



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

From: Chief Jim Ferraris, President
Oregon Association Chiefs of Police

Date: August 5, 2020

Re: LC 751 – Task Force on Uniform Statewide Law Enforcement Disciplinary Standards

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

For the record, my name is Jim Ferraris. I serve both as Chief of Police for the City of Woodburn and as President of the Oregon Association Chiefs of Police (OACP). I am here to speak with you about LC 751.

Please know that OACP respects the negotiations that resulted in the passage of legislation during the 1st Special Session and we have faith that management and unions will work together to establish a meaningful discipline guide or matrix through the collective bargaining process.

We believe that LC 751 is an excellent complement to SB 1604 by creating a Task Force on Uniform Statewide Law Enforcement Disciplinary Standards. The work and recommendations of this task force can inform the bargaining process with the hope of encouraging as much consistency as possible in disciplinary standards from agency to agency. The Task Force will also provide public transparency regarding the disciplinary process and a collective bargaining process that is not easily accessible to the public.

I have years of experience across the Oregon law enforcement community, conducting and supervising internal affairs and criminal investigations involving allegations of police misconduct and police use of force, including any resulting disciplinary actions. As such, I have been involved in several arbitrations. Some of those cases decided before an arbitrator were lost, but in my opinion, some should not have been lost.

In one high profile deadly physical force case several years ago, I made a recommendation to the agency's Chief of Police that an officer's use of deadly physical force was out of policy, resulting in the termination of the officer involved. The matter went to arbitration. The arbitrator deemed the case "a close one" to decide. The arbitrator not only ordered the officer's employment as a police officer reinstated, the arbitrator awarded the officer full back pay. Upon my review of the investigation, the facts were very clear and the use of deadly physical force was excessive and unacceptable. I can

honestly say that I would make the same decision and recommendation about this case as I did ten years ago, if faced with that same set of circumstances today. I have to believe that if SB 1604 had been law at that time, it is likely the termination would have been upheld. As for other cases, had a consistent discipline guide or process been available, some of those arbitrator's decisions adverse to management may have resulted in different outcomes.

OACP supports LC 751 with an expansion of the Task Force to solicit other policy considerations to ensure leaders have the tools necessary to remove officers who are unfit from the law enforcement profession.

Thank you for your consideration.