

From: [Candace Avalos](#)
To: [JISS Exhibits](#)
Subject: Candace Avalos Written Testimony on Police Reform (LC 49)
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Hello Chair and Members of the Committee, my name is Candace Avalos, a first generation Blacktina living in NE Portland, and I came here to add my voice to this conversation as a concerned resident and I also serve as the Acting Chair of the Citizen Review Committee, a Portland Police Bureau accountability board.

I want to specifically talk about LC 49 on Law Enforcement Arbitration. The state arbitration is one of the largest barriers to real accountability to police misconduct. Passing Senate Bill 1567 gives the impression that we're fixing that system, but in reality the bill as drafted DOES NOT resolve the issue. If we want to do something meaningful for this bill to make a real difference for police misconduct in Oregon, we must (1) Establish a standard of review, and (2) implement a Reasonable person standard.

The intention of Senate Bill 1567 1 to restrict an arbitrator's ability to change how officers are disciplined by agencies if they are found to have committed policy violations is a good start, but the fatal flaw in this bill of not having an established standard of review that can reign in the arbitrator's powers will almost certainly nullify any positive effects it might have. SB 1567 only applies when the arbitrator's findings of misconduct are consistent with the agency's findings. In nearly every case involving grievous misconduct that has gone to arbitration in Portland, the arbitrator has reversed the findings of misconduct. One egregious example is from 2010, when the city fired Officer Ron Frashour for violating training when he shot and killed Aaron Campbell. The Lieutenant from the Training division clearly stated Frashour did not act appropriately. However, Sergeants under his command contradicted his testimony and the arbitrator ruled there was no misconduct, overturning the discipline and ordering Frashour reinstated with back pay. This is a recurring theme, where the agency's initial findings are consistently contradicted by the arbitrator's investigations and the resulting ruling allowed officers who break protocol and the trust of the community to walk away with little to no discipline.

One possible solution would be that in cases in which a law enforcement officer used excessive or deadly force, and/or which resulted in a death in custody, the arbitrator's standard of review will be limited. The standard shall be whether a reasonable person, given the original evidence in the record, could come to the same conclusion as the municipality, even if the arbitrator disagrees with the finding. The limitation on changing findings should apply to misconduct found in such cases even when that misconduct is not specifically about the force that was used. Additionally, ensuring that counties and cities have more rigorous investigative procedures (or even having an outside entity such as the Attorney General step in) would go a long way to reaching reasonable and evidence-based conclusions.

Lastly, I just want to reinforce that this isn't just about individual officers, it's about a structure built on systemic racism that this country created intentionally, and must be dismantled intentionally and replaced with one that takes into account the needs of the people it actually serves. I urge you to consider these changes to make SB1567 stronger and change the system that protects bad officers and continues the systemic and disproportional targeting of black and brown communities by the police. Thank you.

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