

Hello Co-Chairs Bynum and Manning,

My name is Fiona Burgess, and I am a lifelong resident of Portland living in Southwest Portland. I am a constituent of Sen. Ginny Burdick and Rep. Akasha Lawrence Spence.

While I support the general intentions represented by the concepts testified on today (particularly as a means of protecting those practicing their freedom of speech in my hometown), I am concerned about several aspects of the drafts on the table, particularly in the lack of clear enforcement mechanisms (for some) and their failure to embody a long-term vision for the future of policing in Oregon. To be more specific:

LC 742: Earlier drafts of this bill recognized and attempted to alleviate three factors that are troubling Oregon citizens: 1) CS gas and other chemical weapons should not be considered a tool for law enforcement under any circumstances (page 3, lines 5-6). 2) When people are hurt by use of police force, medical attention is often unavailable or comes too late (to say nothing of the lack of medical attention when right-wing agitators come to town with weapons; police actually denied a protester from delivering medical attention to the late Aaron Danielson-- page 4, lines 8-22), and 3) people who have been subject to excessive force or other wrongdoing by the police generally do not have a path to legal action due to restrictive policy and/or lack of funds (page 3, lines 28-31 and page 4, line 1).

The latest draft of this bill has completely disregarded points 2 and 3, and has essentially left the use of chemical weaponry up to police discretion. While Rep. Bynum has argued that the compulsion to limit chemical weapon use to individual targets is essentially a tear gas ban, this assumption does not take into account contexts that do not involve crowds. Police lobbyist Michael Selvaggio has even provided an example in this vein: use of CS gas to "draw an armed, barricaded suspect away from an innocent victim." How exactly do officers prevent the gas from reaching this "innocent victim" or poisoning the environment around the scene of the crime? Recent studies have revealed that CS gas exposure can permanently impact one's respiratory and reproductive health, and we are still waiting for more information on the impact it could have on our environment. The DEQ has called on Portland to conduct water quality monitoring to determine whether the PPB's excessive use of tear gas has polluted the Willamette River. If the findings are positive, the PPB should be held financially responsible for the damage that they have caused.

LC 743: This particular bill is a major step towards documenting abusive officers that I look forward to, particularly the attention to how LEOs frequently abuse proxy agencies. I would like to see the definition of "law enforcement agency" in LC 742 extended to this concept so that this accountability measure extends to all officers in the state's jurisdiction. That being said, I am not sure what measures could be taken to enforce the self-identification rules, seeing as how it's difficult to report a violation when you don't know an officer's name, and many officers across the nation have violated similar rules in place elsewhere with essentially no penalties.

LC 746: Arbitrators should have no place in determining officer misconduct. As an ardent labor advocate, this is not a question of whether we are threatening collective bargaining. I don't feel like I should have to say this, but there is a world of difference between self-advocating for a reasonable salary, benefits or other resources, and having your close colleagues determine whether it was okay for you to murder someone or not. The ugly history of PPA arbitrators, for instance, is not simply an account of some bad decisions made in the public's best interest-- it's a demonstrated history

of willingness to shield officers from the consequences of murder, assault, racially-motivated harassment, and other atrocities. "Killer cops" do not resign out of embarrassment-- they simply wait for their friends to do their jobs to reinstate them without back pay. The cops who are unwilling to tolerate this abuse are the ones who end up leaving. If we assume that police reform is a possibility, it cannot exist under such a system.

LC 747: I have recently been communicating with someone in prison who reports no COVID-19 protections (as many have found to be the case across the nation's prisons), withdrawal of regular activities for mental health regulation ("yard time") and being served frozen meat. This is to say nothing of the regular cases of sexual assault and mental torture incarcerated people are regularly subject to. I have seen nothing to imply to me that prisons in Oregon are a place where people can be rehabilitated. Please take this into account.

LC 762: While I appreciate this concept, I believe a third party is required to facilitate the production of these reports to ensure the truthfulness and reliability of their contents. I am admittedly not sure what this would entail, but given the PPB's existing history of falsifying records, we should at least mandate external auditing to ensure we're not asking the fox to guard the henhouse.

LC 763 and 821: See above.

LC 825: At the risk of sounding melodramatic, I don't believe there will be any point to this concept if it amounts to anything less than total abolition of qualified immunity. I recommend referring to Colorado's recent decisions for guidelines.

I am also concerned about something that Sen. Manning said during today's hearing: he lamented the apparent unwillingness of Portland protestors to participate in the legislative process, while also openly disregarding abolition of policing as an option. Aside from the fact that many people who testified today were protestors, I find it insulting to expect people to be part of this process when you have created an environment that is hostile to and dismissive of their ideas. I personally view these concepts as potential steps toward abolition, and I don't think that should invalidate any of what I have to say. Abolition is not a new idea devised by young, impatient people of privilege-- it's an everyday practice and philosophy developed by years of work by Black women campaigning against violence. The vast majority of abolitionists are not people who simply have a grudge against legal authority; they are thoughtful people who abhor violence and are tired of watching their friends, family and neighbors being subject to state-sanctioned brutality and incessant surveillance. I believe that the abolition conversation is one that we can (and should) have without mud-slinging or dismissive rhetoric.

I also noticed that most people who testified today were white. While I respect those people's contributions and agree with much of what they have to say, I've also found that many Black people I have spoken to recently have lost their faith in the democratic process as a means to justice for oppressed people, and I am finding it hard to disagree with them at this time. I am writing this testimony in hopes of being proven wrong, and with genuine respect for the JTPUFR's/People of Color Caucus's efforts to move forward with solutions. I think that everyone in Oregon (who is not advocating for implicitly or explicitly racist ideas) should be afforded the chance to have their opinion be considered and respected within the legislature. I genuinely believe that the best judges of what a community needs are the members of that community, and they shouldn't need to be a law scholar, a doctor or a former public official to have those needs

heard. (Additionally, I think today's hearings would have benefitted from live transcription-- the automatic captions were nearly incomprehensible at times, and that's a major accessibility barrier.)

Thank you for your time and patience in considering public input. I hope that you will take what I have said into consideration for future community interactions, and I hope to see these measures make it easier to document and properly punish the abusive conduct of police departments across Oregon.

Sincerely,

Fiona Burgess

Portland, OR 97239