



April 13, 2017

TO: Representative Jeff Barker, Chair  
House Committee on Judiciary  
FR: Bob Joondeph, Executive Director  
RE: HB 3266

Disability Rights Oregon (DRO) is Oregon's nonprofit *Protection and Advocacy* office that provides legal-based advocacy to Oregonians with disabilities.

DRO supports HB 3266 because it strikes the correct balance between ensuring that law enforcement officials have the tools needed to serve the community and assuring that students are not subjected to mechanical restraint, in this case, handcuffing, unless absolutely necessary.

HB 3266 complements current laws governing the use of all restraint in Oregon schools. While school personnel are now prohibited from using mechanical restraint entirely, HB 3266 permits law enforcement to use this type of restraint, but only when responding to situations involving a serious risk of imminent, serious bodily injury. This aligns with the standard set in law the use of physical restraint by school personnel.

Data collected by the U.S. Office of Civil Rights documents that students with disabilities and students of color are referred to law enforcement by school officials at rates disproportionately higher than their white non-disabled peers. We also know that when students are referred to police even for minor infractions, they begin to see themselves as criminals and are far more likely to drop out of school and ultimately enter the prison population, following the school to prison pipeline.

DRO has represented several students who have been subjected to mechanical restraints by a police officer in the school setting, including a 60 lb, eight year old who was handcuffed for half an hour while safely sitting and waiting for his mother to arrive at the school. In another situation, a 14 year old non-verbal student who experiences autism was placed in handcuffs and shackles

during an incident in a Portland metro area high school. In both instances, the students exhibited signs of trauma after the interaction with police.

Just this week, DRO received a report from a teacher who described an incident at her school in which she convinced a police officer to not handcuff a student and walk him across a recess playground filled with his classmates. The teacher said the officer planned to do this because, by policy, he had to handcuff anyone he transported in a squad car. The officer ultimately agreed to have someone else drive the student because the student was not dangerous. This appears to be an example in which written policy could have overruled good sense and protection for a young person.

Our schools must be safe spaces for all students. However, zero tolerance policies in schools have led to a proliferation of law enforcement officers in schools and a blurring of the lines between educational discipline and juvenile justice involvement. HB 3266 will help to prevent the over-criminalization of Oregon public school students while still allowing police to use restraints when absolutely necessary.

Thank you for this opportunity to offer testimony in support of HB 3266.