



From: Oregon Coalition of Police and Sheriffs  
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From the desk  
of Rep. Jeff  
Barker  
Jeff Barker

## OPPOSITION ALERT: SB 505-A

The Oregon Coalition of Police and Sheriffs (ORCOPS) is Oregon's largest law enforcement organization, representing line officers and sheriffs' deputies around the State.

While well-intentioned, SB 505 (in either its introduced or A-engrossed version) goes further than what we believe is prudent. In section 3(3), the measure creates an avenue for the release of the proceedings that applies only to public employees. This creates a different justice system track for public employees, with prosecutors facing different incentives and dynamics depending on a person's profession. Because of the policy concerns and also some significant procedural questions, we must ask legislators to vote "no" on the measure for the following reasons:

**The measure represents an unnecessary lack of cooperation.**

ORCOPS is not necessarily opposed to the recording of Grand Jury proceedings. In fact, ORCOPS publicly expressed support for a version of this measure in 2016 that was shelved! But this version, SB 505, was drafted and pushed forward without the support of public safety stakeholders.

**The measure imposes "significant" unknown costs on local government.**

SB 505 was passed out of subcommittee on the basis of a "LFO Recommendation" letter that notes that \$10 million from the General Fund will be set aside to provide for equipment, 7.29 FTE, and contingency funds. But even those descriptions are vague, stating that some of a \$1.5 million portion may be used "to address costs associated with the additional [preliminary] hearings" without any analysis of what those costs might be. The letter ends with a particularly vague warning that "LFO notes that this program will have significant roll-up costs in the 2019-21 biennium" without an analysis of those costs.

**The measure will exacerbate local public safety shortages.**

A Grand Jury process is a relatively straightforward way to have law enforcement officers engage in the prosecutor's proceedings. However, LFO acknowledges that one result of this legislation is that many prosecutors will move toward preliminary hearing process. This means that many law enforcement officers will find themselves sitting in long, day-long or more hearings, resulting in less officers on the street and more of a strain on already-stretched local budgets.

**Policies and expenses that have not been evaluated by LFO.**

Section 3 creates a new public-record-like process, whereby the public may request transcripts from the court. But this element is absent from the Staff Measure Summary as well as the LFO Recommendation, which means that expenditures related to court time and the provision of those records to the public have not adequately been considered. Proponents have both noted that 1) public records processes may recoup costs from requestors (although this measure makes no cross-reference to that provision in ORS 192), and 2) that the records process in this measure is not truly a public record because it is requested from the court. Those two statements conflict, raising the question of whether the court would indeed be able to recoup costs associated with these requests.

**The measure is not a necessary part of the "endgame".**

As far as ORCOPS is aware, this measure is not a lynchpin in the transportation package or revenue. ORCOPS recognizes and appreciates that sometimes bills get intertwined as compromises get forged near the end of session. However, this concept, while certainly important to some stakeholders, is not the foundation of any grand end-of-session compromise.

ORCOPS understands and appreciates the initial aims of the measure: to record grand jury proceedings and convey them to the defense (with appropriate protections). However, the current measure goes too far afield with concepts that were not adequately discussed and with funds the State can scarcely afford. ORCOPS opposes this bill.