Mercury

Woman Hit By Police Grenade During 2018 Protest Sues City

*By Alex Zielinski
August 5, 2019*

A woman who was hit with one of the Portland Police Bureau's (PPB) flash-bang grenades during an August 4, 2018 rally is suing the City of Portland for her physical and psychological damages.

Michelle Fawcett, 53, says she was peacefully counter-demonstrating a protest organized by Patriot Prayer—a local alt-right group whose rallies attract white supremacists—on August 4 when an "ear-splitting explosion" knocked her off her feet. "Suddenly, I was overcome with a

searing pain in my chest and arm and an intense burning sensation," Fawcett explained at a Monday press conference at the ACLU of Oregon office.

"I knew right away something terrible had happened to me," she continued. Fawcett said a volunteer medic dragged her into safety as officers continued to fire grenades into the crowd. "It felt like a war zone," she said. "I wasn't sure if I was going to survive."

Fawcett suffered third-degree chemical burns on her arm and chest, impact wounds, and major soft-tissue damage. The grenade left a permanent imprint on her arm. She continues to have nightmares about the attack, is overly startled by unexpected noises, and no longer feels comfortable in crowds or near police offices.

In her lawsuit, filed Monday morning by Tonkon Torp lawyer Jeffrey Bradford in collaboration with the ACLU, Fawcett requests the city pay \$250,000 for her injuries. The suit explains that flash-bang grenades, originally developed for military use, are meant to be fired overhead to disorient crowds of people—not shot directly into a crowd.

"PPB officers demonstrated an alarming lack of concern for the safety of Portland citizens," the lawsuit reads. "PPB officers' conduct also revealed either a lack of effective training in the use of these munitions or reckless dismissal of that training."

Fawcett said she joined the August 4 counter-protest after learning about the connection between Patriot Prayer and Jeremy Christian—the avowed white supremacist who killed two men in 2017 after they tried to stop him from spewing hate speech at two women of color riding the MAX. Christian had attended a march organized by Patriot Prayer just a month before the MAX slayings.

"When I heard Patriot Prayer was coming back to Portland, I knew I had to be part of the peaceful protest," Fawcett said. "I felt it was my duty to stand up against violence, bigotry, and hatred that day."

Fawcett was inspired by the hundreds of peaceful left-wing protesters who protested that afternoon. She was shocked by the PPB's violent response to their rally.

"The police are supposed to protect and serve, but instead they shot me and other peaceful protesters with military-grade weapons," she said. "Then [PPB Chief] Outlaw went on the radio saying people like me came with bad intentions to this event, so we got our butts kicked by the police and now we're just whining and complaining about it."

"The thought of this fills me with a deep sense of despair," Fawcett continued. "I'm not sure where to seek justice."

Fawcett was one of several protesters injured by PPB munitions on August 4.

One man who only identified himself in an Oregonian interview by his first name, Anthony, suffered a traumatic brain injury when he was hit in the head with a flash-bang grenade. KATU journalist Ric Peavyhouse was injured by a rubber bullet in the leg. Others reported less-severe injuries, like bruises or scrapes, from being pushed or dragged by police officers attempting to break up the crowds. A protester named Tracy Molina has also signaled her intent to sue PPB after a number of officers piled on top of her after she refused to drop a protest sign.

Yet, in the 13 reports filed by PPB officers who shot munitions at protesters on August 4, officers claim none of their projectiles injured members of the public. In their reports, officers claimed protesters had thrown bricks, glass bottles, rocks, chunks of concrete, and Molotov cocktails at officers. PPB has not offered evidence to confirm these allegations.

"We acknowledge that tensions are high in the city," said Jann Carson, the ACLU of Oregon's interim director, speaking at the morning press conference. She said that the planned August 17 Proud Boys rally in downtown Portland "will be another test" for the PPB.

While Fawcett won't be attending the planned counter-protest for that rally, she called for others to show up.

"The more people come out, the more we can express our message of peace," she said. "There is a documented rise in hate crimes [in the US]. We have to do all that we can to show that we stand against this. And if the city doesn't make it a safe place to do that, we're really in trouble."

OPB

Woman Injured By Police Flash-Bang Files Battery Suit Against City Of Portland

*By Amelia Templeton
August 5, 2019*

A woman hit and injured by a flash-bang grenade fired by police during a protest is suing the city of Portland for battery.

Michelle Fawcett, 53, promotes independent documentary films. In a civil lawsuit filed Monday in Multnomah County, she is seeking \$250,000 in damages for her injuries.

The ACLU of Oregon and the firm Tonkon Torp are representing Fawcett pro bono.

It's the latest in a number of lawsuits the ACLU has assisted with or filed against the city over police tactics during protests since the 2016 presidential election.

Fawcett had joined a counter-protest on Aug. 4, 2018, against a permitted march by Patriot Prayer, a far-right group that attracts white supremacists.

Groups like the Southern Poverty Law Center had warned that the demonstrations had the potential to become "the next Charlottesville," and Portland Police was trying to keep dueling groups of protesters separated.

Fawcett said she attended the counter-protest dressed in her normal clothes, a T-shirt and capris, and was there to take a position against white nationalist ideology and violence.

"Nothing happens when we stay home and sit on the couch," she said.

According to Fawcett, she was in the middle of a crowd of hundreds of people when she was hit without warning by an explosive device.

"I looked down and saw blood had started rising to the surface of my arm, and I was just shocked," she said. "I didn't know if I was going to die. The police kept firing."

Fawcett's lawsuit alleges that officers never instructed her to move or warned her they were deploying crowd-control weapons – and that she was too far from the line of police at the demonstration to hear any warnings.

Fawcett said she received treatment after the protest at a Kaiser urgent care clinic and has received follow up care from a plastic surgeon.

Fawcett said the device caused a third-degree chemical burn that damaged her skin and nerves. The injury has left a permanent scar shaped like a large bullet on her forearm and has left her with a stiff shoulder.

“I can’t put on a bra or wash my back or anything like that a year later,” she said.

After protesters including Fawcett were injured, the Portland Police Bureau said it had temporarily stopped its use of flash-bangs.

Portland Police have also said the flash-bangs are supposed to be fired above crowds, not at them, and following the protest, police said they were reviewing the incident to determine what had gone wrong.

Fawcett’s lawsuit alleges that the police officers’ actions showed “an alarming lack of concern” for the safety of Portlanders.

“PPB officers’ conduct also revealed either a lack of effective training in the use of these munitions or reckless dismissal of that training,” the suit states.

The city of Portland recently hired an independent group, the National Police Foundation, to review how the Portland Police Bureau handles political protesters and to investigate allegations of bias against left-wing groups.