

# Portland Police Association



Officer Daryl Turner, PRESIDENT  
Sergeant Tom Perkins, SECRETARY TREASURER

VIA EMAIL

July 28, 2020

Mayor Ted Wheeler  
Auditor Mary Hull Caballero  
Commissioner Chloe Eudaly  
Commissioner Amanda Fritz  
Commissioner Jo Ann Hardesty  
Portland City Hall  
1221 SW 4th Ave.  
Portland, OR 97204

RE: Request for Investigation into Commissioner Hardesty for Violating Her Oath of Office

Council Members and Madam Auditor:

When members of the City Council take office, they swear an oath under City Code 3.74.020 that they will “faithfully, honestly and ethically” perform their duties as City Commissioners. Commissioner Jo Ann Hardesty has failed to abide by her oath.

In just the last week, Commissioner Hardesty said these things:

<b>Commissioner Hardesty</b>	<b>The Truth</b>
<p>“I want people to know that I do not believe there’s any protesters in Portland that are setting fires, that are creating chaos. I absolutely believe that it is police action, and they’re sending saboteurs and provocateurs into peaceful crowds so they justify their inhumane treatment of people who are standing up for their rights.” <a href="#">Interview</a>, Western States Center, July 22, 2020.</p>	<p>Certain members of the public have set fires virtually every night of the protests. There is absolutely no evidence that police have sent saboteurs and provocateurs into peaceful crowds so that police can justify their inhumane treatment of people who are standing up for their rights.</p> <p>When challenged to produce evidence for her statement, Commissioner Hardesty explained that she had a “bad day.” <a href="#">Press Release</a>, July 23, 2020. Commissioner Hardesty still has not retracted her claims.</p>

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<b>Commissioner Hardesty</b>	<b>The Truth</b>
<p>“I am old enough to remember that during the civil rights movement, the police had provocateurs...intentionally added to the group to do disruptive stuff. I have no doubt in my mind, I believe with all my heart, that that is what Portland police are doing.” <a href="#">Interview</a>, Marie Claire Magazine, July 22, 2020.</p>	<p>There is absolutely no evidence that police have sent “provocateurs” into the protests “to do disruptive stuff.”</p> <p>Commissioner Hardesty has not provided any evidence for her claims.</p>
<p>“I believe Portland Police [Bureau] is lying about the damage—or starting the fires themselves—so that they have justification for attacking community members.” <a href="#">Interview</a>, Marie Claire Magazine, July 22, 2020.</p>	<p>Certain members of the public have made attempts to set fires in Central Precinct, North Precinct, and twice at the Portland Police Association. Videos have captured members of the public setting the fires. There is absolutely no evidence that police have set any fires.</p> <p>When challenged to produce evidence for her statement, Commissioner Hardesty said “Sometimes I screw up, and yesterday was one of those days. I made some remarks that were out of the context that I would have liked to put it in.” <a href="#">Press Conference</a>, July 23, 2020.</p> <p>Commissioner Hardesty still has not retracted her claims.</p>
<p>“If you are in riot gear from head to toe and somebody throws a water bottle at you, you don’t feel it. And just because your feelings are hurt doesn’t mean you attack hundreds of people.” <a href="#">Interview</a>, KGW, July 17, 2020.</p>	<p>Portland police officers have been injured when protesters have thrown <u>frozen</u> water bottles at them (as well as bricks, rocks, fireworks, and other objects). In addition, there is no evidence that Portland police have attacked “hundreds of people” because their “feelings are hurt.”</p> <p>Commissioner Hardesty has not retracted her claims.</p>

Commissioner Hardesty	The Truth
<p>“Have protesters set fires? Yes. But what I know about protesters setting fires is that other protesters have put them out. . . The police or fire and rescue could not have gone in and put those fires out.” <a href="#">Press Conference</a>, July 23, 2020.</p>	<p>In fact, protesters did not put out the fires set by other protesters at Central Precinct/Justice Center, North Precinct, or the Portland Police Association. The fires were all extinguished by the Portland Fire Bureau, the Police Bureau, or other first responders.</p>
<p>“It wasn’t until I got in office that the Police Bureau did a bait and switch and went from a Gang Enforcement Unit to all of a sudden a Gun Violence Reduction Team. And it was on purpose. It was on purpose so that they did not have to give me data that I was entitled to as a City Council member.” <a href="#">Press Conference</a>, July 23, 2020.</p>	<p>In fact, the Gang Enforcement Team, the Metro Gang Task Force, and the Gun Task Force were combined into one unit, the Gun Violence Reduction Team. <a href="#">As described by Chief Danielle Outlaw</a>, the change was made to align officers and investigators so they could work collaboratively on all gun violence that occurred in the city. The change did not reduce Commissioner Hardesty’s access to any information about the program.</p> <p>Commissioner Hardesty has not retracted her claims.</p>
<p>“It started Saturday knowing that that people who worked for me, people I love, could have been killed by police action downtown that happened ten minutes after I left. That was not by accident.” <a href="#">Press Conference</a>, July 23, 2020.</p>	<p>In fact, Commissioner Hardesty’s departure had nothing to do with the police reaction, which was <a href="#">in response to protesters tearing down the fence that surrounded the federal courthouse and using it to barricade the building</a>.</p> <p>Commissioner Hardesty’s response has been to say “when an apology is needed, I will give one.” <a href="#">Press Conference</a>, July 23, 2020.</p>
<p>“You may know that prior to me arriving at City Hall, the police union contract was not something that was discussed by the entire City Council. It was not something that was public. It was not something that allowed for real dialogue and conversation.” <a href="#">Press Conference</a>, July 23, 2020.</p>	<p>In fact, negotiations with the police union were open to the public <a href="#">as early as 2010</a>, nine years before Commissioner Hardesty took office.</p> <p>Also, every police contract has been discussed by and voted on by the entire City Council since bargaining with the police union started more than 50 years ago.</p> <p>Commissioner Hardesty has not retracted her claims.</p>

Commissioner Hardesty	The Truth
<p>“I have read every, all their stop data until they stopped making it public and you can’t find it on their website now but I suspect it must still be there somewhere.” <a href="#">Press Conference</a>, July 23, 2020.</p>	<p>In fact, the Police Bureau’s annual stop data has been <a href="#">published on its web page</a> since 2013. The Police Bureau’s most recent Stops Data Collections Report was published on May 4, 2020 for the First Quarter of 2020.</p>
<p>“Every time the Portland Police doesn’t get a budget they want, they take a vote of no confidence in the City Council.” <a href="#">Press Conference</a>, July 23, 2020.</p>	<p>In fact, in its modern history the Portland Police Association has only taken two “no confidence” votes on City Council. Neither vote concerned budgetary issues, including <a href="#">the vote taken on July 8, 2020</a>, only 15 days before Commissioner Hardesty’s statement.</p>
<p>“[IPR] was built under a flawed assumption. And the assumption is that police are the only people who can investigate misconduct of police.” <a href="#">Press Conference</a>, July 23, 2020.</p>	<p>In fact, <a href="#">under Section 3.21.070(D) of the City Code</a>, civilian members of IPR are “authorized to initiate, monitor and conduct administrative investigations.” Further, “IPR is authorized to identify complaints or incidents involving members that are of community concern which merit additional involvement of the Director and to review evidence and IAD investigation efforts, participate in investigations with IAD investigators, or conduct the investigations in conjunction with or independent of the Bureau.”</p>
<p>“We don’t mandate that police officers [who have used deadly force] go through counseling before they go back on the street.” <a href="#">Press Conference</a>, July 23, 2020.</p>	<p>In fact, for at least 25 years, the Police Bureau <a href="#">has required officers</a> who have used deadly force to see a mental health professional before they return to duty.</p>

Commissioner Hardesty made all of these statements publicly and her statements were widely disseminated. All of the statements were false, and easily provable as such. If the statements were made with the knowledge that they were false, they violated Commissioner Hardesty’s oath of office that she perform her duties “honestly.” If her false statements were made without knowledge of whether they were false, they were a breach of her obligation to perform her duties “faithfully” and “ethically.” Commissioner Hardesty’s disregard of her oath of office is particularly troubling in that several of her statements not only absolve individuals of felonious conduct, her statements also had the potential, if not the effect, of promoting violence against the police.

July 28, 2020

Page 5 of 5

Sections 2-101, 2-104, and 2-106 of the Portland City Charter give the City Council the authority to conduct an investigation into a Portland official's breach of the oath of office. Section 2-507 of the Portland City Charter gives to the Auditor the responsibility to investigate the official conduct of any City officer. We request that both the City Council and the Auditor immediately commence investigations into Commissioner Hardesty's compliance with her oath of office.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Turner", with a long horizontal stroke extending to the right.

Daryl Turner  
President

Copy: Chief Chuck Lovell  
City Attorney's Office