



Joint Committee on Transparent Policing and Use of Force

July 16, 2020

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

I am writing on behalf of the Asian Pacific American Network of Oregon (APANO) to express our strong support for reimagining community safety and resilience, and to implement critical changes to policing policies. APANO unites Asians and Pacific Islanders to build power, develop leaders, and advance equity through advocacy, community development, and cultural work. We are committed to collective action for racial and social justice.

Oregon's Black, Indigenous, and People of Color communities are calling for immediate shifts in policing policy. While we demand swift and bold action, we are also asking that the Legislature oversees a process that meaningfully engages the constituents demanding justice. APANO values Black lives and is committed to dismantling Oregon's legacy of racism and ongoing injustices. We also recognize that over-policing and police misconduct impacts many Asian and Pacific Islander communities.

We continue to call for the establishment funding of a community-led effort to reimagine safety and resilience. Along with our partners, we ask again for the Legislature to provide initial funding to establish 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 to engage with decision-makers.

APANO also believes that we must address qualified immunity in the next special session. Qualified immunity is used by law enforcement officers to escape accountability for wrongdoing, and deny families and victims justice. We should follow the lead of Colorado, who has forged a new path to provide families with a remedy that will allow them to pursue damages to help cope with the aftermath of police wrongdoing, and to send a clear message that such abuse is unacceptable. 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.

We recognize the important work done during the last special session, and ask the Legislature to work to strengthen these policies going forward:

- **Close serious loopholes that 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*, a standard which is exceedingly difficult to prove. 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 but also effectively allow 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.

- **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 also include future indiscriminate weapons that may emerge in the future.
- **We respectfully request that SB 1604 be amended to add a statewide floor on discipline and ensure discipline matrices are not subject to collective bargaining.** 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.

Beyond these concepts, **we encourage the Legislature to look at how we can move to shrink the size and functions of policing in Oregon and reimagine what safety looks like in our communities.** The immediate improvements under consideration will provide some relief to Oregonians at risk of police wrongdoing, but we know that, ultimately, true community safety will require building a collective vision that meets the needs of Black, Indigenous, and people of color communities. We look forward to working with our partners and the Legislature to support such a vision for the state of Oregon.

Sincerely,

Jenny Lee
Advocacy Director