

Testimony in Support of HB 2978

March 23, 2015

Chair Holvey and Members of the House Business and Labor Committee:

I am George Burke and I am currently a commander for the Portland Police Bureau. I have had many assignments during my 25-year career, including being a crowd control incident commander. I want to start by thanking all of you for your time and allowing me to speak about the need for command officers to be able to participate in a collective bargaining unit. My concerns are not necessarily tied to pay and benefits, but rather in allowing our command officers to have some basic level of representation when making critical decisions in daily law enforcement activities.

Command officers are placed in positions of making critical decisions on a daily basis. In making these decisions, command officers rely on their substantial training and experience in managing critical incidents. The decisions needing to be made must be performed under tight timelines using best practices recognized in the law enforcement community. Often these incidents can result in a high level of scrutiny both publicly as well as politically. Command officers should be held accountable for decisions they make; however, in order to be effective and confident, command officers should have the reassurance that their decisions will be judged in a true and just process. Being part of an association that allows for binding arbitration helps to ensure that informed legal minds will be responsible for the judgment of command decisions. Command officers need to have the confidence to make the best decisions based on the situation instead of making politically safe decisions that could lead to indecisive responses or inaction.

In the case where command officers are not represented by an association, discipline does not require just cause. Furthermore, discipline is judged by a civil service board comprised at least partially by appointees from the Mayor's office.

I offer one recent example of critical decision making within our organization. During the course of a vehicle pursuit on city streets involving a known violent offender, a commanding officer took control of the incident. When the officer asked for authorization to ram the vehicle in order to eliminate the risk to the community, the commanding officer authorized this deadly force tactic to protect the public. At the time, the commanding officer was represented by an association. He authorized the tactic because it was the best option for the incident. I cannot say he would have made the same decision if he had not been represented by a bargaining unit.

Although our commanding officers have the ability to make critical decisions involving the day to day operations of the organization, none of us have the ability to hire officers, discipline or terminate personnel. We are not recognized as supervisors in the true and autonomous sense of the word, nor do we wish to be. Our hope is to continue as members of our collective bargaining unit so that we can operate with the same standard of collegial review that we have worked with for the last 27 years.

Thank you for your time and consideration.

George Burke