



July 17, 2020

Chairs Manning and Bynum, and Members of the Joint Committee,

The Fair Shot For All Coalition is a partnership of racial and gender justice organizations and labor unions who came together with a clear recognition that our economy is broken and the status quo simply doesn't work for many of us -- Black, Indigineous, and People of Color (BIPOC), LGBTQ communities, women, immigrants and working families.

We value Black lives and commit to dismantling Oregon's legacy of racism and ongoing injustices. Real safety for Oregonians means dramatically shrinking our systems of incarceration and criminalization and investing in a reimaged justice system that focuses on restoration and healing and prioritizes the needs of survivors of crime and people who have caused harm.

While we need immediate shifts in policing policy, we ask that the legislature oversees a process that meaningfully engages the constituents demanding justice.

**As previously requested, we continue to call for the establishment and funding of a community-led effort to reimagine safety and resilience.** This should include grounding and resourcing the effort in Black-led and Black-serving organizations and advocates, including leaders from transgender and houseless communities. These communities have identified a need for the time and resources to produce a community-driven long-term plan and subsequent policy, practice, and resource proposals for decision-makers to engage with.

Additionally, we support calls to address qualified immunity in the next special session. **Officers should not be allowed to shield themselves with the doctrine of qualified immunity which has served to protect officers from accountability and deny families justice.** Recently, Colorado passed Senate Bill 20, which among other important provisions creates a new venue for discrimination and brutality claims under their state constitution in state court, by creating a damages action and providing for attorneys' fees. Oregon should move to address qualified immunity by allowing victims of police misconduct to enforce their civil rights and bring a lawsuit against officers who must be held accountable.

Additionally, the legislature should work to strengthen and improve policies past in the last special session:

- **Serious loopholes exist in HB 4203 and should be remedied in the next special session.** The language of the bill only prohibits force that restricts a person's breathing or circulation if the officer does so *knowingly*. The bill also allows for the continued training of officers on physical force that can restrict breathing as a "defensive maneuver". These loopholes allow not only the training of but the continued use of chokeholds, and

law enforcement can simply declare they were acting in self-defense or they didn't know they were restricting breathing in order to avoid discipline.

- **We implore the legislature to outright ban the use of tear gas, a weapon of war, in Oregon.** Furthermore, the legislature should take further action to immediately prohibit the use of all indiscriminate weapons and provide enough flexibility to capture weapons that we know of today, like tear gas and flash bangs, and future indiscriminate weapons that we do not know of yet.
- **We respectfully request that SB 1604 be amended to add a statewide floor on discipline.** Allowing discipline for excessive use of force to be an issue that can be negotiated away is extremely problematic and strongly limits our ability to hold officers accountable.

Beyond these concepts, **we encourage the legislature to reimagine what safety looks like in our communities through a process that is led by the people who are disproportionately impacted by our current system.**