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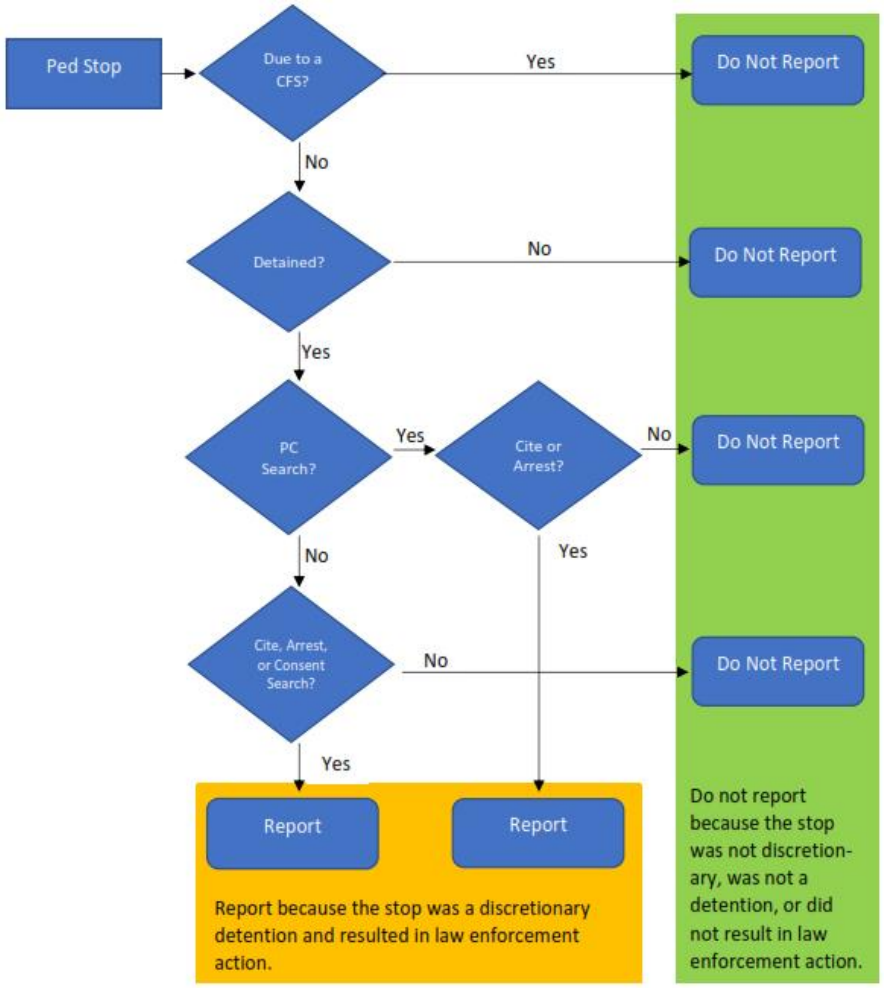
Oregon State Legislature
Senate Committee on Judiciary

May 9, 2019

Dear Chair Prozanski and Members of the Committee:

RE: Letter of Support for HB 2401

Among other purposes, HB 2355 (2017), the "law enforcement profiling bill," intended to collect data on peace officers' discretionary detentions of pedestrians, but ORS 131.930(3) inadvertently limits the collection of pedestrian data to *discretionary detentions that result in law enforcement actions other than probable-cause searches in which nothing was found*. The figure below demonstrates that limitation.

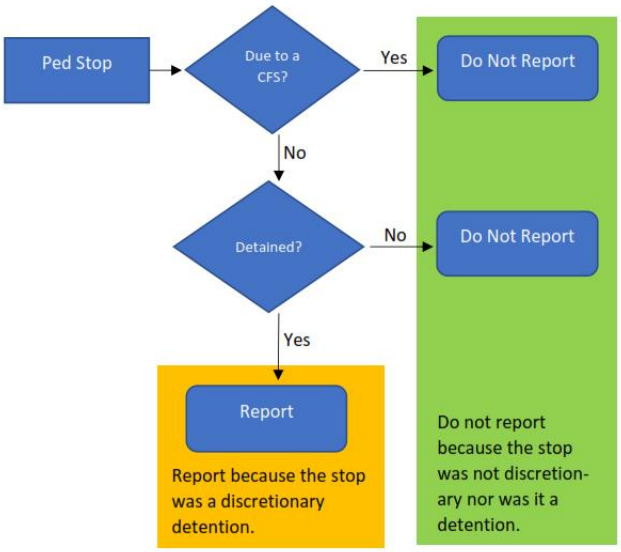


In addition, the statutory language yields some ambiguity regarding officer-safety searches. That is, if there is a discretionary detention that results in a "Terry frisk" that is not a consent search, it's arguably not reportable.

If this sounds confusing, too nuanced, or complicated, it's because it is.

The solution, however, is simple: strike some of the current language, removing the ambiguity and meeting the intent of the legislation.

By striking “when the detention results in a citation, an arrest or a consensual search of the pedestrian’s body or property” from ORS 131.930(3), the flowchart and decision-making is simplified. See the second figure, below.



(In both figures, CFS stands for *calls for service*, and detentions of pedestrians that result from calls for law-enforcement service are excluded by statute because such stops are not discretionary.)

All members of the task force that developed the current pedestrian-detention language support HB 2401, thus with the understanding and expectation that the legislature will pass HB 2401, agencies are currently collecting and reporting data using this proposed change.

For these reasons, I encourage you to pass HB 2401.

Thank you,

John Teague
Chief of Police