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RESPONSE to:

[City Club request](#) for input to charge a research study related to public safety.

What question would you charge a City Club research committee to study, that would add significant value to an inquiry into Public Safety?

What features of self-governance are most likely to lead to enduring civil rights protections and the broad application of justice in Portland Policing? Specifically, 'What should be the investigatory and oversight capacities of a body convened to regulate failures by the City of Portland to protect these rights?'

The research report seeming imperative, as Portland passes through perhaps the most important civil rights initiative in a generation – Federal Findings of patterns and practices of constitutional violations by local government – can be considered a Public Safety issue. To be secure in our rights, The People now require an objective study of impediments to constitutional safeguards ... and forward-thinking recommendations regarding restoration and subsequent maintenance of those rights.

City welfare will be improved when City Club presents a vision of comprehensive reform, with indicators as to strategies and mechanisms for broad-based public involvement. For, ultimately, it is The People's responsibility to ensure the Constitution is in force. The work can collaborate among existing community partnerships suggested below. Results designed to empower members *and* engage general public involvement in this vital civic responsibility present potential as an enduring contribution for City Club to organize.

The 1992 City Club report on race relations and law enforcement (page 225, cited below), referenced a Department of Justice (DoJ) position: "Citizens must have some assurance their complaints will be objectively investigated and dealt with by the department." It is perhaps an absence of any corresponding recommendations from the study group that has allowed the issue to fester. Civil Rights investigators termed the current alignment of the City's Independent Police Review Division (IPR) with Portland Police's Internal Affairs Division (IA) a 'self-defeating accountability system' in 2012 (page 27, Findings below).

It is time for City Club to review the position declared on Police Community Relations in the 1968 report on Law Enforcement (cited below), which declared: "There is little evidence at hand to indicate that a Citizens Review Board would serve a useful purpose in Portland at this time." A Federal agreement, expected to next year be submitted to Federal Judge Simon, contains provisions for a 'Community Oversight Advisory Board' (COAB, see Section IX in the Agreement, below).

What functionality and authority might civilian oversight require, if it is to defeat a pattern of City self-exoneration in illegal use of force? Much of the work of problem definition exists, including reports from the City's own consultants, shelved in favor of a 'temporary' fix (IPR) in 2001. Just as there is much complexity in contributing factors which lead to unchecked misconduct, so have – in the long, intervening

years – been proposed mutually reinforcing, *systemic* solutions ... which require study and leadership initiative.

That the City has been immobilized by its inability to impose civilian authority in cases of unwarranted use of force is clearly observable: Officer Ron Frashour collects full pay while on leave instead of sanctions for his role in a lethal violation of policy. The City has, over many administrations, negotiated an arbitration process that has thwarted every decision to discipline police officers for engaging in it. In some cases, arbitrators have ruled that IA failed to make a case sufficient for them to concur with City Council resolve to hold police accountable.

The City Attorney's office has been conflicted by dual roles, of shielding the City from exposure to risk while having failed a prime responsibility to ensure Constitutional protections are in force. City Club offers sufficient independence from entities engaged in perpetrating and/or reinforcing patterns and practices the DoJ has reported. If the reader feels City Club membership contains within it those willing to argue that constitutional protections require defense, and - among members - are bright individuals capable of surmounting local government's intent to defend itself when failing examination, then he or she will serve our community well ... by forwarding this proposal that the body be charged with study and recommendations on public safety.

If the City Club pursues a study in this area, who would you suggest we consult for further information?

The City's Human Rights Commission – silent as a body, and in subcommittee as the Community Police Relations Committee (CPRC), when the DoJ Civil Rights Division sought public input during their 2012 investigation into police use of force – can soon be expected to announce a 'Law Enforcement Monitoring and Advocacy' work group. Under advocacy for 'Liberty and Security of Person,' they are expected to address initiatives on civil liberties and police accountability. Their upcoming report will have, as goals, collaboration with community organizations.

The City's anticipated COAB will rely on academics that have assembled a body of work around community oversight. They'll include Professors Kimberly Kahn and Karen Gibson.

Some of the best testimony at the recent forum on 'Can we have police accountability?' at Lewis and Clark Law School came from attorneys with thorough knowledge of the current system's deficiencies. Among those leading lights are Jason and Greg Kafoury; and, in particular, attorney Mark Kramer. ACLU Policy Director Becky Strauss can provide legal analysis and is familiar with a broad range of extant policy recommendations.

City Club members Jo Ann and Roger David Hardesty have, after broad analysis of institutional challenges to effective police oversight in the City of Portland, proposed remedies to state and county policies that combine to frustrate accountability at the local level. Find them at Consult Hardesty, under the topic 'State Law,' beneath 'We Can Make Law.'
<http://consulthardesty.com/>

The National Association for Civilian Oversight of Law Enforcement (NACOLE) have resources that would help frame any charge to a study group.
<http://nacole.org/>

Please provide links to any reports or other information that would be helpful.

A huge body of work exists.

City Club reported deficiencies in police accountability in 1968 and 1992.

http://www.pdxcityclub.org/sites/default/files/reports/Law_Enforcement_1968.pdf

http://www.pdxcityclub.org/sites/default/files/reports/Racial_Ethnic_Relations_Law_Enforcement_1992.pdf

The Portland Auditor's Office retains, in its archives, a massive amount of input (including that from City consultants and the public) seeking the establishment of citizen oversight of police conduct in Portland. (Includes a City Club bulletin of 1982.)

<http://efiles.portlandoregon.gov/webdrawer.dll/webdrawer/rec/3668615/> (and elsewhere)

The actual, pending Agreement between the City and DoJ is difficult to find, as city commissioners and the City have left standing links to an initial proposal. Look for language in section 144 that broadens public participation, that does not convert the CPRC into the COAB. This is the agreement under offer: the City never entertained public hearings on this final document.

<http://www.portlandonline.com/shared/cfm/image.cfm?id=417899>

Familiarization with the latest subset of failure in accountability are offered in DoJ Findings of reasonable cause that the City of Portland engages in patterns and practices of unnecessary or unreasonable force.

http://www.justice.gov/crt/about/spl/documents/ppb_findings_9-12-12.pdf

The Portland Chapter of the League of Women Voter's hosts the final report of the 2010 Police Oversight Stakeholder Committee. In addition to specific recommendations, the text includes the names of dozens of individuals who are familiar with the issue.

<http://lwvpdx.org/issues-and-advocacy/police-oversight/stakeholder-committee-report-2010>

Finally, the reader is directed to the open letter of appeal from the Multnomah County Grand Jury tasked with determining Officer Frashour's guilt. Their call, that the "errors of many people in the [Portland Police Bureau] need to be identified and addressed," is perhaps the enduring legacy of an unarmed Aaron Campbell, killed during a 'welfare check.'

<http://www.mentalhealthportland.org/?p=4240>