



STATEMENT RE: LC-78
(DISCLOSURE OF DISCIPLINARY ACTIONS)

To: Joint Committee on the First Special Session of 2020
From: Michael Selvaggio, Oregon Coalition of Police and Sheriffs
Date: June 22, 2020

Co-Chairs and Members of the Joint Committee:

For the record, my name is Michael Selvaggio, representing the Oregon Coalition of Police and Sheriffs (ORCOPS). I am speaking to LC 78, which seeks to create a statewide database of law enforcement officer discipline records.

ORCOPS believes that to further improve the quality and professionalism of the law enforcement sector, it makes sense to have a system under which records of law enforcement officer discipline can be shared between law enforcement agencies to ensure that disciplinary concerns are not lost if an officer transfers from one agency to another. This system should apply to the newest officer up to the most tenured police chief or sheriff.

We are concerned, however, that the policy before you is mis-targeted.

Although DPSST decertifications are certainly information that should be shared, we would suggest that the more vital data are disciplinary records from the officers' actual employers. In this regard, however, some kind of standardization would have to be devised to ensure that jurisdictions don't "game" their own records criteria in order to distort officers' records.

Additionally, the measure appears to require that DPSST maintain a database of officer discipline records. Many collective bargaining agreements, agency policies, and existing public records law would have to be modified to allow for such a database. Further, constitutional rights to privacy would be called into question. Requiring a database of officer personnel records is not so simple of a subject that it can be accomplished through a single sentence.

The measure also appears to require that DPSST maintain a public database of DPSST certification proceedings. DPSST certification proceedings involve an existing, multi-layered process that includes public meetings and publicly available database information. ORCOPS suggests that DPSST be brought into the fold to explore how additional due process, transparency, and accountability can be introduced into the DPSST certification suspension and revocation process.

Lastly, it is unclear what the objective of the legislation is. Our understanding (based on discussions with Legislators) is that the aim is to prevent officers with questionable records from moving from one jurisdiction to another in order to mask their past behavior. As such, we would oppose the creation of new public records that expose officers' personal information (such as date of birth, Social Security Number, and private medical records) and ask that the information be shared only between public safety employers.

We ask the committee to reconsider the hastily-assembled draft and instead work with a broader group in order to prepare a concept for the 2021 Session (or another intervening Special Session) that will broaden and standardize the scope of the information compiled and focus on tracking officers between jurisdictions.