

from Emory Mort, Portland Oregon 7/17/20  
member of the Police Reform Network

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Thank you Co-Chair Manning and Co-Chair Bynum, members of the committee, for the record my name is Emory Mort from Portland.

Committee, as you heard yesterday from Barbara Kenny whose child was recently killed by Springfield officers, not only did they attack and kill her son, they then used their offices, titles and media power to spin a series of tales that misled the public, and the people who might oversee them.

Committee, I wish this was an exception to what we've been experiencing from these "leaders" in Portland, especially when it comes to their use of tear gas and other crowd control "less lethal" agents, but I am here today to say, it is not.

It's not personal about this leader or this or that department. You're LAW makers, and it's about law, and we wish you to hear the evidence and the experts and help protect us. That includes fully curtailing these less lethal munitions being used against people. If the PPB wants to establish an equal partnership with people, where both sides have an equal say in officers' use of force, and if the community consents to CS gas and other weapons being deployed on crowds and neighborhoods by racist officers who drive in from the suburbs, then perhaps at that point the less-lethals can be re-introduced.

I'll tell you a couple documented stories from Portland that involve various less-lethal weapons used on crowds, or used as a shield to justify other atrocious behavior in the past couple years.

My first experience having these weapons used on a large crowd I was in was in 2018 when then Chief Outlaw ordered an unprovoked assault on about 800 people. A massive amount of ordinance was used, at least 2 grenades striking people including a woman whose arm was badly burned. The prolonged assault was bad enough, but then the chief boasted of the attack in the media, and lied about the sequence of events in a shifting series of narratives. I and many others found this deeply disturbing, as people like you, who might exercise some restraint on these excesses, are left intentionally misled. How can you fix the problem if the commanders are often lying about the key aspects.

<https://www.wweek.com/news/courts/2018/08/15/portland-police-chief-says-protesters-went-off-to-whine-and-complain-last-week-because-officers-kicked-your-butt/>

After this massive deployment of grenades under the Chief's direct guidance, a series of damning stories unfolded: 1. the far-right actually was caught, by the PPB, setting up an armed "sniper" position on top of a parking structure overlooking Portlanders. This threat was withheld from the public, and no arrests, citations, or anything were made. The far-right outside agitators were asked to return the long guns to their truck. Perhaps this will help inform Sen Heard's research into some of these dynamics in Portland.

<https://www.portlandmercury.com/blogtown/2018/10/15/23710274/members-of-patriot-prayer-brought-loaded-firearms-to-roof-before-august-protest>

2. The PPB were actively working with the far-right to facilitate their march that day, which Portlanders assembled to non-violently restrict. The Mayor and Police chief were forced to hold a "listening session" where community members were asked to provide them "solutions". I asked them, since they irresponsibly deployed crowd control munitions on the UNARMED crowd, to consider a concession of giving up these crowd control weapons. As far as we know, no legitimate changes emerged, though police did seem to attempt to restrain themselves from attacking assemblies for a while, to keep Wheeler from suffering further political damage.

<https://www.wweek.com/news/2019/09/18/an-investigation-of-lt-jeff-niiva-suggests-knowledge-of-his-text-messages-was-well-known-among-superiors-mayors-office/>

Recently, Chief Outlaw, who got promoted to Commissioner in Philadelphia after a career of setting a rather dubious leadership example in Portland, lied, in the exact same way about a gruesome CS gas attack on protesters there, who police pinned into a fence while suffocating them with CS gas. She distorted the narrative again publicly, but this time, the NYTimes spent their resources to cover what happened, showing the lies clearly with video from many angles. The article and video were explosive, and Outlaw was forced to publicly apologize and admit the lies.

link: <https://www.nytimes.com/video/us/100000007174941/philadelphia-tear-gas-george-floyd-protests.html>

This kind of lying is a constant theme with PPB leadership. Two weeks before Outlaw left Portland, in December of 2019, two officers were called to the scene of an unwell man in a busy weekend intersection in E Portland. One senior officer, who had past experience with the man, drove his police SUV within a few feet, got out, and within 13 seconds shot two expanding bullets from his AR-15 (he's specially "certified" for such "responsible use") into the homeless man's chest and mouth, while dozens of bystanders, including mothers with young children in their arms or car seat, had to witness this while in the drive thru line for Starbucks, or hanging out on the street.

But what PPB did next was horrible. They put out a statement to the public leading with the narrative that the other officer on the scene had shot his less lethal foam tipped weapon. To be clear: their professionals sought to use their possession of this less lethal weapon to manipulate the public at what can pretty reasonably be called a murder of an unwell man (the exact excessive use of force the DOJ was supposed to be here to curtail). Of course, the officer has suffered precisely zero reprimand, and precisely zero comments have been made to the public that suggest "this will never happen again."

<https://www.opb.org/news/article/koben-henricksen-portland-police-shooting-victim-mental-health/>  
<https://www.opb.org/news/article/koben-henriksen-portland-police-de-escalate/>  
<https://www.oregonlive.com/crime/2020/01/portland-police-fired-less-lethal-and-rifle-shots-simultaneously-at-koben-henriksen-in-se-portland-records-reveal.html>

The Oregonian columnist Steve Duin then provided cover for PPB, claiming the officer "had seen enough", as if officers get to decide, within 13 seconds, who lives and dies. He could have simply kept

his distance and "de-escalated" the situation using "less lethal" weapons, that are supposedly purchased for such "life-threatening" events. PPB, including everyone in their leadership, knows this, but chooses to use narrative lies and manipulation to blunt any effort at the systemic change required to address such cultural rot.

The people in Portland and around the state are demanding change because these actions are wrong, and the lack of repercussions for using these less lethal weapons in such ways is wrong.

Without Derek Chauvin's gross actions on camera, we don't get in-depth NY Times investigations. We simply have to swallow atrocity after atrocity, lie after lie. Now, you are hearing, with ZERO evidence presented, tall tales of "water bottles "often" thrown full of urine and feces". All of this is done by "a group of criminals" - no evidence, of course, "still investigating" - who are "very skilled at hiding among the 'good protesters'." Committee, what does this sound like? To me, it sounds like counter-terrorism language used to justify atrocities throughout the world. "Well, we had to drop the bomb on the whole village, because those monsters are using human shields." Using militarized force on civilians is a WAR CRIME and these episodes are CRIMES by the police.

I have not ONCE seen these weapons either deployed, or even threatened, on right wing people who literally travel into the city to harass, incite and literally attack Portlanders minding their own business. In fact, it is common knowledge the police are actively allowing these events to occur, because the police see many in Portland as their enemy.

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When I publicly pleaded with city officials, during the first budget hearings, just a few weeks ago before George Floyd, to address these incidents, the Police Commissioner told me to come talk to you, to fix his own police department.

Because of this endless passing the buck, people have lost a lot of faith that when lawmakers face the choice of appeasing police unions and bad leadership, versus standing up for human rights and law, that they'll do the right thing.

As Amnesty International testified, they do not call for an outright ban on CS gas because they fear brutal regimes will simply shoot protesters dead without the less lethal options. The PPB uses a threat that says "if you take away our weapons, we will do hand-to-hand combat." Indeed, they have already begun these riot line "bull rushes". How are they justifying them? By falsifying evidence. They claim to have intelligence that "protesters were going to burn down a building." Two nights ago, that "intelligence" came from a joking CHANT that some people did. No actual fire, no plan, they never even approached the building! Just "pre-crime". Their "crowd science" tells them that the way to deal with water bottles is... to escalate. I implore you to listen to Amnesty and others, to strive for a higher standard here in Oregon than the S Sudan dictatorship. Cops could meet protester demands by agreeing to purge known killer cops and their accomplices from their ranks, and remove leaders who are abusing public trust, and not exaggerate or falsify events to suit their own POLITICAL purposes. They refuse to take even minimal steps, and demonstrators are outraged. And also anyone following this with intellect

knows that protest is the only way to get progress.

These less-lethal weapons are being used, just as they were against Black and Vietnamese villagers and residents 50 years ago, to facilitate severe human rights abuses. They're being used as facilitation of lethal force, let alone grotesque intimidation. If I, a Black person or white person trying to end violence on Black people, want to have a demonstration against the latest police killing, or the city attorneys saying Quanice Hayes and his mother are "responsible for his own death", I have to face potential lethality from the police. And that includes lethality or maiming from their "less lethals". That is, UNLESS I "coordinate" with the police to do the protest in such a way that it can be deemed a "good protest", which is a protest that ends with nothing changing.

Take a full step forward, ban the purchase and possession of less lethal impact munitions, CS gas, and these grenades that are used for quote "less lethal crowd control."

Thank you, Co-Chairs and Joint Committee members.