



June 23, 2020

Co-Chairs Senator and Senate President Peter Courtney, and Representative and House Speaker Tina Kotek; co-Vice Chairs Senator Fred Girod and Representative Christine Drazen; and Members of the Committee:

On behalf of the American Association of University Women (AAUW) of OR, we respectfully request your support for Legislative Concept 49.

Systemic racism is firmly rooted in the U.S. and today's injustices mirror our shameful history. There can be no justice or equality when black, indigenous and people of color are seen as less deserving of basic human and civil rights.

Society entrusts police officers with awesome power, but appeal by arbitration is often used to ameliorate or avoid commensurate and appropriate disciplinary action.¹ It is also important to appreciate that arbitration is a process run and adjudicated by one person who is entirely unaccountable for his or her decisions.

According to a report that analyzed 170 cases from 2011 to 2019, police discipline was overturned or reduced in arbitration about 70% of the time.² This practice cannot continue.

In my personal experience as a federal prosecutor and criminal defense attorney, I often encountered police officers who understood only too well how things "really" worked -- and that there was often a huge difference between what is said, i.e. the rules, and what actually takes place, i.e. the final outcome. This "do as I say, not as I do" mentality is unfortunately exemplified in the arbitrator appeal process. Officers need to understand the rules and what misconduct is improper, but each officer needs to understand that arbitration isn't a way out.

Respectfully submitted,

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¹ See <https://www.theatlantic.com/politics/archive/2014/12/how-police-unions-keep-abusive-cops-on-the-street/383258/>, Conor Friedersdorft, How Police Unions and Arbitrators Keep Abusive Cops on the Street, The Atlantic, Dec. 2, 2014.

² <https://www.inquirer.com/news/a/philadelphia-police-problem-union-misconduct-secret-20190912.html>, William Bender and David Gambacorta, Fired, then Rehired, Philadelphia Inquirer, Sept. 12, 2019.