

**From:** Kevin Campbell [<mailto:kevin@victorygrp.com>]  
**Sent:** Wednesday, June 28, 2017 9:03 AM  
**To:** Sen Winters <[Sen.JackieWinters@oregonlegislature.gov](mailto:Sen.JackieWinters@oregonlegislature.gov)>  
**Subject:** HB 2355-A, Police Chiefs and Sheriffs Letter of Support, 6-28-2017



**To:**           **The Honorable Jackie Winters**  
                  **State Senator, District 10**  
                  **State Senator, District 10**

**From:**       Kevin Campbell  
                  Oregon Association Chiefs of Police &  
                  Oregon State Sheriffs' Association

**Date:**        June 28, 2017

**Re:**           **Support for HB 2355 A-Engrossed**

Dear Jackie,

As we approach the final days of the 2017 Legislative Session, I want to be clear about our support for HB 2355 (racial profiling and drug possession legislation). In recent days, rumors are circulating that we are backing away from our support for this bill and that is simply not true.

Reasonable minds can disagree about the best strategies for addressing the issues that are the subject matter of HB 2355. We spent 18 months participating in a good faith negotiation that resulted in the provisions of HB 2355. By their very nature, negotiations involve give and take and no party gets everything they want in the end. That being said, racial profiling and our strategy for addressing a growing drug addiction crisis are issues our Chiefs and Sheriffs take very seriously. I can confidently assert that the welfare and safety of Oregonians was the common motivation for all parties involved. We hope you will support HB 2355-A.

#### **Drug Possession Elements of HB 2355-A**

Oregon Sheriffs and Chiefs of Police recognize that every community and most of our citizens are touched in one way or another by the damaging impacts of drug addiction. We understand

that it ruins lives, breaks hearts, burdens families, creates victimization and robs our communities of individuals with potential. Too often, individuals with addiction issues find their way to the doorstep of the criminal justice system when they are arrested for possession of a controlled substance. The penalty can be a felony drug conviction where sanctions, supervision and treatment services are limited to non-existent. Unfortunately, felony convictions in these cases also include unintended and collateral consequences including barriers to housing and employment and a disparate impact on minority communities.

We believe that HB 2355 is a carefully crafted measure that reduces penalties for possession of “user amounts” of dangerous drugs (PCS) from a Felony crime to an A-misdemeanor crime for the first two convictions with a DA option on a third charge. We have been clear that we believe this policy will only produce positive results if additional drug treatment resources accompany this change in policy. Reducing penalties without aggressively addressing underlying addiction is unlikely to help those who need it most and may result in other negative impacts to property crime rates and community livability. Properly implemented, we believe that HB 2355 will help insure that we achieve savings to the system through reduced recidivism, reduced correctional impacts and better outcomes for Oregonians who struggle with addiction.

#### Key Drug Possession Provisions in HB 2355:

- Insures that these cases continue to be handled by circuit courts and avoids shifting the impact to municipal courts.
- Insures that state-level funding and resources that are currently available for assessment, supervision, sanction and treatment services for felony convictions continue to be available for misdemeanor convictions.
- Insures that community corrections agencies remain responsible for providing the assessments and subsequent evidence-based treatment service or referrals for these individuals.
- Provides that persons with prior felony convictions are not eligible for the reduction in penalty authorized in the measure for a drug possession arrest.
- Directs the Criminal Justice Commission to study the effect that the reduction of penalties from felony to misdemeanor has on the criminal justice system, rates of recidivism and the composition of the population of persons convicted of felony offenses.

We believe this approach continues to demand accountability while applying limited resources to treatment and services designed to address underlying addiction issues and prevent future crime.

#### **Racial Profiling Elements in HB 2355-A**

Bias policing is not professional policing and the members of the Oregon Association Chiefs of Police and Oregon State Sheriffs’ Association are committed to best practice standards in hiring and training designed to insure that our police officers continue to have the full confidence of the communities they serve. Public confidence in the legitimacy of policing and in the work our police officers perform each and every day is absolutely critical to our effectiveness.

As we continue a discussion around bias policing in Oregon and as these same discussions take place in states around the U.S., Oregonians should be proud of our policing leadership culture and the heroic work our police officers perform each and every day. Here in Oregon, we enjoy a public safety training academy and policing curriculum that are well regarded throughout the nation, we engage in a rigorous hiring process to insure that the right individuals are trained to wear a badge and carry a gun and we decertify officers when their conduct is contrary to the oath they take to serve and protect. We are engaged in an ongoing effort to accredit our police agencies through the Oregon Accreditation Alliance and we are building critical partnerships with educational/research institutions through the Oregon Center for Policing Excellence in order to insure we are on the cutting edge of policing policy. We believe the key provisions in HB 2355-A represent our continued commitment to retain the confidence of Oregonians in our professional policing culture.

#### Key Racial Profiling Provisions in HB 2355:

- Profiling Reduction Training Program: DPSST and the Board on Public Safety Standards and Training (BPSST) are responsible for establishing an educational program designed to reduce profiling by police officers and reserve officers. The program must be required at all levels of training, including basic training and advanced, leadership and continuing training.
- Standardized Officer Initiated Pedestrian and Traffic Stop Data Method: The Criminal Justice Commission, Oregon State Police and Department of Justice are tasked with developing a standardized method for collecting stop data.
- Stop Data Training and Procedures Development: The Department of Public Safety Standards and Training in consultation with law enforcement agencies are tasked with developing and implementing training and procedures to facilitate the collection of data.
- Agency Requirement to Collect and Report Stop Data: law enforcement agencies that engage in officer-initiated pedestrian or traffic stops are required to collect and report stop data report stop data to the Criminal Justice Commission based on an implementation schedule beginning with agencies with 100 or more law enforcement officers. The state is responsible for costs to develop the system for data collection and reporting including the cost to local government to connect with the new system.
- Analysis and Reporting of Data: The Criminal Justice Commission is required to review all data in order to identify patterns or practices of profiling. The commission is tasked with selecting a statistical analysis methodology that is consistent with best practice. Further starting in 2020 and annually, the CJC is required to report the results of their data review to the Governor, DPSST and Judiciary Committees of the Oregon Legislative Assembly.
- Use of Data Restrictions: Restricts data collected by a law enforcement agency or held by the Criminal Justice Commission in the following ways:
  - Data can only be used for statistical purposes and not for any other purpose
  - Data may not contain information that reveals the identify of a law enforcement officer or stopped individual
  - Data that may include identity of law enforcement officer or stopped individual is exempt from public disclosure in any manner.

Thank you for your consideration!