



**To:** **Members of the Senate Judiciary Committee**

**From:** **Kevin Campbell, Executive Director**  
Oregon Association Chiefs of Police

**Date:** April 9<sup>th</sup>, 2015

**Re:** **Testimony in opposition to SB 743**

Chair Prozanski and members of the Senate Judiciary Committee, for the record my name is Kevin Campbell and I am the Executive Director of the Oregon Association Chiefs of Police. I am here today on behalf of the Oregon Association Chiefs of Police to express our opposition to SB 743 and to changes to the measure proposed by the dash-1 amendments to the bill.

While the dash one amendment removes provisions from SB 743 that are problematic, we continue to have strong concerns about the remaining language if the dash one amendment is adopted. Here are our concerns:

For the past two years, a large and comprehensive work group met to address concerns around the requirements of federal law related to Brady v Maryland and the process our District Attorney's use when the untruthfulness of an officer results in the issuance of a "Brady Letter". The work group includes nearly 40 participants from a wide range of constituents including labor, police leadership, District Attorneys along with representatives from the Oregon State Bar, the Department of Justice, the Department of Public Safety Standards and Training. This past year, the work group finalized a recommended District Attorney protocol that was adopted by the Oregon District Attorney's Association. The protocol is a comprehensive document that provides additional process protections to officers and needed clarity around the issuance of Brady letters.

While the accomplishments of the Brady Work Group are significant, the wide range of stakeholders continue to have issues and concerns that require additional work. We believe this work group can be trusted to address these ongoing issues including the ones raised by SB 743. The Oregon Association Chiefs of Police avoided introducing legislation related to Brady v Maryland this session in favor of continuing our work through the Brady Work Group.

Here are some specific concerns regarding the provisions of SB 743:

- The word "may" that appears in the definition of "impeachment list" on page 1, line 12 should be removed from the definition since any list of officers could qualify based on the definition. Any list of officers could have personal files that might contain evidence of dishonesty or bias, but for the purpose of "impeachment list", the definition should be based on personnel files that contain evidence of dishonesty or bias.

- On page one, line 15, the measure adds to the definition of “just cause” by suggesting that it does not mean “unproven allegations” that result in placement on an impeachment list. We believe the use of the terminology “unproven allegations” needs further definition.
- The measure adds the terms “supervisor or manager” inconsistently throughout the statute but not in every place that the term public safety officer appears. As a result, some provisions would only apply to the officer and not the supervisor. For instance, on page 2, line 9: “No more than two interviewers at a time may question the public safety officer”. Does that mean that at a supervisor/manager can be questioned by more than two interviewers at a time?
- We don’t believe the addition of “supervisor or manager” is necessary as long as the supervisor or manager is a sworn law enforcement officer because they would be included as part of the definition of “public safety officer” found on line 18, page 1 of the bill.
- On line 7, page 2, the bill provides that a public safety officer, supervisor or manager can have a representative present at the interview but it allows an officer to choose the representative for the supervisor or manager. This is clearly not the intention of the language.
- On Line 42-43 on Page 2, an employer can’t pursue an investigation or disciplinary action based on evidence that the public safety officer is on an “impeachment list” but an employer will want to potentially pursue an investigation or disciplinary action based on underlying conduct. This type of investigation or disciplinary action would be pursued whether an officer is on an “impeachment list” or not.

Thank you for your consideration.