



STATEMENT RE: HB 4205-4
(DUTY TO REPORT AND INTERVENE)

To: Joint Committee on the First Special Session of 2020
From: Michael Selvaggio, Oregon Coalition of Police and Sheriffs
Date: June 24, 2020

Co-Chairs and Members of the Joint Committee:

For the record, my name is Michael Selvaggio, representing the Oregon Coalition of Police and Sheriffs (ORCOPS). I am speaking to HB 4205 as amended by the 4205-4 amendments, which requires law enforcement officers to report and intervene when they witness another officer engaging in certain violations of law, rules, or policy.

ORCOPS generally supports the notion that a law enforcement agency must have reasonable rules instructing officers to intervene and report when they see clearly excessive use of force. It is in our interest, and indeed the interest of all public safety officers, to continue to improve not only the integrity of ourselves and our units, but also to improve the culture surrounding law enforcement.

In ORCOPS' statement to the measure as introduced, we raised certain necessary concerns about specificity and logistics (which I will not restate here but have been entered into the record previously). The 4205-4 amendments address those concerns.

However, the measure as amended now includes a new concept that was not suggested by the introduced measure: the duty to report not only violations of laws or policies, but a duty to report other officers' personal medical issues. Section 2(1)(e) of the measure classifies certain medical conditions as "misconduct" under the bill under the umbrella of existing "fitness for duty" requirements. While it is important to maintain a ready force, conferring medical reporting requirements upon officers raises significant questions regarding Americans With Disabilities Act protections. We are concerned that working through these implications could delay implementation of an otherwise ready and effective policy.

If the Legislature sees fit to adopt the bill as amended by the 4205-4 amendments, we hope that there will be opportunities to resolve these issues prior to implementation.