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**Senate Judiciary Testimony in Support of SB779, SB780 & SB781.**

Senate Judiciary Chair Floyd Prozanski  
Senate Judiciary Co-Chair Betsy Close  
Senator Jackie Dingfelder  
Senator Jeff Kruse  
Senator Arnie Roblan

Dear Senate Committee Members:

Good Morning, Chair Prozanski, Co-Chair Close and Committee Members, my name is Jo Ann Hardesty and I am here to testify in support of SB779, SB 780 & SB781.

As a former legislator and community organizer, I have a decades-long history of working for justice by seeking to improve police accountability. Having served on task forces and commissions and having helped the City of Portland improve police training, policies and city ordinances, I currently serve on the Steering Committee of the Albina Ministerial Alliance Coalition for Justice & Police Reform. We represent 25-faith-based and community based organizations and hundreds of people who came together in May 2003 after the tragic homicide of unarmed Kendra James (May 2003) at the hands of Portland Police Officers during a traffic stop. We reconvened again in 2010 after the death of Aaron Campbell an unarmed man killed when Portland Police were engaged in a welfare check. We speak for victims of unjustified police violence who are unable to testify before you today.

First I want to thank the Chair & Co-chair for scheduling this hearing on three pieces of legislation. I also want to thank Senator Jackie Dingfelder for her assistance in filing these bills for your consideration and for working to achieve co-sponsorship. Together, we can improve the pursuit of justice in Oregon. Your decision, favoring transparency and checks and balances, will strengthen public confidence in our public safety professionals. Your approval of three pieces of legislation do much to bring justice where it has been lacking.

As you may know, the U.S. Department of Justice, Civil Rights Division found the Portland Police Bureau engages in use-of-force practices that are unconstitutional. They determined that Portland Police Officers have a pattern of using excessive force in some interactions among people perceived to be in mental health crisis. These DoJ Findings include long-standing recommendations for improved accountability. As a participant in the investigation, I can testify that state statutes have contributed to failures to protect the public's civil rights. These proposed bills before you are a package of small but effective reforms designed to bring transparency where it has been absent, to improve the standards by which our laws are enforced, and to bring fruit from more effective investigations into failures of policy or performance of duty. When enacted, these remedies will provide public assurance that, when something goes wrong in

policing, the State of Oregon will support remedies to injustice. We want the public to have sufficient information to build confidence that a real investigation has taken place and to ascertain that justice has been sought. We believe this to be an improvement to our system of public safety.

**SB 779** would require the State's Attorney General to appoint investigators from *outside* a department suspected of wrongdoing to lead and manage such an investigation. This measure is so important because the current system asks investigators to determine the facts of a case where co-workers may have broken the law. Current policy, where the specific police agency under review investigates itself has led to a public belief that police will never find associates guilty of any criminal behavior ... due to the "thin blue line" mentality identified in DoJ Findings. Just moving the investigative process to a neighboring county will greatly improve the public perception that a real investigation has taken place.

**SB780** would require that, within 60 days of the conclusion of grand jury proceedings regarding use-of-force by a law enforcement officer, that the transcript be made available to the public. Currently it is up to each District Attorney to determine, on a case-by-case basis, whether or not to release such transcripts. This lack of transparency creates community perceptions of cover-ups between District Attorneys and police ... whom DA's rely on to solve crime in the bulk of their work. Making this information available allows an informed public to determine if they would have come to the same conclusion. They will affirm for themselves that justice has been done. We feel that improved trust in the grand jury process will lead to more effective public involvement in providing investigative leads and witness testimony, and contribute to law enforcement efforts.

**SB781** is most important legislation for you to consider, and the one I believe you may have the most questions about.

**SB781** democratizes the standard by which use-of-force cases are judged. Instead of juries ascertaining whether an officer has stated he or she was in fear, we think our peers should consider whether a reasonable person, given the circumstances, police policy, and training protocols in effect, would employ such force.

We hope you will concur that failures in police policy have been identified in a thorough Federal investigation. We ask you to consider that remedies to these identified injustices now require improvements to laws that are beyond the purview of the governmental agencies who stand accused. We can improve the course of justice for all Oregonians by updating state statutes to reflect lessons learned.