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Oregon Senate  
Committee on Public Safety

Re: SB871

Chair and Members of the Committee:

Thank you for holding a hearing on this important piece of legislation that sprang from the terrible events in Ferguson, Missouri.

A cornerstone of our Oregon Constitution is that justice be open and transparent for all to see. Article I, Section 10 states "Administration of justice. No court shall be secret, but justice shall be administered, openly and without purchase, completely and without delay, and every man shall have remedy by due course of law for injury done him in his person, property, or reputation."

SB871 is designed to ensure that process occurs in one of the most serious times faced by any court and public official, the use of deadly force by a government official on a citizen of this state.

SB871 ensures that the system work "openly". The decision to charge or not charge a police officer will not lie in the hands of the district attorney of the county where the police officer works and lives. Instead, the Oregon Attorney General's office will handle the prosecution and charging decision. This is typically the way these types of case are handled in the smaller counties in Oregon already because of the problematic nature of charging a colleague and often friend with a crime and/or the political nature of police involved deadly force.

SB871 ensures that the system work "openly". The Grand Jury process is a valuable tool to law enforcement. However, in these types of cases, when a public official kills a citizen, the veil of secrecy must be removed. The charges should be brought in a courtroom, where the public can watch and evaluate the strenuous nature of prosecution and the drive toward justice. One has to wonder if open courtroom proceedings would have prevented rioting in Missouri.

SB871 is an appropriate protection for the citizens of this state and should be passed.

Robert S. Raschio

SB871