



**To: Members of the Joint Transparent Policing and Use of Force Reform Committee**

**From:** Chief John Teague, Keizer Police Department  
Oregon Association Chiefs of Police

**Date:** July 31, 2020

**Re: LC 748 – Reporting and Posting Police Disciplinary Records**

**Good Morning Co-Chairs Bynum and Manning and Members of the Committee:**

My name is John Teague, and I am the chief of police of the Keizer Police Department. I am speaking on behalf of the Oregon Association Chiefs of Police and the Oregon State Sheriffs Association. Other organizations have also contributed to our discussions of LC 748 and the underlying house bill, 4207.

We have a number of questions or concerns with the legislative concept before this committee. Having heard Sen. Manning say that these LCs are designed to generate conversation, not drive legislation, I won't talk at length about each question or concern but will instead list them, so you can see, for one, that we're interested in this discussion and, two, the extent of the conversation that we'd like to have.

- This LC adds records of “disciplinary action with economic consequences” to the DPSST database of suspensions and terminations. This is a massive change, adding records of officers who are presently employed to the database of officers who are no longer employed. We don't yet know the unintended consequences for both employers and employees.
- The definition of “disciplinary action with economic consequences” does not include last-chance or other agreements with substantial discipline but no economic consequences. This may provide a loophole for serious discipline to go unreported.
- We are hesitant to provide records of less-serious discipline, because much of the lesser discipline isn't punitive but is designed to correct employees *without being punitive*. Coaching and counseling, for example, appear as discipline in some union contracts and they certainly aren't punitive.
- It's peculiar to us that resignations-in-lieu-of-termination are added to the database but *terminations* are not.

- The 72-hour deadline for reporting to DPSST should be reconsidered, because it isn't only arbitration that may follow a serious discipline—appeals to city managers is one example—and few of those, including whether arbitration will be sought, are known of within 72 hours.
- While we prefer to take the position that discipline is final unless and until overturned, we are reluctant to have to disclose documents to DPSST that we may later need for arbitration, grievances, and so on.
- We must ensure that agencies will not face liability for complying with the law, especially if a discipline decision that was made public is later overturned.
- “In the public interest” is too subjective. It will be determined by whom and on what basis?
- It's likely that the requirement to post *resignations in lieu of termination* will substantially reduce the number of employees who resign in lieu of termination because fighting rather than resigning gives them more options to keep their names off of the database. Even with a predictable end, chilling resignations will be expensive and time-consuming for employers and employees.
- Concerning union contracts, the intent of the effective date is unclear.

To be clear, we only want peace officers who are good people who will police with justice and fairness. I'm hoping you'll receive my testimony as an eagerness to work with the legislature to help us only hire and retain good cops.

Thank you for your consideration.