

## Transparent Policing and Use of Force Reform

Citizen Comment: By Dan Black of Portland, OR

Attn: Joint Committee on Transparent Policing and Use of Force Reform

Dear Honorable Committee Members,

State government can, and should, improve Oregon's law enforcement agencies' performance and legitimacy. As a retired newspaperman with an emphasis in criminal justice issues, I have observed a widespread devolution between police departments and the communities they are sworn to serve. Sadly, city and county agencies have been unable to make necessary reforms on their own. That's why we need the state legislature to set the tone and practical limits for the state's law enforcement agencies.

First, consider that we are naïve to think law enforcement agencies could adequately police themselves or their members' own wrongdoing. The state should establish that every law enforcement agency must have an independent oversight board to protect the rights of Oregon residents to be free of harm by a peace officer. Also, every community should use a new statewide reporting system to track and investigate any complaint of police actions, called a "harm incident."

Concurrently, this committee should review and revise the state police academy standards and policies. The crises we experiencing this summer is a direct result of the way these officers were trained. The culture at our police academy should be examined for the sort of toxic masculinity that disregards human rights. Such attitudes should be replaced with a thorough education in human rights, civil rights and an understanding of the sacred contract between government and the governed.

The police academy should overhaul the way use-of-force is taught. Currently, instructors put too much emphasis on weapons training and "what you can do" and not enough on de-escalation, and "what you should do." Currently, new officers are taught that the public is a dangerous enemy that must be controlled. In the future, officers should be taught that their role is to serve and protect everyone in the community, not just fellow officers, or the white, affluent families of the community. Public safety scenarios should be taught with "best outcomes" in mind. That means an emphasis on community service, rather than control and compliance.

Next, we should de-militarize our law enforcement agencies. As laid out in the book, "Rise of the Warrior Cop," policing has changed dramatically in the last 50 years. It has seen the rising influence of military principles, military equipment, SWAT tactics, no-knock warrant home invasions, military language and even military personnel.

All these trends have changed the culture of policing dramatically. While conventionally speaking, our military veteran would seem to make an excellent peace officer because he has weapons training and understands a hierarchical command structure. But servicemen and women are trained to pacify a hostile population, not abide peacefully and harmoniously within a diverse, dynamic and free people. The qualities that make a good soldier are not the same as a civilian peace officer. A soldier needs unshakable arrogance and confidence, a keen ability to inflict quick violence and an ability to blank out the humanity of the people you see as an enemy. A peace officer needs humility, sensitivity to the weakest among us and a keen ability to empathize and protect the powerless.

The state should take a regulatory role and limit the accumulation and use of military-style weapons, gear and munitions. For instance, tear gas, impact munitions and flash-bang grenades are all battlefield gear and they

have no place in a civilian police department. The state should require an agency to show why they have or need any military gear and then show how its officers will train in their use, if ever.

Perhaps the singular most important thing the state can do to restore credibility to the state's law enforcement community is to end police impunity. As you know, impunity is when an officer takes an illegal action, and is then free of any consequences. Impunity is the result of "protecting" the officer from public or judicial scrutiny.

Police unions across the country have effectively isolated officers from communities they serve with so-called "police officer's bill of rights." Sadly, these protections have had the unintended consequence of producing a virtual wall between officers and the community – a wall of complete impunity. Right now, there are very few consequences for corrupt police officers. Internal controls are virtually non-existent or powerless against the union. State law must re-establish community control over police agencies and forbid "exclusionary rule" protections. The anger over impunity is why protesters have taken to Portland's streets every night this summer. It's an anger we must take seriously.

Now, to address the immediate and critical crisis in Portland, the state should dissolve the Portland Police Bureau. Corruption and brutality by the PPB have been catastrophic to credibility here. We should recognize that the department has lost legitimacy to enforce the law because so many local people have been brutalized day in and day out. Minorities have suffered terribly at the hands of police. Now, people are loath to cooperate with officers and in many cases crimes are not getting investigated because people are unwilling to help, or officers are too busy with protests to address regular duties.

In practical terms we can accurately say the PPB is a failed institution. That's because objectively speaking, the department lacks the cooperation of its community to function as a normal police department.

By dissolving the PPB you are telling residents that their concerns over police brutality are legitimate and have been heard. That, alone, will give an incredible amount of healing to the Portland community. It provides an opportunity to reform from the ground up. After excluding current officers who have harmed residents, remaining officers should be allowed to reapply to a new department that needs a new name with a truly civilian command structure and is built with ample, daily and broad community oversight. The new department should emphasize peace, service and harmony. It should have a built-in ombudsman ready to perform as the people's advocate and is skilled in due process. None of this reform will be possible as long as the old institution exists. Can you imagine existing commanders accepting these reforms? No way.

Finally, I suggest the state earmark money for a memorial to those people killed by Portland Police Officers in recent years. Such a memorial would give profound healing. It would help the whole community bear witness to the truth that the abuses happened. We are dedicated to honoring the dead and righting the wrong. It establishes real, humble atonement, which gains everyone's respect.

These are a few things that state government can do to re-legitimize law enforcement in the state of Oregon. Thank you for the opportunity to share my thoughts.

Sincerely,

Dan Black

208-371-0614