



24 June 2020

Joint Committee: First Special Session 2020

Re:

SB 1604 – Arbitration awards

HB 4201 – Discipline of police officers

HB 4203 – Use of tools by law enforcement agencies

HB 4204 – Use of force by peace officers

HB 4205 – Use of force by police officers

HB 4208 – Duties of police officers regarding prohibited behavior

Dear Co-chairs Sen. Courtney, Rep. Kotek and Rep. Girod, and respected committee members:

I hope this broad brushstroke approach to testifying on a number of bills at once is acceptable:

1. Use of force legislation

- I do not approve of use of deadly force interventions by police officers, except in the most dire of circumstances, when the individual being apprehended poses a deadly threat to the officer(s), or members of the public.
- Some cities, like Eugene, have a system in place (“Cahoots”) to intervene proportionately to 9-1-1 calls by ascertaining in Dispatch if the response calls for police, medical or social workers. I prefer this tiered and considered model of response, versus a one-size-fits-all response with armed police officers.
 - While it is advisable to provide training to police officers in how to handle a variety of situations, including substance abuse problems and mental health crises, I think it better to allow unarmed professionals to attend to the less threatening situations.

2. Use of tools/weapons legislation

- I don’t like the “militarization” of local police departments. Showing up at every situation like it were a full-scale military invasion is unnecessary.

The saying: "You give a guy a new hammer and all of a sudden he sees every problem as a nail to be hit," is appropriate here.

- Showing up in SWAT fashion sends the wrong message – that the police see what they're getting into as an utter catastrophe, where their only logical response is mortal combat mode.
- While cities do present dangers to police officers – especially in our culture of guns – showing up without SWAT gear sends a message that most civil unrest can be dealt with nonviolently.

3. Prohibited behavior of Police Officers legislation

- As mentioned above, responses to emergencies should be proportionate to the situation. Most situations do not require use of sidearm, Taser or lethal use of an officer's body to subdue the suspect.
 - Tactics taught at the Oregon DPSST should be reviewed. Chokeholds, barred in some cities, should be made illegal throughout the state.

4. Discipline of Police Officers legislation

- Police that engage in deadly force and who are then found to have acted outside the law should be tried and sentenced as any citizen would be.
- Police unions should not be dictating department policy nor protecting those who break the law.

5. Arbitration awards legislation

- In instances where a police officer has been found culpable for a crime, it is not appropriate that subsequent efforts by the department, the union or any political body be a deciding point for the outcome.
 - Public trust of police departments is at a low ebb partly because those found guilty of crimes often escape punishment whatsoever.

Background: I have been a volunteer in two state prisons and a County reentry center. I also worked for a year as a Department of Corrections contractor. The work I did, both as a volunteer with adults in custody (2010 – 2019), as well as a wellness and resiliency trainer (2014/2015) involved stress relief, emotional intelligence, mindfulness and compassionate communication skills.

As it relates to the intent behind this body of proposed legislation, it might be useful for me to relate one incident in which a different mindset going into a situation, plus new skills to intercede with suspects, has a more desirable and peaceful outcome.

Corrections officers are trained in restraining those in custody when things get violent. While those tactics are sometimes necessary, they don't have to be the first line of defense. One of the students, a longtime member of the security staff at Oregon State Penitentiary, told me he used his new skills when approaching an adult male in custody who was verbally abusive and ranting. He told me that instead of going in with another officer, immediately immobilizing the man and dragging him away, he chose instead to engage in "empathy" first. So, he said, "what's going on?" and "what can I help you with?"

The inmate continued verbally abusing the officer until he had vented for a few minutes (still in his cell) while the officer reflected back to him what he'd heard. When the inmate began to calm down, the officer told him that "I'd like to hear more about what you're saying. If you can stay calm, we can go sit in the day room for a bit and just talk." So, instead of beating the guy up, stripping him of any accrued privileges, and sending him to solitary confinement for a month, the officer did empathy and ended up escorting the largely satisfied inmate back to his cell. He avoided injury and punishment, and perhaps additional medical and psychological staff expenses.

The fact that the officer's new training helped him to see this individual in custody as a human being expressing pain, not scum to be dealt with harshly, allowed him to be curious and compassionate. The strategy, at least in this case, nurtured trust instead of more antagonism.

Given that 95 percent of all those arrested and jailed are eventually released, doesn't it make sense to add a layer of consideration and more nuanced skills during the front end of the law enforcement situation?

If the system responded to each situation based on the most pressing needs being exhibited, doesn't it make sense that the resolution might be kinder, more appropriate, and peaceful? And, in all likelihood, less expensive? That's what the Cahoots program in Eugene has found, saving taxpayers hundreds of thousands of dollars that are better used in prevention and appropriate intervention rather than strictly enforcement.

Respectfully submitted, I thank you for your consideration,

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