



July 17, 2020

### Testimony on Police Accountability

Andrea Paluso, Executive Director of Family Forward Oregon

Chairs Courtney, Kotek, and Members of the Committee -

Family Forward Oregon focuses on strengthening the economic security of mothers and caregivers and we know that in order to do this we must meaningfully address the effects of gender-based discrimination, poverty, trauma, and institutional racism that continues to harm our Black, Indigenous, and people of color communities.

Family Forward Oregon values Black lives and is committed to dismantling Oregon's legacy of racism and ongoing injustices. Real community safety means every Oregonian lives their lives free of fear for themselves and their families. The government must end its role in practices that hurt our Black, Indigenous, and people of color communities, with an emphasis on ending state violence against Black people as it manifests through policing, incarcerations, the legal system, and the criminalization of poverty through civil fines and penalties.

**As previously requested, we continue to call for the establishment 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, Family Forward Oregon supports 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 unions can negotiate away through collective bargaining is extremely problematic and strongly limits our ability to hold officers accountable.

Your commitment to engage with and follow the leadership of Black community leaders and Black-led organizations after this special session is imperative to truly address and dismantle systematic racism in our criminal justice system, caregiving systems, health care, housing, education, and in the workplace. Family Forward Oregon calls on the legislature to work with and make the necessary improvements to these policies with Black-led organizations and commit to funding and supporting the community-driven work ahead to protect and support Black lives.

Sincerely,

A handwritten signature in blue ink that reads "Andrea Paluso".

Andrea Paluso  
Executive Director