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House Judiciary Committee Hearing Testimony

Monday, March 30, 2015

Chair Rep. Jeff Barker, Vice-Chairs Andy Olson & Rep. Jennifer Williamson
Rep. Mitch Greenlick, Rep. Wayne Krieger, Rep. Bill Post, Rep. Sherrie Sprenger

Thank you Chair Barker and committee members for holding a public hearing on HB2002.

I am Jo Ann Hardesty and I am here to support the passage of **HB2002 End Profiling** .

“No son. This isn’t the birds-n-the-bees talk. This is about you coming home alive. We know you’re just a child, but to some people you’re an adult. An adult who’s dangerous and guilty of something, even if you’ve done nothing wrong. So, if a policeman stops you ... for any reason ... just do what he says. Don’t pull out your phone to call us. Even if he yells at you, or pulls his gun and you get scared, do not run. Just put your hands in the air.”

“No, this isn’t right, but we don’t have the luxury of being right. We want you home alive.”

Can you imagine having this dialogue with your 10-year old child? This hurtful conversation happens in households of people of color on a regular basis: it is why HB2002 is so vital to changing police practices so they respect all of our rights to be safe in our local communities.

The history of policing in the U.S. has been fear-based. Since 9/11 fear of others has dominated public debate about what it means to be American. Fear of ‘others’ is reflected in our policing practices throughout the U.S. and yes, even here in Oregon.

The U.S. and Oregon Constitutions afford most Americans an ability to freely congregate, worship, protest and seek redress for unconstitutional practices & policies. In actual practice, law enforcement personnel receive exceptions. While the law states ‘mere conversation’ doesn’t obligate community members to interact with law-enforcement, the *experiences* of African American men & women, immigrants, and others in Oregon have been significantly different: we know not to turn our backs on police officers and walk away ... regardless of our right to do so.

Law enforcement has been trained to engage African Americans, recent immigrants and houseless community members with suspicion of criminality *until* they prove they are not involved in such behavior. Our legacy of racial bias in policing has led to reduced crime solving, due to trauma communities have experienced, and absence of any trauma-informed approaches to reconciliation and healing. Why would any young person of color call the police to help them solve crimes when these interactions leave them with an image of law enforcement as a heavily armed, occupying force that polices their neighborhood with racial bias?

In Portland, the Gang Enforcement Team travels in a pack of at least 10 officers. When stop a pedestrian or driver, one officer approaches the target(s); nine or more surround them within seconds. As a community member watching this one early Saturday afternoon, I parked, took pictures, and spoke to each of the individuals who were separately stopped and searched. This day there were 12 officers: two were visiting Oregon law enforcement, observing gang ‘enforcement’ in action. Long story short: one

African American man had given another fifty cents ... to go into a convenience store to buy a smoke. The police purported a 'hand-to-hand exchange' was evidence of a drug encounter. African American men in our community are learning not to shake hands with one another.

Speaking with the officers after they completed this stop, I asked whether they realized they themselves were operating as a gang. I challenged the officer in charge to consider the kind of message they sent into our community. The response was, police are safer when they roll out in this manner. There was little acknowledgement of the harm done, even though it extended to all community members who stopped and witnessed public humiliation for no good reason or outcome. Yet, we currently don't track information on these encounters, or use it to inform training that police receive in the academy and in service.

HB2002 provides some clarity around what racial profiling means, and how it plays out in various communities. The requirement to collect data on all police stops is key. Our current, voluntary, system means the most egregious and repressive actions aren't even tracked unless they lead to arrest. How many people were stopped, questioned, searched for every documented arrest? Voluntary compliance has, over the last decade, led many communities to lose trust in law enforcement ... especially in historically black neighborhoods. For redress, we expect you to grant Oregon's Attorney General the authority to investigate agencies and/or individuals, when a pattern of unconstitutional practices is displayed.

Ultimately HB2002 is legislation meant to advance fairness. All community members deserve to relate with public servants who are problem solvers, who work with the community to address community-based concerns. Tracking information on racial disparities may be enough to change behavior if sanctions are built in. Tracking and reporting this information to the legislature is one key to rebuilding trust between law enforcement and the communities they are sworn to protect and serve.

HB2002 is a good government initiative. It should be moved to the house floor with a 'do pass' recommendation.

In closing, I'm told often there are mostly good men and women, working an already difficult law enforcement job, and regulatory legislation adds too many additional reporting requirements to the job. I have two responses to that. If good men and women stand by and watch their colleagues over-police some populations and not others, how good can they really be? And two, reporting back to the public you serve - that you are complying with the U.S. Constitution, regardless of color, religion, sexual identity or housing status - *is* appropriate. It is actually intrinsic to any commitment to protect and serve.

Thank you,

Jo Ann Hardesty, former member of the Oregon Legislature who served three-terms as vice-chair of the House Judiciary Committee, from 1997-2001.

Jo Ann is a small business owner of Consult Hardesty, a firm specializing in training non-profit and grassroots leadership development. Hardesty also serves as President of NAACP Portland Chapter 1120B. She is on the steering committee for the Albina Ministerial Alliance for Justice & Police Reform (a coalition of organizations and individuals working to reform the Portland Police Bureau).



9 March 2013 - Portland Police's Gang 'Enforcement' Team arrives en masse to investigate suspicious hand-to-hand activity. Four unmarked cars and a dozen white officers stop, frisk and search two African American men. Among those on scene is Officer Christopher Burley, whom the City of Portland deemed within policy in the homicide of Keaton Oke.



9 March 2013 - It transpired that the 'suspicious, hand-to-hand activity' occurred when recording artist Creshe Williams gave fifty cents to this man, who was also thoroughly searched and whose identity was checked by Portland's Gang 'Enforcement' Team while he was detained by armed men.



9 March 2013 - Jo Ann Hardesty questions why so many officers responded to such an insignificant 'non-arrest.' Sgt. Kenneth Duilio (not shown) replied that studies indicate this is a safer use of police resources. Confronting that it is not an overly-palmed community that feels safe, Hardesty asked to see the study. Officer Chris Humphreys looks on. Without being asked, both officers produced business cards, a policy Hardesty prompted Portland City Council to mandate following the adoption of a Police Plan to Address Racial Profiling in 2009.

9 March 2013

After working with PPB Chief Rosie Sizer to develop a Police Plan to Address Racial Profiling in 2009, Jo Ann Hardesty (bottom) engages Sgt. Kenneth Duilio following a significant 'non-arrest.' Hardesty asked why so many officers responded. When Duilio informed her that studies indicate it's a safer use of police resources, Hardesty requested to see the research.

Duilio did not provide it.

Supplemental Testimony, House Judiciary Committee Hearing on HB2002 End Profiling
30 March 2011

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