



June 25, 2020

Testimony on Police Accountability Legislative Concepts
Andrea Paluso, Executive Director of Family Forward Oregon

Chairs Courtney, Kotek, and Members of the Committee -

Family Forward Oregon focuses on strengthening the economic security of mothers and caregivers and we know that in order to do this we must meaningfully address the effects of gender-based discrimination, poverty, trauma, and institutional racism that continues to harm our Black, Indigenous, and people of color communities.

Family Forward Oregon values Black lives and is committed to dismantling Oregon's legacy of racism and ongoing injustices. Real community safety means every Oregonian lives their lives free of fear for themselves and their families. The government must end its role in practices that hurt our Black, Indigenous, and people of color communities, with an emphasis on ending state violence against Black people as it manifests through policing, incarcerations, the legal system, and the criminalization of poverty through civil fines and penalties.

We are encouraged to see a willingness from the legislature to participate in a special session addressing police accountability, however, it must be clearly stated that this special session is only the first step. With this in mind, we want to amplify the priorities of Black leaders and communities for this special session:

- 1. Contribute State funding to a community-led reimagining safety and resiliency effort.** Provide \$2.5 million in funding to support efforts to reimagine safety in Oregon communities. The policies that are being discussed for the special session are a starting place and do not address the structural racism that Black, Brown, and Indigenous communities face when interacting with the police and carceral systems. These communities have identified a need for the time and resources to produce a community-driven long-term plan and subsequent policy, practice, and resource proposals for decision-makers to engage with.
- 2. Provide enough time to review the police accountability bills proposed for the special session.** We also ask for greater coordination with Black-led organizations on the issue of police accountability and safety leading up to and during the special session.



3. **Commitment to partnership after the special session.** We request that the Governors' Office and Legislative leadership engage with the reimagining safety effort once established. This will be a long-term conversation and we need consistent engagement. This engagement would include access to the policy and legal expertise within State agencies, and a commitment to actively legislating the findings of the table. Such commitment would best be expressed with a public statement and legislative resolution recognizing that:
 - Black lives matter.
 - The legislative concepts before the legislature in the short session are not enough to end police and carceral violence.
 - The Legislature commits to additional systemic changes to public safety in the 2021 legislative session.
4. **Pass policies identified by Black-led organizations as urgent:** The legislature should immediately begin work with Black-led organizations to craft concepts addressing qualified immunity and use of force standards.

With concern to the legislative concepts on the table for discussion currently, Family Forward supports these policies with the needed changes outlined below.

(HB 4207) Transparency of Police Discipline Records: Clarity is needed to ensure that an investigation will take place whether or not a police officer resigns in the face of an investigation. If this is not addressed, police officers will be able to resign to avoid an investigation and being entered into the database and then be rehired by another agency.

(HB 4201) Independent Investigation of Use of Force: It is critical that the scope of the bill continues to cover both physical injury and death. A clear definition of "physical injury" should be included in the bill and not left to rulemaking.

The bill should be amended to ensure clarity that the Attorney General will be given the discretion to prosecute misconduct cases through their office or to assign that responsibility to another entity in cases where there may be conflict.

(HB 4205) Duty to Report and Intervene: The bill should be amended to ensure police officers are also notifying their superiors when:

- A police officer breaks criminal law
- A police officer breaches law enforcement code of ethics
- A police officer uses excessive force.
- A police officer targets any person based on their real or perceived age, race, ethnicity, color, national origin, language, sex, gender identity, sexual orientation, political affiliation, religion, homelessness or disability.



- In addition to adding a reporting requirement, the bill needs an accompanying concept that provides stricter standards for use of force.

(HB 4208) Protecting Freedom of Speech and Assembly from Excessive Force: This committee should expand the scope of this bill to include all indiscriminate weapons and provide enough flexibility to capture weapons that we know of today, like tear gas and flash bangs, and future indiscriminate weapons that we do not know of yet. Additionally, the bill should also include restrictions to use crowd control measures. For example, police deeming a gathering an “unlawful assembly” or a group of people “breaking curfew” alone should not be the level of standard to use crowd control devices, especially when the vast majority of a crowd is peacefully protesting.

(HB 4293) Banning Chokeholds: We strongly urge lawmakers to swiftly pass this bill. Chokeholds should be banned. Restricting someone’s airway can cause serious injury and death. Law enforcement has alternatives available that are less dangerous.

(SB 1604) Arbitration Decisions: We respectfully ask that amendments being requested by Black-led organizations be made. The disciplinary matrix outcomes must not be negotiable. This may create an inconsistent patchwork of standards across the state and allow for misconduct standards to be used as a bargaining tool. We also support the request that community leaders must be part of the misconduct review process. These amendments would allow for more significant accountability and meaningful engagement in an area so impactful to the community.

Your commitment to engage with and follow the leadership of Black community leaders and Black-led organizations after this special session is imperative to truly address and dismantle systematic racism in our criminal justice system, caregiving systems, health care, housing, education, and in the workplace. Family Forward Oregon calls on the legislature to work with and make the necessary improvements to these policies with Black-led organizations and commit to funding and supporting the community-driven work ahead to protect and support Black lives.

Sincerely,

A handwritten signature in blue ink that reads "Andrea Paluso".

Andrea Paluso
Executive Director