

Thank you for indicating an interest in holding Portland Police accountable.

Pursuant to DoJ Findings (posted, bottom [HERE](#)), that the City of Portland engages in unconstitutional practices, the City & DoJ – in secret – drafted an agreement (Exhibit A, [HERE](#)) that was filed yesterday in the US District Court.

Case Number **3:12-cv-02265-SI, USA vs City of Portland**, has been assigned to the Honorable District Judge Michael H. Simon (<http://www.ord.uscourts.gov/en/judge-simon/honorable-judge-michael-h-simon>). This link has contact information and the location of Judge Simon's chambers.

According to his Deputy, [Mary Austad](#), the judge will conduct a Status Conference in the US District Court at 9:30am Friday. The purpose of the conference will be to hear from the above parties their positions on how to handle legal challenges and our requests for a Fairness Hearing.

It may now be appropriate for you to get the word out that civic engagement is now required. We suggest you contact the judge, requesting that he schedule a Fairness Hearing on the Agreement with sufficient advance notice for cogent, reasoned participation by The People. Though the public will be permitted to *attend* the Status Conference, it is not anticipated they will be heard ... as the judge deliberates whether to call for a Fairness Hearing.

We raise the following for your consideration:

The original call for DoJ assistance, made by the [Albina Ministerial Alliance Coalition](#), called for racial justice; the DoJ – though citing race-based disparities in police stops and searches – declared such civil rights violations outside the scope of this investigation. (In fact, the initially-proposed agreement called for dismantling the [CPRC](#), the only agency pretending to implement the [Police Plan to Address Racial Profiling](#).)

There seems to be a lack of correlation between the Findings and the remedy. The violated party is not clamoring for 26 new police hires. A more effective remedy would be judicious investigation of police misconduct, led by folks independent of the perpetrators. Granting subpoena power to an independent prosecutor, within a framework designed to document actual officer conduct, would do more to secure justice. Nothing in this agreement creates an effective pathway to discharge officers for use-of-force violations; since Portland City Council has never successfully done so, any remedy must include provision for a means to fire bad cops.

Public involvement has been limited by two branches of representative government. While Seattle had six months following the release of their Findings, we in Portland had a matter of weeks to assemble testimony on what advocates wanted in an agreement between the parties. The parties negotiated in secret. No City board or committee ever held hearings during the investigation. They have no history of calling for police accountability, yet the proposed agreement largely relies on City employees and appointees for oversight. City Council limited public testimony to 120 seconds ... and that was on an initial agreement no longer under consideration; moments before testimony began, the parties released another 74-page document. Some of the truncated [testimony](#) detailed how The People don't know whether their concerns were even addressed, let alone bargained away.

The judiciary continues to provide the only effective remedy to what the DoJ termed a 'self-defeating accountability system.' While under this recent investigation by the DoJ, the PPB's Internal Affairs inquiry cleared officers that [a jury has just found](#) falsely arrested, battered and maliciously prosecuted a 27-year-old man. The People require the court's protection ... and to preserve our right to petition for redress of our grievances.

Those who seek a deeper understanding of how our courts might bring a more effective remedy will want to at least search for 'Portland' in *What Police Learn from Lawsuits*, by Joanna C. Schwartz and posted here:

[http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1640855](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1640855).

Your help in soliciting community-wide response, in our call for a Fairness Hearing by the Federal Court, would be appreciated.

Jo Ann Hardesty, Senior Partner  
Hardesty Consulting, Portland, OR  
([joannhardesty@gmail.com](mailto:joannhardesty@gmail.com))