



To: Members of the Senate Judiciary Committee

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

Date: March 14, 2017

Re: Support for SB 519

Chair Prozanski and members of the committee, for the record, my name is Kevin Campbell and I am here today on behalf of the Oregon Association Chiefs of Police and the Oregon State Sheriffs' Association in support of SB 519.

In today's society, our peace officers are entrusted and empowered with significant authority that must be appropriated with care and integrity. In order to protect the public, to guard carefully the honor of the law enforcement profession and to respect peace officers that serve our communities with distinction, it is critical for law enforcement agencies to have a full range of pre-employment hiring tools. Only the most trustworthy and capable applicants for law enforcement positions should be allowed to wear a badge and carry a gun. SB 519 would ensure that law enforcement agencies have an additional tool necessary to make fully informed hiring decisions by authorizing the use of polygraph for pre-employment.

The key provisions of SB 519 include:

- Permits law enforcement agencies to utilize a polygraph examination as a pre-employment screening measure before a person's initial full-time employment as a peace officer Subject to a collective bargaining agreement. The measure is permissive and is not a mandate.
- Prohibits law enforcement agencies from requiring or requesting polygraph examinations following a peace officers hiring.
- Exempts documents, materials and other information relating to polygraph tests administered under ORS 659.840 from public records disclosure under ORS 192.505.

Oregon is one of only a handful of states that does not allow pre-employment polygraph for peace officer hiring and several states actually require a polygraph. We believe the polygraph should be utilized in combination with other tools law enforcement agencies use to screen new applicants (e.g., interviews, personal history questionnaire, background investigation, psychological exam, post psych background investigation follow-up). While none of these hiring tools are perfect in isolation, a pre-employment hiring process that uses them in combination increases the likelihood that candidates will be selected who are well-suited and appropriate for the policing profession. The polygraph would be utilized to inform the background investigation, identifying areas that require additional attention. In response to stakeholder concerns, we are in the process of drafting an amendment to SB 519 that would require agencies to conduct a background investigation if they utilize polygraph as a part of their pre-employment process.

One doesn't need to look very far to see many Oregon cases that could have been prevented with pre-employment polygraph. Here are just a few of several examples:

- In 2009, a grand jury returned an 84-count indictment against a Portland officer accused of placing sexually-harassing calls to women and teenage girls. Officer Joseph Wild was accused of repeatedly making sexually-explicit phone calls to eight different females, including his 14-year-old sister-in-law, between November 2008 and April 2009. During some calls, he threatened to rape the women.
- On April 2nd, 2015, Jeffrey Wade Argo was sentenced to seven years in state prison after pleading guilty to 21 charges accusing him of possessing and duplicating child pornography and invasion of privacy; crimes he committed while he was a Eugene police officer. Mr. Argo moved from Tennessee, to Hawaii, to Oregon before he was hired by Eugene Police Department. According to Eugene Police Chief Pete Kerns, "Mr. Argo's criminal acts have undoubtedly robbed young men of innocence and a sense of safety. They have forever changed the feeling of security for our officers in our law enforcement community and in our police station, and he has committed the unconscionable crime that supports enduring and unimaginable harm to little children in the human trafficking trade."

Our Oregon law enforcement profession is known for its high ethical standards, a well-regarded 16-week basic training academy, and an aggressive decertification program designed to remove officers when they are no longer qualified to serve in a law enforcement role. While we have strong systems of training and accountability, we need the additional tool of a polygraph in order to ensure that our hiring decisions are well informed.

We urge your support of SB 519