

My name is Brizna Garcia and I am a Salem resident. Thank you for the opportunity to participate in the Joint Committee for advancing this work.

I am writing to express my support for LC 746 which would standardize law enforcement officers (LEO) discipline statewide in a number of areas, and for LC 748, which would require law enforcement agencies to report disciplinary actions to a statewide database in a timely manner. I recommend for LC 742 additional protection for police officers that come forward to report police misconduct with a zero tolerance retaliation clause, and also include reports for alleged crimes by police. Oregonians must be able to hold police officers statewide accountable for their actions via an impartial, transparent process that police unions do not get a say in designing. This is a vital step toward protecting all Oregonians, especially people of color, from abuses of power by police officers.

In our community, we have a history of racism in policing; there is a lack of transparency, abuse of power, and corruption, all within our local police department. In 2013, Salem police shot and killed my friend's brother while he was experiencing a mental health crisis and needed help. Recently a police was collaborating with a racist group; the internal investigation that ensued was an embarrassment. Another police officer was showing KKK related gang signs – no accountability.

If this bill is to move forward I offer the following recommendations:

LC 746 Section 2, line 7: Clarification on what is defined as “a reasonable person?” How will we ensure that this is not a biased person? I recommend that we allow a group of people from the general public to weigh in as a collective group of arbitrators that must reach a collective decision, and we need to ensure that this group has varying and diverse backgrounds.

LC 746 Line 10: The Employment Relations Board needs to provide full transparency on the criteria they use to elect and why, and they need to have an option for the public to submit comments and recommendations and adjust criteria as needed.

LC 746 For b where line 15 begins, it is important to note reasons why someone would deny a particular arbitrator. This is most likely due to biases, the challenges with one elected arbitrator is that you cannot remove biases and this rule can be manipulated by those with decision making power, we need to move towards a group of arbitrators from diverse and varying backgrounds.

We should also ensure police are not placed on paid leave while under investigation, that they don't receive government funded payment for legal protection and representation, and lawsuits/settlements should not fall on tax payers but on police officers that commit crimes. In a normal job when someone does what they are not supposed to, they are either dismissed or continue working under modified conditions while on review. If they break the law, they need to secure their own representation, and if they are sued, they find a way to pay for the damage they caused. Police officers have sworn to serve and protect the public; we need to hold those that have taken that oath at a higher standard not allow them to manipulate the law as they please. Additionally all cases of police use of lethal force must be subject to an independent, impartial and transparent investigation and if the evidence indicates that the killing was unlawful, the police officer responsible should be criminally prosecuted.

I also recommend that LEO's attend yearly mandatory trainings that address racial biases, de-escalation techniques, mental health awareness, harassment, and sexual harassment prevention, bystander intervention techniques, peaceful settlement of conflicts, understanding of crowd behavior, and skills of persuasion, negotiation and mediation and more, they should receive certificates of completion every year.

One final recommendation is that we review and update the ORS for lethal force to ensure that police are not permitted to use lethal force regularly. ORS 161.225 and 161.219, and other applicable ORS that refer to lethal force by LEOs should be updated. As they exist, police are able to use lethal force against people breaking and entering, people only suspected of a crime, people entering a property, people fleeing, and more circumstances that do not pose a threat of harm. If statutes allow for a use of lethal force, then such statutes actually prevent holding law enforcement officials accountable for violations of human rights.

LEOs consider use of force to be a normal part of policing operations rather than the exception and we need to change that. Any use of a firearm (i.e. a weapon designed to kill), by law enforcement must be regulated by specific provisions of the law, and should only be authorized to protect against a serious threat of death or serious injury when evidence of such exists. Too many times, we have seen police officers use deadly force when someone is reaching for their phone or wallet and this has to stop. We need strict provisions for when someone can use a firearm or elevated force.

If force is used, LEOs must respect and preserve human life and ensure medical aid are provided as soon as possible to those injured or affected. A key concern in recent cases involving firearms has been the number of shots fired by officers. Michael Brown, for instance, was shot six times, and Kajieme Powell, was shot nine times. The firing of so many shots would often be reckless and puts bystanders at risk, and indicates an intentional lethal use of a firearm. Shots fired must be limited when used and persecuted when overused. We should emphasize the need for law enforcement to use other means before resorting to the use of force.

Thank you,

Brizna