

PUBLIC TESTIMONY - JOINT COMMITTEE ON TRANSPARENT POLICING AND USE OF FORCE REFORM

Public Hearing

- **LC 742 (LC 17)**

Regulates use of chemical incapacitants, kinetic impact projectiles and sound devices by law enforcement agencies.

COMMENT: PLEASE LEAVE IT as it has been used by law enforcement officers. Recent illegal actions of the public during this uncertain time should not delegate change that has worked for rioting and illegal actions of all the people for decades. Please do not take this away from law enforcement. Anyone NOT abiding by the law, should EXPECT that these tactics will be use on them.

- **LC 743 (LC 18)**

Establishes requirements for peace officer uniforms. Establishes requirements for displaying identifying information on peace officer uniforms and for disclosing identifying information to public upon request.

COMMENT: PLEASE Law enforcement officers should be able to be identified with thier last name as it has been for decades ONLY WHILE PERFORMING REGULAR DUTY. SHOULD THEY BE REQUIRED TO PERFORM SPECIAL DUTY, EXAMPLE UNDER COVER OR RIOTING, then they should be able to be identified as a numeric number only. This would identify them with the local law enforcement agency should someone need to file a report or complaint. During special assignments, government officials and management MUST SUPPORT THE SECURITY OF LAW ENFORCEMENT by only requiring them to be identified with a number for their security.

- **LC 746**

Imposes limitations on arbitrators' decisions concerning alleged misconduct by law enforcement officers. Prescribes method for selecting arbitrator to serve in arbitration proceeding concerning law enforcement officer misconduct. Establishes Commission on Statewide Law Enforcement Standards of Conduct and Discipline to adopt uniform standards of conduct for law enforcement officers and disciplinary standards by which law enforcement agencies and arbitrators shall make determinations regarding imposition of disciplinary action against law enforcement officers. Removes discipline guide or discipline matrix as mandatory subject of bargaining. Requires law enforcement agencies and arbitrators to comply with uniform standards established by Commission on Statewide Law Enforcement Standards of Conduct and Discipline when making decisions regarding law enforcement disciplinary matters. Restricts arbitrator discretion to impose disciplinary action that is different than disciplinary action imposed by law enforcement agency if agency's action was made in accordance with uniform standards adopted by commission.

COMMENT: Arbitrators should NOT be allowed to dictate any disciplinary actions of any law enforcement officer, this should ONLY BE DONE BY MANAGEMENT/SUPERVISORS. Anyone involved in any alleged misconduct should be required to keep it fully confidential until the misconduct review has been finalized and then a summary may be given by management head in accordance with human resource legal guidelines. Yes, there should be a commission on statewide law enforcement standards of conduct and discipline WITH SET GUIDELINES ONLY, AND the commission SHOULD BE COMPRISED OF ONE (1) REPRESENTATIVE FROM EACH COUNTY OF THE STATE OF OREGON that lives within that county AND MUST BE IN LAW ENFORCEMENT CURRENTLY, to represent a statewide consensus of need, standards, and concerns. The commission should NOT start from scratch, they should review the current policies in place and modify as needed, with a majority vote of the commission to only be allowed to make the change. Discipline should not be involved in law enforcement bargaining, this is a management and human resource issue only. Again, Arbitrators should NEVER be allowed to dictate disciplinary actions for anyone, history has shown that an arbitrator's role has only to do the job of arbitrating between parties to come to a mutual agreement and nothing more. If there are disciplinary actions that need to be taken per the agreement, then it should be done and the responsibility of management/ human resources department only. I would like to add, that I feel that should an officer have a disciplinary action filed against that officer, that during the time until it can be settled, that officer should be placed on desk duty only. Should an officer be confirmed of inappropriate actions as long as there was no physical contact done by the officer to produce severe harm (deemed by a physician and only produced from the officer's physical force, NOT A SPRAY OR A SOUND, ETC) , then that officer should be given one (1) written warning in their file, after that, should there be another complaint that proves to be valid OR if the first time proved to be of physical contact from the officer, then that officer should be placed on permanent desk duty or a duty where no unsupervised work is done with the public.

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LC 747 (draft LC in progress for 2021 Legislative Session)

Relating to arrestee well-being.

COMMENT: The same committee (commission) for statewide law enforcement standards of conduct and discipline, should work on issues and standards for the well-being of an arrestee, as they are the most familiar and versed with the issues of arrestees, officer safety, safety issues that could arise during an arrest for both the arrestee and the officer and set those standards for well-being. It should always be a part of the report that an officer makes, a detention department, or jail or housing facility, to have a portion of their report dedicated to the certification of what was done for the well-being of the arrestee, with keeping in mind that the officer safety comes first. (please refer to the airline stewardess information speech for the oxygen mask, if it drops, take care of yourself first, because you cannot take care of anyone else if you don't, thus the same consideration should be kept for the officer and arrestee) If an officer is not safe, or ensures that an area is safe or their

conditions are safe, that officer cannot ensure the safety of citizens or the arrestee. NOTE: Arrestees, more times than not, are not compliant and create their own environment of unforeseeable issues. Please remember that if citizens are compliant, then there is no concern for out of ordinary well-being concerns and the arrestee has to take some responsibility should they not be compliant, but the office needs to document everything and should have tools such as cameras in the vehicle, on his person, in the holding facility, etc. to ensure that there is an eye witness, but have it also noted that if a situation CANNOT be seen clearly, it cannot be made for interpretation, it needs to be determined by professional opinion only.

- **LC 762 (LC 19)**

Directs Department of Public Safety Standards and Training to establish publicly available

database of certain information about misconduct and discipline of public safety employees

established by Department of Public Safety Standards and Training. Requires reporting of complaints, allegations, charges, disciplinary proceedings, certain judicial findings and prosecutorial determinations of unreliability, suspensions and revocations of certification and

certain resignations of public safety employees to department for inclusion in database.

COMMENT: PLEASE NEVER ALLOW A DATABASE to be created for public to be given law enforcement officers employment file information. THE ONLY TIME ANYTHING SHOULD BE MADE AVAILABLE is when an officer has had charges filed against them and they have been terminated. Monthly information could be given just like police logs, with NO NAME GIVEN, only using "law enforcement officer" as the name, but list only: 1-misconduct report filed (nothing else), 2-misconduct disciplinary action taken (nothing else), 3-prosecution action taken (nothing else), 4-injured officer during what type of call (so that public can also see what the officers are enduring)

- **LC 763 (LC 20)**

Directs Oregon Criminal Justice Commission to establish statewide database of reports of use of

physical force by peace officers and corrections officers. Requires commission to report annually

to appropriate committee or interim committee of Legislative Assembly on reports.

Requires law

enforcement units to report on use or threat of physical force, and deaths of persons in custody,

to commission.

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COMMENT: Law enforcement units should report to the Oregon Criminal Justice Commission ONLY, NO OTHER COMMITTEE OR BOARD IS NEEDED. This does not need to be made public, this only needs to be used by law enforcement and the

agencies associated with law enforcement. Most of this should already be in practice by the human resources department alone.

- **LC 821 (*draft LC in progress for 2021 Legislative Session*)**

Relating to identifying patterns or practices of misconduct by peace officers or by officials or employees of any governmental agency.

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- **COMMENT:** Human resources departments should be tracking all of this information. History has shown that law enforcement officers need more regular training. There needs to be officers on duty, to support more time for officers to write accurate reports and not be called back out with unfinished paperwork. Regular monthly training of levels of use of force and i mean actual monthly hands on practice. Just like tying your shoes, it becomes like muscle memory when it is practiced on a regular basis NO MATTER WHAT THE CIRCUMSTANCES ARE. Therefore, when a heightened situation arises, the officer will automatically perform as trained. again, regular mandatory monthly hands on use of levels of force needs to be practice, as well as use of sprays, baton, riot gear, driving, arrests, detainment, restraining an arrestee, search procedures as well as regular monthly firearm safety and shooting practice, again to create muscle memory. Regular monthly practice of use of force and firearms will reduce misconduct. Officers also need to have practice and training on court procedures so that their work does not go for not. If they do not have a good report and supporting documentation then it can be a lowered charge or thrown out all together, for financial reasons alone, it would be more beneficial for an officers time to be put to good use, meaning that charges filed are supported and valid and the arrestee is prosecuted and sentenced to the person(s). NOTE: Whenever there are issues in any area of employees not performing to standards the history has always shown for decades to NOT REDUCE STAFF, BUT RATHER, INCREASE STAFF, GIVE MORE TIME FOR STAFF, EDUCATE STAFF AND PROVIDE MORE TRAINING FOR STAFF AS WELL AS MANAGERS.

- **LC 825 (*draft LC in progress for 2021 Legislative Session*)**

Relating to qualified immunity.

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- **COMMENT:** I am not understanding this immunity section and why it would be needed? Citizens should expect as per the law, that if you block a street, cause harm to another, threaten another, damage property, threaten a law enforcement officer or disobey a law enforcement officer, that you can expect to be arrested and should be. there should be no variance to any of this. If a citizen resists direction from an officer, they should expect that an officer can and will use at their disposal any means to control the situation and restore safety to the public. And officers should expect that should they use undo force,(unless their life is threatened) they will expect an investigation.